

## Frequently Asked Questions

**This document provides answers to some frequently asked questions about the United States Sentencing Commission's (Commission) Interactive Sourcebook and the tables and figures users can generate, as well as general information about the Commission and the federal sentencing guidelines.**

### Specific to the Interactive Sourcebook

- ***What information is available from the Interactive Sourcebook?***

The Interactive Sourcebook provides interactive information similar to that found in the Commission's *Sourcebook of Federal Sentencing Statistics (Sourcebook)*. The Interactive Sourcebook also provides users interactive information not currently available through the Commission's printed *Sourcebooks*.

- ***Can I customize the tables and figures I generate using the Interactive Sourcebook?***

Yes. The Interactive Sourcebook provides users a number of ways to customize their interactive tables and figures. The Interactive Sourcebook allows users to customize the tables and figures by one or more of the following: fiscal year, primary guideline, circuit, and/or district. In addition, certain tables allow the user to expand or collapse various data categories within the table.

- ***What options are available for using more than one year of data?***

Each table and figure can be customized using either one year of data or multiple years of data. Users need to click on the selection criteria/funnel icon  to customize a table or figure. Remember, the most recent fiscal year of data is the default, so that year will have a check mark in the selection box. To change the fiscal year of data, unselect the current year and then click on the year or years of data that you would like the table to represent. Note that if you choose more than one year, the data from all the selected years **will be aggregated**. If users want more than one year of data, but do **NOT** want the data to be aggregated, then a separate table or figure will need to be generated selecting on a single year of data for each year of interest. For example generate the table using the 2012 datafile only. Next generate the table using the 2011 data only. Repeat until all of the desired years are generated. This methodology will enable users to compare how data changes across time instead of viewing aggregated data.

- ***Why do some of the tables related to the sentence relative to the guideline range have multiple options for the number of categories?***

Since the *Booker* decision, the Commission has collected and reported information on sentences relative to the guideline range in twelve categories (for more information on each category, please see Appendix A). To allow maximum flexibility, the Interact Sourcebook allows users to select from one of several pre-defined collapsed

categorizations for many of the tables displaying information about sentences relative to the guideline range. The pre-defined groups are:

- 1) All twelve categories: Within Guideline Range, Upward Departures, Upward Departures with *Booker*, Above Range with *Booker*, Remaining Above Range, §5K1.1 Substantial Assistance, §5K3.1 Early Disposition Program, Other Government Sponsored, Downward Departures, Downward Departures with *Booker*, Below Range with *Booker*, Remaining Below Range
- 2) Eight Categories: Within Guideline Range, Upward Departures, Otherwise Above Guideline Range, §5K1.1 Substantial Assistance, §5K3.1 Early Disposition Program, Other Government Sponsored, Downward Departures, Otherwise Below Guideline Range
- 3) Six Categories: Within Range, Upward Departures, Otherwise Above Range, Gov't Sponsored Below Range, Downward Departures, Otherwise Below Range
- 4) Five Categories: Within Range, Above Range, §5K1.1 Substantial Assistance, 5K3.1/Government Sponsored, Non-Gov't Below Range
- 5) Four Categories: Within Range, Above Range, Government Sponsored Below Range, Non-Gov't Below Range
- 6) Three Categories: Within Range/Gov't Sponsored, Above Range, Non-Gov't Below Range. Collapsing the within range rate and the government sponsored rate is referred to as the conformance rate in some Commission publications.

The choice among the above referenced groups is available on the following tables:

Sentences Relative to the Guideline Range by Circuit and District (similar to *Sourcebook* Table 26)

Sentences Relative to the Guideline Range by Each Primary Offense Category (similar to *Sourcebook* Table 27 and 27A)

Sentences Relative to the Guideline Range by Each Primary Sentencing Guideline (similar to *Sourcebook* Table 28)

Sentences Relative to the Guideline Range for Drug Offenders in Each Drug Type (similar to *Sourcebook* Table 45)

Sentence Length of Offenders Sentenced Under Immigration Guidelines by Sentence Relative to the Guideline Range (similar to *Sourcebook* Table 50)

- ***Do any of the other tables have additional options?***

Yes. Some of the tables have multiple options. For example, all of the tables that involve age grouping have three different age groupings available to allow users more flexibility in choosing which set of age groups they prefer.

In addition, some tables also have expandable rows or columns. For example, *Weapon Involvement of Drug Offenders in Each Drug Type* (Table 39), has the option to expand the “other” drug type category list as well as to expand the “weapon” category. Both of those labels are in blue text with a plus sign (+) next to them. When the user clicks on the plus sign, the row or column will expand. The expanded version will have a minus

sign (-). If the user wants to re-collapse the categories back to the original tables, the user clicks on the minus sign and the table will regenerate with the collapsed version.

- ***Where can I find definitions of the variables displayed in the tables and figures?***

Descriptions of the variables used in the Interactive Sourcebook can be found in [Appendix A](#).

- ***Can I save the customized table or figure that I created?***

The Interactive Sourcebook allows a user to save a table or figure as a .PDF document once it is generated. This feature allows the user to import the table or figure into a slideshow or document, or save it on the user's computer. In order to create a .PDF, click on the Adobe Acrobat© icon . A pop-up box will appear giving you three options: "Open," "Save," and "Cancel." Clicking on "Save" allows users to save the file on their computer. Note that the table name will default to the Commission *Sourcebook* table number and will save in the default download directory unless a different name and/or location is specified. The .PDF will include whatever selection criteria have been chosen (*i.e.*, what is on the screen will be what is created in the .PDF).

The Interactive Sourcebook also allows a user to save a table or figure in Excel. Click on the Excel icon . A pop-up box will appear with three options: "Open," "Save," and "Cancel." Clicking on "Save" allows users to save the file on their computer. Note that the table name will default to the Commission *Sourcebook* table number and will save in the default download directory unless a different name and/or location is specified. The EXCEL file will include whatever selection criteria have been chosen (*i.e.*, what is on the screen will be what is created in the save file).

## General Information about the Commission and Federal Sentencing Guidelines

- ***What is the United States Sentencing Commission?***

The Commission is an independent agency in the judicial branch of government created by the Sentencing Reform Act provisions of the Comprehensive Crime Control Act of 1984 (SRA). Its principal purposes are: (1) to establish sentencing policies and practices for the federal courts, including guidelines to be consulted regarding the appropriate form and severity of punishment for offenders convicted of federal crimes; (2) to advise and assist Congress and the executive branch in the development of effective and efficient crime policy; and (3) to collect, analyze, research, and distribute a broad array of information on federal crime and sentencing issues, serving as an information resource for Congress, the executive branch, the courts, criminal justice practitioners, the academic community, and the public.

The Commission is charged with the ongoing responsibilities of evaluating the effects of the sentencing guidelines on the criminal justice system, recommending to Congress appropriate modifications of substantive criminal law and sentencing procedures, and establishing a research and development program on sentencing issues.

To read more about the Commission, click on the following link:

[http://www.ussc.gov/About\\_the\\_Commission/Overview\\_of\\_the\\_USSC/USSC\\_Overview.pdf](http://www.ussc.gov/About_the_Commission/Overview_of_the_USSC/USSC_Overview.pdf)

- ***What are the federal sentencing guidelines?***

Congress tasked the Commission with developing sentencing guidelines that would further the basic purposes of criminal punishment: deterrence, incapacitation, just punishment, and rehabilitation.

The federal sentencing guidelines apply to all federal Class A misdemeanor and felony offenses committed on or after November 1, 1987.

The federal sentencing guidelines established by the Commission are designed to

- incorporate the purposes of sentencing (*i.e.*, just punishment, deterrence, incapacitation, and rehabilitation);
- 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 sufficient judicial flexibility to take into account relevant aggravating and mitigating factors;
- reflect, to the extent practicable, advancement in the knowledge of human behavior as it relates to the criminal justice process.

For more information about the federal sentencing guidelines, click on the following link:

[http://www.ussc.gov/About\\_the\\_Commission/Overview\\_of\\_the\\_USSC/Overview\\_Federal\\_Sentencing\\_Guidelines.pdf](http://www.ussc.gov/About_the_Commission/Overview_of_the_USSC/Overview_Federal_Sentencing_Guidelines.pdf)

The current version of the United States Sentencing Commission *Guidelines Manual* can be found at:

[http://www.ussc.gov/Guidelines/2012\\_Guidelines/index.cfm](http://www.ussc.gov/Guidelines/2012_Guidelines/index.cfm).

The Commission's Office of Education and Sentencing Practices offers training videos and educational material about the federal sentencing guidelines. Click on this link for more information from this office:

[http://www.ussc.gov/Education\\_and\\_Training/index.cfm](http://www.ussc.gov/Education_and_Training/index.cfm).

- ***What types of information does the Commission collect?***

The Commission collects and analyzes information on all federal felony and Class A misdemeanor cases sentenced in federal court.<sup>1</sup> The Commission's *Sourcebook* data does NOT include: state cases, federal petty offenses, federal cases which result in all charges being dismissed or acquitted, federal death penalty cases, federal juvenile cases, or federal witness protection cases. Each case in the Commission's datafile represents a unique sentencing event for a single offender.

Pursuant to 28 U.S.C. § 994(w), the chief judge of each federal judicial 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 indictment or other charging document; (2) any plea agreement; (3) the judgment and commitment order; (4) the presentence report; (5) the written statement of reasons for the sentence; and (6) any other information the Commission needs.

The Commission extracts and codes data from these documents for input into various databases, including the "Offender Datafile."

For each case in its "Offender Datafile," the Commission routinely collects case identifiers, sentencing data, demographic variables, statutory information, the complete range of court guideline decisions, and departure and variance information.

More information about the Commission's data collection, analysis, and reporting can be found in the Commission's publication [Federal Sentencing Data and Analysis Issues](#) at:

([http://www.ussc.gov/Research\\_and\\_Statistics/Research\\_Publications/2010/20100825\\_Federal\\_Sentencing\\_Data\\_Analysis.pdf](http://www.ussc.gov/Research_and_Statistics/Research_Publications/2010/20100825_Federal_Sentencing_Data_Analysis.pdf)).

- ***Does the Commission make its data publicly available?***

Yes. Commission datafiles are distributed online on the Commission's website:

[http://www.ussc.gov/Research\\_and\\_Statistics/Datafiles/index.cfm](http://www.ussc.gov/Research_and_Statistics/Datafiles/index.cfm)

Commission datafiles are also distributed online by the Inter-University Consortium for Political and Social Research (ICPSR) at the University of Michigan. Pursuant to the Commission's policy on public access to documents and data (54 Fed. Reg. 51279 (12/13/89)), all case and defendant identifiers have been removed from these datafiles. The codebook provided with each datafile discusses in detail other information about the cases included in the datafiles. Datafiles are available via the following Internet address:

[www.icpsr.umich.edu/icpsrweb/NACJD/archive.jsp](http://www.icpsr.umich.edu/icpsrweb/NACJD/archive.jsp)

---

<sup>1</sup> Felony counts of conviction are all subject to maximum penalties over one year and Class A Misdemeanor maximum penalties are more than six months up to one year. For more information about sentencing classification of offenses, please see 18 U.S.C. § 3559.

Some Commission datafiles also have been incorporated into the combined federal criminal justice datafiles of the Federal Justice Statistics Resource Center, which is sponsored by the Bureau of Justice Statistics, available at:

[bjs.ojp.usdoj.gov/fjsrc/](http://bjs.ojp.usdoj.gov/fjsrc/).

For information about applying to the Commission to obtain access to the Commission's non-public data, please see:

[www.ussc.gov/Publications/19891213\\_Public\\_Access\\_Documents\\_Data.pdf](http://www.ussc.gov/Publications/19891213_Public_Access_Documents_Data.pdf)

- ***What publications are available from the Commission?***

Links to available publications can be found here:

<http://www.ussc.gov/Publications/index.cfm>.