

**Table D-13**

**DRUG TRAFFICKING OFFENDERS RECEIVING SAFETY VALVE AND  
MANDATORY MINIMUM PENALTIES<sup>1,5</sup>  
Fiscal Year 2019**

| DRUG TYPE              | TOTAL         | NO SAFETY VALVE                           |             |  |             | SAFETY VALVE                 |            |  |             |
|------------------------|---------------|---|-------------|--|-------------|------------------------------|------------|--|-------------|
|                        |               | No Drug<br>Mandatory Minimum <sup>2</sup> |             | Drug<br>Mandatory Minimum <sup>3</sup> |             | No Drug<br>Mandatory Minimum |            | Drug<br>Mandatory Minimum <sup>4</sup> |             |
|                        |               | N   | %           | N                                      | %           | N                            | %          | N                                      | %           |
| <b>TOTAL</b>           | <b>19,428</b> | <b>5,306</b>                              | <b>27.3</b> | <b>7,472</b>                           | <b>38.5</b> | <b>1,487</b>                 | <b>7.7</b> | <b>5,163</b>                           | <b>26.6</b> |
| <b>Powder Cocaine</b>  | <b>3,512</b>  | 746                                       | 21.2        | 1,178                                  | 33.5        | 173                          | 4.9        | 1,415                                  | 40.3        |
| <b>Crack Cocaine</b>   | <b>1,551</b>  | 792                                       | 51.1        | 646                                    | 41.7        | 34                           | 2.2        | 79                                     | 5.1         |
| <b>Heroin</b>          | <b>2,468</b>  | 886                                       | 35.9        | 890                                    | 36.1        | 155                          | 6.3        | 537                                    | 21.8        |
| <b>Marijuana</b>       | <b>1,646</b>  | 580                                       | 35.2        | 219                                    | 13.3        | 459                          | 27.9       | 388                                    | 23.6        |
| <b>Methamphetamine</b> | <b>8,280</b>  | 1,286                                     | 15.5        | 4,160                                  | 50.2        | 305                          | 3.7        | 2,529                                  | 30.5        |
| <b>Other</b>           | <b>1,971</b>  | 1,016                                     | 51.5        | 379                                    | 19.2        | 361                          | 18.3       | 215                                    | 10.9        |

<sup>1</sup> Of the 76,538 cases, in 20,085 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 19,765 offenders were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of a Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), 2D1.10 (Endangering Human Life While Manufacturing), or 2D1.14 (Narco-Terrorism). Of these, 19,434 cases contained complete guideline application information. Of these 19,434 cases, six were excluded due to missing safety valve or mandatory minimum information. Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup> This column includes 197 cases where the court indicated a variance based on the expanded safety valve eligibility under the First Step Act, but the offender was not eligible to receive the guideline safety valve reduction.

<sup>3</sup> For offenders with no drug mandatory minimum penalty, use of the term 'safety valve' on this table means that the court indicated that the two-level reduction at §2D1.1 applied because the offender met the criteria set forth at §5C1.2.

<sup>4</sup> For offenders with a drug mandatory minimum penalty, use of the term 'safety valve' on this table means that the court sentenced the offender without regard to any applicable mandatory minimum penalty (in accordance with the 'safety valve' provision of 18 U.S.C. § 3553(f), incorporated into the guidelines at §5C1.2).

<sup>5</sup> Effective November 1, 2012, the safety valve reduction was added to §2D1.11 (Unlawfully Distributing a Listed Chemical). There were 27 offenders sentenced under §2D1.11 as the primary sentencing guideline in which the 2012 or later *Guidelines Manual* was applied with complete guideline application information. Of these cases, the safety valve reduction was applied for eight offenders.