

U.S.S.G. mitigating role reduction as applied in drug-trafficking cases

Sentencing Resource Counsel – October 2025

Step 1: Determine whether the ordinary role-focused rules (§3B1.2) support an argument for a reduction.

To qualify, a defendant must be “substantially less culpable than the average participant in the criminal activity,” based on a comparison to other participants in the offense. Note that other participants need not have been charged.

- **Minimal Participant (-4 levels):** “plainly among the least culpable of those involved in the conduct of a group; limited knowledge of the larger scheme”
- **Minor Participant (-2 levels):** “less culpable than most other participants but not minimal”
- **Between Minimal & Minor (-3 levels)**

Factors to consider (see commentary for full text):

- Understanding of scope/structure of criminal activity
- Participation in planning/organizing
- Exercise of decision-making authority or influence
- Nature and extent of participation
- Potential personal benefit

Step 2: Determine whether the special instruction (§2D1.1(e)(2)), focusing on *function*, supports an argument for a reduction.

In drug cases, §2D1.1(e)(2) expands §3B1.2’s criteria: a reduction under §3B1.2 is “generally warranted” if the person’s “primary function” (*i.e.*, job) was a low-level drug-trafficking function. This applies regardless of whether others were involved or whether the defendant was more culpable than others.

- **Lowest-level drug-trafficking functions (-4 levels):** Non-exhaustive examples include “serving as a courier, running errands, sending or receiving phone calls or messages, or acting as a lookout.”
- **Other low-level trafficking functions (-2 levels):** Non-exhaustive examples include “distributing controlled substances in user-level quantities for little or no monetary compensation or with a primary motivation other than profit.”
- **Between lowest- & low-level drug trafficking functions (-3 levels)**

This rule is expected to apply broadly. The Commission adopted §2D1.1(e)(2) “to encourage broader use of §3B1.2” in drug-trafficking cases, and to ensure that penalties are “commensurate with an individual’s function” (particularly in cases where drug type and quantity—factors that often bear little relationship to role or function—would otherwise result in the highest base offense levels). See [U.S.S.G. Reason for Amendment](#) at 9–10.

STOP! The mitigating-role reduction reduces a client’s offense level in several cumulative ways (discussed below), so make sure you don’t leave any arguments on the table at either Step 1 or Step 2!

Step 3: Where the reduction will (arguably) apply under either Step 1 or Step 2, determine the base offense level (BOL) under §2D1.1(a)(5) (mitigating role cap).

If a **4-level** reduction applies and the BOL based on drug quantity would be greater than 30 → the BOL becomes 30.

If a **2- or 3-level** reduction applies and the BOL based on drug quantity would be [first number] it is reduced to [second number]:

32 → 30

34 → 31

Above 34 → 32

Step 4: Apply specific offense characteristics like normal under §2D1.1(b).

Apply specific offense characteristics the same as you would in any other case, including provisions that reduce the offense level: §2D1.1(b)(17) (2-level reduction for select individuals receiving the 4-level mitigating role reduction) and §2D1.1(b)(18) (2-level reduction for safety-valve).

Step 5: Apply the mitigating role reduction (§3B1.2) and calculate total adjusted offense level.

Apply the mitigating role reduction as determined under Step 1 and/or Step 2:

-4 if a minimal participant
or lowest-level function.

-2 if a minor participant
or low-level function.

-3 if falling in between.

Then apply any other Chapter 3 adjustments (including, as appropriate, acceptance of responsibility) to get the total adjusted offense level.

** This document covers only calculation of the offense level. Once you finish this, you’ll need to apply the Chapter Four rules for calculating criminal history—which can impact the offense level, *see* §4C1.1 (Zero Point Offender)—and the Chapter Five rules for determining the sentencing range. U.S.S.G. § 1B1.1(a). And most critically, you’ll need to develop an argument for a sentence that is “sufficient, but not greater than necessary” to comply with the purposes of sentencing. 18 U.S.C. § 3553(a); U.S.S.G. §1B1.1(b).