

Table D-13

**DRUG TRAFFICKING OFFENDERS RECEIVING SAFETY VALVE AND
MANDATORY MINIMUM PENALTIES^{1,5}
Fiscal Year 2021**

DRUG TYPE	TOTAL	NO SAFETY VALVE				SAFETY VALVE			
		No Drug Mandatory Minimum ²		Drug Mandatory Minimum		No Drug Mandatory Minimum ³		Drug Mandatory Minimum ⁴	
		N	%	N	%	N	%	N	%
TOTAL	17,192	4,562	26.5	6,319	36.8	1,096	6.4	5,215	30.3
Powder Cocaine	2,891	682	23.6	894	30.9	139	4.8	1,176	40.7
Crack Cocaine	1,078	616	57.1	363	33.7	34	3.2	65	6.0
Heroin	1,757	621	35.3	553	31.5	111	6.3	472	26.9
Marijuana	980	367	37.4	128	13.1	254	25.9	231	23.6
Methamphetamine	8,265	1,321	16.0	3,854	46.6	302	3.7	2,788	33.7
Fentanyl	1,622	564	34.8	495	30.5	92	5.7	471	29.0
Other	599	391	65.3	32	5.3	164	27.4	12	2.0

¹ Of the 57,287 cases, in 17,692 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 17,520 offenders 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), 2D1.10 (Endangering Human Life While Manufacturing), or 2D1.14 (Narco-Terrorism). Of these, 17,197 cases contained complete guideline application information. Of these 17,197 cases, five were excluded due to missing safety valve or mandatory minimum information. Descriptions of variables used in this table are provided in Appendix A.

² This column includes 244 cases where the court indicated a variance based on the expanded safety valve eligibility under the First Step Act, but the offender was not eligible to receive the guideline safety valve reduction.

³ For offenders with no drug mandatory minimum penalty, use of the term 'safety valve' on this table means that the court indicated that the two-level reduction at §2D1.1 applied because the offender met the criteria set forth at §5C1.2.

⁴ For offenders with a drug mandatory minimum penalty, use of the term 'safety valve' on this table means that 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).

⁵ Effective November 1, 2012, the safety valve reduction was added to §2D1.11 (Unlawfully Distributing a Listed Chemical). There were two offenders sentenced under §2D1.11 as the primary sentencing guideline in which the 2012 or later *Guidelines Manual* was applied with complete guideline application information. Of these cases, the safety valve reduction was not applied to any offenders.