

**Table D-13**

**DRUG TRAFFICKING OFFENDERS RECEIVING SAFETY VALVE AND  
MANDATORY MINIMUM PENALTIES<sup>1, 5</sup>  
Fiscal Year 2022**

DRUG TYPE	TOTAL	NO SAFETY VALVE				SAFETY VALVE			
		No Drug Mandatory Minimum <sup>2</sup>		Drug Mandatory Minimum		No Drug Mandatory Minimum <sup>3</sup>		Drug Mandatory Minimum <sup>4</sup>	
		N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>19,605</b>	<b>5,260</b>	<b>26.8</b>	<b>7,543</b>	<b>38.5</b>	<b>1,756</b>	<b>9.0</b>	<b>5,046</b>	<b>25.7</b>
<b>Powder Cocaine</b>	<b>3,419</b>	751	22.0	1,113	32.6	214	6.3	1,341	39.2
<b>Crack Cocaine</b>	<b>1,087</b>	635	58.4	366	33.7	31	2.9	55	5.1
<b>Heroin</b>	<b>1,598</b>	522	32.7	576	36.0	127	7.9	373	23.3
<b>Marijuana</b>	<b>798</b>	345	43.2	124	15.5	158	19.8	171	21.4
<b>Methamphetamine</b>	<b>9,553</b>	1,770	18.5	4,513	47.2	794	8.3	2,476	25.9
<b>Fentanyl</b>	<b>2,483</b>	837	33.7	819	33.0	218	8.8	609	24.5
<b>Other</b>	<b>667</b>	400	60.0	32	4.8	214	32.1	21	3.1

<sup>1</sup> Of the 64,142 cases, in 20,037 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 19,851 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, 19,611 cases contained complete guideline application information. Of these 19,611 cases, six 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> This column includes 407 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.

<sup>3</sup> 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.

<sup>4</sup> 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).

<sup>5</sup> Effective November 1, 2012, the safety valve reduction was added to §2D1.11 (Unlawfully Distributing a Listed Chemical). There was one offender sentenced under §2D1.11 as the primary sentencing guideline in which the 2012 or later *Guidelines Manual* was applied with complete guideline application information. The safety valve reduction was applied for this one offender.