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Impact of Sentencing Guidelines on the Use of Incarceration in Federal Criminal Courts in the United States, 1984–1990

United States Sentencing Commission

ICPSR 9845

IMPACT OF SENTENCING GUIDELINES ON THE USE OF INCARCERATION IN FEDERAL CRIMINAL COURTS IN THE UNITED STATES, 1984-1990

(ICPSR 9845)

Principal Investigator

United States Sentencing Commission

First ICPSR Version
May 2000

Inter-university Consortium for
Political and Social Research
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Ann Arbor, Michigan 48106

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> U.S. Sentencing Commission. IMPACT OF SENTENCING GUIDELINES ON THE USE OF INCARCERATION IN FEDERAL CRIMINAL COURTS IN THE UNITED STATES, 1984-1990 [Computer file]. ICPSR version. Washington, DC: U.S. Sentencing Commission [producer], 1992. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [distributor], 2000.

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DATA COLLECTION DESCRIPTION

United States Sentencing Commission
IMPACT OF SENTENCING GUIDELINES ON THE USE OF INCARCERATION IN FEDERAL CRIMINAL COURTS IN THE UNITED STATES, 1984-1990
(ICPSR 9845)

SUMMARY: The primary purpose of this data collection was to examine the impact of the implementation of sentencing guidelines on the rate of incarcerative and nonincarcerative sentences imposed and on the average length of expected time to be served in incarceration for all offenses as well as for select groups of offenses. The measure of sentence length, "expected time to be served," was used to allow for assumed good time and parole reductions. This term represents the amount of time an offender can expect to spend in prison at the time of sentencing, a roughly equivalent standard that can be measured before and after the implementation of federal criminal sentencing guidelines in 1987. Three broad offense categories were studied: drug offenses, robbery, and economic crimes. Drug offenses include a wide range of illegal activities involving marijuana, heroin, and cocaine. Robbery includes bank and postal robbery (both armed and unarmed) as well as other types of robbery offenses that appear less frequently in the federal system, such as carrying a firearm during the commission of a robbery. Economic offenses include fraud (bank, postal, and other), embezzlement (bank, postal, and other), and tax evasion. Other monthly data are provided on the number of prison and probation sentences for all offenses and by offense categories.

UNIVERSE: All federal criminal cases from 1984 to 1990 contained in the Federal Probation Sentencing and Supervision Information System (FPSSIS) of the Administrative Office of the United States Courts.

NOTE: (1) The codebook for this collection also documents PROSECUTORIAL DISCRETION AND PLEA BARGAINING IN FEDERAL CRIMINAL COURTS IN THE UNITED STATES, 1983-1990 (ICPSR 9844). (2) The codebook is provided as a Portable Document Format (PDF) file. The PDF file format was developed by Adobe Systems Incorporated and can be accessed using PDF reader software, such as the Adobe Acrobat Reader. Information on how to obtain a copy of the Acrobat Reader is provided through the ICPSR Website on the Internet.

EXTENT OF COLLECTION: 1 data file + machine-readable documentation (PDF)

EXTENT OF PROCESSING: DDEF.ICPSR/ SCAN /REFORM.DOC

DATA FORMAT: Card Image with SAS and SPSS data definition statements

File Structure: rectangular
Cases: 81
Variables: 38
Record Length: 72
Records Per Case: 5

RELATED PUBLICATION:

United States Sentencing Commission. "The Federal Sentencing Guidelines: A Report on the Operations of the Guidelines System and Short-Term Impacts of Disparity in Sentencing, Use of Incarceration, and Prosecutorial Discretion and Plea Bargaining." Volume 2, December 1991.

IMPACT OF SENTENCING GUIDELINES ON THE USE OF INCARCERATION AND PROSECUTORIAL DISCRETION AND PLEA BARGAINING

United States Sentencing Commission

The following sections will be produced by ICPSR:

1. Title page
2. Bibliographic Citation
3. Data Disclaimer
4. Data Collection Description

IMPACT OF SENTENCING GUIDELINES ON THE USE OF INCARCERATION AND PROSECUTORIAL DISCRETION AND PLEA BARGAINING

SUMMARY: The United States Sentencing Commission, established in the 98th Congress, is an independent agency in the Judicial Branch of government. The Commission's primary function is to promulgate sentencing policies and practices for the federal courts that include guidelines prescribing the appropriate form and severity of punishment for offenders convicted of federal crimes. As specified in 28 USC 991(b), the sentencing guidelines established by the Commission are designed to: (1) effectuate just punishment, deterrence, incapacitation, and rehabilitation; and (2) provide certainty and fairness in meeting the purposes of sentencing by avoiding unwarranted disparity among offenders with similar characteristics convicted of similar criminal conduct, while permitting judicial flexibility to take into account relevant aggravating and mitigating factors.

The sentencing and related time series data in this collection reflect two separate studies designed to assess the impact of Federal sentencing guidelines: a use of incarceration study and a prosecutorial discretion and plea bargaining study. The use of incarceration study includes data on the rate of incarcerative and non-incarcerative sentences imposed, and the average length of expected time to serve in incarceration for all offenses and for select groups of offenses. The prosecutorial discretion and plea bargaining study include data on the number of matters initiated, the number of cases filed, and the number of cases disposed of by guilty plea, trial, and both combined.

UNIVERSE: Both studies utilize monthly time series before and after the initial implementation of the Federal sentencing guidelines (November 1987). The Federal Probation Sentencing and Supervision Information System (FPSSIS) files from the Administrative Office of the U.S. Courts defined the universe of observations for the use of incarceration study. These computerized files are available from July 1984 through August 1990. FPSSIS records have been matched with data from the Sentencing Commission's monitoring database, the Federal Bureau of Prisons, and the U.S. Parole Commission in order to obtain the relevant variables to compute the outcome variable "expected time to be served." Records on individual sentences in each of the datasets have been merged into one database. The use of incarceration data reflect monthly time series covering the period from 1984 to 1990.

The monthly time series measurements for the prosecutorial discretion and plea bargaining study cover the period from 1983 to 1990. These monthly time series have been constructed from two datasets maintained by the Executive Office of the U.S. Attorneys: (1) Docket and Reporting System for Fiscal Years 1984-1986, and (2) Criminal Master File with Auxiliary Events and Charge Files (referred to as the new data system) for Fiscal Years 1987-1990. These datasets contain processing information about matters initiated, cases filed, and cases resolved in the U.S. attorneys' offices in each federal district.

EXTENT OF COLLECTION: 2 data files

DATA FORMAT: Logical record length

Section 1: Use of Incarceration Study

Filename:	Incar.asc
File Structure:	Rectangular
Cases:	81
Variables:	38
Record Length:	71
Records Per Case:	05

Section 2: Prosecutorial Discretion and Plea Bargaining Study

Filename:	Time.asc
File Structure:	Rectangular
Cases:	78
Variables:	26
Record Length:	71
Records Per Case:	04

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A. Documentation

B. Description of Variables

C. Descriptive Statistics

Section 1: Use of Incarceration Study

A. Documentation

The primary purpose of research on the use of incarceration is to study the impact of the implementation of the guidelines on: (1) the rate of incarcerative and non-incarcerative sentences imposed; and (2) the average length of expected time to serve in incarceration for all offenses and for select groups of offenses. The measure of sentence length, "expected time to be served," was used to allow for assumed good time and parole reductions. This term represents the amount of time an offender can expect to spend in prison at the time of sentencing, a roughly equivalent standard that can be measured pre-guidelines and post-guidelines.

The monthly estimates of average time expected to be served were derived from several sources of information. Guideline cases were straightforward; the maximum amount of good time under law was subtracted from prison sentences eligible for good time credits. Non-guideline cases were more difficult to derive, in large part because of a lack of presumptive parole release dates for recently sentenced cases. Where available, the Parole Commission's presumptive parole release date, set at the initial parole hearing, was used as the estimate of time to be served for parole-eligible offenders (offenders with sentences of 12 months or less were not eligible for parole). When this date was not available, other sources were used, in this hierarchy of precedence:

1. If actual time served was available in the Bureau of Prisons files, this was used as the time to be served, even if the presumptive parole release date was available.

2. If the sentence was greater than 12 months and less than or equal to 18 months, good time was subtracted from the sentence and used as the estimate of time to be served.

3. If the FPSSIS data file contained the upper and lower bounds of the parole guideline range, the midpoint of this range was used as the time to be served.

4. If the sentence was greater than or equal to 120 months, half of the sentence was taken as the time to be served.

There were several exceptions to these rules. First, anyone sentenced under the Anti-Drug Abuse Act of 1986 was not eligible for parole but could earn good time credits. In these cases, their time to be served was calculated on this basis. Second, the time to be served for a variety of offenders could not be estimated accurately under any circumstances. These cases were simply dropped from the analysis. For example, prisoners transferred to another country under a treaty before completion of their sentences were deleted from the dataset, as were prisoners who died or whose sentences were vacated for one reason or another.

Defining Crime Categories

In order to analyze a cross section of federal crimes, the use of incarceration study examined sentences for offenders convicted in three broad offense categories: drugs, robbery, and economic crimes. For purposes of this study, the category of "drug offenses" includes marijuana, heroin, and cocaine. These drug offenses cover a wide range of illegal activities, including distribution, importation, manufacture, possession, and regulatory/recordkeeping violations. The more serious trafficking violations in this offense category are subject to statutory mandatory minimum sentences.

The category "robbery" includes the major offenses of bank and postal robbery (both armed and unarmed), along with other types of robbery offenses that appear less frequently in the federal system. This category may contain sentences affected by mandatory enhancements for additional, related convictions of using or carrying a firearm during the commission of the robbery offense. For purposes of contrast, this analysis looks at robbery with mandatory enhancements included and excluded.

The category of "economic offenses" includes fraud (bank, postal, and other fraud), embezzlement (bank, postal, and other embezzlement), and tax evasion. No mandatory sentences for these economic offenses were enacted by Congress during the time period under study.

Policy Interventions

The impact of the guidelines on the use of incarceration was analyzed in relation to other legislative and policy changes occurring within the same timeframe that may have influenced the system. Thus, the analysis attempts to take account of significant legislative interventions--(1) the Anti-Drug Abuse Act of 1986 (ADAA86) and (2) the Anti-Drug Abuse Act of 1988 (ADAA88)--and two significant interventions related to the sentencing guidelines--(1) initial implementation in November 1987 (GL) and (2) the United States Supreme Court's Mistretta decision upholding the guidelines' constitutionality in January 1989 (MISTRETA).

Data Sources

The primary source of data for the analysis is the Federal Probation Sentencing and Supervision Information System (FPSSIS) files from the Administrative Office of the U.S. Courts. These computerized files are available from July 1984 through August 1990. FPSSIS records have been matched with data from the Sentencing Commission's monitoring database, the Federal Bureau of Prisons, and the U.S. Parole Commission in order to obtain the relevant variables to compute the outcome variable "expected time to be served." Records on individual sentences in each of these datasets were merged into one database, for use in creating the aggregate time series.

Section 1: Use of Incarceration Study

B. Description of Variables

Variable	Rec	Col	Type	Format	Missing	Variable Description
YRSNT	1	01-08	Num	F8.2	Blank	Sentence year
MTHSNT	1	10-17	Num	F8.2	Blank	Sentence month
PRIS_A_N	1	19-26	Num	F8.2	Blank	Number of prison sentences for all offenses
PRIS_D_N	1	28-35	Num	F8.2	Blank	Number of prison sentences for drug offenses
PRIS_R_N	1	37-44	Num	F8.2	Blank	Number of prison sentences for robbery offenses
PRIS_W_N	1	46-53	Num	F8.2	Blank	Number of prison sentences for economic offenses
PROBPROP	1	55-62	Num	F8.2	Blank	Ratio of probation sentences to total sentences for all offenses
PROB_A_N	1	64-71	Num	F8.2	Blank	Number of probation sentences for all offenses
PROB_D_N	2	01-08	Num	F8.2	Blank	Number of probation sentences for drug offenses
PROB_R_N	2	10-17	Num	F8.2	Blank	Number of probation sentences for robbery offenses
PROB_W_N	2	19-26	Num	F8.2	Blank	Number of probation sentences for economic offenses
TOT_A_N	2	28-35	Num	F8.2	Blank	Total number of sentences for all offenses
TOT_D_N	2	37-44	Num	F8.2	Blank	Total number sentences for drug offenses

Variable	Rec	Col	Type	Format	Missing	Variable Description
TOT_R_N	2	46-53	Num	F8.2	Blank	Total number of sentences for robbery offenses
TOT_W_N	2	55-62	Num	F8.2	Blank	Total number of sentences for economic offenses
PRISPROP	2	64-71	Num	F8.2	Blank	Ratio of prison sentences to total sentences for all offenses
PRIS_AMN	3	01-08	Num	F8.2	Blank	Average time to be served for prison sentences for all offenses
PRIS_DMN	3	10-17	Num	F8.2	Blank	Average time to be served for prison sentences for drug offenses
PRIS_RMN	3	19-26	Num	F8.2	Blank	Average time to be served for prison sentences for robbery offenses
PRIS_WMN	3	28-35	Num	F8.2	Blank	Average time to be served for prison sentences for economic offenses
PRSPRP_D	3	37-44	Num	F8.2	Blank	Ratio of prison sentences for drug offenses to total sentences for all offenses
PRSPRP_R	3	46-53	Num	F8.2	Blank	Ratio of prison sentences for robbery offenses to total sentences for all offenses
PRSPRP_W	3	55-62	Num	F8.2	Blank	Ratio of prison sentences for economic offenses to total sentences for all offenses
PRS_DGMN	3	64-71	Num	F8.2	Blank	Average time to be served for prison sentences for drug offenses including only cases with a 18 USC 924(c) conviction

Variable	Rec	Col	Type	Format	Missing	Variable Description
PRS_DNMN	4	01-08	Num	F8.2	Blank	Average time to be served for prison sentences for drug offenses excluding cases with a 18 USC 924(c) conviction
PRS_RGMN	4	10-17	Num	F8.2	Blank	Average time to be served for prison sentences for robbery offenses including only cases with a 18 USC 924(c) conviction
PRS_RNMN	4	19-26	Num	F8.2	Blank	Average time to be served for prison sentences for robbery offenses excluding cases with a 18 USC 924(c) conviction
TOTPRP_D	4	28-35	Num	F8.2	Blank	Ratio of sentences for drug offenses to total sentences for all offenses
TOTPRP_R	4	37-44	Num	F8.2	Blank	Ratio of sentences for robbery offenses to total sentences for all offenses
TOTPRP_W	4	46-53	Num	F8.2	Blank	Ratio of sentences for economic offenses to total sentences for all offenses
TOT_AMN	4	55-62	Num	F8.2	Blank	Average time to be served for all offenses
TOT_DGMN	4	64-71	Num	F8.2	Blank	Average time to be served for all drug offenses including cases with a 18 USC 924(c) conviction
TOT_DMN	5	01-08	Num	F8.2	Blank	Average time to be served for all drug offenses
TOT_DNMN	5	10-17	Num	F8.2	Blank	Average time to be served for all drug offenses excluding cases with a 18 USC 924(c) conviction

Variable	Rec	Col	Type	Format	Missing	Variable Description
TOT_RGMN	5	19-26	Num	F8.2	Blank	Average time to be served for robbery offenses including cases with a 18 USC 924(c) conviction
TOT_RMN	5	28-35	Num	F8.2	Blank	Average time to be served for all robbery offenses
TOT_RNMN	5	37-44	Num	F8.2	Blank	Average time to be served for all robbery offenses excluding cases with a 18 USC 924(c) conviction
TOT_WMN	5	46-53	Num	F8.2	Blank	Average time to be served for all economic offenses

Section 1: Use of Incarceration Study

C. Descriptive Statistics

Variable	Mean	Std Dev	Minimum	Maximum	N
YRSNT	86.89	1.96	84.00	90.00	81
MTHSNT	6.33	3.42	1.00	12.00	81
PRIS_A_N	1758.14	328.43	949.00	2490.00	81
PRIS_D_N	684.77	207.00	357.00	1129.00	81
PRIS_R_N	79.79	15.60	48.00	119.00	81
PRIS_W_N	292.74	59.22	137.00	415.00	81
PROBPROP	.45	.05	.32	.52	81
PROB_A_N	1396.17	162.24	454.00	1657.00	81
PROB_D_N	179.37	31.41	64.00	270.00	81
PROB_R_N	4.31	3.19	.00	15.00	81
PROB_W_N	396.07	59.69	150.00	531.00	81
TOT_A_N	3200.41	410.42	1414.00	4087.00	81
TOT_D_N	866.31	213.57	483.00	1325.00	81
TOT_R_N	84.15	15.51	52.00	123.00	81
TOT_W_N	697.21	97.64	288.00	880.00	81
PRISPROP	.56	.05	.49	.68	81
PRIS_AMN	31.67	8.10	22.07	48.36	81
PRIS_DMN	41.26	13.91	24.36	70.68	81
PRIS_RMN	69.28	10.65	51.68	106.03	81

Variable	Mean	Std Dev	Minimum	Maximum	N
PRIS_WMN	14.46	1.82	9.88	21.14	81
PRSPRP_D	.38	.05	.28	.48	81
PRSPRP_R	.05	.01	.03	.08	81
PRSPRP_W	.17	.02	.13	.21	81
PRS_DGMN	77.56	42.91	2.85	162.96	71
PRS_DNMN	40.67	13.15	24.33	68.12	81
PRS_RGMN	120.52	57.31	26.00	373.10	68
PRS_RNMN	65.64	8.18	47.07	87.77	81
TOTPRP_D	.26	.04	.19	.34	81
TOTPRP_R	.03	.00	.02	.04	81
TOTPRP_W	.22	.02	.19	.26	81
TOT_AMN	17.76	6.04	10.99	31.77	81
TOT_DGMN	74.70	44.54	.00	162.96	73
TOT_DMN	33.60	13.30	18.36	62.93	81
TOT_DNMN	33.02	12.56	18.31	60.36	81
TOT_RGMN	120.52	57.31	26.00	373.10	68
TOT_RMN	65.84	11.50	49.28	103.40	81
TOT_RNMN	62.15	8.84	44.67	84.84	81
TOT_WMN	6.05	1.12	3.02	9.02	81

Section 2: Prosecutorial Discretion and Plea Bargaining Study

A. Documentation

To address the issue of whether prosecutorial behavior may have been affected by the implementation of the sentencing guidelines, monthly time series data were constructed for a number of prosecutorial outcomes. These outcomes represent either discrete decision steps in the processing of criminal cases or the characteristics of cases that pass through the system.

Data Sources and Outcome Measures

The monthly time series measurements were constructed from two datasets maintained by the Executive Office of the U.S. Attorneys: (1) Docket and Reporting System for Fiscal Years 1984-1986, and (2) Criminal Master File with Auxiliary Events and Charge Files (referred to as the new data system) for Fiscal Years 1987-1990. These datasets contain case processing information about matters initiated, cases filed, and cases resolved in the U.S. attorneys' offices in each federal district. The two data archives used are not identical. The later Criminal Master File contains more information about matter and case processing than does the older system. However, a number of discrete processing stages were available consistently throughout the time period of the study.

Sources of Change in Prosecutorial Outcomes

The following events were coded as dichotomous variables (monthly post-event time series are coded 1, 0 otherwise) to assess their impact on prosecutorial outcomes over time:

- Anti-Drug Abuse Act of 1986 (November 1986);
- implementation of the sentencing guidelines (November 1987);
- Anti-Drug Abuse Act of 1988 (November 1988);
- U.S. Supreme Court's decision in Mistretta affirming the constitutionality of the guidelines (January 1989); and
- Attorney General Thornburgh's memo outlining Justice Department policy on charging and prosecution (March 1989).

Section 2: Prosecutorial Discretion and Plea Bargaining Study

B. Description of Variables

Variable	Rec	Col	Type	Format	Missing	Variable Description
MONTH	1	01-08	Num	F8.2	Blank	Disposition month
YEAR	1	10-17	Num	F8.2	Blank	Disposition year
MATTERS	1	19-26	Num	F8.2	Blank	Number of matters initiated
FILED	1	28-35	Num	F8.2	Blank	Number of cases filed
MDECLINE	1	37-44	Num	F8.2	Blank	Number of matters declined
DISMISS	1	46-53	Num	F8.2	Blank	Number of cases dismissed
SUPERSED	1	55-62	Num	F8.2	Blank	Number of superseding informations and indictments
CONV_T	1	64-71	Num	F8.2	Blank	Number of convictions by trial
CONV_J	2	01-08	Num	F8.2	Blank	Number of convictions by jury trial
CONV_B	2	10-17	Num	F8.2	Blank	Number of convictions by bench trial
SETTLE_J	2	19-26	Num	F8.2	Blank	Number of cases settled by jury trial
SETTLE_B	2	28-35	Num	F8.2	Blank	Number of cases settled by bench trial
ACQUIT_T	2	37-44	Num	F8.2	Blank	Number of cases acquitted by trial
PLEAS	2	46-53	Num	F8.2	Blank	Number of guilty pleas
TRIALS	2	55-62	Num	F8.2	Blank	Number of trials

Variable	Rec	Col	Type	Format	Missing	Variable Description
RESOLVED	2	64-71	Num	F8.2	Blank	Number of cases resolved (pleaded guilty, convicted, dismissed)
CONVICT	3	01-08	Num	F8.2	Blank	Number of convictions
PLEARATE	3	10-17	Num	F8.5	Blank	Ratio of guilty pleas to cases resolved
TRRATE	3	19-26	Num	F8.5	Blank	Ratio of trials to cases resolved
ADAA86	3	28-35	Num	F8.2	Blank	Anti-Drug Abuse Act of 1986 (November 1986) 0 = Pre-Act series 1 = Post-Act series
GL	3	37-44	Num	F8.2	Blank	Implementation of sentencing guidelines (November 1987) 0 = Pre-guideline series 1 = Post-guideline series
ADAA88	3	46-53	Num	F8.2	Blank	Anti-Drug Abuse Act of 1988 (November 1988) 0 = Pre-Act series 1 = Post-Act series
MISTRETA	3	55-62	Num	F8.2	Blank	U.S. Supreme Court's Mistretta decision affirming constitutionality of guidelines (January 1989) 0 = Pre-Decision series 1 = Post-Decision series
MEMO	3	64-71	Num	F8.2	Blank	Justice Department Policy Memo 0 = Pre-Memo series 1 = Post-Memo series

Variable	Rec	Col	Type	Format	Missing	Variable Description
JOINT	4	01-08	Num	F8.2	Blank	Joining the Docket and Reporting System and Criminal Master File data systems 0 = Not transferred series 1 = Transferred series
NEWDATA	4	10-17	Num	F8.2	Blank	Implementation of the new data system (August 1986) 0 = Old data system series 1 = New data system series

Section 2: Prosecutorial Discretion and Plea Bargaining Study

C. Descriptive Statistics

Variable	Mean	Std Dev	Minimum	Maximum	N
MONTH	6.50	3.57	1.00	12.00	78
YEAR	86.50	1.92	83.00	90.00	78
MATTERS	8416.62	927.02	6381.00	10659.00	78
FILED	4180.81	580.86	2635.00	5437.00	78
MDECLINE	1233.37	1385.81	8.00	3396.00	78
DISMISS	121.81	142.36	.00	373.00	78
SUPERSED	505.54	844.72	.00	7030.00	78
CONV_T	121.59	147.76	.00	422.00	78
CONV_J	191.08	175.95	.00	478.00	78
CONV_B	40.92	38.73	.00	115.00	78
SETTLE_J	228.77	210.74	.00	564.00	78
SETTLE_B	49.00	46.22	.00	133.00	78
ACQUIT_T	31.49	37.16	.00	98.00	78
PLEAS	2852.18	485.38	1711.00	3750.00	78
TRIALS	430.85	111.13	165.00	693.00	78
RESOLVED	3283.03	579.16	2017.00	4428.00	78
CONVICT	3205.77	569.62	1983.00	4298.00	78
PLEARATE	.89	.02	.83708	.93867	78
TRRATE	.13	.02	.07619	.18717	78

Variable	Mean	Std Dev	Minimum	Maximum	N
ADAA86	.36	.48	.00	1.00	78
GL	.37	.49	.00	1.00	78
ADAA88	.15	.36	.00	1.00	78
MISTRETA	.18	.39	.00	1.00	78
MEMO	.17	.38	.00	1.00	78
JOINT	.05	.22	.00	1.00	78
NEWDATA	.56	.50	.00	1.00	78