

Table 44

DRUG OFFENDERS RECEIVING SAFETY VALVE AND MANDATORY MINIMUMS IN EACH DRUG TYPE¹
Fiscal Year 2013

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	22,195	6,034	27.2	2,265	10.2	8,455	38.1	5,441	24.5
Powder Cocaine	5,358	1,115	20.8	309	5.8	2,299	42.9	1,635	30.5
Crack Cocaine	2,911	1,073	36.9	92	3.2	1,547	53.1	199	6.8
Heroin	2,168	589	27.2	131	6.0	842	38.8	606	28.0
Marijuana	4,763	1,492	31.3	1,025	21.5	1,108	23.3	1,138	23.9
Methamphetamine	5,330	736	13.8	174	3.3	2,586	48.5	1,834	34.4
Other	1,665	1,029	61.8	534	32.1	73	4.4	29	1.7

¹ Of the 80,035 cases, 23,179 were sentenced under USSG Chapter Two, Part D (Drugs), regardless of eligibility for the Safety Valve (§5C1.2). Of these, 22,895 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, 22,387 cases contained complete guideline application information. Of these 22,387 cases, 192 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).

⁴ Effective November 1, 2012, the safety valve reduction was added to §2D1.11 (Unlawfully Distributing of Listed Chemicals). There were 156 cases sentenced under §2D1.11 as the primary sentencing guideline in which the 2012 guidelines manual was applied with complete guideline application information. Of these cases, in 61 the new safety valve reduction was applied.

SOURCE: U.S. Sentencing Commission, 2013 Datafile, USSCFY13.