

UNITED STATES SENTENCING COMMISSION

**VARIABLE CODEBOOK FOR
APPLICATION AND IMPACT OF 21 U.S.C § 851
REPORT DATAFILES**



Fiscal Year 2016 Data

INTRODUCTION

The United States Sentencing Commission is an independent agency in the judicial branch of government. Its principal purposes are: (1) to establish sentencing policies and practices for the federal courts, including guidelines to be consulted regarding the appropriate form and severity of punishment for offenders convicted of federal crimes; (2) to advise and assist Congress and the executive branch in the development of effective and efficient crime policy; and (3) to collect, analyze, research, and distribute a broad array of information on federal crime and sentencing issues, serving as an information resource for Congress, the executive branch, the courts, criminal justice practitioners, the academic community, and the public.

Understanding the federal sentencing guidelines is crucial to properly using the Commission's data. To learn more about the Commission and the federal sentencing guidelines, please visit the Commission's website, <http://www.ussc.gov/index.cfm>. The Commission's website makes available ALL of the prior guideline manuals (<http://www.ussc.gov/Guidelines/archives.cfm>). *Using multiple years of guideline manuals is necessary for most guideline analysis due to yearly amendments in the guidelines.*

In addition the Commission's website has publications which discuss:

- 1) the Commission's data and data collection (http://www.ussc.gov/Research/Research_Protocols/Miscellaneous/200905_Research_Notes.pdf)
- 2) data analysis issues (http://www.ussc.gov/Research/Research_Publications/2010/20100825_Federal_Sentencing_Data_Analysis.pdf).
- 3) Guideline training materials http://www.ussc.gov/Education_and_Training/Guidelines_Educational_Materials/index.cfm.

The United States Sentencing Commission collects demographic, sentencing, and guideline application information on cases which are sentenced under the guidelines in the federal court system. The Commission has many data publications available such as:

- 1) the *Annual Report and Sourcebook of Federal Sentencing Statistics* (http://www.ussc.gov/Data_and_Statistics/Annual_Reports_and_Sourcebooks/index.cfm).
- 2) district or circuit based analysis as compared with national statistics http://www.ussc.gov/Data_and_Statistics/Federal_Sentencing_Statistics/State_District_Circuit/index.cfm.
- 3) Frequencies about guideline application information http://www.ussc.gov/Data_and_Statistics/Federal_Sentencing_Statistics/Guideline_Application_Frequencies/index.cfm.
- 4) Additional research publications http://www.ussc.gov/Research/Research_Publications/publications.cfm.
- 5) Commission reports which were sent to Congress http://www.ussc.gov/Publications/Reports_to_Congress/index.cfm.

The government, in drug trafficking cases, is authorized to enhance the statutory minimum and/or maximum for offenders with prior felony drug convictions. The government must file an "information" under 21 U.S.C. § 851 in order for these enhancements to be used. The enhancement may be filed by the government at any time before the trial commences or a defendant guilty plea but can be withdrawn. The 851 coding project is designed to capture more information about the use of 21 U.S.C. § 851 in each fiscal year file, beginning with Fiscal Year 2016 data. This codebook contains information on variables included on the datafiles for the Application and Impact of 21 U.S.C § 851: Enhanced Penalties for Federal Drug Trafficking Offenders Report. Included are the 19,527 offenders who were primarily sentenced under the Drug Trafficking guideline (§2D1.1) or Drug Offenses Occurring Near a Protected Location (§2D1.2). For the other variables used in the report, see the Fiscal Year 2016 Individual Offender Datafile (<https://www.ussc.gov/research/datafiles/commission-datafiles#individual>)

How to Use the USSC Codebook

The first column in the codebook, **NAME**, lists the name of the each variable in alphabetical order. Under the variable names, the corresponding research variable name (if one exists) will be listed as: R=Research variable name. The research variables are generally those used in the Commission's publications such as the *Sourcebook of Federal Sentencing Statistics*.

The second column, **ORIGIN**, lists the source of the variable. Variables are either taken from a specific documents submitted by the courts, or produced by ORD based on data collected from the source documents. This column also includes information on the source document of the raw data. The following list defines the codes for variable origins.

- JC means the information for the variable is obtained solely from the Judgment and Conviction Order.
- PSR states the information for this variable comes only from the Pre-sentencing Report generated by the probation officer.
- JC/PSR indicates the information may be found either on the Judgment and Conviction Order or in the Presentencing Report, with the Judgment and Conviction Order given preference if the information conflicts.
- SOR indicates that the information for the variable is taken only from the Statement of Reasons.
- PSR/SOR means the information for this variable comes from the PSR, but the SOR information is used if it is present and/or conflicts with the PSR.
- PLEA indicates the information comes primarily from the plea agreement.
- IND indicates the information is taken mainly from the indictment/information.
- R indicates the information is generated from other variables. These are referred to as the "research variables".

The third column, **FORM**, describes whether the variable is coded as numeric (**NUM**), character (**CHAR**), or date (**DATE**). This column also lists the length of each variable.

The fourth column, **CODES**, lists all the values for each variable and describes what those values mean. Some of the variables have a large number of values, so these values are listed in Attachment A at the end of the codebook.

The final column, **DESCRIPTION**, describes the uses and creation of each variable. This column also contains notes which caution users about variables which have changed definitions from previous years, or are not contained on all years of the data sets. Format statements are also included in bold at the end of each description. These formats will allow users to access the format statements. Since SAS format statements cannot end in a number, all variables which end in a number "1" will have format statements that end with an "O". Variables which end with a "2" will have format statements ending in "T."

Attachments have been included at the back of the codebook to elaborate on variable information. A code attachment which provides values of lengthy variables follows the codebook.

NAME	ORIGIN	FORM	CODES	DESCRIPTION
CTRELIEF	SOR/PSR	NUM 2	0 = No 1 = Yes . = Missing, Indeterminable, or Inapplicable	Indicates whether the court found the 851 enhancements did not apply.
ELIGIBLE	PSR	NUM 2	0 = Not eligible 1 = Eligible	Indicates whether the defendant is eligible for 21 U.S.C. § 851 enhancement due to a prior drug felony conviction.
FILED	PSR/ Plea/SOR	NUM 2	0 = Not filed, no mention 1 = Filed 2 = Undetermined 3 = Not filed, DOJ agreed not to file 4 = Not filed, PO states could have filed	Indicates whether the government filed a 21 U.S.C. § 851 enhancement in the case, regardless of whether the enhancement applied at sentencing. If the enhancement was not filed, this variable also indicates if the DOJ or PO states that the defendant was eligible for the enhancement.
USSCIDN	PSR/JC	NUM 6	Range: 6 Numbers	Unique sequential identification number given to cases upon receipt at USSC. NO SAS FORMAT.
WITHDRWN	PSR/Plea/ SOR	NUM 2	0 = No 1 = Yes 2 = Undetermined 3 = At least 1 withdrawn/at least 1 remains . = Missing, Indeterminable, or Inapplicable	Indicates whether the section 851 enhancement was withdrawn on or before the date of sentencing.