



CHARTER

AD HOC ADVISORY GROUP ON RESEARCH AND DATA PRACTICES

SECTION 1. BACKGROUND.

The United States Sentencing Commission (the “Commission”) is an independent agency in the Judicial Branch of the federal government with seven voting commissioners, two ex officio non-voting commissioners representing the Department of Justice and the United States Parole Commission, and approximately 100 employees. Among the principal statutory duties of the Commission are (1) to establish sentencing policies and practices for the Federal criminal justice system that “reflect, to the extent practicable, advancement in knowledge of human behavior as it relates to the criminal justice process” and (2) to develop means of measuring the degree to which the sentencing, penal, and correctional practices are effective in meeting the purposes of sentencing.” 28 U.S.C. § 991(b).

Additional statutory duties of the Commission include “serving as a clearinghouse and information center for the collection, preparation, and dissemination of information on Federal sentencing practices.” 28 U.S.C § 995(a)(12). Consistent with its clearinghouse function, the Commission is responsible for: (a) collecting from district courts written reports of sentences imposed (including detailed information about the offense and the sentenced individual) in every criminal case (*see* 28 U.S.C. § 994(w)); (b) collecting systematically the data obtained from studies, research, and the empirical experience of public and private agencies concerning the sentencing process (*see* 28 U.S.C. § 995(a)(13)); (c) publishing data concerning the sentencing process (*see* 28 U.S.C. § 995(a)(14)); (d) collecting systematically and disseminating information concerning sentences actually imposed, and the relationship of such sentences to the statutory purposes of sentencing set forth in 18 U.S.C. § 3553(a) (*see* 28 U.S.C. § 995(a)(15)); and (e) collecting systematically and disseminating information regarding effectiveness of sentences imposed (*see* 28 U.S.C. § 995(a)(16)).

Utilizing the documentation received from courts, the Commission studies a variety of sentencing issues, including changes in the types and severity of federal crimes, demographic characteristics and criminal history of federal sentenced individuals, and sentencing trends. The Commission creates periodic reports on federal sentencing practices and tracks the application of the sentencing guidelines.

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SECTION 2. ESTABLISHMENT AND PURPOSE.

- (a) The Ad Hoc Advisory Group on Research and Data Practices (the “RDPAG”) is established by the Commission as an *ad hoc* advisory group to the Commission under 28 U.S.C. § 995 and Rule 5.4 of the Commission’s Rules of Practice and Procedure.
- (b) The purpose of the RDPAG is—
 - (1) to assist the Commission in carrying out its statutory responsibilities under 28 U.S.C. §§ 991(b) and 995(a)(12)–(16);
 - (2) to study the best practices of other government agencies and nongovernmental organizations (including those that perform tasks or provide services not related to criminal justice) relating to the collection, maintenance, use, analysis, and dissemination of data relevant to the mission of such agencies and organizations, and the development and execution of research agendas;
 - (3) to report and make recommendations on how the Commission may incorporate any best practice to more effectively carry out its statutory duties and responsibilities under 28 U.S.C. §§ 991(b) and 995(a)(12)–(16), and fulfill its unique role as a clearinghouse for federal sentencing statistics and practices; and
 - (4) to perform any other related functions as the Commission requests.

SECTION 3. MEMBERSHIP.

- (a) The RDPAG shall have no more than 15 members comprised of the following—
 - (1) *Federal Judicial Center Representative:* One RDPAG member shall be a representative of the Federal Judicial Center with knowledge and expertise in social science research. Such member shall be appointed by the Commission after consultation with the Director of the Federal Judicial Center.
 - (2) *Administrative Office of the United States Courts Representative:* One RDPAG member shall be a representative of the Administrative Office of the United States Courts with knowledge and expertise in social science research. Such member shall be appointed by the Commission after consultation with the Director of the Administrative Office of the United States Courts.
 - (3) *At-Large Membership:* The rest of the RDPAG membership shall consist of individuals who collectively have an extensive and diverse range of knowledge, expertise, or experience in social science research, including (A) social science research design; (B) data collection and maintenance;

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- (C) conducting quantitative and qualitative analysis of data; or (D) public dissemination of social science research. The at-large membership shall be appointed by the Commission based upon open solicitation for applications from eligible individuals, with a preference to applicants with knowledge or experience in research relating to the criminal justice system.
- (b) The RDPAG is established for a period of 18 months from the date of appointment of the Chair of the group pursuant to Section 4. However, the Commission shall have the option, by majority vote of its membership, to extend the term of the group for an additional six months.
- (c) When a membership becomes vacant before the expiration of the term, an appointment shall, whenever practicable, be made to serve during the remainder of the term.

SECTION 4. CHAIR.

- (a) The Chair of the RDPAG shall be selected by the Commission from among its at-large membership and shall serve at the pleasure of the Commission.
- (b) The Chair shall—
- (1) preside at meetings of the RDPAG and collaborate with Commission staff in the development of meeting agendas;
 - (2) communicate with members of the RDPAG regarding the RDPAG mission and assignments;
 - (3) form committees within RDPAG as needed;
 - (4) after consultation with the membership of the RDPAG, coordinate the development and presentation of RDPAG positions to the Commission; and
 - (5) coordinate meetings with other government agencies and nongovernmental organizations as arranged by Commission staff; and
 - (6) serve as the liaison to the Commission (including briefing the Chair and/or Commission on the progress of the report as requested).

SECTION 5. MEETINGS AND VOTING.

- (a) The RDPAG shall hold a meeting, either in person or remotely via electronic means, at least once each calendar month. However, at least two such meetings shall be held in-person before the end of the RDPAG's term.

Each meeting call shall be arranged by Commission staff.

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Each in-person meeting must be approved by the Commission in advance and shall be funded at the Commission's expense. At least one in-person meeting shall be held at the offices of the Commission in Washington, D.C.

- (b) Each member of the RDPAG shall have voting rights at meetings. Action by the RDPAG requires the affirmative vote of a majority of the members at a meeting at which at least a quorum is participating. A quorum consists of a majority of the membership then serving.

SECTION 6. STUDY REQUIREMENTS AND REPORT TO THE COMMISSION.

- (a) The RDPAG shall receive an initial briefing on the Commission's current practices with respect to its statutory research and data duties shortly after its creation, and may receive additional briefing as needed upon request.
- (b) The RDPAG shall, as set forth in Section 2(b) of this Charter, conduct a study of the best practices of other government agencies and nongovernmental organizations (including those that perform tasks or provide services not related to criminal justice) relating to the collection, maintenance, use, analysis, and dissemination of data relevant to the mission of such agencies and organizations, including the development and execution of research agendas. This study shall include surveys of the practices of other government agencies and nongovernmental organizations pertaining to the following:
 - (1) the collection and extraction of specialized and general data from core documentation relevant to the mission of such agencies and organizations, including the use of technologies such as optical character recognition (OCR) and data scraping techniques;
 - (2) the use of interagency data-sharing agreements (such as interagency agreements and memorandums of understanding (MOUs)) to share sensitive data with other agencies or organizations;
 - (3) storing (including physical and cloud-based storage) and securing data with personally identifiable information (PII) and non-PII data;
 - (4) maintaining data, including database structuring and variable development, for both internal use and making such data publicly available for external analysis and research;
 - (5) the use of software programs and other advanced technologies, including machine learning and artificial intelligence, to access, analyze, and gather further information from data;

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- (6) the development of research agendas and priorities, including the extent to which other government agencies and nongovernmental organizations seek feedback from external stakeholders and the timing of such feedback;
 - (7) the development of strategies, methodologies, and techniques for conducting quantitative and qualitative analysis of data;
 - (8) the practices and timing for obtaining outside advice on areas of knowledge or expertise related to the established research agenda of the government agency or nongovernmental organization;
 - (9) drafting and reviewing research reports prior to public dissemination;
 - (10) disseminating data to outside researchers and other members of the public for purposes of testing and replicating the findings of data analyses; and
 - (11) the use of ad hoc or standing advisory groups to advise the government agency or nongovernmental organization regarding its research.
- (c) The RDPAG shall present to the Commission, in writing, a status update on the final report not later than nine months from the date of appointment of the Chair of the group pursuant to Section 4. The written update shall apprise the Commission on the RDPAG progress in studying the matters set forth in subsection (b) above and identify any additional areas of focus. The written update shall also include a plan for timely completion of the final report.
- (d) The RDPAG shall present to the Commission a final report not later than 18 months from the date of appointment of the Chair of the group pursuant to Section 4. The report shall present the findings of the study conducted by the RDPAG and shall address all the matters set forth in subsection (b) above. The report shall also include recommendations that the RDPAG considers appropriate on whether and how the Commission should incorporate any such trend or practice to most effectively carry out its statutory duties and responsibilities under 28 U.S.C. §§ 991(b) and 995(a)(12)–(16) and fulfill its unique role as a clearinghouse for federal sentencing statistics and practices.

SECTION 7. NONPUBLIC INFORMATION AND DATA.

The Commission may provide to the RDPAG non-publicly available information and data, when needed for performing the duties identified in this charter. In such a case, members of the RDPAG will be required to abide by the confidentiality requirements of the Commission and to sign a non-disclosure and confidentiality agreement at the time of appointment, acknowledging they understand and will adhere to the terms and conditions set forth in the agreement.

SECTION 8. SUSPENSION OR AMENDMENT OF CHARTER PROVISIONS.

The Commission may suspend or amend any provisions of this Charter as the Commission considers appropriate.