

UNITED STATES SENTENCING COMMISSION

VARIABLE CODEBOOK FOR FEDERAL SENTENCING OF CHILD PORNOGRAPHY: NON-PRODUCTION OFFENSES



INTRODUCTION

In June 2021, the Commission published, “Federal Sentencing of Child Pornography: Non-Production Offenses.” That report updates and expands upon the Commission's 2012 *Report to the Congress: Federal Child Pornography Offenses*. In this report, the Commission provides data from fiscal year 2019 regarding: the content of the offender’s child pornography collection and nature of the offender’s collecting behavior; the offender’s degree of involvement with other offenders, particularly in an internet community devoted to child pornography and child sexual exploitation; and the offender’s engagement in sexually abusive or exploitative conduct in addition to the child pornography offense. The report also examines the evolution of technology since the 2012 *Child Pornography Report* its continued impact on offender conduct and the widespread applicability of sentencing enhancements. Lastly, it provides a recidivism analysis of non-production offenders.

This codebook is for the Commission’s analysis datafile used for that publication. All data comes from the Child Pornography Non-Production Report coding project. This coding project collected information on offenders sentenced for distribution, receipt, or possession of Child Pornography, under §2G2.2 (Distribution, Receipt or Possession of Child Pornography).¹ The datafile includes only those variables used for the analyses in the publication. Some of the data in this report are analysis variables from the Commission’s individual offender datafile for fiscal year 2019. Additional information for those variables can be found in the Commission’s Variable Codebook for Individual Offenders: Standardized Research Data Documentation for Fiscal Years 1999-2021 at www.ussc.gov/research/datafiles/commission-datafiles#individual.

¹ Possession of Child Pornography (§2G2.4) was deleted and consolidated with §2G2.2 effective November 1, 2004. This coding project will not include cases sentenced under §2G2.4 or were sentenced under a guideline manual prior to November 1, 2004, as they are sentenced under a different statutory scheme than current cases.

HOW TO USE THE VARIABLE CODEBOOK

The first column in the codebook, NAME, lists the name of each variable in alphabetical order.

The second column, ORIGIN, lists the source of the variable. All the variables in this codebook are from the special coding project datafile. See the Commission's Variable Codebook for Individual Offenders: Standardized Research Data Documentation for Fiscal Years 1999-2021 for information on additional variables on datafile.

The third column, FORM, describes whether the variable is coded as numeric (NUM) or character (CHAR).

The fourth column, CODES, lists all the values for each variable and describes what those values mean.

The final column, DESCRIPTION, describes the uses and creation of each variable.

NAME	ORIGIN	FORM	CODES	DESCRIPTION
ANYCHARGEDIST	CP	NUM	0 = No 1 = Yes	Indicates if the instant offense involved any charges for distribution of child pornography, regardless of whether the charge resulted in conviction.
ANYCHARGEPROD	CP	NUM	0 = No 1 = Yes	Indicates if the instant offense involved any charges for production of child pornography, regardless of whether the charge resulted in conviction.
ANYCHARGEREC	CP	NUM	0 = No 1 = Yes	Indicates if the instant offense involved any charges for receipt of child pornography, regardless of whether the charge resulted in conviction.
COMMCOND	CP	NUM	1 = No Community or Aggravating Conduct 2 = Has Community, No Aggravating Conduct 3 = Has Aggravating Conduct	Indicates whether the offender participated in a community or any aggravating conduct as defined in HASNEWCOND.
COMMUNITY	CP	NUM	0 = No 1 = Yes	Indicates whether an offender participated in some sort of child pornography community (e.g., participated in an online forum or website, worked with other offender(s) to produce child pornography, communicated with others about child pornography, or shared or received child pornography with/from others via a personal method of receipt/distribution (texting, instant messaging, or email)).
CONVICT1	CP	NUM	0 = No 1 = Yes	Indicates whether the offender had a prior conviction for a contact sex offense against a minor or an adult.
CONVICT2	CP	NUM	0 = No 1 = Yes	Indicates whether the offender had a prior conviction for a <i>non-contact</i> child pornography production offense.

NAME	ORIGIN	FORM	CODES	DESCRIPTION
CONVICT3	CP	NUM	0 = No 1 = Yes	Indicates whether the offender had a prior conviction for some other non-contact sex offense (indecent exposure, etc.).
CONVICT4	CP	NUM	0 = No 1 = Yes	Indicates whether the offender had a prior conviction for a possession, receipt, or distribution offense.
CRYPTO	CP	NUM	0 = No 1 = Yes	Indicates whether the offender used cryptocurrency to acquire, conceal, or facilitate obtaining or providing child pornography.
DARKWEB	CP	NUM	0 = No 1 = Yes	Indicates whether the offender used the dark web to send, receive, possess, or search for files to facilitate or conceal the child pornography in the instant offense.
DISTCHAT	CP	NUM	0 = No 1 = Yes 998 = Offender did not distribute child pornography	Indicates if the offender distributed child pornography via online chatroom. This does not include child pornography produced by the offender.
DISTCLOUD	CP	NUM	0 = No 1 = Yes 998 = Offender did not distribute child pornography	Indicates if the offender distributed child pornography via “the cloud” or “Dropbox.” This does not include child pornography produced by the offender.
DISTCOND	CP	NUM	0 = No 1 = Yes	Indicates if the offender distributed child pornography, other than via P2P. This does not include child pornography produced by the offender.

NAME	ORIGIN	FORM	CODES	DESCRIPTION
DISTHAND	CP	NUM	0 = No 1 = Yes 998 = Offender did not distribute child pornography	Indicates if the offender distributed child pornography hand-to-hand. This does not include child pornography produced by the offender.
DISTP2P	CP	NUM	0 = No 1 = Yes, evidence offender distributed to others via P2P 2 = Yes, only evidence of distribution is law enforcement accessing child pornography via P2P 3 = Offender was a member of P2P file sharing network, but offender had "opted out" of sharing files 4 = Offender was a member of a P2P file sharing network, but no evidence distribution occurred	Indicates if the offender distributed child pornography in the instant offense through a peer-to-peer (P2P) file sharing network. This does not include child pornography produced by the offender.
DISTRIBUTE	CP	NUM	0 = No Distribution Conduct 1 = Distribution Conduct	Indicates if the offender engaged in distribution <i>conduct</i> as part of the instant offense, regardless of the offense charged, the offense of conviction, or the type of offense the case was sentenced as.
DISTSOCIAL	CP	NUM	0 = No 1 = Yes 998 = Offender did not distribute child pornography	Indicates if the offender distributed child pornography via a social media platform. This does not include child pornography produced by the offender.
DISTSTREAM	CP	NUM	0 = No 1 = Yes 998 = Offender did not distribute child pornography	Indicates if the offender distributed child pornography via live streaming. This does not include child pornography produced by the offender.

NAME	ORIGIN	FORM	CODES	DESCRIPTION
DISTTEXTPLUS	CP	NUM	0 = No 1 = Yes 998 = Offender did not distribute child pornography	Indicates if the offender distributed child pornography in the instant offense via texting, email, or instant messaging.
DISTWEB	CP	NUM	0 = No 1 = Yes 998 = Offender did not distribute child pornography	Indicates if the offender distributed child pornography via a website. This does not include child pornography produced by the offender.
ENCRYPT	CP	NUM	0 = No 1 = Yes	Indicates if the offender used encryption to facilitate or conceal the child pornography offense in the instant offense.
FN118	CP	NUM	0 = No 1 = Yes	Indicates if case was dropped from analysis of offenders initially charged with distribution or receipt due to missing information.
HASNEWCOND	CP	NUM	0 = No 1 = Yes	Indicates whether the offender engaged in/had any of the following aggravating conduct: Conviction/arrest/admission/allegation of a contact sex offense against a minor and/or an adult, revocation for a contact sex offense against a minor, attempt of a contact sex offense against a minor or travel to commit a contact sex offense against a minor, a non-contact production offense, solicitation of a minor, sending pornography to a minor, any non-contact sex offense, or a possession/receipt/distribution prior offense or revocation in the instant offense for a possession/receipt/distribution offense.

NAME	ORIGIN	FORM	CODES	DESCRIPTION
HIDDEN	CP	NUM	0 = No 1 = Yes	Indicates if the offender used hidden catalog(s)/folder(s) to facilitate or conceal the child pornography in the instant offense.
HIGHCONV	CP	NUM	1 = Production 2 = Distribution 3 = Receipt 4 = Possession	Indicates the single most serious statute of conviction for each offender in the instant offense with production considered most serious.
IDNUM	CP	NUM	Range: 2000001-2001340	A unique seven-digit identifier for each case.
IMAGETOT	CP	NUM	Range: 0 thru 2,999,033 . = Number of total images and videos is unknown	Indicates the total combined number of images and videos possessed by the offender where each video is equivalent to 75 images.
MEDIATYPE	CP	NUM	0 = Both images and videos 1 = Only images 2 = Only videos 3 = No images or videos OR missing	Indicates the type of media possessed by the offender.
MOSTCOMMON_DIST	CP	NUM	1 = Yes . = Not Applicable	Indicates if offender is included in the analysis of sentencing outcomes for offenders with the most commonly applied specific offense characteristics who distributed child pornography. Use PORNTYPE2 to limit the analysis to Possession and Distribution offenders without predicates.
MOSTCOMMON_NODIST	CP	NUM	1 = Yes . = Not Applicable	Indicates if offender is included in the analysis of sentencing outcomes for offenders with the most commonly applied specific offense characteristics who did not distribute child pornography. Use PORNTYPE2 to limit the analysis to Possession and Receipts offenders without predicates.
NEWCOND1	CP	NUM	0 = No 1 = Yes	Indicates whether the offender had a conviction for a contact sex offense against a minor (either the instant offense or a prior conviction).

NAME	ORIGIN	FORM	CODES	DESCRIPTION
NEWCOND2	CP	NUM	0 = No 1 = Yes	Indicates whether the offender's pretrial release in the instant offense was revoked for a contact sex offense against a minor.
NEWCOND3	CP	NUM	0 = No 1 = Yes	Indicates whether the offender was arrested for a contact sex offense against a minor (either the instant offense or a prior event).
NEWCOND4	CP	NUM	0 = No 1 = Yes	Indicates whether the offender admitted to or was alleged to have committed a contact sex offense against a minor (either during the instant offense or a prior event).
NEWCOND5	CP	NUM	0 = No 1 = Yes	Indicates whether the offender attempted or traveled with the intent to commit a contact sex offense against a minor (includes only the instant offense).
NEWCOND7	CP	NUM	0 = No 1 = Yes	Indicates whether the offender committed a <i>non-contact</i> production offense (either during the instant offense or a prior event).
NEWCOND8	CP	NUM	0 = No 1 = Yes	Indicates whether the offender solicited a minor (includes only the instant offense).
NEWCOND10	CP	NUM	0 = No 1 = Yes	Indicates whether the offender sent pornography (adult or child) to a minor (includes only the instant offense).
NEWCOND11	CP	NUM	0 = No 1 = Yes	Indicates whether the offender committed some other non-contact sex offense (either during the instant offense or a prior event) (<i>e.g.</i> , indecent exposure).

NAME	ORIGIN	FORM	CODES	DESCRIPTION
NEWCOND12	CP	NUM	0 = No 1 = Yes	Indicates whether the offender's pretrial release was revoked for a possession/receipt/distribution child pornography offense, or whether they had been convicted of such an offense in the past.
NEWCOND13	CP	NUM	0 = No 1 = Yes	Indicates whether the offender had a prior conviction for a sex offense against an adult.
NEWCOND14	CP	NUM	0 = No 1 = Yes	Indicates whether the offender had a prior arrest for a sex offense against an adult.
NEWCOND15	CP	NUM	0 = No 1 = Yes	Indicates whether the offender was alleged to have committed or admitted to a sex offense against an adult in the past.
OTHCONC	CP	NUM	0 = No 1 = Yes	Indicates whether the offender used "other" technology to facilitate or conceal the child pornography in the instant offense (<i>i.e.</i> , not captured by HIDDEN, WIPE, SOFTWARE, ENCRYPT, DARKWEB, and/or CRYPTO).
PORNTYPE	CP	NUM	1 = Production 2 = Distribution 3 = Receipt 4 = Possession	Indicates the type of child pornography offense.
PORNTYPE2	CP	NUM	1 = Production 2 = Distribution 3 = Receipt 4 = Possession 5 = Distribution w/Prior 6 = Receipt w/Prior 7 = Possession w/Prior	Indicates the type of child pornography offense breaking out offenders with prior offenses.

NAME	ORIGIN	FORM	CODES	DESCRIPTION
POSSCOMP	CP	NUM	0 = No 1 = Yes 998 = Offender did not possess child pornography, or all child pornography was self-produced	Indicates if the offender stored the child pornography he/she possessed on a computer, laptop, or desktop. This does not include child pornography produced by the offender.
POSSCOUNT	CP	NUM	. = Offender did not possess child pornography, or all child pornography was self-produced Range: 0 thru 5	Indicates the number of types of media the offender used to store child pornography (computer, external storage, phone/tablet, cloud storage, paper, VHS, gaming system, and/or other).
POSSFLASHEXT	CP	NUM	0 = No 1 = Yes 998 = Offender did not possess child pornography, or all child pornography was self-produced	Indicates if the offender stored the child pornography he/she possessed on external storage, an external hard drive, flash/thumb drive, compact disk, SD card, or floppy disk. This does not include child pornography produced by the offender.
POSSGAME	CP	NUM	0 = No 1 = Yes 998 = Offender did not possess child pornography, or all child pornography was self-produced	Indicates if the offender stored the child pornography he/she possessed on gaming hardware. This does not include child pornography produced by the offender.
POSSGROUP	CP	NUM	. = Unknown 90 = Infant 91 = Toddler 92 = Pre-Pubescent 93 = Teenager	Indicates the age category of the youngest victim in the child pornography possessed, received, or distributed by the offender.
POSSESSION	CP	NUM	0 = No 1 = Yes	Indicates if the offender possessed any child pornography in the instant offense. This does not include child pornography produced by the offender.

NAME	ORIGIN	FORM	CODES	DESCRIPTION
POSSOTH	CP	NUM	0 = No 1 = Yes 998 = Offender did not possess child pornography, or all child pornography was self-produced	Indicates if the offender stored the child pornography he/she possessed on “another” device (<i>i.e.</i> , one not captured by POSSCOMP, POSSPHONETAB, POSSFLASHEXT, POSSPROXY, POSSGAME, POSSPAPER, POSSVHS, or POSSCLOUD). This does not include child pornography produced by the offender.
POSSPAPER	CP	NUM	0 = No 1 = Yes 998 = Offender did not possess child pornography, or all child pornography was self-produced	Indicates if the offender stored the child pornography he/she possessed on printed paper or magazines. This does not include child pornography produced by the offender.
POSSPHONETAB	CP	NUM	0 = No 1 = Yes 998 = Offender did not possess child pornography, or all child pornography was self-produced	Indicates if the offender stored the child pornography he/she possessed on a cell phone or tablet. This does not include child pornography produced by the offender.
POSSPROXY	CP	NUM	0 = No 1 = Yes 998 = Offender did not possess child pornography, or all child pornography was self-produced	Indicates if the offender stored the child pornography he/she possessed on a proxy server. This does not include child pornography produced by the offender.
POSSEX	CP	NUM	0 = Male 1 = Female 2 = Both male and female 998 = Does not apply 999 = Unknown	Indicates the sex of the victims in the child pornography possessed, received, or distributed by the offender.

NAME	ORIGIN	FORM	CODES	DESCRIPTION
POSSVHS	CP	NUM	0 = No 1 = Yes 998 = Offender did not possess child pornography, or all child pornography was self-produced	Indicates if the offender stored the child pornography he/she possessed on VHS or DVD. This does not include child pornography produced by the offender.
PRODCOND	CP	NUM	0 = No 1 = Yes, produced child pornography 2 = Yes, attempted to produce child pornography	Indicates whether the offender produced child pornography as part of the instant offense, regardless of the offense charged, the offense of conviction, or the type of offense the case is sentenced as.
RECCHAT	CP	NUM	0 = No 1 = Yes 998 = Offender did not possess child pornography, or all pornography was self-produced	Indicates if the offender received child pornography via an online chatroom.
RECLOUD	CP	NUM	0 = No 1 = Yes 998 = Offender did not possess child pornography, or all pornography was self-produced	Indicates if the offender received child pornography via “the cloud” or “Dropbox.” This does not include child pornography produced by the offender.
RECINTERNET	CP	NUM	0 = No 1 = Yes 998 = Offender did not possess child pornography, or all pornography was self-produced	Indicates if the offender received child pornography via “the internet,” but no more detail is given.

NAME	ORIGIN	FORM	CODES	DESCRIPTION
RECP2P	CP	NUM	0 = No 1 = Yes 2 = Offender was a member of a P2P file sharing network, but no evidence of receipt through P2P 998 = Offender did not possess child pornography, or all pornography was self-produced	Indicates if the offender received child pornography in the instant offense through peer-to-peer file sharing. This does not include child pornography produced by the offender.
RECSOCIAL	CP	NUM	0 = No 1 = Yes 998 = Offender did not possess child pornography, or all pornography was self-produced	Indicates if the offender received child pornography via a social media platform. This does not include child pornography produced by the offender.
RECSTREAM	CP	NUM	0 = No 1 = Yes 998 = Offender did not possess child pornography, or all pornography was self-produced	Indicates if the offender received child pornography via live streaming. This does not include child pornography produced by the offender.
RECTEXTPLUS	CP	NUM	0 = No 1 = Yes 998 = Offender did not possess child pornography, or all pornography was self-produced	Indicates if the offender used texting, email, or instant messaging to receive child pornography.
RECWEB	CP	NUM	0 = No 1 = Yes 998 = Offender did not possess child pornography, or all pornography was self-produced	Indicates if the offender received child pornography via website. This does not include child pornography produced by the offender.

NAME	ORIGIN	FORM	CODES	DESCRIPTION
SOFTWIPE	CP	NUM	0 = No 1 = Yes	Indicates whether the offender installed software/apps to conceal files or IP addresses or to wipe/delete files to facilitate or conceal the child pornography in the instant offense.
SOMECONC	CP	NUM	0 = No 1 = Yes	Indicates whether the offender used some method to conceal or attempt to conceal his/her conduct (hidden catalogs/folders, software to wipe or delete files, encryption software, the dark web, cryptocurrency, or some other type of concealment).
STATENHANCE	CP	NUM	0 = No 1 = Offender received SOC or Ch. 4 enhancement for “pattern of activity” or had a mandatory minimum of 60 months associated with convictions under 18§1466A, 18§2252, or 18 § 2252A. 2 = Offender had at least one conviction for production of child pornography under 18 U.S.C. §§ 1591, 2251(a)-(c), 2251(d)(1)(B), or 2260(a) and had an associated mandatory minimum of 180 months.	Indicates whether the offender received an enhancement, either through an SOC or Ch. 4 enhancement, or by way of a mandatory minimum associated with the child pornography conviction.