

**Table 44**

**DRUG OFFENDERS RECEIVING SAFETY VALVE AND MANDATORY MINIMUMS IN EACH DRUG TYPE<sup>1</sup>**  
**Fiscal Year 2010**

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>3</sup>	
		N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>23,420</b>	<b>5,047</b>	<b>21.5</b>	<b>3,116</b>	<b>13.3</b>	<b>9,718</b>	<b>41.5</b>	<b>5,539</b>	<b>23.7</b>
<b>Powder Cocaine</b>	<b>5,535</b>	896	16.2	320	5.8	2,418	43.7	1,901	34.3
<b>Crack Cocaine</b>	<b>4,731</b>	892	18.9	86	1.8	3,305	69.9	448	9.5
<b>Heroin</b>	<b>1,553</b>	374	24.1	118	7.6	597	38.4	464	29.9
<b>Marijuana</b>	<b>6,070</b>	1,455	24.0	1,998	32.9	1,200	19.8	1,417	23.3
<b>Methamphetamine</b>	<b>4,134</b>	600	14.5	132	3.2	2,130	51.5	1,272	30.8
<b>Other</b>	<b>1,397</b>	830	59.4	462	33.1	68	4.9	37	2.6

<sup>1</sup> Of the 83,946 cases, 24,713 were sentenced under USSG Chapter Two, Part D (Drugs), regardless of eligibility for the Safety Valve (§5C1.2). Of these, 24,366 cases 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, 23,630 cases contained complete guideline application information. Of these 23,630 cases, 210 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 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.

<sup>3</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).

SOURCE: U.S. Sentencing Commission, 2010 Datafile, USSCFY10.