

Table 44

DRUG OFFENDERS RECEIVING SAFETY VALVE AND MANDATORY MINIMUMS IN EACH DRUG TYPE¹
Fiscal Year 2012

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	24,547	6,033	24.6	3,602	14.7	9,069	36.9	5,843	23.8
Powder Cocaine	5,949	1,048	17.6	327	5.5	2,654	44.6	1,920	32.3
Crack Cocaine	3,407	1,098	32.2	112	3.3	1,937	56.9	260	7.6
Heroin	2,135	563	26.4	176	8.2	822	38.5	574	26.9
Marijuana	6,786	1,775	26.2	2,332	34.4	1,267	18.7	1,412	20.8
Methamphetamine	4,750	632	13.3	151	3.2	2,315	48.7	1,652	34.8
Other	1,520	917	60.3	504	33.2	74	4.9	25	1.6

¹ Of the 84,173 cases, 25,712 were sentenced under USSG Chapter Two, Part D (Drugs), regardless of eligibility for the Safety Valve (§5C1.2). Of these, 25,367 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, 24,776 cases contained complete guideline application information. Of these 24,776 cases, 229 were excluded due to missing safety valve or mandatory minimum information. 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, 2012 Datafile, USSCFY12.