

What is JSIN? The Judiciary Sentencing INformation (“JSIN”) is a publicly available data tool developed by the U.S. Sentencing Commission “with the needs of judges in mind.” The Commission describes JSIN as a platform that provides judges easier access to sentencing data on “similarly situated defendants.”¹

Bottom Line for Defense Attorneys

As with all data tools, a developer’s choices of what data to include, exclude, report, and not report will affect the tool’s results. Because of the Commission’s choices with JSIN, the tool’s default makes it seem like judges impose more severe sentences than they actually do.

How does JSIN Work? JSIN bases its results on the following inputs. Users select: (1) a primary guideline and, if applicable, (2) a drug type from a dropdown menu in the JSIN platform. They then select (3) whether they want to include 18 U.S.C. §§ 924(c) or 1028A consecutive mandatory minimum cases in the results. Next, they select the cell in the Sentencing Table that corresponds to (4) a final offense level and (5) a criminal history category. Finally, users may opt to check (6) the “Include Sentence Length Data” box to produce additional results that include probationary sentences.

Figure 1: select filters

DATA FILTERS

Primary Guideline
* Guideline: §2D1.1

Drug Type
* Drug: Heroin

Consecutive Mandatory Minimum
* 924(c): None
* 1028A: None
At Least One Count

Sentence Length
* Sentence Length: None

* Sentence Length Data: Search...

Sentence Length Data

Sentence Length data includes all cases, as well as alternative months of confinement and probation. Probation sentences are treated as zero months. Generally, “Length of Imprisonment” data is the appropriate choice for judges that have decided to impose a sentence of imprisonment (as opposed to probation or an alternative sentence). As the majority of federal cases involve prison only sentences, the default results provide average and median “Length of Imprisonment.” A judge may wish to select the option below, however, if the result for the selected cell indicates a large percentage offenders received a non-imprisonment sentence or the selected cell is in a sentencing zone that make offenders eligible for alternative sentences or sentences of probation and the judge determines a non-imprisonment sentence is appropriate.

☒ Include Sentence Length Data

PLEASE CLICK ON CELL BELOW TO SELECT CHC AND FINAL OFFENSE LEVEL

SENTENCING TABLE
(in months of imprisonment)

Offense Level	I (0 or 1)	II (2 or 3)	III (4, 5, 6)	IV (7, 8, 9)	V (10, 11, 12)	VI (13 or more)
1	0-6	0-6	0-6	0-6	0-6	0-6
2	0-6	0-6	0-6	0-6	0-6	1-7
3	0-6	0-6	0-6	0-6	2-8	3-9
4	0-6	0-6	0-6	2-8	4-10	6-12
5	0-6	0-6	1-7	4-10	6-12	9-15
6	0-6	1-7	2-8	6-12	9-15	12-18
7	0-6	2-8	4-10	8-14	12-18	15-21
8	0-6	4-10	6-12	10-16	15-21	18-24
9	4-10	6-12	8-14	12-18	18-24	21-27
10	6-12	8-14	10-16	15-21	21-27	24-30
11	8-14	10-16	12-18	18-24	24-30	27-33
12	10-16	12-18	15-21	21-27	27-33	30-37
13	12-18	15-21	18-24	24-30	30-37	33-41
14	15-21	18-24	21-27	27-33	33-41	37-46
15	18-24	21-27	24-30	30-37	37-46	41-51
16	21-27	24-30	27-33	33-41	41-51	46-57
17	24-30	27-33	30-37	37-46	46-57	51-63
18	27-33	30-37	33-41	41-51	51-63	57-71
19	30-37	33-41	37-46	46-57	57-71	63-78
20	33-41	37-46	41-51	51-63	63-78	70-87

What data does JSIN provide? Once these inputs are selected, JSIN generates a description of (1)(a) the number of individuals who meet the selected criteria (excluding §5K1.1 sentences); (1)(b) the average (mean) length of imprisonment (excluding §5K1.1 sentences); and (1)(c) the

¹ USSC, *Judiciary Sentencing Information*, <https://bit.ly/2YQEWVm>.

median length of imprisonment (excluding §5K1.1 sentences).² If the user opts to check the box to include sentence length data, JSIN generates additional text describing (1)(d) the number of individuals who meet the selected criteria (excluding §5K1.1 sentences); (1)(e) the average (mean) length of sentence (excluding §5K1.1 sentences); and (1)(f) the median length of sentence (excluding §5K1.1 sentences).

Additional graphed results appear, including a figure showing (2)(a) the percentage of sentences imposed within the guideline range; (2)(b) the percentage of sentences imposed below the guideline range for reasons other than §5K1.1 departures; (2)(c) the percentage of sentences imposed above the guideline range; and (2)(d) the percentage of sentences imposed with a §5K1.1 departure. Below that is a figure showing (3)(a) the number and percentage of cases receiving *any* imprisonment (excluding §5K1.1 sentences) and (3)(b) the percentage of cases receiving sentences of probation or fine only (excluding §5K1.1 sentences). Finally, a third figure shows (4)(a) the average (mean) length of imprisonment (excluding §5K1.1 sentences) and (4)(b) the median length of imprisonment (excluding §5K1.1 sentences). If the user opts to check the box to include sentence length data, this figure will also show (4)(c) the average (mean) length of sentence (excluding §5K1.1 sentences) and (4)(d) the median length of sentence (excluding §5K1.1 sentences).

JSIN displays **national** results from the **last 5 fiscal years** for sentences that match the selected criteria (currently FY 2017-2021). For example:

Figure 2: excerpted results

RESULT

FILTER SELECTED:

Guideline:	§2D1.1
Drug:	Heroin
Final Offense level:	12
Criminal History Category:	I
Guideline Range:	10-16

Export Result to Word

FEDERAL OFFENDERS IN SELECTED CELL

During the last five fiscal years (FY2017-2021), there were 88 offenders whose primary guideline was §2D1.1 and Heroin was the primary drug type, with a Final Offense Level of 12 and a Criminal History Category of I, after excluding offenders who received a §5K1.1 substantial assistance departure. For the 66 offenders (75%) who received a sentence of imprisonment in whole or in part, the average length of imprisonment imposed was 13 month(s) and the median length of imprisonment imposed was 7 month(s). For all 88 offenders in the cell, the average sentence imposed was 12 month(s) and the median sentence imposed was 8 month(s).

² The median length of imprisonment is the midpoint number which approximately half of prison sentences were above and approximately half were below.

What else should I know about JSIN?

1. ***JSIN's default does not report average and median lengths of all sentences:*** Unless users opt to "Include Sentence Length Data," JSIN only includes prison sentences in its average/median statistics. It *will not* automatically include probation- or fine-only sentences. That is, individuals who share the same inputs (i.e., primary guideline, final offense level, criminal history category, with/without consecutive man. mins.) but who received non-prison sentences are excluded from JSIN's default average and median imprisonment length statistics. This skews results higher. In order to review average/median statistics that count probation and fine-only sentences users must actively check the "Include Sentence Length Data" box.
2. ***Most reported datapoints exclude sentences with §5K1.1 departures:*** JSIN excludes sentences with §5K1.1 departures from the following results: (1) the number of individuals initially reported to meet the selected criteria; (2) sentence type; and (3) average/median length of imprisonment statistics. Excluding §5K1.1 departures from JSIN's average/median statistics skews results higher than if §5K1.1 cases were included.
3. ***JSIN does not filter on most mandatory minimums:*** Aside from 18 U.S.C. §§ 924(c) and 1028A, JSIN does not allow users to filter on mandatory minimums. If the selected criteria include sentences with mandatory minimums, JSIN includes those sentences in its results. Including these sentences skews results higher.
4. ***JSIN does not distinguish time-served sentences:*** time-served sentences are treated as prison sentences, counted as sentences of imprisonment, and factored into JSIN's average/median imprisonment statistics even if no additional prison time was imposed at sentencing. Time-served sentences arguably have more to do with detention decisions and court delays than § 3553(a).
5. ***JSIN provides only national results:*** JSIN does not filter by district or circuit.
6. ***JSIN does not provide information on where within the guidelines range sentences fall:*** JSIN does not indicate the proportion of cases at the bottom, middle, or top of the guideline range.
7. ***JSIN does not provide the distribution of sentences imposed:*** if selected criteria yield sentences spanning from 1 day to 240 months, JSIN does not indicate how the sentences are distributed within this span (clustered toward bottom with few high outliers, evenly distributed, etc.).
8. ***JSIN relies on data that is not publicly available:*** independent assessment of JSIN results may not be possible because JSIN relies on "dynamic" data that appear to be different from the static data the Commission provides to the public once a year in its annual datafiles.³

³ USSC, *Judiciary Sentencing Information Frequently Asked Questions*, <https://bit.ly/2YQEWVm>.