

Appendix C

DATA SOURCES AND METHODOLOGY

A. COMMISSION MONITORING DATAFILES

The Commission monitoring datafiles contain information collected from court documents (*i.e.* Presentence Investigation Reports, Judgment and Commitment Orders, and Reports on the Sentencing Hearing [Statement of Reasons]) for criminal felony and class A misdemeanor cases sentenced under the federal sentencing guidelines. For each case sentenced under the guidelines, the Commission routinely collects more than 250 pieces of information including defendant demographics, statutes of conviction, sentencing guideline applications, and sentence outcomes.¹

1. USSC 1991-1998 Datafiles

Data reported from fiscal years 1991 through 1998 are from the Commission's monitoring datafiles and replicate statistics in the *Sourcebook of Federal Sentencing Statistics* for their respective years.

2. USSC 1999-2001 Datafiles

Data from fiscal years 1999 through 2001 are from the Commission's revised datafiles. These datafiles were revised as part of the Commission's work with the General Accounting Office in preparation of its report *Departures from Sentencing Guidelines and Mandatory Minimum Sentences, Fiscal Years 1999-2001*. The revisions corrected coding discrepancies for a very small proportion of cases in each datafile. As a result of these revisions, the data for these three years varies slightly from statistics reported in the Commission's *Sourcebook of Federal Sentencing Statistics*.

The Commission further revised the fiscal year 2001 datafile as part of its work in preparing this report. The Commission assessed downward departure reasons cited on Statements of Reasons that, when initially coded, were not easily classified into existing categories. After assessment, a number of downward departure reasons were reclassified, into existing categories when possible. As a result, the distribution of downward departure reasons in this report differs slightly from that reported in Table 25 in the Commission's 2001 *Sourcebook of Federal Sentencing Statistics* for 2001.

¹ For more information on the Commission's monitoring datafiles, see USSC 2001 *Sourcebook of Federal Sentencing Statistics* and USSC 2001 *Annual Report*.

B. 2001 DOWNWARD DEPARTURE SAMPLE

The 2001 Downward Departure Sample consists of a random sample of 658 downward departure cases selected according to downward departure reason from the revised fiscal year 2001 datafile. A case was designated as having received a downward departure if the court indicated on the Statement of Reasons that a nonsubstantial assistance downward departure was granted. Furthermore, only cases with complete file documentation were eligible for the sample (*i.e.*, the file contained presentence reports, Statements of Reasons, and plea documents, if appropriate).

The sample consisted of cases with one of six commonly cited downward departure reasons. A ten percent sample of cases was selected for each of those six reasons. Downward departure cases were selected that cited general mitigating circumstances (223 cases), pursuant to plea agreement (178 cases), criminal history overrepresents seriousness (120 cases), aberrant behavior (72 cases), family ties and responsibilities (42 cases), and diminished capacity (27 cases) as reasons.² Reason specific data was collected for each case and is reported in Chapter 3 of this report.

² Adding the total number of cases in the six samples results in 662 because four of the cases had more than one downward departure reason and were sampled for both the criminal history and general mitigating circumstances samples (2 cases), the plea agreement and aberrant behavior samples (1 case) and the aberrant behavior and family ties samples (1 case).