

**Table 44**

**DRUG OFFENDERS RECEIVING SAFETY VALVE AND MANDATORY MINIMUMS FOR EACH DRUG TYPE<sup>1</sup>**  
**Fiscal Year 2008**

DRUG TYPE	TOTAL	No Drug Mandatory Minimum/No Safety Valve		No Drug Mandatory Minimum/Received Safety Valve <sup>2</sup>		Drug Mandatory Minimum/No Safety Valve		Drug Mandatory Minimum/Received Safety Valve <sup>2</sup>	
		N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>24,034</b>	<b>4,572</b>	<b>19.0</b>	<b>3,329</b>	<b>13.9</b>	<b>10,369</b>	<b>43.1</b>	<b>5,764</b>	<b>24.0</b>
<b>Powder Cocaine</b>	<b>5,655</b>	831	14.7	321	5.7	2,447	43.3	2,056	36.4
<b>Crack Cocaine</b>	<b>5,805</b>	1,003	17.3	167	2.9	3,975	68.5	660	11.4
<b>Heroin</b>	<b>1,400</b>	308	22.0	120	8.6	483	34.5	489	34.9
<b>Marijuana</b>	<b>6,044</b>	1,391	23.0	2,142	35.4	1,188	19.7	1,323	21.9
<b>Methamphetamine</b>	<b>4,120</b>	535	13.0	181	4.4	2,199	53.4	1,205	29.2
<b>Other</b>	<b>1,010</b>	504	49.9	398	39.4	77	7.6	31	3.1

<sup>1</sup>Of the 76,478 cases, 25,500 were sentenced under USSG Chapter Two, Part D (Drugs), regardless of eligibility for the Safety Valve (§5C1.2). Of these, 25,337 were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), or 2D2.1 (Simple Possession). Of these, 24,321 contained complete guideline application information. Of these 24,321 cases, 287 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>For cases where a mandatory minimum sentence applied, use of the term "safety valve" on this table means 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) and that the court also reduced the sentence by two levels as provided in §2D1.1(b)(11). For cases where no mandatory minimum applied, use of the term "safety valve" on this table means that the court reduced the sentence by two levels as provided in §2D1.1(b)(11).

SOURCE: U.S. Sentencing Commission, 2008 Datafile, USSCFY08.