

Sentencing Institute for the Sixth and Ninth Circuits

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November 11-14, 1975

Long Beach, California

Materials

The Consequences of Alternative Sentences

(FJC NO. 75-6)

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MATERIALS

The Consequences of Alternative Sentences

BASIC EXAMPLE

1. 28 year old bank burglar
2. One prior conviction: larceny
3. Prior sentence: probation
4. No history of drug use/dependence
5. Education: 10th grade
6. Employment record: unemployed for last 20 months
7. Married with one child
8. Maximum possible sentence:
\$5,000 and/or 20 years

SALIENT FACTOR COMPUTATION FOR BASIC EXAMPLE

NOTICE OF ACTION - PART II - SALIENT FACTORS

Case Name BASIC Example Register Number _____

Item A -----	1
No prior convictions (adult or juvenile) = 2 One or two prior convictions = 1 Three or more prior convictions = 0	
Item B -----	2
No prior incarcerations (adult or juvenile) = 2 One or two prior incarcerations = 1 Three or more prior incarcerations = 0	
Item C -----	1
Age at first commitment (adult or juvenile) 18 years or older = 1 Otherwise = 0	
Item D -----	1
Commitment offense did not involve auto theft = 1 Otherwise = 0	
Item E -----	1
Never had parole revoked or been committed for a new offense while on parole = 1 Otherwise = 0	
Item F -----	1
No history of heroin or opiate dependence = 1 Otherwise = 0	
Item G -----	0
Has completed 12th grade or received GED = 1 Otherwise = 0	
Item H -----	0
Verified employment (or full-time school attendance) for a total of at least 6 months during the last 2 years in the community = 1 Otherwise = 0	
Item I -----	1
Release plan to live with spouse and/or children = 1 Otherwise = 0	
Total Score -----	8

OFFENSE CHARACTERISTICS: Severity of Offense Behavior (Examples)	OFFENDER CHARACTERISTICS: Parole Prognosis (Salient Factor Score)			
	Very Good (11-9)	Good (8-6)	Fair (5-4)	Poor (3-0)
LOW Immigration Law Violations Minor Theft (Includes larceny and simple possession of stolen property less than \$1,000) Walkaway	6-10 months	8-12 months	10-14 months	12-16 months
LOW-MODERATE Alcohol Law Violations Counterfeit Currency (Passing/Possession less than \$1,000) Drugs: Marijuana, Simple Possession (less than \$500) Forgery/Fraud (less than \$1,000) Income Tax Evasion (less than \$10,000) Selective Service Act Violations Theft From Mail (less than \$1,000)	8-12 months	12-16 months	16-20 months	20-25 months
MODERATE Bribery of Public Officials Counterfeit Currency (Passing/Possession \$1,000 - \$19,999) Drugs: Marijuana, Possession With Intent to Distribute/Sale (less than \$5,000) "Soft Drugs", Possession with Intent to Distribute/Sale (less than \$500) Embezzlement (less than \$20,000) Explosives, Possession/Transportation Firearms Act, Possession/Purchase/Sale (single weapon - not sawed-off shotgun or machine gun) Income Tax Evasion (\$10,000 - \$50,000) Interstate Transportation of Stolen/Forged Securities (less than \$20,000) Mailing Threatening Communications Misprision of Felony Receiving Stolen Property With Intent to Resell (less than \$20,000) Smuggling/Transporting of Aliens Theft/Forgery/Fraud (\$1,000 - \$19,999) Theft of Motor Vehicle (Not Multiple Theft or for Resale)	12-16 months	16-20 months	20-24 months	24-30 months
HIGH Burglary or Larceny (Other than Embezzlement) from Bank or Post Office Counterfeit Currency (Passing/Possession \$20,000 - \$100,000) Counterfeiting (Manufacturing) Drugs: Marijuana, Possession With Intent To Distribute/Sale (\$5,000 or more) "Soft Drugs", Possession with Intent to Distribute/Sale (\$500 - \$5,000) Embezzlement (\$20,000 - \$100,000) Firearms Act, Possession/Purchase/Sale (sawed-off shotgun(s), machine gun(s), or multiple weapons) Interstate Transportation of Stolen/Forged Securities (\$20,000 - \$100,000) Mann Act (No Force - Commercial Purposes) Organized Vehicle Theft Receiving Stolen Property (\$20,000 - \$100,000) Theft/Forgery/Fraud (\$20,000 - \$100,000)	16-20* months	20-26 months	26-32 months	32-38 months
VERY HIGH Robbery (Weapon or Threat) Drugs: "Hard Drugs" Possession with Intent to Distribute/Sale (No Prior Conviction for Sale of "Hard Drugs") "Soft Drugs", Possession with Intent to Distribute/Sale (over \$5,000) Extortion Mann Act (Force) Sexual Act (Force)	26-36 months	36-45 months	45-55 months	55-65 months
GREATEST Aggravated Felony (e.g., Robbery, Sexual Act/Aggravated Assault) - Weapon Fired or Personal Injury Aircraft Hijacking Drugs: "Hard Drugs" (Possession with Intent to Distribute/Sale for Profit (Prior Conviction(s) for Sale of "Hard Drugs") Expionage Explosives (Detonation) Kidnapping Willful Homicide	(Greater than above - however, specific ranges are not given due to the limited number of cases and the extreme variations in severity possible within the category)			

- NOTES: 1) These guidelines are predicated upon good institutional conduct and program performance.
 2) If an offense behavior is not listed above, the proper category may be obtained by comparing the severity of the offense behavior with these of similar offense behaviors listed.
 3) If an offense behavior can be classified under more than one category, the most serious applicable category is to be used.
 4) If an offense behavior involved multiple separate offenses, the severity level may be increased.
 5) If a continuance is to be given, allow 30 days (1 month) for release program provision.
 6) "Hard Drugs" include heroin, cocaine, morphine or opiate derivatives, and synthetic opiate substitutes.

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LOW Immigration Law Violations Minor Theft (Includes larceny and simple possession of stolen property less than \$1,000) Walkaway	6-10 months	8-12 months	10-14 months	12-16 months
LOW-MODERATE Alcohol Law Violations Counterfeit Currency (Passing/Possession less than \$1,000) Drugs: Marijuana, Simple Possession (less than \$500) Forgery/Fraud (less than \$1,000) Income Tax Evasion (less than \$10,000) Selective Service Act Violations Theft From Mail (less than \$1,000)	8-12 months	12-16 months	16-20 months	20-25 months
MODERATE Bribery of Public Officials Counterfeit Currency (Passing/Possession \$1,000 - \$19,999) Drugs: Marijuana, Possession With Intent to Distribute/Sale (less than \$5,000) "Soft Drugs", Possession with Intent to Distribute/Sale (less than \$500) Embezzlement (less than \$20,000) Explosives, Possession/Transportation Firearms Act, Possession/Purchase/Sale (single weapon - not sawed-off shotgun or machine gun) Income Tax Evasion (\$10,000 - \$50,000) Interstate Transportation of Stolen/Forged Securities (less than \$20,000) Mailing Threatening Communications Misprision of Felony Receiving Stolen Property With Intent to Resell (less than \$20,000) Smuggling/Transporting of Aliens Theft/Forgery/Fraud (\$1,000 - \$19,999) Theft of Motor Vehicle (Not Multiple Theft or for Resale)	9-13 months	13-17 months	17-21 months	21-26 months
HIGH Burglary or Larceny (Other than Embezzlement) from Bank or Post Office Counterfeit Currency (Passing/Possession \$20,000 - \$100,000) Counterfeiting (Manufacturing) Drugs: Marijuana, Possession With Intent To Distribute/Sale (\$5,000 or more) "Soft Drugs", Possession with Intent to Distribute/Sale (\$500 - \$5,000) Embezzlement (\$20,000 - \$100,000) Firearms Act, Possession/Purchase/Sale (sawed-off shotgun(s), machine gun(s), or multiple weapons) Interstate Transportation of Stolen/Forged Securities (\$20,000 - \$100,000) Mann Act (No Force - Commercial Purposes) Organized Vehicle Theft Receiving Stolen Property (\$20,000 - \$100,000) Theft/Forgery/Fraud (\$20,000 - \$100,000)	12-16 months	16-20 months	20-24 months	24-28 months
VERY HIGH Robbery (Weapon or Threat) Drugs: "Hard Drugs" Possession with Intent to Distribute/Sale (No Prior Conviction for Sale of "Hard Drugs") "Soft Drugs", Possession with Intent to Distribute/Sale (over \$5,000) Extortion Mann Act (Force) Sexual Act (Force)	20-27 months	27-32 months	32-36 months	36-42 months.
GREATEST Aggravated Felony (e.g., Robbery, Sexual Act/Aggravated Assault) - Weapon Fired or Personal Injury Aircraft Hijacking Drugs: "Hard Drugs" (Possession with Intent to Distribute/Sale for Profit (Prior Conviction(s) for Sale of "Hard Drugs") Espionage Explosives (Detonation) Kidnapping Willful Homicide	(Greater than above - however, specific ranges are not given due to the limited number of cases and the extreme variations in severity possible within the category)			

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MODERATE Bribery of Public Officials Counterfeit Currency (Passing/Possession \$1,000 - \$19,999) Drugs: Marijuana, Possession With Intent to Distribute/Sale (less than \$5,000) "Soft Drugs", Possession with Intent to Distribute/Sale (less than \$500) Embezzlement (less than \$20,000) Explosives, Possession/Transportation Firearms Act, Possession/Purchase/Sale (single weapon - not sawed-off shotgun or machine gun) Income Tax Evasion (\$10,000 - \$50,000) Interstate Transportation of Stolen/Forged Securities (less than \$20,000) Mailing Threatening Communications Misprision of Felony Receiving Stolen Property With Intent to Resell (less than \$20,000) Smuggling/Transporting of Aliens Theft/Forgery/Fraud (\$1,000 - \$19,999) Theft of Motor Vehicle (Not Multiple Theft or for Resale)		12-18 months		18-24 months
HIGH Burglary or Larceny (Other than Embezzlement) from Bank or Post Office Counterfeit Currency (Passing/Possession \$20,000 - \$100,000) Counterfeiting (Manufacturing) Drugs: Marijuana, Possession With Intent To Distribute/Sale (\$4,000 or more) "Soft Drugs", Possession with Intent to Distribute/Sale (\$500 - \$5,000) Embezzlement (\$20,000 - \$100,000) Firearms Act, Possession/Purchase/Sale (sawed-off shotgun(s), machine gun(s), or multiple weapons) Interstate Transportation of Stolen/Forged Securities (\$20,000 - \$100,000) Mann Act (No Force - Commercial Purposes) Organized Vehicle Theft Receiving Stolen Property (\$20,000 - \$100,000) Theft/Forgery/Fraud (\$20,000 - \$100,000)		12-18 months		18-24 months
VERY HIGH Robbery (Weapon or Threat) Drugs: "Hard Drugs" Possession with Intent to Distribute/Sale (No Prior Conviction for Sale of "Hard Drugs") "Soft Drugs", Possession with Intent to Distribute/Sale (over \$5,000) Mann Act (Force) Sexual Act (Force)		20-26 months		26-32 months
GREATEST Aggravated Felony (e.g., Robbery, Sexual Act/Aggravated Assault) - Weapon Fired or Personal Injury Aircraft Hijacking Drugs: "Hard Drugs" (Possession with Intent to Distribute/Sale for Profit (Prior Conviction(s) for Sale of "Hard Drugs")) Explosive Explosives (Detonation) Kidnapping Willful Homicide		(Greater than above - however, specific ranges are not given due to the limited number of cases and the extreme variations in severity possible within the category)		

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SENTENCE ALTERNATIVES

<u>Sentence</u>	<u>Parole Eligibility</u>	<u>Mandatory Release</u>
2 years	8 months	19 months +
3 years	12 months	27 months +
5 years	20 months	44 months +
7 years	28 months	62 months + or —

**REPORT ON SENTENCED OFFENDER
BY UNITED STATES DISTRICT JUDGE**

To Be Completed by the Probation Officer:

Name _____ FBI No.: _____ DOB: _____

District: _____ Offense: _____ Sentence: _____

To Be Completed by the Sentencing Judge:

SENTENCING OBJECTIVES. Court's intent or purpose for sentence imposed.

COMMENTS ON TREATMENT NEEDS. In the court's opinion what treatment or training should the Probation Office or the Bureau of Prisons provide? (e.g., vocational, educational, medical, alcoholic, narcotic.)

RECOMMENDED INSTITUTION. Type of institution by classification (e.g., penitentiary, youth center, etc.), or by name (e.g., Leavenworth, Morgantown, etc.).

COMMENTS AND RECOMMENDATIONS RELATIVE TO PAROLE. Give comments regarding the appropriateness of parole in view of the present offense, prior criminal background and any mitigating or aggravating circumstances.

NO COMMENT

Original: *U.S. Probation Office
Sentencing Judge*

Signed _____

c.c.: *2 copies to Bureau of Prisons institution
designated for confinement*

Typed _____ **Date** _____

NARCOTIC ADDICT REHABILITATION ACT OF 1966
[NARA]

Title I: Addicts charged with, but not prosecuted for, federal law violations

- A. In lieu of trial, addict can choose commitment for treatment under custody of Surgeon General
- B. Term: 3 years of evaluation, hospitalization and aftercare, supervision and rehabilitation
- C. Possible dismissal of charges after 3 years

Title II: Addicts convicted of federal law violations

- A. Sentenced to commitment for treatment under custody of Attorney General
- B. Term: 10 year maximum with minimum 6 months institutional care before consideration for conditional release

Title III: Addict not charged with any offense

- A. Addict or relative of addict voluntarily petitions court for civil commitment under custody of Surgeon General
- B. Term: 6 months maximum hospitalization and 3 years maximum post-hospital supervision

TERMINAL ISLAND

Federal Correctional Institution, Terminal Island, California (Code: Male 148
Female 171)

This is a Medium Security Co-correctional institution. Tractable adult males with relatively short sentences are accepted, and those nearing the end of longer sentences. Offenders with long-term histories of serious offenses should not be considered. Adult female offenders from the area listed below.

Age Range: Males: Age 28 and over.
Females: Age 26 and over.

Commitment Area: Males: California and Nevada. Selected cases from surrounding states.
Females: North and South Dakota, Montana, Wyoming, Colorado, Idaho, Utah, Arizona, Nevada, New Mexico, California, Oregon, Washington, Alaska, Hawaii, and Guam.

Planned Capacity: Males: 600
Females: 130, plus 13 in Forensic Unit

Parole Hearings: U. S. Board of Parole conducts hearings in February, April, June, August, October, and December.

Clinical Services: Standard Medical Services: Two full-time psychologists and two psychiatrists. NARA Unit also has one psychologist. There is a Forensic Unit for 13 women.

Custody and Housing: Moving into Unit Management

Males:

Close - Housed only in most secure housing facility (D-Restricted.) May not be assigned to work on any detail and special escort will be provided for the daily recreational period and authorized visits.

Medium - Eligible for all regular housing and work assignments and activities in the main compound under normal supervision.

Minimum - May be assigned to the least secure housing units (B, 9, D-2nd and 3rd tiers) within the institution and permitted to work outside the fence enclosure under the direct supervision of an employee.

Full Minimum - Eligible for all regular housing and work assignments and activities in or out of the perimeter of the fence. Eligible for minimal or up to two (2) hour interval supervision on work assignments.

Females: Two women's units will be developed: NARA/DAPS Unit; a regular unit with Reality Therapy as the treatment modality; and a separate small unit for women in community programs and pre-release.

Industries: Furniture factory for 122; metal factory for 109. IBM Key punch for 22. Key and Tape Industry (SECAS) for 8.

Special Training Opportunities: Drafting VT, welding VT, wide variety OJT, and education programs, including ABE, GED, and high school diploma. Black Studies and Mexican-American Social Studies currently available. IBM card punch training, business education, and home economics.

Work Release and Community Programs: Very diversified work release opportunities are available. Several colleges in the area. Selected inmates go out to colleges and trade schools in the community and work in jobs for which qualified.

NARA Unit: Specially staffed and programmed unit for treatment of male narcotic addicts. Available to persons committed under PL 89-873 (T 28 S 4251, et. seq.) and to select others if space provides.

CASE NAME _____ REGISTER NUMBER _____

REASONS: (Circle and complete each applicable reason)

1. YOUR OFFENSE BEHAVIOR HAS BEEN RATED AS _____ SEVERITY
(BECAUSE _____

_____) .
YOU HAVE A SALIENT FACTOR SCORE OF _____. YOU HAVE BEEN IN CUSTODY A
TOTAL OF _____ MONTHS. GUIDELINES ESTABLISHED BY THE BOARD FOR (ADULT)
(YOUTH) (NARA) CASES WHICH CONSIDER THE ABOVE FACTORS INDICATE A RANGE
OF _____ MONTHS TO BE SERVED BEFORE RELEASE FOR CASES WITH GOOD INSTI-
TUTIONAL PROGRAM PERFORMANCE AND ADJUSTMENT. AFTER REVIEW OF ALL RELE-
VANT FACTORS AND INFORMATION PRESENTED, IT IS FOUND THAT A DECISION AT
THIS CONSIDERATION (OUTSIDE THE GUIDELINES DOES NOT APPEAR WARRANTED)
(ABOVE / BELOW THE GUIDELINES APPEARS WARRANTED BECAUSE _____

_____) .

USE #2 FOR GREATEST SEVERITY CASES.

2. BOARD GUIDELINES FOR GREATEST SEVERITY CASES DO NOT SPECIFY A MAXIMUM
LIMIT. THEREFORE, THE DECISION IN YOUR CASE HAS BEEN BASED IN PART
UPON A COMPARISON OF THE RELATIVE SEVERITY OF YOUR OFFENSE BEHAVIOR WITH
OFFENSE BEHAVIOR EXAMPLES LISTED IN THE VERY HIGH SEVERITY CATEGORY.

3. YOU HAVE (A SERIOUS) (REPEATED) DISCIPLINARY INFRACTION(S).

4. YOU NEED ADDITIONAL INSTITUTIONAL TREATMENT, SPECIFICALLY _____

_____ TO ENHANCE YOUR CAPACITY TO LEAD A LAW ABIDING LIFE.

5. YOU HAVE NOT BEEN CERTIFIED AS ELIGIBLE FOR RELEASE BECAUSE OF IN-
SUFFICIENT PROGRESS IN THE NARA PROGRAM (PUBLIC LAW 89-793/4254).

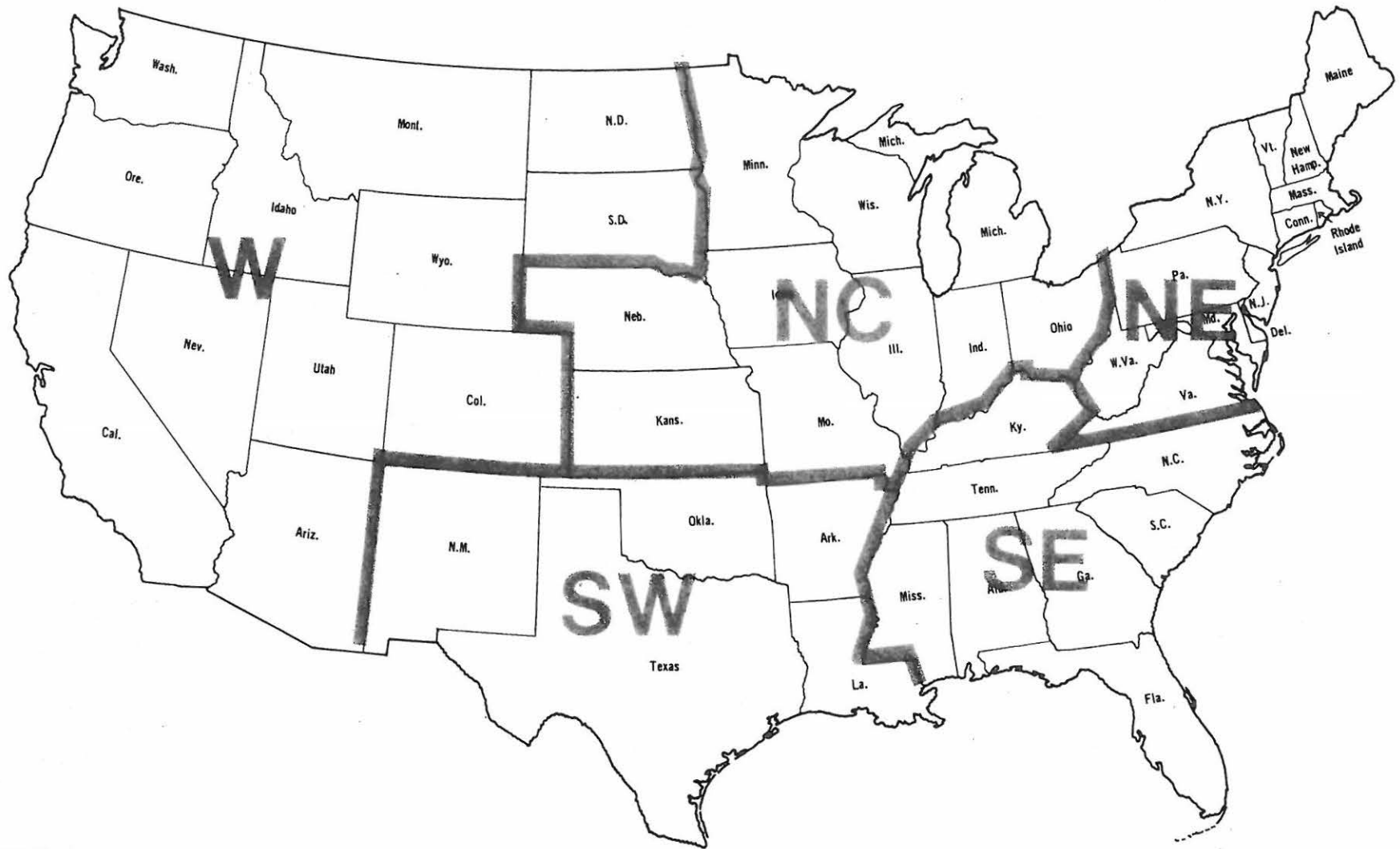
6. OTHER _____

7. BOARD POLICY PROHIBITS A CONTINUANCE OF MORE THAN THIRTY-SIX MONTHS
WITHOUT REVIEW. YOUR CONTINUANCE HAS BEEN LIMITED BY THIS POLICY.

8. BOARD POLICY PROHIBITS A CONTINUANCE PAST ONE-THIRD OF YOUR SENTENCE
AT INITIAL HEARING. THEREFORE, YOUR CASE HAS BEEN SCHEDULED FOR
FURTHER CONSIDERATION AT ONE-THIRD OF YOUR SENTENCE.

Note: Explain the severity rating for all greatest severity cases,
all cases in which the offense behavior is not clearly listed on the
guideline chart, and all cases in which the severity rating is in-
creased or decreased due to aggravating or mitigating circumstances.

UNITED STATES BOARD OF PAROLE REGIONS



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HEADQUARTERS:

- NE Region — Philadelphia
- SE Region — Atlanta
- SW Region — Dallas
- NC Region — Kansas City
- W Region — San Francisco