

# ***UNITED STATES SENTENCING COMMISSION***

## **VARIABLE CODEBOOK FOR 21 U.S.C. § 851 / ENHANCED DRUG PENALTY DATAFILE**



**DOCUMENTATION FOR  
FISCAL YEARS 2016 - 2017**

## INTRODUCTION

In FY 2016, the Commission began collecting data on enhanced drug penalties in federal drug trafficking cases. Offenders in these cases are primarily convicted of offenses under title 21 of the United States Code. These statutes prohibit the distribution, manufacture, or importation of controlled substances, and possession with intent to distribute controlled substances. They also prohibit certain specific acts like distributing drugs to persons who are under the age of 21 or who are pregnant, using persons under the age of 18 in drug operations, and distributing drugs in or near schools and colleges. The most commonly prosecuted drug offenses that carry mandatory minimum penalties are 21 U.S.C. §§ 841 and 960. Under both provisions, mandatory minimum penalties are tied to the quantity and type of controlled substance involved in the offense. When certain quantity thresholds are met, a five-year mandatory minimum penalty and a maximum term of 40 years applies, while larger amounts increase the mandatory minimum penalty to ten years, with a maximum of life imprisonment. Higher penalty ranges apply if death or serious bodily injury results from use of the controlled substance.

These mandatory minimum penalties may be enhanced further if a drug offender has a prior conviction for a “felony drug offense.” Offenders who otherwise qualify for the five-year mandatory minimum penalty may be subject to an increased statutory range of ten years to life if they have a prior conviction for a felony drug offense. Similarly, a qualifying prior conviction increases a ten-year mandatory minimum to a 20-year mandatory minimum (the maximum remains life), while offenders previously convicted of two or more prior drug felonies are subject to a mandatory term of life. For sentences otherwise increased due to a death or serious bodily injury, a prior felony drug offense further increases the mandatory minimum sentence. Finally, even for provisions that do not include a statutory mandatory minimum penalty, such as 21 U.S.C. § 841(b)(1)(C), a prior conviction for a “felony drug offense” can result in an increased statutory maximum penalty.

In addition to increasing the minimum and maximum term of imprisonment, these enhanced penalties also increase the required term of supervised release. For example, the court must impose a term of supervised release of at least five years for any offender convicted pursuant to 21 U.S.C. § 841(b)(1)(A) or § 960(b)(1). Similarly, offenders convicted under 21 U.S.C. §§ 841(b)(1)(B) and 960(b)(2) must receive a term of supervised release of at least four years. However, the mandatory term of supervised release is generally doubled when the offender had a prior conviction for a felony drug offense.

These increased penalties are not, however, automatically triggered upon conviction. Prosecutors must take affirmative steps prior to the offender’s conviction for these higher penalties to apply. These additional procedural requirements are set forth in 21 U.S.C. § 851. This procedural provision is usually not listed on the Judgment & Commitment order (J&C) as a count of conviction, therefore, information about which offenders received these penalties has not been reliably captured in the Commission’s individual offender datafiles. Using optical character recognition (OCR) technology, the Commission now reviews all court documents submitted to the Commission to identify cases that may involve an enhanced drug penalty. The identified cases are then reviewed by Commission staff and information related to the application of the enhanced drug penalties is entered into the 21 U.S.C. § 851/enhanced drug penalty datafile.

This codebook documents the various data fields that are recorded and the changes that have occurred to the datafile (addition/removal of fields as well as changes to values) over time.

### How to Use the USSC Criminal History Codebook

The first column in the codebook, NAME, lists the name of each variable in alphabetical order. The second 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 third column, CODES, lists all the values for each variable and describes what those values mean. The final column, DESCRIPTION, describes the uses and creation of each variable.

Some of the variables in this datafile describes elements of drug convictions in an offender's criminal history. Each variable is numbered, which corresponds to a conviction. For example, PRSNDT1, PROFFN1, and PRSENT1 are variables for the first drug conviction on the datafile, PRSNDT2, PROFFN2, and PRSENT2 correspond to the second drug conviction on the data file, etc. Convictions are not always in order on the data file from earliest to latest conviction.

NAME	FORMAT	CODES	DESCRIPTION
<b>CRMHT851</b>	NUM 3	0 = No (PSR is present, no drug priors) 1 = Yes 2 = CH Unavailable · = Missing, Indeterminable, or Inapplicable	Indicates whether the offender has any (felony or misdemeanor) prior drug offenses documented in the PSR, regardless of whether they received criminal history points.
<b>CTRELIEF</b>	NUM 3	0 = No 1 = Yes · = Missing, Indeterminable, or Inapplicable	Indicates whether the court found the 21 U.S.C. § 851 enhancement did not apply for a reason other than safety valve or USSG §5K1.1 for cases in which the 21 U.S.C. § 851 was not withdrawn.
<b>FILED</b>	NUM 3	1 = Filed 3 = Not Filed, DOJ agreed not to file 4 = Not Filed, PO states could have filed · = Missing, Indeterminable, or Inapplicable	Indicates whether the government filed a 21 U.S.C. § 851 enhancement in the case, regardless of whether the enhancement applied at sentencing.
<b>FILEDATE</b>	DATE 4		The date when the government filed a 21 U.S.C. § 851 enhancement in the case.  <b>FORMAT: MMDDYY10.</b>
<b>INDTDATE</b>	DATE 4		The date of the original indictment or information.  <b>FORMAT: MMDDYY10.</b>
<b>OFFENNUM</b>	NUM 3	Range: 1 thru 90 0 = None · = Missing, Indeterminable, or Inapplicable	Number of prior criminal history events.
<b>PRCHPT1 thru PRCHPTX</b>	NUM 3	Range: 1 thru 3 0 = None · = Missing, Indeterminable, or Inapplicable	Indicates the number of criminal history points assigned to a prior drug offense. The end points for this variable are denoted with X because the total number of criminal history events recorded varies from case to case and year to year.

<b>PRFELN1 thru PRFELNX</b>	NUM 3	0 = No 1 = Yes 2 = Undetermined · = Missing, Indeterminable, or Inapplicable	Indicate whether the prior drug conviction is a felony offense or not. The end points for this variable are denoted with X because the total number of criminal history events recorded varies from case to case and year to year.
<b>PROFFN1 thru PROFFNX</b>	NUM 4	340 = Trafficking Heroin 345 = Trafficking Cocaine or Crack 350 = Trafficking Other/Unspecified Controlled Substance 360 = Trafficking Marijuana 375 = Trafficking Methamphetamine 380 = Possession of Heroin 385 = Possession of Cocaine or Crack 390 = Possession of Other/Unspecified Controlled Substance 400 = Possession of Marijuana 415 = Possession of Methamphetamine 420 = Unspecified Heroin Offense 425 = Unspecified Cocaine or Crack Offense 430 = Other/Unspecified Drug Offense 440 = Unspecified Marijuana Offense 445 = Unspecified Methamphetamine Offense	The criminal history offense code that identifies a prior drug offense. For criminal history events in which multiple offenses were sentenced on the same day, the code captures the single most serious drug offense. The end points for this variable are denoted with X because the total number of criminal history events recorded varies from case to case and year to year.
<b>PRSENT1 thru PRSENTX</b>	NUM 4	Range: 1 thru 9997 9996 = Life 9997 = Death · = Missing, Indeterminable, or Inapplicable	The length of the prison sentence imposed for prior drug offense (in months). The end points for this variable are denoted with X because the total number of criminal history events recorded varies from case to case and year to year.
<b>PRSDT1- PRSDTX</b>	DATE 4		The date the offender was sentenced for the prior drug offense. The end points for this variable are denoted with X because the total number of criminal history events recorded varies from case to case and year to year.  <b>FORMAT: MMDDYY10.</b>
<b>RELIEF</b>	NUM 3	0 = No 1 = Safety Valve 2 = 5K 3 = Both · = Missing, Indeterminable, or Inapplicable	Indicates whether the defendant received relief from the drug mandatory minimum penalty via Safety Valve or USSG §5K1.1.
<b>STMAX851</b>	NUM 4	Range: 1 thru 9997 9996 =Life 9997 =Death · = Missing, Indeterminable, or Inapplicable	Total statutory maximum prison term for all counts (in months).
<b>STMIN851</b>	NUM 4	Range: 0 thru 9997 9996 = Life 9997 = Death · = Missing, Indeterminable, or Inapplicable	Total statutory minimum prison term for all counts of conviction (in months).

<b>USSCIDN</b>	NUM 6	Range: 7 numbers	Unique sequential identification number given to cases upon receipt at USSC.
<b>WITHDRWN</b>	NUM 3	0 = No 1 = Yes 2 = Undetermined 3 = At least 1 withdrawn/at least 1 remains · = Missing, Indeterminable, or Inapplicable	Indicates whether the 21 U.S.C. § 851 enhancement was withdrawn on or before the date of sentencing. Note: value “3” was added for cases in which the offender was sentenced in FY 2017.