

Table 44

DRUG OFFENDERS RECEIVING SAFETY VALVE AND MANDATORY MINIMUMS FOR EACH DRUG TYPE¹
Fiscal Year 2009

DRUG TYPE	TOTAL	No Drug Mandatory Minimum/No Safety Valve		No Drug Mandatory Minimum/Received Safety Valve ²		Drug Mandatory Minimum/No Safety Valve		Drug Mandatory Minimum/Received Safety Valve ³	
		N	%	N	%	N	%	N	%
TOTAL	23,828	4,964	20.8	3,332	14.0	10,085	42.3	5,447	22.9
Powder Cocaine	5,779	962	16.6	366	6.3	2,484	43.0	1,967	34.0
Crack Cocaine	5,471	923	16.9	122	2.2	3,875	70.8	551	10.1
Heroin	1,550	365	23.5	134	8.6	554	35.7	497	32.1
Marijuana	5,899	1,402	23.8	2,125	36.0	1,102	18.7	1,270	21.5
Methamphetamine	3,939	621	15.8	191	4.8	1,994	50.6	1,133	28.8
Other	1,190	691	58.1	394	33.1	76	6.4	29	2.4

¹Of the 81,372 cases, 25,164 were sentenced under USSG Chapter Two, Part D (Drugs), regardless of eligibility for the Safety Valve (§5C1.2). Of these, 24,918 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), or 2D2.1 (Simple Possession). Of these, 24,085 contained complete guideline application information. Of these 24,085 cases, 257 were excluded due to missing safety valve or mandatory minimum information. Descriptions of variables used in this table are provided in Appendix A.

²For cases where no mandatory minimum applied, use of the term "safety valve" on this table means that the court indicated that the provisions of §5C1.2 applied.

³For 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).

SOURCE: U.S. Sentencing Commission, 2009 Datafile, USSCFY09.