

Table 44

DRUG OFFENDERS RECEIVING SAFETY VALVE AND MANDATORY MINIMUMS IN EACH DRUG TYPE¹
Fiscal Year 2011

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	24,530	5,747	23.4	3,671	15.0	9,480	38.6	5,632	23.0
Powder Cocaine	5,894	1,050	17.8	338	5.7	2,607	44.2	1,899	32.2
Crack Cocaine	4,225	988	23.4	97	2.3	2,748	65.0	392	9.3
Heroin	1,765	466	26.4	163	9.2	637	36.1	499	28.3
Marijuana	6,754	1,707	25.3	2,440	36.1	1,207	17.9	1,400	20.7
Methamphetamine	4,418	634	14.4	170	3.8	2,197	49.7	1,417	32.1
Other	1,474	902	61.2	463	31.4	84	5.7	25	1.7

¹ Of the 86,201 cases, 25,664 were sentenced under USSG Chapter Two, Part D (Drugs), regardless of eligibility for the Safety Valve (§5C1.2). Of these, 25,278 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, 24,772 cases contained complete guideline application information. Of these 24,772 cases, 242 were excluded due to one or more of the following reasons: missing safety valve or mandatory minimum information (241) or missing information on drug type (3). Descriptions of variables used in this table are provided in Appendix A.

² 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.

³ 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, 2011 Datafile, USSCFY11.