



# United States Sentencing Commission

## U. S. Sentencing Commission's Sourcebook of Federal Sentencing Statistics

### Introduction

This is the eleventh edition of the United States Sentencing Commission's *Sourcebook of Federal Sentencing Statistics*. This *Sourcebook* contains descriptive statistics on the application of the federal sentencing guidelines and provides selected district, circuit, and national sentencing data. **The volume covers fiscal year 2006 (October 1, 2005, through September 30, 2006, hereinafter "2006").** This *Sourcebook* together with the *2006 Annual Report* constitutes the annual report referenced in 28 U.S.C. § 997, as well as the analysis, recommendations, and accounting to Congress referenced in 28 U.S.C. § 994(w)(3).

The Commission has continued its statutory mission to collect data on federal sentencing decisions. The Commission received documentation on 72,585 cases sentenced in 2006 under the Sentencing Reform Act. The Commission coded and assimilated the information from these sentencings into its comprehensive, computerized data collection system.

#### **Background**

The Commission collects and analyzes data on federal sentences to support its varied activities. As authorized by Congress, the Commission's numerous research responsibilities include (1) the establishment of a research and development program to serve as a clearinghouse and information center for the collection, preparation, and dissemination of information on federal sentencing practices; (2) the publication of data concerning the sentencing process; (3) the systematic collection and dissemination of information concerning sentences actually imposed and the relationship of such sentences to the factors set forth in section 3553(a) of title 18, United States Code; and (4) the systematic collection and dissemination of information regarding the effectiveness of sentences imposed (28 U.S.C. § 995(a)(12) and (14) through (16)).

The Commission maintains a comprehensive, computerized data collection system which forms the basis for its clearinghouse of federal sentencing information and which contributes to the agency's research mission.

Pursuant to 28 U.S.C. § 994(w), each chief judge of a district is required to ensure that within 30 days of entry of judgment in a criminal case, the sentencing court submits a report of sentence to the Commission that includes (1) the judgment and commitment order; (2) the statement of reasons; (3) any plea agreement; (4) the indictment or other charging document; (5) the presentence report; and (6) any other information the Commission needs.

On March 9, 2006, the President signed into law the USA PATRIOT Improvement and Reauthorization Act, Pub. L. No. 109-177, which amended section 994(w) with a provision that requires that the statement of reasons for the sentence imposed be "stated on the written statement of reasons form issued by the Judicial Conference and approved by the United States Sentencing Commission." On May 15, 2006, the Sentencing Commission approved AO Form 245B/C, Rev. 06/05 for individual defendants, and sentencing courts are now required to use this form.

Data from these documents are extracted and coded for input into various databases. It should be noted that data collection is a dynamic rather than a static process. When research questions arise, the Commission either analyzes existing data or adds information to its data collection system.

The Commission's computerized datasets, without individual identifiers, are available via tape and the Internet through the Inter-University Consortium for Political and Social Research at the University of Michigan (ICPSR) and the Federal Justice Statistics Resource Center.<sup>1</sup>

## Datasets

For each case in its **Offender Dataset**, the Commission routinely collects case identifiers, sentencing data, demographic variables, statutory information, the complete range of court guideline decisions, and departure and variance information. Throughout 2006, the Commission continued to add data elements to its extensive computerized datafile on defendants sentenced under the guidelines. In addition to its standard data collection, the Commission often codes additional variables to study various distinct issues (e.g., drug offenses, criminal history).

The Commission's 2006 USSC Offender Dataset contains documentation on 72,585 cases sentenced under the Sentencing Reform Act between October 1, 2005, and September 30, 2006. A "case" is defined as one sentencing event for an individual defendant.

The **Organizational Dataset** captures information on organizations sentenced under Chapter Eight of the guidelines. The Commission collects available data on organizational structure, size, and economic viability; offense of conviction; mode of adjudication; sanctions imposed (including probation and court-ordered compliance programs); and application of the sentencing guidelines. The Commission received information on 217 organizations that were sentenced under Chapter Eight of the sentencing guidelines in 2006.

While the 2006 reporting year includes cases sentenced between October 1, 2005, and September 30, 2006, it is important to note that the offender and organizational data collected and analyzed in the *2006 Annual Report* and *2006 Sourcebook of Sentencing Statistics* reflect only cases reported to the Commission (i.e., guidelines cases for which the courts forwarded appropriate documentation to the Commission).

The **Appeals Dataset** tracks appellate review of sentencing decisions. Information captured in this module includes district, circuit, date of opinion, sentencing issues, and the appellate court's disposition.<sup>2</sup> The Commission also tracks final opinions and orders, both published and unpublished, in federal criminal appeals. In 2006, the Commission gathered information on 10,052 appellate court cases.

The appeals data system uses both the "group" and the "defendant" units of analysis. Each group comprises individual records representing all codefendants participating in a consolidated appeal. Each defendant's record comprises the sentencing-related issues corresponding to that particular defendant. These records, linked together by a unique Commission-assigned appeals identification number, constitute a single group.

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<sup>1</sup> Commission datasets can be accessed using the Internet address <http://www.ICPSR.umich.edu/> or <http://fjsrc.urban.org/index.cfm>.

<sup>2</sup> See 2006 U.S. Sent'g Comm'n Ann. Rep. p. 32 note 47.

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