

Table D-13

**DRUG TRAFFICKING CASES RECEIVING SAFETY VALVE AND  
MANDATORY MINIMUM PENALTIES<sup>1, 5</sup>  
Fiscal Year 2024**

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>17,734</b>	<b>5,165</b>	<b>29.1</b>	<b>6,355</b>	<b>35.8</b>	<b>3,008</b>	<b>17.0</b>	<b>3,206</b>	<b>18.1</b>
<b>Powder Cocaine</b>	<b>3,446</b>	826	24.0	982	28.5	471	13.7	1,167	33.9
<b>Crack Cocaine</b>	<b>674</b>	478	70.9	142	21.1	44	6.5	10	1.5
<b>Heroin</b>	<b>589</b>	186	31.6	199	33.8	99	16.8	105	17.8
<b>Marijuana</b>	<b>462</b>	183	39.6	78	16.9	92	19.9	109	23.6
<b>Methamphetamine</b>	<b>8,127</b>	1,850	22.8	3,611	44.4	1,308	16.1	1,358	16.7
<b>Fentanyl</b>	<b>3,932</b>	1,383	35.2	1,309	33.3	801	20.4	439	11.2
<b>Other</b>	<b>504</b>	259	51.4	34	6.7	193	38.3	18	3.6

<sup>1</sup> Of the 61,678 cases, in 18,150 the individual was sentenced under USSG Chapter Two, Part D (Drugs). Of these, 18,029 individuals 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, 17,752 cases contained complete guideline application information. Of these 17,752 cases, 18 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 43 cases where the court indicated a variance based on the expanded safety valve eligibility under the First Step Act, but the sentenced individual was not eligible to receive the guideline safety valve reduction.

<sup>3</sup> For sentenced individuals 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 individual met the criteria set forth at §5C1.2.

<sup>4</sup> For sentenced individuals with a drug mandatory minimum penalty, use of the term 'safety valve' on this table means that the court sentenced the individual 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 were no individuals sentenced under §2D1.11 as the primary sentencing guideline in which the 2012 or later *Guidelines Manual* was applied with complete guideline application information.

SOURCE: U.S. Sentencing Commission, 2024 Datafile, USSCFY24.