



SENTENCING RESOURCES **GUIDE**

A Catalog of
United States Sentencing Commission
Services and Resources

ABOUT THE COMMISSION

The United States Sentencing Commission, an independent agency in the judicial branch of the United States Government, was created by Congress in 1984 to reduce sentencing disparities and promote transparency and proportionality in federal sentencing. Operating through a group of bipartisan Commissioners nominated by the President and confirmed by the Senate, the Commission works to establish sound and equitable sentencing policies and practices for the federal courts; advise and assist Congress and the executive branch in the development of effective and efficient crime policy; and collect, analyze, research, and distribute a broad array of information on federal crime.

As part of its statutory mission, the Commission is responsible for promulgating the Federal Sentencing *Guidelines Manual* for the United States federal courts. The Commission regularly reviews and amends these guidelines based on research, evidence, and sound policy. The Commission also serves as a clearinghouse and information center for the collection, preparation, and dissemination of information on federal sentencing practices, systematically collecting and disseminating data concerning the federal sentencing process to inform the public, Congress, and the courts.

The Commission is committed to public access and transparency, providing training and public information and seeking input from judges, policymakers, and the public on sentencing issues.





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The Commission offers a variety of resources and training opportunities for members of the federal court family. These resources can help to guide judges and court personnel in understanding and applying the federal sentencing guidelines and determining appropriate sentences.

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LATEST RELEASES

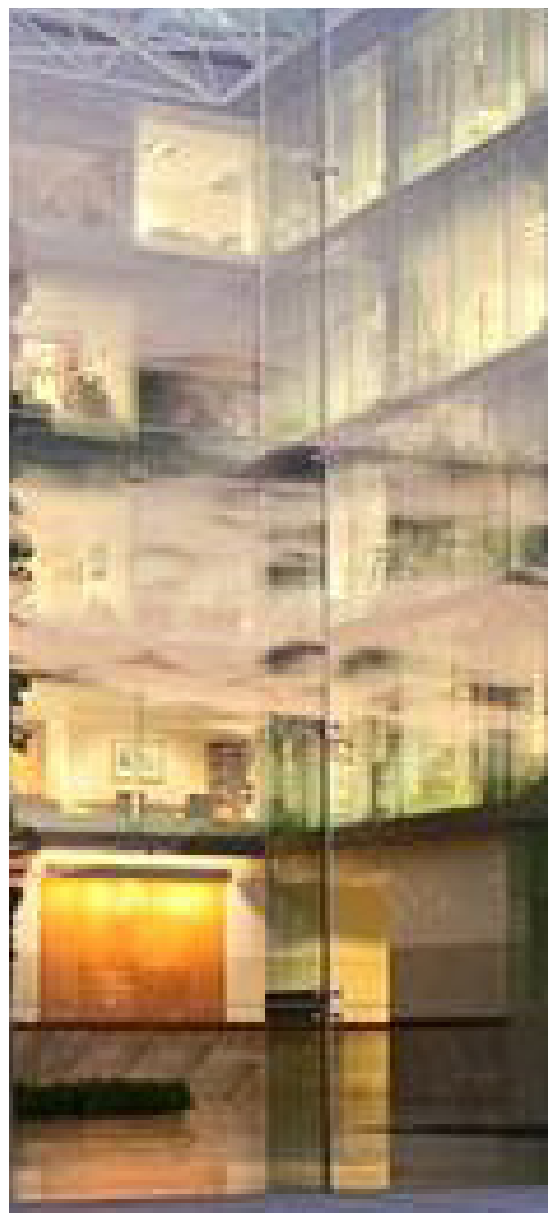
Despite the challenges of 2020, the Commission remains very productive. Here are some highlights of the Commission's recent work.

In March, we released the *Annual Report and Sourcebook of Federal Sentencing Statistics*, providing detailed analyses of the 76,538 offenders sentenced in fiscal year 2019.

The Commission also launched a new Interactive Data Analyzer on our website in June. Using this new tool, you can now easily analyze general sentencing data by district or circuit, or even analyze sentencing data relating specifically to the type of offense or Chapter Two guideline before you. This resource has been helpful to judges and practitioners alike.

The Commission has also released several research reports in 2020—two relate to recidivism. Below are a list of recent online releases.

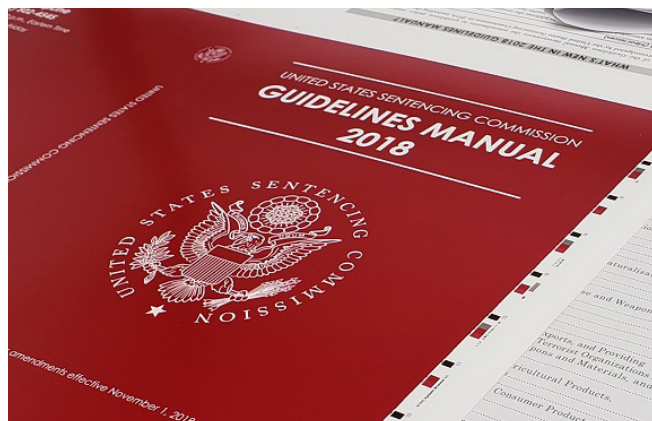
- **FY 2020 Preliminary Fourth Quarterly Data Report**
Published January 4, 2020
- **The Influence of the Guidelines on Federal Sentencing**
Published December 14, 2020
- **InsiderExpress Newsletter, Fall Edition**
Published November 9, 2020
- **Research Note, Issue #6: Chapter Two and Three
Guideline Application Information**
Published October 26, 2020
- **First Step Act Retroactivity Data Report**
Published October 19, 2020
- **Case Law Quarterly: Volume 4, Issue 3**
Published October 19, 2020
- **eLearning Module: Treatment of Multiple Prior Sentences**
Updated September 15, 2020
- **Federal Sentencing: The Basics**
Updated September 8, 2020
- **The First Step Act of 2018: One Year of Implementation**
Published August 31, 2020





GUIDELINES MANUAL

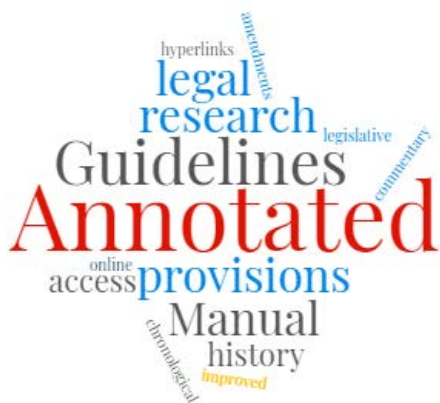
Generally, the Commission promulgates guidelines on an annual basis. When the guidelines are amended, a subsequent *Guidelines Manual* is published and generally takes effect on November 1. The Commission offers the manual in a variety of formats with additional helpful features.



PRINTED

Guidelines Manuals are distributed free-of-charge by the Administrative Office of the U.S. Courts and U.S. Department of Justice to federal judges, prosecutors, defenders, and probation officers. If you have questions about **how to obtain a copy**, please feel free to contact the Public Affairs team at PubAffairs@ussc.gov.

Guidelines Manuals are also publicly available for purchase through the Government Publishing Office's U.S. Government Bookstore.



ANNOTATED

The *Guidelines Manual Annotated* is an online HTML version of the *Guidelines Manual* that provides quick access to the history of specific guideline and commentary provisions. Use the [+](#) icon next to a provision to access a list of related amendments. The list is arranged in chronological order and provides hyperlinks to the full text of the amendments.

GUIDELINES APP

The Guidelines App is a web-based app that provides easy access to the full contents of the *Guidelines Manual* on mobile devices, or desktop and laptop computers. Features include:

- quick-search by guideline, amendment, statute, or keyword;
- calculate drug equivalencies and ranges;
- bookmark, highlight text, and take notes; and
- easily share text of the manual.





TRAINING



Did you know the Office of Education and Sentencing Practice staff conducts training sessions for judges, their law clerks, courtroom deputies and district court clerks as well as probation officers, defense attorneys, and prosecutors? We can travel to your district or conduct virtual training sessions on your topics of choice, at no cost to you. We will train the whole “court family” or conduct separate training sessions for each group according to your preference.

Our educators are former defense attorneys, probation officers, law clerks, and professional educators with years of experience in training guideline application, sentencing procedure, and case law.

Training Topics

We train guideline users with all levels of experience—from brand-new practitioners to people with decades of federal sentencing experience. Our trainers take the most complex topics and make them easy to understand and apply in your everyday work. Frequently requested training topics include:

- The Categorical Approach (*determining crimes of violence*)
- Criminal History
- Recent Case Law
- Relevant Conduct (*sentencing liability*)

Arranging a Training Session

Arranging a training session with the Commission’s training staff is easy. **Email training@ussc.gov or click below.** We will work closely with you to develop an agenda customized to address your training needs.

[Click to Arrange a Session](#)

Once your training session is scheduled, the assigned trainer will contact you to finalize the program. As part of this process, we will send a pre-training survey to your attendees to be sure we address their questions.

After the training session, our staff can be available for a post-training remote meeting with attendees to answer any remaining questions or concerns. We also provide multiple opportunities to evaluate our programs, including an immediate follow-up and two weeks after through an online survey.

NATIONAL SEMINARS

Each year the Commission holds a national training seminar for a broad array of members of the federal criminal justice system. More than 850 federal probation officers, prosecutors, defense attorneys, and judges attended our last annual national training seminar. The Commission also conducts annual national training exclusively for federal judges as they have unique training needs.

If you have a specific question about the National Seminar, please email us at NationalSeminar@ussc.gov.



VIRTUAL TRAINING

Video Conferencing



We also conduct remote training sessions via video conferencing technology. Our virtual sessions are interactive and tailored to fit your training needs.

Email Training@ussc.gov to arrange a **remote training** session.

eLearning Courses



The Commission also offers self-guided eLearning modules.

Learn about **course offerings on the next page**.

CONTACT

Judges Training



Are you a federal judge seeking training?

Reach out directly to Raquel Wilson, Director of the Office of Education and Sentencing Practice at RWilson@ussc.gov.

HelpLine



The HelpLine assists **practitioners** on the spot in **applying the guidelines**.

Contact: (202) 502-4545

Hours: 8:30 a.m.- 5:00 p.m. (ET)
Monday – Friday

CORE eLEARNING CURRICULUM



Federal Sentencing: The Basics

This eLearning series provides an overview of the federal sentencing system in four parts.

The Basics: Module I

Learning Objectives

- Explain the reasoning behind the passage of the Sentencing Reform Act (SRA) and the subsequent creation of the U.S. Sentencing Commission;
- Discuss the role of the U.S. Sentencing Commission in determining penalties for federal sentencing;
- Summarize the process for promulgating amendments to the guidelines;
- Describe how the Supreme Court's decision in *United States v. Booker* impacted the federal sentencing system;
- Describe the seven statutory factors in 18 U.S.C. § 3553(a) relevant to sentencing;
- Identify key goals and objectives of the federal sentencing guidelines; and
- Summarize each chapter of the *Guidelines Manual*.

The Basics: Module II

Learning Objectives

- Define statutory requirements that may affect sentencing outcomes;
- Describe basic principles for financial penalties and supervised release;
- Describe the information the court must provide when the defendant has pleaded guilty;
- Explain the functions and characteristics of the Presentence Report (PSR);
- Summarize the basic process of a sentencing hearing; and
- Describe how the U.S. Sentencing Commission collects data.

The Basics: Module III

Learning Objectives

- Describe the three steps in sentencing that the courts must conduct;
- Explain relevant conduct and its implications for sentencing;
- Execute the steps involved in the guideline application process;
- Explain the differences between departures and variances;
- Identify the two ways a court can sentence below a statutory mandatory minimum; and
- Define characteristics of the two types of reasonableness review administered by appellate courts.

The Basics: Module IV

Learning Objectives

- Describe the information the court needs to conduct a revocation hearing of probation or supervised release;
- Describe the sentencing options of the court when revoking a term of probation or supervised release;
- Explain the purpose and role of the Chapter Seven policy statements in revocation of supervision; and,
- Summarize the court's responsibility in consideration of Chapter Seven.

Basic Criminal History



This eLearning module introduces the criminal history rules used to apply the federal sentencing guidelines.

Learning Objectives

- Explain the function and import of determining the Criminal History Category for a particular defendant;
- Calculate the length of a defendant's prior sentence;
- Determine if a defendant's prior sentence falls within the applicable time frame to count for criminal history points;
- Describe special rules used to score particular prior sentences; and
- Apply the criminal history rules to calculate criminal history points using real-world scenarios.

Basic Relevant Conduct



This eLearning module introduces the Relevant Conduct analysis used to apply the federal sentencing guidelines emphasizing real-world scenarios to illustrate the application of the analysis.

Learning Objectives

- Explain why the Commission adopted a relevant conduct analysis;
- Describe how relevant conduct impacts application of Chapters Two and Three of the federal sentencing guidelines;
- Determine which acts of the defendant are considered relevant conduct in an offense;
- Determine if acts of others in a jointly undertaken criminal activity can be attributed to the defendant as relevant conduct in an offense;
- Explain when "expanded" relevant conduct applies in application of the federal sentencing guidelines; and
- Apply the relevant conduct analysis to real-world scenarios.

Grouping Multiple Counts



This eLearning module demonstrates application of the grouping rules following the process outlined in the Decision Tree.

Learning Objectives

- Use the Decision Tree to determine a single offense level for a case involving multiple counts of conviction;
- Define the criteria for applying the four grouping rules in §3D1.2;
- Identify the difference between grouping multiple counts of conviction under §3D1.2(d) and grouping multiple counts under §3D1.2(a), (b), and (c);
- Describe the process of assigning units under §3D1.4;
- Distinguish between "grouping" multiple counts of conviction under §3D1.2 and the "assignment of units" to multiple counts of conviction under §3D1.4;
- Apply the multiple counts rules under Chapter Three, Part D to real-world scenarios; and
- Determine a single offense level for real-world scenarios involving multiple counts of conviction.

RESEARCH & DATA



Documents Submitted

The Chief Judge of each district shall ensure that, within 30 days following entry of judgment in every criminal case, the sentencing court submits to the following documents to the Commission:

- the judgment and commitment order (J&C);
- the statement of reasons (SOR);
- any plea agreement;
- the indictment or other charging document;
- the presentence report (PSR); and
- any other information the Commission finds appropriate.

Information Collected

Information collected from the submitted documents includes:

- demographic information;
- statutes of conviction;
- complete guideline application information;
- sentencing information;
- criminal history points and additional information about prior convictions; and
- information about the sentence relative to the guideline range.

Resulting Work

The Commission collects data from these documents using both optical character recognition (OCR) technology and in-house manual data collection to create datafiles. From these datafiles, the Commission prepares and disseminates public reports on a wide variety of sentencing issues.

The Commission also uses this data in its consulting capacity to the courts, Congress, and the Executive Branch.

SOURCEBOOK OF FEDERAL SENTENCING STATISTICS



The annual *Sourcebook of Federal Sentencing Statistics* contains descriptive statistics on the application of the federal sentencing guidelines and provides selected district, circuit, and national sentencing data. Published in April 2020, the latest edition reports information on offenders sentenced in fiscal year 2019 (October 1, 2018 through September 30, 2019).

The *Sourcebook* is available online and in print.

- Request a hard copy of the latest edition.

INTERACTIVE DATA ANALYZER

Launched in June 2020, the Interactive Data Analyzer (IDA) is an online tool that can be used to explore, filter, customize, and visualize federal sentencing data for research, policymaking, and sentencing purposes. IDA offers prebuilt data dashboards for common areas of interest and a filtering menu to select data by fiscal year, jurisdiction, demographics, and more.



- Watch tutorial on navigating IDA.
- Watch tutorial on exporting files in IDA.

QUESTIONS

Special Data Requests



The Director of the Office of Research & Data will respond to **special data requests from federal judges**.

We can provide statistics for your district on specific sentencing issues, such as the average sentence imposed for similarly situated defendants who are sentenced in your district.

Contact Glenn Schmitt at GSchmitt@ussc.gov.

Research Help



Research staff can answer general **questions from the public** about Commission data or data sets.

Contact AskORD@ussc.gov.



Federal Sentencing of Career Offenders

Report to the Congress: Career Offender Sentencing Enhancements

Overview

The United States Sentencing Commission was directed by Congress to set sentencing guidelines for repeat violent offenders or repeat drug offenders, known as "Career Offenders," at or near the statutory maximum penalty. Tracking statutory criteria, a defendant qualifies as a Career Offender in the sentencing guidelines if 1) the defendant was at least 18 years of age at the time he or she committed the instant offense; 2) the defendant has at least two prior felony convictions of either a crime of violence or a controlled substance offense; and 3) the defendant has at least one prior conviction of the application and published a comprehensive report recommending statutory changes (Report to the Congress: Career Offender Sentencing Enhancements). Below are some key findings and recommendations of the full report.

policy profile

ROLE OF CONGRESS

The Commission created the career offender guidelines in 1987, and has since then been working to ensure that the guidelines are fair and equitable. The Commission has been successful in its efforts to ensure that the guidelines are fair and equitable. The Commission has been successful in its efforts to ensure that the guidelines are fair and equitable.

The Past Predicts the Future: Criminal History and Recidivism of Federal Offenders

MANDATORY MINIMUMS in the FEDERAL CRIMINAL JUSTICE SYSTEM

SELECT REPORTS

■ ANNUAL SOURCEBOOKS

The *Sourcebook* is available online from 1996-2019. Prior to 1996, annual sentencing data can be found in the Commission's *Annual Report*, which is available online from 1990-2019.

■ BOOKER SERIES

Over the last decade, the Commission has released five reports examining the impact of *U.S. v. Booker* on federal sentencing. These reports include:

- Demographic Differences (2010)
- Report to the Congress (2012)
- Demographic Differences (2017)
- Intra-City Differences (2019)
- Inter-District Differences (2020)
- Influence of the Guidelines (2020)

■ RECIDIVISM SERIES

The Commission continues its multi-year study of recidivism in the federal system, releasing seven reports examining the following areas:

- Overview (2016)
- Drug Trafficking Offenders (2017)
- Criminal History (2017)
- Aging (2017)
- Violent Offenders (2019)
- Firearms Offenders (2019)
- Length of Incarceration (2020)

■ QUARTERLY DATA PACKETS

These reports present preliminary quarterly sentencing information submitted by the U.S. Courts.

■ FISCAL YEAR OVERVIEWS

The Commission publishes a short, reader-friendly “year-in-review” using data from the annual *Sourcebook*.

■ MANDATORY MINIMUM SERIES

The Commission recently updated its 2011 report to the Congress on mandatory minimum penalties in six separate installments focusing on the following areas:

- Overview (2017)
- Drug Trafficking (2017)
- Firearms (2018)
- 851 Enhancements (2018)
- Identity Theft (2018)
- Sex Offenses (2019)

■ DISTRICT DATA PACKETS

These reports compare federal sentencing statistics for each judicial district, judicial circuit, and state to the nation as a whole.

■ RETROACTIVITY DATA PACKETS

These reports present data on federal cases in which a motion for a reduced sentence was considered as a result of a federal statute or an amendment to the federal sentencing guidelines.



To request a printed copy of these reports or any other Commission report, please contact PubAffairs@ussc.gov



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