

UNITED STATES SENTENCING COMMISSION

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August 10, 2021

The Honorable Nancy Pelosi, Speaker of the House
U.S. House of Representatives
H-232, The Capitol
Washington, DC 20515

Dear Speaker Pelosi:

On behalf of the United States Sentencing Commission, I write pursuant to 28 U.S.C. § 994(w)(3)¹ to report on the compliance of the federal district courts with the documentation submission requirements of 28 U.S.C. § 994(w)(1). This provision requires the chief judge of each district court to ensure that, within 30 days following entry of judgment in every criminal case, a written report of the sentence be submitted to the Commission. Under that provision, the written report for each case must include a copy of the judgment and commitment order, the written statement of reasons for the sentence imposed, any plea agreement, the indictment or other charging document, the presentence report, and any other information as the Commission finds appropriate.

I am pleased to report that the federal district courts have a high rate of compliance with this statutory requirement. For fiscal year 2020, the federal district courts submitted a report to the Commission on 99.9 percent of the felony and Class A misdemeanor cases in which a sentence was imposed that year. For the 64,565 case reports received, the courts submitted 99.9 percent of the documents required under 28 U.S.C. § 994(w) – a total of 297,704 documents. This high rate of compliance has enhanced the ability of the Commission to collect, analyze, and report data on federal sentencing practices in a thorough, accurate, and timely manner.

The Commission interprets 28 U.S.C. § 994(w) as requiring courts to submit the written report and the accompanying documents in all cases for which a guideline sentence can be determined – namely, all felony cases and all Class A misdemeanor cases.

¹ Section 994(w)(3) requires the Commission to submit to Congress “an accounting of those districts that the Commission believes have not submitted the appropriate information and documents required by this section.”

In order to ensure that the Commission's records are as complete as possible, twice each year the Commission compares its records with those of the Administrative Office of the United States Courts in order to identify all criminal cases that have concluded during the current fiscal year. Cases that are concluded but for which the Commission has not received the report required under 28 U.S.C. § 994(w) are identified and a letter is sent to court personnel in each judicial district identifying those cases missing from the Commission's records for that district.

Similarly, cases for which the Commission has received some but not all of the required documents also are identified and the district is informed of those specific documents missing from the Commission's records.

For fiscal year 2020, each of the 94 districts submitted case documentation in at least 95 percent of the required cases.² Also, each of the 94 districts submitted at least 95 percent of the documents required to be submitted for the cases that were reported to the Commission.²

If you have any questions about this report, please do not hesitate to contact me at 202-502-4500 or at KCohen@ussc.gov.

Sincerely,



Kenneth P. Cohen
Staff Director

²Ninety-five percent is the minimum compliance rate for case submission and for document submission that the Commission used for purposes of inclusion in this report.