

**Table D-13**

**DRUG TRAFFICKING CASES RECEIVING SAFETY VALVE AND  
MANDATORY MINIMUM PENALTIES<sup>1,5</sup>  
Fiscal Year 2023**

DRUG TYPE	TOTAL	NO SAFETY VALVE				SAFETY VALVE			
		No Drug Mandatory Minimum <sup>2</sup>		Drug Mandatory Minimum		No Drug Mandatory Minimum <sup>3</sup>		Drug Mandatory Minimum <sup>4</sup>	
		N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>18,688</b>	<b>5,389</b>	<b>28.8</b>	<b>7,078</b>	<b>37.9</b>	<b>1,819</b>	<b>9.7</b>	<b>4,402</b>	<b>23.6</b>
<b>Powder Cocaine</b>	<b>3,533</b>	874	24.7	1,100	31.1	267	7.6	1,292	36.6
<b>Crack Cocaine</b>	<b>847</b>	540	63.8	228	26.9	33	3.9	46	5.4
<b>Heroin</b>	<b>998</b>	360	36.1	338	33.9	76	7.6	224	22.4
<b>Marijuana</b>	<b>550</b>	241	43.8	71	12.9	110	20.0	128	23.3
<b>Methamphetamine</b>	<b>8,873</b>	1,826	20.6	4,177	47.1	837	9.4	2,033	22.9
<b>Fentanyl</b>	<b>3,312</b>	1,204	36.4	1,116	33.7	336	10.1	656	19.8
<b>Other</b>	<b>575</b>	344	59.8	48	8.3	160	27.8	23	4.0

<sup>1</sup> Of the 64,124 cases, in 19,066 the individual was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 18,939 individuals 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, 18,699 cases contained complete guideline application information. Of these 18,699 cases, 11 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 380 cases where the court indicated a variance based on the expanded safety valve eligibility under the First Step Act, but the sentenced individual was not eligible to receive the guideline safety valve reduction.

<sup>3</sup> For sentenced individuals 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 individual met the criteria set forth at §5C1.2.

<sup>4</sup> For sentenced individuals with a drug mandatory minimum penalty, use of the term 'safety valve' on this table means that the court sentenced the individual 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 two individuals 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, the safety valve reduction was applied to both sentenced individuals.