

**SUPPLEMENTARY REPORT ON THE  
INITIAL SENTENCING GUIDELINES  
AND POLICY STATEMENTS**



**JUNE 18, 1987**



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## INTRODUCTION

This report supplements and further explains the Sentencing Guidelines, Policy Statements, and related Commentary (hereinafter referred to as the "Sentencing Guidelines") submitted to Congress on April 13, 1987, and subsequently modified by technical, conforming, and clarifying amendments submitted on May 1, 1987.\*

The governing statute, Section 235(a)(1) of the Sentencing Reform Act of 1984, speaks of a report accompanying the initial guidelines "stating the reasons for the Commission's recommendations." It is the intent of the Commission that Chapter One of the April 13 Sentencing Guidelines and Policy Statements, together with the included Commentary, provide the basic information to comply with that legislative mandate.

This supplementary report provides several types of additional information to assist in understanding the submitted guidelines, their background, empirical basis, structure, underlying rationale, and significant estimated effects. More specifically, three types of information are included. First, a brief historical overview of the landmark Sentencing Reform Act and a summary of the Commission's guidelines development process provide background and context for the recently issued initial guidelines and policy statements. Second, additional explanatory information on certain aspects of the guidelines is included to assist in better understanding their rationale and application. Third, an analysis of the expected effects of the guidelines and recently-enacted legislation on federal correctional resource requirements is included in accordance with 28 U.S.C. § 994(g).

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## CHAPTER ONE - BRIEF HISTORY OF FEDERAL SENTENCING REFORM

### A. Overview

Enactment of the sentencing reform provisions of the "Comprehensive Crime Control Act of 1984"<sup>1</sup> was the culmination of more than three decades of study, debate, and drafting. For all but the last several years of that long incubation period, revision of the sentencing laws and process was but one important, integral facet of the larger effort to comprehensively recodify federal criminal laws. When that task was finally put aside (at least temporarily) in the second session of the Ninety-Seventh Congress,<sup>2</sup> the sentencing reform proposals were extracted from the recodification package and finally enacted two years later as part of a renewed legislative effort designed to update and strengthen federal efforts to combat crime.<sup>3</sup>

### B. The Early Foundations

During the 1950s and 1960s, there was a growing recognition of the need to bring greater rationality and consistency to penal statutes and to sentences imposed under those statutes. Remedial proposals suggested during this period generally sought to accomplish three main objectives: first, to logically group and grade criminal offenses in a limited number of categories; second, to bring together all sentencing provisions in a distinct part of the code that would set out all sentencing procedures and the available punishments for each category of crime; and third, to establish a proportional sentencing structure under which newly enacted penal statutes could be easily integrated. Among the reform efforts that focused, to a limited degree, on sentencing were the Model Penal Code,<sup>4</sup> the Model Sentencing Act,<sup>5</sup> the American Bar Association Task Force on Sentencing Alternatives and Procedures,<sup>6</sup> and the Brown Commission.<sup>7</sup>

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<sup>1</sup> Pub. L. No. 98-473, 98 Stat. 1837 (1984).

<sup>2</sup> Following approval by the Senate Judiciary Committee on January 25, 1982, of S. 1630, the "Criminal Code Reform Act of 1981," the Senate took no further action on the bill. The next comprehensive criminal law bill considered by the Senate was S. 2572, the "Violent Crime and Drug Enforcement Improvements Act of 1982." See 128 Cong. Rec. S12,747 (daily ed. Sept. 30, 1982) (remarks of Sen. Thurmond).

<sup>3</sup> Pub. L. No. 98-473, 98 Stat. 1837 (1984) (a joint resolution making continuing appropriations for fiscal year 1985, enacted October 12, 1984, contained as Chapter II of Title II, the "Sentencing Reform Act of 1984").

<sup>4</sup> Model Penal Code (1962).

<sup>5</sup> Model Sentencing Act (Advisory Council of Judges of the National Council on Crime and Delinquency 1963).

<sup>6</sup> A.B.A. Minimum Standards of Criminal Justice, Standards Relating to Sentencing Alternatives and Procedures (1968) (updated 1979).

<sup>7</sup> Nat'l Comm'n on Reform of Federal Criminal Laws, Final Report (1971). Created pursuant to Act of November 8, 1966, Pub. L. No. 89-801, 80 Stat. 1516, upon the recommendation of President Lyndon B. Johnson. The 12-member Commission was chaired by Edmund G. Brown, Sr., Governor of

At the federal level, it was the work of the Brown Commission that provided particular impetus for continuing Congressional consideration of proposals to revise the federal criminal laws and sentencing provisions. Among the principal sentencing reform recommendations of the Brown Commission were a standard classification and grading of offenses, a concise listing of the authorized sentences, limits on the cumulation of punishments for multiple offenses, a parole component following longer periods of imprisonment, and limited appellate review of sentences.<sup>8</sup>

In the Congress, the Subcommittee on Criminal Laws and Procedures of the Senate Judiciary Committee, under the chairmanship of Senator John L. McClellan, took the lead in considering the Brown Commission proposals. Hearings began in that subcommittee early in the 92d Congress on February 10, 1971, and continued throughout that Congress.<sup>9</sup> In the following Congress, the subcommittee continued its work, focusing on two specific legislative proposals: S. 1, the "Criminal Justice Codification, Revision and Reform Act of 1973," introduced by Senators John L. McClellan, Sam J. Ervin, and Roman L. Hruska; and S. 1400, the "Criminal Code Reform Act of 1973," introduced by Senators Hruska and McClellan on behalf of the Nixon Administration.<sup>10</sup>

Although different in a number of respects, each of these bills built upon the recommendations of the Brown Commission, both in the overall criminal code recodification and in the proposals for sentencing. Neither proposal included the concepts of sentencing guidelines or a sentencing commission, as these ideas had just begun to surface and would not be put forward as a legislative proposal until the following Congress.<sup>11</sup>

### C. The Notion of Sentencing Guidelines

Some eleven months after publication in January 1971 of the Final Report of the Brown Commission, then U.S. District Judge Marvin E. Frankel<sup>12</sup> delivered a series of lectures at the

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California.

<sup>8</sup> See *Reform of the Federal Criminal Laws: Hearings before the Subcomm. on Criminal Laws and Procedures of the Senate Comm. on the Judiciary*, 92d Cong., 1st Sess., Part I, 104-09 (1971) [hereinafter *Senate Judiciary Criminal Code Hrings.*] (testimony of Louis B. Schwartz, Director, National Commission on Reform of Federal Criminal Laws); Nat'l Comm'n on Reform of Federal Criminal Laws, Final Report 271-318 (1971), reprinted in *Sentence Judiciary Criminal Code Hrings.*, *supra*, Part I at 424-69.

<sup>9</sup> *Senate Judiciary Criminal Code Hrings.*, *supra* note 8, Parts I-IV (1971 & 1972).

<sup>10</sup> *Id.*, Parts V-XI (1973 & 1974).

<sup>11</sup> See S.2699, 94th Cong., 1st Sess. (1975) (initial sentencing guideline bill introduced by Sen. Edward M. Kennedy, Nov. 20, 1975). S. 1, the 94th Congress version of the criminal code recodification considered by the Senate Judiciary Committee, did not authorize a sentencing commission or sentencing guidelines.

<sup>12</sup> U.S. District Judge for the Southern District of New York (since retired).



University of Cincinnati Law School.<sup>13</sup> His critique of sentencing in the federal criminal justice system culminated in a proposal "that there be established a National Commission charged with permanent responsibility for (1) the study of sentencing, corrections, and parole; (2) the formulation of laws and rules to which the results of such study may lead; and (3) the actual enactment of rules subject to congressional veto."<sup>14</sup> Judge Frankel's visionary thinking received considerable attention.<sup>15</sup> Others thought his suggestions an "overreaction" and contended that more thorough training of judges in sentencing matters as well as education of the public about the sentencing function would be sufficient.<sup>16</sup>

Meanwhile, the U.S. Board of Parole (now the United States Parole Commission) had implemented a system of guidelines for federal parole decisionmaking as a pilot project in 1972. The program was expanded to all parole decisions in 1974.<sup>17</sup> This effort represented the first actual use of a guideline system for making decisions as to the effective length of prison terms. The "Parole Commission and Reorganization Act of 1976"<sup>18</sup> codified the requirement of guidelines to structure parole release decisions.

Subsequently, the use of guidelines in the federal parole system led to suggestions that similar guidelines be developed for use by federal trial judges in their sentencing decisions. Also, a number of state parole authorities developed guidelines systems, and several states used their experience with parole guidelines as a springboard for the development of sentencing guidelines.<sup>19</sup>

Another important impetus came from the workshops on federal parole and sentencing organized by a group of professors<sup>20</sup> at Yale Law School, with financial support from the

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<sup>13</sup> Marx Lectures, November 3-5, 1971, published as Frankel, *Lawlessness in Sentencing*, 41 U. Cinn. L. Rev. 1 (1972), reprinted in *Senate Judiciary Criminal Code Hrgs.*, supra note 8, Part IV, at 3923 (1972).

<sup>14</sup> *Id.*, *Senate Judiciary Criminal Code Hrgs.*, supra note 8, Part IV, at 3973. See also M. Frankel, *Criminal Sentences: Law Without Order* 118 (1973).

<sup>15</sup> Sen. Edward M. Kennedy has called Judge Frankel "the father of sentencing reform." See 128 Cong. Rec. S12,784 (daily ed. Sept. 30, 1982).

<sup>16</sup> See, e.g., Mattina, *Sentencing: A Judge's Inherent Responsibility*, 57 *Judicature* 96 (Oct. 1973), reprinted in *Senate Judiciary Criminal Code Hrgs.*, supra note 8, Part XI, at 8089 (1974).

<sup>17</sup> See 38 Fed. Reg. 31,942 (1973); 39 Fed. Reg. 20,028 (1974).

<sup>18</sup> Pub. L. No. 94-233, 90 Stat. 219 (May 14, 1976).

<sup>19</sup> See *Revision of the Federal Criminal Code: Hrgs. Before the Subcommittee on Criminal Justice of the House Comm. on the Judiciary*, 96th Cong., 1st Sess., Part I, at 559-77 (1979) (written statements of Don M. Gottfriedson, Dean, Rutgers Univ. Grad. School of Crim. Justice). See also H.R. Rep. No. 1017, 98th Cong., 2d Sess. 93 (1984).

<sup>20</sup> Pierce O'Donnell, graduate fellow and clinical supervising attorney; Michael J. Churgin, clinical teaching fellow and supervising attorney; and Dennis E. Curtis, lecturer and director of clinical studies.

Guggenheim Foundation. This series of workshops led to a publication<sup>21</sup> that advocated a number of sentencing reforms, including the creation of a sentencing commission to promulgate sentencing guidelines, a mandatory statement of reasons for sentencing decisions, appellate review of sentences, and the abolition of parole. These efforts also spawned the introduction of legislation<sup>22</sup> by Senator Kennedy that proposed the creation of a United States Commission on Sentencing to promulgate sentencing guidelines.

#### **D. Sentencing Guidelines as Part of Criminal Code Revision**

In the 95th Congress, Senators McClellan and Kennedy sponsored S. 1437, the Senate's third legislative effort to codify, revise, and reform the federal criminal laws. For the first time, the sentencing reform provisions in the comprehensive bill included the establishment of a sentencing commission for the purpose of drafting sentencing guidelines.<sup>23</sup> The sentencing provisions in S. 1437 had also been introduced separately in the 95th Congress by Senator Kennedy as S. 181. An alternative proposal for sentencing guidelines based on the Andrew von Hirsch model,<sup>24</sup> that considered only the seriousness of the offense (without regard to an offender's prior record or other characteristics) was sponsored by Senators Gary Hart and Jacob Javits.<sup>25</sup> A third proposal<sup>26</sup> by Senator Lloyd Bentsen incorporated sentencing guidelines into the text of the bill.

An amended S. 1437 containing sentencing reform provisions, including the authorization of a sentencing commission to promulgate guidelines, passed the Senate on January 30, 1978, by a vote of 72 to 15.<sup>27</sup>

The Subcommittee on Criminal Justice of the House Judiciary Committee conducted extensive hearings on the McClellan-Kennedy recodification bill<sup>28</sup> and on an alternative proposal introduced

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<sup>21</sup> P. O'Donnell, M. Churgin, and D. Curtis, *Toward a Just and Effective Sentencing System* (1977).

<sup>22</sup> S. 2699, *supra* note 11.

<sup>23</sup> S. 1437, 95th Cong., 1st Sess., § 124 (1977).

<sup>24</sup> *See* von Hirsch, *Doing Justice: The Choice of Punishments* (1976); *see also Senate Judiciary Criminal Code Hmgs.*, *supra* note 8, Part XIII, at 8977 (1977) (testimony and written statement of Andrew von Hirsch).

<sup>25</sup> S. 204, 95th Cong., 1st Sess. (1977) (Federal Sentencing Standards Act of 1977).

<sup>26</sup> S. 979, 95th Cong., 1st Sess. (1977) (Fair and Certain Punishment Act of 1977).

<sup>27</sup> 124 Cong. Rec. 1463 (1978).

<sup>28</sup> *See Legislation to Revise and Recodify Federal Criminal Laws: Hearings on H.R. 6869 Before the Subcomm. on Crim. Justice of the House Comm. on the Judiciary*, Parts 1-3, 95th Cong., 1st and 2d Sess. (1977 & 1978). H.R. 6869, introduced by Representative Rodino, was the House companion to S. 1437.

by Congressman Cohen.<sup>29</sup> However, the subcommittee reported a number of problems with the Senate's comprehensive approach and took no further action on the bill.<sup>30</sup>

In the following Congress, Senator Kennedy, for himself and Senators Thurmond, Hatch, DeConcini and Simpson, introduced the fourth Senate version of Criminal Code Reform, S. 1722, the "Criminal Code Reform Act of 1979." The sentencing provisions of S. 1722 were not substantially different from its predecessor, S. 1437, except that the concept of parole following imprisonment was abandoned and replaced with the new concept of supervised release, to be included in certain sentences of imprisonment.<sup>31</sup> S. 1722 also made minor changes in the constitution of the Sentencing Commission and expanded its responsibilities.<sup>32</sup>

In the House, the Criminal Justice Subcommittee took a more narrow approach to criminal code reform, but made sentencing a major focus of its work.<sup>33</sup> After considerable efforts,<sup>34</sup> the subcommittee reported legislation to the full House Judiciary Committee, which later approved a bill for consideration by the House.<sup>35</sup> The bill approved by the House Judiciary Committee differed significantly from the Senate approach in a number of respects. It retained parole, for example, while emphasizing sentencing procedures and authorizing greater flexibility to depart from the guidelines. In addition, the House version proposed promulgation of the guidelines by a seven-member, Judicial Conference Committee on Sentencing that would serve part-time.<sup>36</sup>

Although both the Senate and the House Judiciary Committees reported criminal code reform bills in the 96th Congress, neither chamber acted on its version of the legislation before the Congress ended. The 97th Congress saw the Senate Judiciary Committee again report a comprehensive criminal code revision bill,<sup>37</sup> but no Senate action occurred on the proposal. The

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<sup>29</sup> H.R. 2311, 95th Cong., 1st Sess. (1977).

<sup>30</sup> See H.R. Rep. No. 1017, *supra* note 19, at 33.

<sup>31</sup> See proposed 18 U.S.C. § 2303 in S. 1722 as reported from the Senate Judiciary Comm., 96th Cong., 1st Sess. (1980).

<sup>32</sup> *Id.*, § 125 of S. 1722, as reported.

<sup>33</sup> H.R. Rep. No. 1017, *supra* note 19, at 33.

<sup>34</sup> The Criminal Justice Subcommittee produced a draft bill after 50 meetings. Following 10 days of hearings and another 69 meetings, the subcommittee reported H.R. 6233, 96th Cong., 2d Sess. (1980) to the full committee. See H.R. Rep. No. 1017, *supra* note 19, at 33-34. See also *Revision of the Federal Criminal Code: Hearings before the Subcomm. on Criminal Justice of the House Comm. on the Judiciary*, 96th Cong., 1st Sess. (1979).

<sup>35</sup> H.R. 6233, 96th Cong., 2d Sess. (1980) was reported from the Subcommittee to full Committee on January 7, 1980. The full Committee reported a bill to the House on July 2, 1980, as H.R. 6915, 96th Cong., 2d Sess. (1980). See H.R. Rep. No 1017, *supra* note 19, at 34.

<sup>36</sup> Compare Subtitle III of H.R. 6915 with Part III and § 125 of S. 1722.

<sup>37</sup> S. 1630, 97th Cong., 1st Sess. (1981).

House Criminal Justice Subcommittee focused on several different versions of criminal code revision and approved bills late in the Congress, but there was insufficient time for full Committee action.<sup>38</sup>

#### E. Sentencing Reform Becomes Law

During the second session of the 97th Congress, emphasis in the Senate shifted from recodification of the federal criminal laws to a press for the enactment of various "crime control" measures. On May 26, 1982, Senators Strom Thurmond, Joseph R. Biden, Jr., and more than 60 other senators joined in introducing S. 2572, the "Violent Crime and Drug Enforcement Improvements Act of 1982,"<sup>39</sup> and the Senate, by vote of 95 to 1, passed the bill on September 30, 1982, as an amendment to H.R. 3963.<sup>40</sup> Title IV of the legislation included substantially the same sentencing reform provisions previously included in the criminal code reform bill.<sup>41</sup> The House, however, refused to accept the sentencing proposals passed by the Senate. As a result, the final version of the 95th Congress crime control bill sent to the President and pocket vetoed by him<sup>42</sup> did not include the sentencing reform provisions.

Sentencing reform finally became law in the 98th Congress as part of the second generation of comprehensive crime control legislation. On March 16, 1983, Senators Strom Thurmond and Paul Laxalt introduced S. 829, the Administration's version of comprehensive crime control legislation that contained sentencing reform as Title II.<sup>43</sup> After hearings, the Senate Judiciary Committee broke S. 829 into a number of separate legislative proposals which were then reported to the Senate. Among these reported bills was S. 1762, the "Comprehensive Crime Control Act of 1983," which, like S. 829, contained a major section (Title II) entitled "Sentencing Reform."<sup>44</sup> Also reported to the Senate was S. 668, a bill by Senator Kennedy virtually identical to Title II of S.

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<sup>38</sup> See H.R. Rep. No. 1017, *supra* note 19, at 34.

<sup>39</sup> 128 Cong. Rec. 11,817 (statement of Sen. Thurmond) (1982).

<sup>40</sup> 128 Cong. Rec. S12,859 (daily ed. Sept. 30, 1982).

<sup>41</sup> Compare Title IV of S. 2572 as passed by the Senate (128 Cong. Rec. S12,867-80 [daily ed. Sept. 30, 1982]) with Part III of S. 1630, *supra* note 37.

<sup>42</sup> H.R. 3963, 97th Cong., 2d Sess. (1982), was presented to the President January 3, 1983, and failed to gain his signature after the 97th Congress had adjourned *sine die*. The President's opposition was based in large part on the bill's authorization of a "drug czar." See Memorandum of Disapproval of H.R. 3963, 19 Weekly Comp. Pres. Doc. 47 (Jan. 14, 1983).

<sup>43</sup> 129 Cong. Rec. S3076 (daily ed. Mar. 16, 1983).

<sup>44</sup> 129 Cong. Rec. S11,679 (daily ed. Aug. 4, 1983) (statement of Sen. Thurmond). Other "components" of S. 829 simultaneously reported to the Senate with S. 1762 were S. 1763, pertaining to *habeas corpus* reform; S. 1764, limiting application of the exclusionary rule; and S. 1765, pertaining to capital punishment procedures.

1762.<sup>45</sup> The Senate adopted and forwarded to the House both of these measures on February 2, 1984.<sup>46</sup>

After hearings in the House Judiciary Subcommittee on Criminal Justice, that subcommittee and the full Judiciary Committee reported sentencing legislation to the House.<sup>47</sup> The House did not consider the sentencing bill, however, because it was presented with a motion by Congressman Dan Lungren (in relation to H.J. Res. 648, the continuing appropriations resolution for fiscal year 1985) which effectively required that the House vote on the comprehensive crime bill passed by the Senate earlier that year as a package. That motion carried by vote of 243 to 166.<sup>48</sup> The Senate made various amendments in the crime control act provisions in the continuing appropriations bill on October 4, 1984,<sup>49</sup> and the legislation was signed into law by President Reagan eight days later.<sup>50</sup>

#### F. Major Legislative Purposes of Sentencing Reform Legislation

While the legislative history reveals markedly different views between the two legislative bodies toward the necessity, purposes, and content of sentencing reform legislation,<sup>51</sup> there was a substantial commonality of purpose and approach. The principal authors of the Senate legislation that became law and the principal advocates of alternative House legislation both stressed the need for legislative policy guidance to the judiciary relating to the purposes to be achieved in sentencing, the alternative types of authorized sentences, and other relevant factors.<sup>52</sup>

Some advocates of sentencing guidelines saw as their main objective the elimination of undue leniency in sentencing; others were concerned about undue severity and an excessive reliance on

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<sup>45</sup> 129 Cong. Rec. S11,709 (daily ed. Aug. 4, 1983) (statement of Sen. Kennedy).

<sup>46</sup> 130 Cong. Rec. S741-834 (daily ed. Feb. 2, 1984). S. 1762 was approved by vote of 91 to 1 (Roll call vote No. 6, at S759); S. 668 by vote of 85 to 3 (Roll call vote No. 7, at S818).

<sup>47</sup> H.R. 6012, 98th Cong., 2d Sess. (1984) (reported from the House Comm. on the Judiciary, Sept. 13); H.R. Rep. No. 1017, *supra* note 19.

<sup>48</sup> 130 Cong. Rec. H10,077-129 (daily ed. Sept. 25, 1984).

<sup>49</sup> 130 Cong. Rec. S13,062-91 (daily ed. Oct. 4, 1984).

<sup>50</sup> Pub. L. No. 98-473, 98 Stat. 1837 (1984).

<sup>51</sup> Cf. various Senate and House Judiciary Comm. Hearings Reports, referenced *supra*, notes 8, 19 & 28. Also compare S. Rep. No. 225, 98th Cong., 1st Sess. (1983) with H.R. Rep. No. 1017, *supra* note 19.

<sup>52</sup> See generally statements of Sens. Thurmond, Biden, Kennedy, and Laxalt in record of Senate debate on S. 2572, 128 Cong. Rec. S12746-859 (daily ed. Sept. 30, 1982); record of Senate debate on S. 1762, 129 Cong. Rec. S11,679-712 (daily ed. Aug. 4, 1983), 130 Cong. Rec. S329-834 (daily ed. Jan. 27, 30, 31, Feb. 1, 2, 1984), 130 Cong. Rec. S13,062 (daily ed. Oct. 4, 1984). See also 129 Cong. Rec. E5898 (daily ed. Nov. 18, 1983) (statement of Rep. Rodino), 130 Cong. Rec. E430 (daily ed. Feb. 9, 1984) (statement of Rep. Conyers); Conyers, *Unresolved Issues in the Federal Sentencing Reform Act*, 32 Fed. B. News and J. 68 (1985). Note, however, that Mr. Conyers did not necessarily agree with the need for a sentencing commission to promulgate sentencing guidelines.

imprisonment. The overriding, more broad-based concern with the existing system, however, was directed at the apparent unwarranted disparity and inequality of treatment in sentencing of similar defendants who had committed similar crimes.<sup>53</sup> That unifying theme, more than any other, endured throughout the long period of academic and legislative debate and brought together strong advocates of divergent political philosophies. The result was the creation of the United States Sentencing Commission and its subsequent promulgation of sentencing guidelines.

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<sup>53</sup> A number of studies have documented the existence and extent of sentencing disparity. See, e.g., Fed. Jud. Center, *The Second Circuit Sentencing Study: A Report to the Judges of the Second Circuit* (1974) (prepared by A. Partridge & W. Eldridge); Nagel & Hagan, *The Sentencing of White-Collar Crime in Federal Courts: A Socio-legal Exploration of Disparity*, 80 Mich. L. Rev. 1427 (1982); Mann, Sarat & Wheeler, *Sentencing the White-Collar Offender*, 17 Am. Crim. L. Rev. 479 (1980); Wheeler, Weisburd & Bode, *Sentencing the White-Collar Offender: Rhetoric and Reality*, 47 Am. Soc. Rev. 641 (1982); Diamond & Zeisel, *Sentencing Councils: A Study of Sentence Disparity and its Reduction*, 43 U.Chi. L. Rev. 109 (1975); Clancy et al., *Sentence Decisionmaking: The Logic of Sentence Decisions and the Extent and Sources of Sentence Disparity*, 72 J. Crim. L. & Criminology 524 (1981); Seymour, *1972 Sentencing Study For the Southern District of New York*, 45 N.Y. St. B.J. 163 (1975). See also discussion and citations in H.R. Rep. No. 1017, *supra* note 19, at 31-2, 35, 93; S. Rep. No. 225, *supra* note 51, at 41-50, 52.

## CHAPTER TWO - COMMISSION PROCEDURE

The Commission decided early in its deliberations that the only way to develop practical sentencing guidelines was through an open process that involved as many interested individuals and groups as possible. By tapping the expertise and experience of those who work in the system, the Commission ensured that its guidelines would be grounded in reason and practicality.

**Advisory and Working Groups.** One of the Commission's first actions was to establish advisory and working groups with whom the Commission could consult on a regular basis as it considered sentencing issues and drafted guidelines. The groups included federal judges, United States Attorneys, Federal Public Defenders, state district attorneys, federal probation officers, private defense attorneys, academics, and researchers. In addition to receiving written comments and critiques from the members of these groups, the Commission, over a six-month period in 1986, invited representatives of each group (including three groups of federal judges) to participate in intensive working sessions with Commissioners and staff. During these sessions early approaches to guidelines were examined and many of the important issues facing the Commission were discussed.

**Meetings.** The Commission's business meetings are open to the public. Although most of the work involved in drafting the guidelines necessarily was accomplished in informal working groups of staff and Commissioners, the Commission has used its meetings to set an overall agenda and direction for the development of the guidelines, as well as to discuss, revise, and vote on working drafts and policy issues as they have been presented to the Commission.

Commission meetings also have included informational briefings and discussions with a wide variety of resource groups, including the Education and Probation Committees of the United States Judicial Conference, the General Accounting Office, the Bureau of Prisons, the National Institute for Sentencing Alternatives, the Community Corrections Division of the National Institute of Corrections, defense attorneys, criminal justice scholars, and various government agencies having law enforcement responsibilities.

**Commission Research.** The Commission has established a research program to assist in the development, implementation, monitoring, and evaluation of the guidelines. The research staff has collected and will continue to collect sentencing data, including detailed information on past sentencing and correctional practices and the post-conviction activities of probationers and parolees. Based on summary reports of 40,000 federal convictions and a sub-sample of 10,000 augmented presentence reports, the research staff has estimated current sentencing practices. These data are being used for several purposes: to describe specific characteristics of offenses and offenders who are convicted in federal court; to test the application of the guidelines to actual cases; to predict the impact of the guidelines on federal prison population and other components of the federal criminal justice system; and to monitor the use of the guidelines by the federal courts.

**Liaison with Other Federal Agencies.** The Commission solicited information from a variety of federal agencies concerning sentencing issues and the specific nature and number of offenses occurring within their areas of responsibility. Information was provided by numerous divisions of the Department of Justice, Bureau of Prisons, the Departments of Treasury, Defense, Education, Health and Human Services, Interior, and Labor, the Federal Deposit Insurance Corporation, the Postal Service, and the Securities and Exchange Commission. Representatives of many of these agencies met formally and informally with Commissioners and staff to discuss key sentencing policy issues.

**Related Activities.** Commissioners and staff visited four federal prisons of various classifications to examine the current facilities and operations of the Federal Bureau of Prisons. In addition, Commission staff visited a number of states that utilize a variety of sentencing options other than imprisonment, including intensive probation supervision programs, house arrest, electronic monitoring, and community residential facilities. Specifically, staff met with officials of the New Jersey Intensive Supervised Probation Program; the Massachusetts Intensive Probation Program; the Quincy, Massachusetts, District Court; the San Mateo County, California, Adult Probation Office; the Texas Adult Probation Commission; and the Georgia Department of Offender Rehabilitation. Additionally, Commission staff met with officials of the Massachusetts Commission on Correctional Alternatives and officials of the intensive supervision program formerly operated by the state of Washington.

Staff also studied the fine collection and community service programs of a number of state probation departments. In its efforts to establish reasonable and collectable fines and to determine an offender's likelihood and ability to pay fines, Commission staff met with officials of several banking and financial institutions, including the Fair-Isaac Companies and the Bank of America in California, and the Credit Bureau, Inc., in Atlanta, Georgia. Commission staff also met with the Vera Institute of Justice in New York City to discuss its community service programs.

During the summer of 1986, Commission representatives met with hundreds of United States Probation Officers at ten regional seminars and district-wide staff meetings. Through these meetings, the Commission received relevant data and suggestions from officers in the majority of federal judicial districts. These contacts with probation officers occurred immediately after the Commission was organized.

Since the Commission's inception, the Chairman, Commissioners, Executive Director and senior staff members have given numerous speeches and presentations concerning sentencing guidelines at conferences, conventions, and workshops across the nation.

**Topical Hearings.** In order to benefit from a wide range of experience and informed views, the Commission solicited written comment from hundreds of criminal justice practitioners, interest groups, and interested individuals and organizations in conjunction with a series of five public hearings in Washington, D.C. The topics and dates of these public hearings were: Offense Seriousness (April 15, 1986); Offender Characteristics: Prior Record (May 22, 1986); Organizational Sanctions (June 10, 1986); Sentencing Options (July 15, 1986); and Plea Negotiations (September 23, 1986).

The Commission also held a public hearing on February 17, 1987, to examine its responsibility concerning the drafting of guidelines for federal capital offenses. Subsequent to the hearing and receipt of extensive written comment, the Commission voted 4 to 3 not to include guidelines for capital offenses in the Commission's initial submission to Congress.

In connection with these six hearings, the Commission received oral testimony from 74 witnesses and written comments from more than 550 respondents. Those contributing to the hearing process included government officials representing all facets of the criminal justice system at the federal, state, and local levels, private attorneys, inmates, victim advocates, interest and advocacy groups espousing a range of philosophies, and other specialists in sentencing issues. These public hearings and written comments significantly contributed to the development of the guidelines.

**Preliminary Draft.** The Commission published a preliminary draft of sentencing guidelines in September 1986 to provide a vehicle for public comment and analysis of the issues important in the



development of the guidelines. More than 5,500 copies were distributed to all Article III judges, U.S. Attorneys, Federal Public Defenders, Chief U.S. Probation Officers, defense attorneys, academics, researchers, and hundreds of others on the Commission's mailing lists. The draft achieved its purpose by focusing attention on specific issues that the Commission had to resolve in developing final guidelines for submission to the Congress.

**Public Hearings.** In order to structure and facilitate public comment on guidelines development, the Commission held a series of regional public hearings in the following cities subsequent to publication of its preliminary draft in September 1986:

October 17, 1986	--	Chicago
October 21, 1986	--	New York City
October 29, 1986	--	Atlanta
November 5, 1986	--	Denver
November 18, 1986	--	San Francisco
December 2-3, 1986	--	Washington, D.C.

A list of the witnesses giving testimony at these and the other hearings scheduled by the Commission is included as Appendix A to this volume.

**Revised Draft.** After holding six public hearings across the country, receiving hundreds of written comments and suggestions, and meeting formally and informally with representatives of various criminal justice groups, the Commission published a revised draft of sentencing guidelines in January 1987. This draft was distributed nationwide and subjected to the same intensive analysis as the preliminary draft, with two days of public hearings in Washington, D.C., on March 11-12, 1987, and numerous working sessions with outside groups.

On April 13, 1987, the Commission submitted its guidelines and policy statements for the federal courts to Congress. A series of technical, clarifying, and conforming amendments were subsequently submitted to the Congress on May 1, 1987.

In conjunction with development of the guidelines, the Commission has received 1,020 written comments from individuals and groups. The Commission has also received oral testimony from 213 witnesses at 13 public hearings. The oral and written testimony was reviewed and considered in the Commission's deliberations and drafting of the guidelines promulgated and submitted to Congress.

**Distribution of Initial Set of Guidelines.** The guidelines promulgated by the Commission on April 13, 1987, as amended on May 1, 1987, were published in the May 13, 1987, edition of the Federal Register and mailed to each Member of Congress, Article III Judge, United States Attorney, United States Magistrate, Federal Public Defender, Chief United States Probation Officer and federal probation office. Copies were also sent to individuals and groups on the Commission's mailing lists, including defense attorneys, researchers, victim advocates, and private and professional membership groups. The Commission supplied the Bureau of Prisons with more than 200 copies of the guidelines for inclusion in each federal institution's law library. The guidelines are available for purchase through the Superintendent of Documents at the Government Printing Office.



## CHAPTER THREE - OVERVIEW AND GENERAL APPROACH

This Chapter supplements Chapter One of the Sentencing Guidelines. It describes the approach followed in selecting and determining the offense levels and adjustments in Chapters Two and Three of the Sentencing Guidelines and further explains the reasons underlying that approach.

### A. Level of Detail in the Guidelines

A major goal of the Sentencing Reform Act was to increase uniformity in sentencing by narrowing the wide disparity in sentences that currently are imposed by different federal courts for similar criminal conduct by similar offenders. The increase in uniformity was not, however, to be achieved through sacrificing proportionality. The guidelines must authorize appropriately different sentences for criminal conduct of significantly different severity. *See* 28 U.S.C. § 991(b)(1)(B).

While a very simple system may produce uniformity, it cannot satisfy the requirement of proportionality. To use an extreme example, the Commission ostensibly could have achieved perfect uniformity simply by specifying that every offender was to be sentenced to two years' imprisonment. Doing so, however, plainly would have destroyed proportionality. In addition, such guidelines likely would be ineffective because their unreasonableness would ensure that ways would be found to subvert them. Similarly, having only a few simple, general categories of crimes might make the guidelines uniform and easy to administer, but at the cost of lumping together offenses that are different in important respects. For example, a single category for robbery that lumped together armed and unarmed robberies, robberies with and without injuries, robberies of a few dollars and robberies of millions, would have been far too simplistic to achieve just and effective sentences, especially given the narrowness of the permissible sentencing ranges.

A sentencing system tailored to fit every conceivable case, on the other hand, could become too complex and unworkable. Complexity can seriously compromise the certainty of punishment and its deterrent effect. The larger the number of subcategories, the greater the complexity that is created and the less workable the system. Moreover, the factors that create the subcategories will apply in unforeseen situations and interact in unforeseen ways, thus creating unfairness. Perhaps most importantly, probation officers and courts, in applying a complex system of subcategories, would have to make a host of decisions about whether each of the large number of potentially relevant sentencing factors applied. This added fact-finding would impose a substantial additional burden on judicial resources. Furthermore, as the number and complexity of decisions that are required increases, the risk that different judges will apply the guidelines differently to situations that in fact are similar also increases. As a result the very disparity that the guidelines were designed to eliminate is re-introduced. The Commission experimented with a system involving many, detailed sentencing factors, and found it unworkable.

Even if a system that attempted to include and quantify every potentially relevant sentencing factor were administratively feasible, devising such a system probably would not be. The list of potentially relevant sentencing factors is long; the fact that they can occur in multiple combinations means that the list of possible permutations of factors is virtually endless. Even in a sentencing system based purely on perceived seriousness or "just deserts", the appropriate relationships among these different factors are exceedingly difficult to establish, for they are often context specific. Weapon use or possession, for example, clearly is more significant when the crime is one that involves a risk or threat of injury to a person (*e.g.*, robbery), than when the crime is one that has no such element (*e.g.*, damaging property or hunting endangered wildlife). The same is true even when the factor represents a specific loss or harm. With good reason, sentencing

courts do not treat the occurrence of a minor injury identically in all cases, irrespective of whether that injury occurred in the context of a bank robbery or in the context of a breach of peace. Similarly, the destruction of \$100 worth of property when the crime is vandalism is more significant in affecting the sentence than when the crime is rape. The risk that any given harm will occur differs depending on the underlying offense with which it is connected (and therefore may already be counted, to a different degree, in the punishment for the underlying offense). In addition, the relationship between punishment and multiple harms is not simply additive, but varies depending on how much other harm has occurred.<sup>54</sup> The introduction of crime-control considerations makes the proper interrelationship among sentencing factors even more complex.<sup>55</sup> The Commission's early efforts, which were directed at devising such a comprehensive guideline system, encountered serious and seemingly insurmountable problems. The guidelines were extremely complex, their application was highly uncertain, and the resulting sentences often were illogical.

Given the impracticality and inefficacy of attempting to include in the guidelines each and every distinction that might appear relevant and significant in sentencing, it is tempting to retreat to the simple, broad-category approach that is utilized by some states. State guideline systems which use relatively few, simple categories and narrow imprisonment ranges, however, are ill suited to the breadth and diversity of federal crimes. Indeed, the bulk of serious federal crimes might well be treated as departures from the guidelines in such systems.<sup>56</sup> In order to permit the court to impose properly proportional sentences within the guidelines, a simple, broad-category approach would require broader guideline ranges than the 6-month or 25% width that the Sentencing Reform Act allows. The Commission also considered, but ultimately rejected, employing specific factors with flexible adjustment ranges (e.g., 1 to 6 levels depending on the degree of damage or injury). Because of the broad discretion that it entails, such an approach would have risked correspondingly broad disparity in sentencing; different courts would have exercised their discretionary powers in significantly different ways. Either of these approaches would have risked a return to the wide disparity that Congress established the Commission to limit.

In the end, there is no completely satisfying solution to this dilemma. Any system selected will, to a degree, enjoy the benefits and suffer from the drawbacks of each approach. Indeed, in

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<sup>54</sup> Thus, research has shown that the perceived seriousness of an offense cannot be derived by adding the seriousness of its component "harms"; two or three offenses generally are not twice or three times as serious as a single offense; and the seriousness rankings do not necessarily correspond with imprisonment rankings. See, e.g., Blumstein & Cohen, *Sentencing of Convicted Offenders: An Analysis of the Public View*, 14 *Law & Soc'y Rev.* 223, 236-37 (1980); Gottfredson, Young & Lawler, *Additivity and Interactions in Offense Seriousness Scales*, 17 *J. Res. Crime & Delinq.* 26 (1980); Wagner & Pease, *On Adding Up Scores of Offense Seriousness*, 18 *Brit. J. Criminology* 175 (1978).

<sup>55</sup> Incapacitation, for example, calls for incarcerating offenders primarily on the basis of predictions of the likelihood that they will commit future crimes. To the extent that a sentencing system seeks to protect the public from future crimes by the defendant, the sentences that would result purely from harm rankings likely would be inappropriate; the likelihood that the defendant would commit future crimes would be paramount. Similarly, some crimes that are less harmful than others may require greater sentences to provide adequate deterrence; the appropriate sentence is heavily context-dependent.

<sup>56</sup> The Minnesota and Washington guidelines, for example, recommend departure for "major economic offenses" and "major controlled substance offenses." Both terms are broadly defined and could well encompass the majority of federally-prosecuted fraud and drug offenses.

permitting sentencing ranges, instead of requiring precise sentences for every situation, Congress apparently recognized that total specificity with precise sentences is an impractical objective, and that compromise is a practical necessity. The Commission has been required to balance the comparative virtues and vices of broad, simple categorization and detailed, complex subcategorization, and devise a system that could most effectively meet the statutory goals.

In striking a balance between the competing concerns, the Commission adopted, at least initially, a system which generally utilizes the maximum 6-month or 25% range permitted by the Sentencing Reform Act. The different imprisonment ranges employed by the guidelines are identified by "level" numbers -- from level 1 for the shortest sentence to level 43 for the longest. The offense level numbers correspond to a series of overlapping ranges that increase in width, to the extent permitted by statute, as the offense level increases. The levels overlap in order to limit the significance of small changes in a sentencing factor (e.g., dollar loss), and to limit the importance of disputed sentencing factors. The minimum of any range is at or below the center of the next lower range. Ranges that are two levels apart have at least one point (i.e., imprisonment sentence) in common. The ranges are roughly proportional to permit percentage increases or decreases to be made by adding or subtracting levels. (For example, adding 6 levels roughly doubles the average sentence, while subtracting 6 levels roughly halves it.) The Commission discovered that proportional (percentage) adjustments to sentence length are frequently appropriate; the offense-level system makes it possible to implement them simply.<sup>57</sup>

In keeping with the approach adopted, the guidelines do not incorporate sentencing factors unless they are sufficient to bring about a change in the offense level by making a difference of at least 12% in the sentence. For offenses for which the sentence range is 0 to 6 months or less, few distinctions are made because the guideline range is sufficiently broad for the sentencing judge to take virtually all relevant factors into account. At very high offense levels, it sometimes is unnecessary to make distinctions in the guidelines because the width of the guideline range (e.g., 20 to 25 years) is sufficient to encompass a fairly wide variety of behavior. The manner in which the Commission determined which specific distinctions to incorporate into the guidelines is discussed in Part D, *infra*.

## **B. Philosophical Bases**

A philosophical problem arose when the Commission attempted to reconcile the differing perceptions of the purposes of criminal punishment. Most agree that the ultimate aim of our criminal justice system, and of punishment in particular, is to control crime. Beyond this point, however, the consensus seems to break down, especially regarding the issue of the distribution of punishment in specific cases.

Some argue that appropriate punishment should be determined primarily or exclusively on the basis of the principle of "just deserts." Under this principle, punishment should be scaled to the offender's culpability and the resulting harms. Thus, if a defendant is less blameworthy, he should receive less punishment, regardless of the danger that he may pose to the public and the need to deter others from committing similar crimes. Others argue that punishment should be imposed primarily on the basis of practical "crime control" considerations. Defendants sentenced under this scheme should receive the punishment that most effectively lessens the likelihood of future crime,

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<sup>57</sup> The description of the offense level system given here is accurate for criminal history categories I, II and III, in which most federal offenders fall. For higher criminal history categories, there is less overlap, for reasons explained in Chapter Five, *infra*.

either by deterring others or incapacitating the defendant. The relationship that such sentences bear to those prescribed for other crimes committed by other offenders is of less importance.

Adherents of each of these points of view urged the Commission to choose between them, to accord one primacy over the other. After much reflection, however, the Commission concluded that such a decision would not further the objectives that had been set for it. The relevant literature is vast, the arguments deep, and each point of view has its merits. A clear-cut Commission decision in favor of either of these approaches would have been inconsistent with the Sentencing Reform Act, which refused to accord primacy to any single purpose of sentencing. It also likely would have diminished the chance that the guidelines would find the widespread acceptance they need for effective implementation.

Choosing a single or even a predominant approach was unnecessary because the issue is more symbolic than pragmatic. In practice, the differing philosophies are generally consistent with the same result. Moreover, few theorists actually advocate either a pure just deserts or a pure crime-control approach. Crime-control limited by desert, and desert modified for crime-control considerations, are far more commonly advocated.<sup>58</sup> The Commission saw little practical difference in result between these two hybrid approaches; the debate is to a large extent academic.

The Commission sought guidelines that would do justice for victims and the public, as well as offenders. The guidelines embody aspects of both just desert and crime-control philosophies of sentencing. Sentences imposed may give effect to both considerations. The Commission simply chose not to accord one theory apparent superiority by preferring one label over another. The Commission's decision is consistent with the legislation's rejection of a single, doctrinal approach in favor of one that would attempt to balance all the objectives of sentencing. See 18 U.S.C. § 3553(a)(2); 28 U.S.C. § 991(b)(1); S. Rep. No. 225, 98th Cong., 1st Sess., at 161 (1983).

### C. The Approach Utilized

The Commission sought to resolve the practical problems of developing a coherent sentencing system by taking an empirical approach that starts from existing sentences. It has analyzed and considered detailed data drawn from more than 10,000 presentence investigations, less detailed data on nearly 100,000 federal convictions during a two-year period, distinctions made in substantive criminal statutes, the United States Parole Commission's guidelines and resulting statistics, public commentary, and information from other relevant sources, in order to determine current sentencing practices, including which distinctions are significant in present practice. The data and the manner in which they were analyzed are described in more detail in Chapter Four, *infra*. After examination, the Commission has accepted, modified, or rationalized the more important of these distinctions. This approach, while criticized by some as insufficiently radical, clearly appears to be the one that the legislation contemplated. See 28 U.S.C. § 994(m); S. Rep. No. 225, 98th Cong., 1st Sess., at 177-78 (1983). See also H. Rep. No. 1017, 98th Cong., 2nd Sess., at 100 (1984).

This approach provided a concrete starting point and identified a list of relevant distinctions that, although of considerable length, is still short enough to create a manageable set of guidelines.

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<sup>58</sup> See, e.g., A. von Hirsch, Past or Future Crimes 160-74 (1985); Monahan, *The Case for Prediction in the Modified Desert Model of Criminal Sentencing*, 5 Int'l J. of L. & Psych. 103 (1982); N. Morris, *Punishment, Desert and Rehabilitation*, in H. Gross & A. von Hirsch, *Sentencing* 257 (1981); J. Coffee, *The Repressed Issues of Sentencing: Accountability, Predictability, and Equality in the Era of the Sentencing Commission*, 66 Geo. L.J. 975, 1056-1103 (1978); H.L.A. Hart, *Punishment & Responsibility* (1968).

The categories that are discerned from the analysis are relatively broad and omit distinctions that some may believe important, yet they include most of the major distinctions that statutes and data suggest tend to make a significant difference in sentencing decisions. Important distinctions that are ignored in existing practice probably occur rarely. A sentencing judge may deal with such an unusual case by departing from the guidelines. Again, this appears to be what was contemplated by the drafters of the legislation. See S. Rep. No. 225, 98th Cong., 1st Sess., at 166, 168 (1983).

The Commission's practical approach also helped resolve its philosophical dilemma. Those who adhere to a just deserts philosophy may concede that the lack of moral consensus might make it difficult to say exactly what punishment is deserved for a particular crime, specified in minute detail. Likewise, those who subscribe to a philosophy of crime control may acknowledge that the lack of sufficient, readily available data might make it difficult to say exactly what punishment will best prevent that crime. Both groups might therefore recognize the wisdom of looking to those distinctions that judges and legislators have in fact made over the course of time. These established distinctions are ones that the community believes, or has found over time, to be important from either a moral or a crime-control perspective.

The Commission's largely pragmatic approach does not imply that philosophical issues were ignored. Rather, the Commission attempted to reach results that were consistent with the differing philosophies. Thus, the Commission reviewed the guidelines' relative ranking of offenses to ensure that they were reasonably consistent with a desert philosophy. At the same time, specific sentences generally were viewed as acceptable from a crime-control perspective. The emphasis on increased certainty of punishment primarily serves the crime-control goal of deterrence, but also is consistent with most persons' view of desert, since it provides greater consistency. While the criminal history section is included primarily for crime-control considerations, attention was given to the desert literature in determining what factors to include. Of course, in some instances the Commission did adopt positions that favor one approach over another; but this was done on an issue-by-issue basis, considering the merits of the respective arguments, rather than by assuming that either approach was entitled to a presumption in its favor.

The guidelines will not please those who wish the Commission to adopt a single philosophical theory and then work deductively to establish a simple and perfect set of categorizations and distinctions. The guidelines do, however, represent an amalgam of views, and provide for sentences that are reasonably consistent with most of those views. The guidelines represent a practical effort toward achieving a more honest, uniform, equitable, and therefore effective, sentencing system.

#### **D. The Use Made of Current Practice Analyses**

The Commission did not simply copy estimates of average current sentences as revealed through analysis of the data. Rather, it used the results of analyses of current practice as a guide, departing at different points for various important reasons. The guidelines represent an approach that begins with and builds upon empirical data, but does not slavishly adhere to current sentencing practices.

Before describing how the Commission used the data, it is important to emphasize that guidelines that are based upon average current practice will not duplicate current practice, and are not intended to do so. By constraining sentences within a fairly narrow range centered about average current practice, such guidelines limit the otherwise broad range of sentences that may be (and currently are) imposed. That is precisely their goal. As a result, there are fewer very lenient sentences (*e.g.*, straight probation), just as there are fewer very harsh ones. Punishment is distributed more evenly.

Although the results of detailed statistical analyses usually provided the starting point for the guidelines that were adopted, in some instances these analyses were of little value in explaining or rationalizing current sentences.<sup>59</sup> Firearms violations provide a notable example. Here, the Commission reviewed a selection of presentence investigation reports and consulted with practitioners and probation officers, synthesizing a coherent rationale that generally explains and is reasonably consistent with current sentencing practice. Similarly, a review of civil rights cases led the Commission to conclude that the guidelines for such offenses primarily should be tied to those for the underlying crimes, with an increase to reflect the civil rights violation as an aggravating factor.

For some offenses, such as those involving national defense, prosecutions are infrequent. Consequently, the Commission drafted guidelines based upon the statutes and anecdotal evidence regarding the nature of the cases actually prosecuted. The parole guidelines, and analyses of the less detailed but broad data bases, were especially valuable references for offenses that were prosecuted infrequently.

Sometimes the Commission's review of the empirical results showed that distinguishing factors that appeared in actual practice were questionable. For example, research showed that the average sentences for robbery of an individual were considerably lower than those for the much more common (in the federal system) offense of bank robbery, even adjusting for other relevant factors. Because it did not find a persuasive rationale for this, the Commission made little distinction between the offenses.

In the property area, the empirical results showed that similar factors (primarily loss and sophistication) were the most important determinants of the sentences. However, the specific results for each crime, when compared with one another, showed considerable variation. The sentences for "white-collar" crimes, such as embezzlement, fraud and tax evasion, were considerably lower than those for the substantially equivalent crime of larceny. In light of the legislative history supporting higher sentences for white-collar crime (S. Rep. No. 225, 98th Cong., 1st Sess., 177 (1983)), the Commission made a policy decision to adopt a guideline structure under which all of these crimes are treated essentially identically. Average sentences for larceny were lowered slightly, while those for white-collar crimes were raised to the same level.

Recent legislative direction was an important consideration and, if particularly clear, essentially superseded the current-practice analyses. Thus, the sentences for drug offenses, which reflect the recent passage of the Anti-Drug Abuse Act, are much higher than in current practice.<sup>60</sup> The same is true of money laundering offenses. Guidelines for criminal sexual conduct (rape) were based upon the new legislation, but with reference to current practice analysis to assign values to the aggravating factors.

In addition to white-collar and drug crimes, expressed legislative intent was important in violent crimes. See S. Rep. No. 225, 98th Cong., 1st Sess., 177-78 (1983). The Commission was

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<sup>59</sup> In some instances, not all relevant data items had been requested and coded. In others, there simply were not enough data to yield statistically significant results.

<sup>60</sup> The guidelines for drug offenses do, however, draw upon current practice to some extent. Weapon involvement, for example, is a factor that currently is significant in actual practice. It is incorporated into the guidelines despite its absence from the statute. Its incorporation also appears consistent with other legislation.



careful to ensure that average sentences for such crimes at least remained at current levels, and it raised them where the Commission was convinced that they were inadequate.<sup>61</sup>

In some instances, the data regarding the significance of certain factors were inconclusive, but persuasive, logical arguments could be made for including them. Thus, the guidelines for extortion offenses incorporate the same factors that are found in the robbery guideline.

Efforts were made to rationalize and systematize adjustments that appeared widely applicable across a variety of crimes. Adjustments for vulnerable victim and role in the offense reflect this process, as do the individual adjustments within many of the offense guidelines.

Patterns that appeared from related crimes, coupled with logical arguments, were used to elaborate on and rationalize the distinctions ascertained from the data. For example, in robbery, the analysis showed an increase for injury, without distinguishing the degree of injury. Extrapolating from the assault guidelines, the Commission adopted robbery guidelines that take the degree of injury into account. Similarly, the adjustment for weapon use or possession depends on the use made of the weapon.

The guidelines for dealing with multiple counts (Chapter 3, Part D) represent an attempt to deal with a complex subject in a uniform, consistent manner. Although a full empirical analysis was not possible, it appeared that time served increased with the number of offenses committed, or the total harm caused, and that the rate of increase declined as the number of offenses or total harm increased. The guidelines follow such a pattern, and are similar in effect to the parole guidelines.

Using the empirical "averages" as a starting point had another significant benefit: it enabled the Commission to be informed of the likely impact of its discretionary decisions, even before a formal prison impact study had been prepared. This made it possible for the Commission to give due consideration to penal resource requirements, as directed by 28 U.S.C. § 994(g), throughout the process of guideline development, and not merely in conjunction with final adoption of the guidelines.

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<sup>61</sup> Sentences for crimes involving actual, rather than merely threatened violence, *e.g.*, murder (§§2A1.1, 2A1.2), aggravated assault (§§2A2.1, 2A2.2), and rape (§2A3.1), were raised substantially.



## CHAPTER FOUR - ANALYSIS OF AND COMPARISON WITH CURRENT PRACTICE

Both the directive to prepare a prison impact statement and the manner in which the Commission drafted the guidelines necessitated collection and analysis of a large volume of data relating to recent sentencing practices. These efforts and their results are described below.

### A. The Data

The Administrative Office of the U.S. Courts provided a computer file of all defendant records in its Federal Probation Sentencing and Supervision Information System (FPSSIS). Hence, the Commission had access to data regarding all felony and serious misdemeanor cases leading to convictions since mid-1983. This basic information included a description of the offense, a characterization of the defendant's background and criminal record, the method of disposition of the case, and the sentence imposed. The data excluded all petty offense cases handled exclusively by magistrates.

FPSSIS, which formed the core of the Commission's current practices data, was incomplete in two ways. First, it omitted several items of information that are relevant to the sentencing decision, both currently and under the guidelines. Second, it lacked estimates of the time actually served by convicted defendants, as opposed to the sentence pronounced by the judge.

To overcome the first problem, the Commission collected a case sample of 11,000 defendants who were convicted in fiscal 1985 (October 1, 1984 through September 30, 1985), developed a data collection form to augment the FPSSIS data, and requested the Probation Division of the Administrative Office to complete the form for the 11,000 cases.

The Probation Division's response was overwhelming. It provided the Commission with 10,500 responses, complete with the corresponding presentence investigation reports. As a result, the Commission has had ready access to quantitative and qualitative information in the form of 10,500 computer records and even more detailed information in the form of 10,500 presentence investigation reports.

To overcome the second problem, the Commission asked the Bureau of Prisons to specify for each of the 10,500 cases one of the following: the length of time the defendant served in prison, the length of time he was scheduled to serve in prison if a parole date had been set, or the length of time he was expected to remain in prison according to rules that the Bureau routinely employs to estimate release dates. The Bureau's careful response to a difficult problem provided the Commission with accurate estimates of time currently served by convicted defendants. When the Bureau could not provide estimates, the Commission relied on computerized Parole Commission records, and when these were unavailable, estimates of time served were based on prevailing release practices.

The FPSSIS file, augmented as described above, satisfied most of the Commission's needs for current sentencing practices data. The FPSSIS data were too recent to provide adequate information about current probation and parole supervision practices. In addition, FPSSIS did not provide adequate information about time served following a parole revocation. The Commission relied on two sources for this information. The first was extant tabulations and statistical analysis of supervision histories. The second was a sample of reports of revocation hearings conducted by the Parole Commission since 1977.

## B. Supporting Analysis and Results

The Commission posed several related questions. How much time on average is served currently by convicted federal defendants? How does this average vary with characteristics of the offense, the background and criminal history of the defendant, and the method of disposition? How much of the variation about these averages cannot be attributed to the crime and the defendant; that is, how disparate is sentencing? What is the rate at which defendants are returned to prison following a parole revocation? How long do defendants remain in prison following a revocation?

The information derived provided a numerical anchor for guideline development. Along with other information at the Commission's disposal, the analysis of current practices<sup>62</sup> suggested factors for consideration as guideline ingredients. It also made it possible to test the significance of other factors proposed for inclusion in the guidelines.

### 1. Analysis and Interpretation

Given the structure adopted, the most important question for guideline development was: "What sentence is typical for defendants who are first-time offenders and are convicted at trial?"<sup>63</sup> Few such defendants exist among the 40,000 defendants convicted during 1985. Consequently, when answering this question, the Commission relied on standard statistical techniques (multivariate maximum likelihood estimation) to infer how such defendants typically would be treated given prevailing sentencing and parole practices.

Given the disagreement that exists among judges about the "rules of sentencing," no statistical model could replicate judicial decision making, nor was doing so an object of the analysis.<sup>64</sup>

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<sup>62</sup> As used throughout, "current practice" refers to sentencing practices during fiscal 1985, as analyzed by the Commission staff.

<sup>63</sup> Estimates of sentences for first-time offenders convicted at trial were used because the guidelines and policy statements contain independent provisions for dealing with criminal history and guilty pleas.

<sup>64</sup> The results are empirically-based estimates. The estimates do not provide a precise picture of current judicial decisions. For one, the Parole Commission, the Bureau of Prisons, and the Judiciary interact to determine how long convicted offenders remain in prison. At best, then, the analysis reveals an amalgam of decision making processes. For another, sentencing philosophies differ among judges. Thus, for example, one judge might be more lenient with drug users whom he considers to have diminished capacity, while a second judge might impose stiff terms on the same offenders to prevent their early recidivism, and a third judge might be unconcerned about drug use. Given these differences, the statistical analysis reveals a composite picture of judicial decisions; it does not represent the decision criteria of any one judge. In addition, sentencing dispositions sometimes may not be attributable to observable traits of the offense or the offender. For these three reasons, the statistical analysis cannot and does not provide a perfect synopsis of judicial decision making.

Although the analysis misses some aspects of judicial decision making, it nevertheless identifies major factors that most judges treat as important for sentencing. Although the Judiciary, the Parole Commission and the Bureau of Prisons interact to set release dates, the Judiciary dominates. The judge has exclusive authority to determine whether a defendant will be sentenced to a term of imprisonment, and within the limits allowed by law, to set the maximum and minimum

However, the statistical analysis provided the Commission with a meaningful synopsis of current sentencing practices, revealing both practices that have strong acceptance and those that have weaker support. This analysis provided valuable material for policy deliberations.

## 2. Presentation of Results--The Levels Table

Standard multivariate statistics were used to draw inferences about the sentences received by first-time defendants convicted at trial. For the Commission's purposes, the results were summarized and presented in a form known as the "Levels Table," which appears as Tables 1(a) and 1(b), *infra*.<sup>65</sup> Table 1(a) is entitled "Estimated Time Served for Baseline Offenses: 1st Time Offenders, Sentenced to Prison, Adjusted for Good Time." Table 1(b) is entitled "Estimated Level Adjustments."

To properly interpret these tables, it is necessary to have a precise understanding of the terms utilized in the tables, which are explained below.

"Baseline offense." Table 1(a) reports sentence levels associated with certain "baseline offenses" prior to adding (or subtracting) levels for aggravating (or mitigating) factors. For example, the generic category "first degree homicide" is a baseline offense. As another example, a "single event robbery between \$500 and \$3,000" is a baseline offense. The classification of baseline offenses identifies offense elements that the analysis showed to be especially salient. However, the classifications are not the only logical ones that could be devised. They do not correspond exactly to the classifications in Chapter Two of the guidelines.

"Sentence level." The guidelines use the term "offense level" to refer to permissible sentencing ranges. For example, when the guidelines assign level 14 to an offense, a first-time offender may be sentenced to 15 to 21 months in prison. As used in Table 1(a), the "sentence level" is the offense level that is closest to the average time currently served by first-time offenders who are sentenced to a term of imprisonment. Thus, a sentence level of 14 means that the average time served is approximately 18 months, before adjustment for good time (as defined below).

"Adjusted for good time." Prison time was increased by dividing by 0.85 good time when the term exceeded 12 months. This adjustment corrected for the good time (resulting in early release) that would be earned under the guidelines. This adjustment made sentences in the Levels Table comparable with those in the guidelines (which refer to sentences prior to the awarding of good time).

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terms. Furthermore, because maximum good-time is fixed by law and awarded routinely, and because the Parole Commission generally follows parole guidelines, the judge can fashion sentences to conform to his intent. While judges disagree about some relevant sentencing factors, they agree generally about principal factors; *e.g.*, injury to a victim, use of a weapon, property loss from the offense, role in the offense, etc. For these factors, the statistical analysis provides estimates of each factor's relative importance for sentencing.

<sup>65</sup> These tables are included here because they present a large volume of information in a concise form. Many other data sources were also utilized. *See Part C, infra*.

"First-time offender." A first-time offender is one who had no prior federal or state-court conviction. Convictions for most petty crimes, some juvenile adjudications, and outdated convictions do not count against an offender. The entries in the Levels Table pertain directly only to first-time offenders, thus conforming in structure to Chapter Two of the guidelines.

"Convicted at trial." The Levels Table assumes that the offender was convicted at trial of the offense that he in fact committed, as determined from the presentence report. This is not necessarily the offense of which he was convicted. Thus, the Levels Table reports the average punishment for which the offender is "at risk" prior to any negotiations that might result in a guilty plea. Such negotiations, which are routine in the federal system, typically result in less prison time being served than is reported in the Levels Table.

"Sentenced to prison" and "estimated % sentenced to prison." Table 1(a) reports the sentence level associated with a crime, given that the defendant is a first-time offender who was convicted at trial and a prison sentence was imposed. For example, conviction for an unsophisticated embezzlement of less than \$1,500 results in a level 8 prison term (an average of about 5 months or a range of 2-8 months) if a prison term is imposed. However, a prison term is currently imposed in only about 24 percent of such cases. Because of this, the average time served by all first-time embezzlers convicted at trial of stealing \$1,500 is actually about 1 month (rather than 2-8 months). The estimated percentage of first-time offenders, convicted at trial, who receive prison terms is reported in the last column of Table 1(a).

"Level adjustments." Table 1(b) reports adjustments, in levels, to the sentence levels in Table 1(a), corresponding to aggravating and/or mitigating factors associated with each baseline offense. For example, the use of a weapon during a robbery results in an increase in the average sentence. Being a peripheral participant decreases the average sentence for fraud cases.

As an illustration of the use of the Levels Table, consider bank robbery. Table 1(a) indicates that a first-time offender who is convicted at trial of stealing \$5,000 from a federally-insured bank can expect to receive a sentence at approximately level 21 (roughly 37 to 46 months) if sentenced to prison. Table 1(b) indicates that, if he was armed, he can expect the sentence to be higher, on average, by 3 to 4 levels. (about 22 additional months). Had he entered a guilty plea, the sentence probably would have been about 3 to 4 levels lower. Because almost all bank robbers are sentenced to prison, the conditional average, *i.e.*, the average time served if sentenced to a term of imprisonment, closely approximates the average time served by convicted bank robbers.

As a second illustration, consider embezzlement from a bank. Table 1(a) indicates that a first-time offender who is convicted at trial of embezzling \$5,000 from a federally insured bank can expect to receive a sentence at about level 9 (4 to 10 months) if sentenced to prison. However, embezzlers who steal this amount receive prison terms in only about 33 percent of the instances. Consequently, the average prison term, considering all first-time embezzlers who are convicted at trial, is closer to 2 to 3 months.

### C. Other Sources

The Sentencing Commission used Tables 1(a) and 1(b) during its final deliberations. Earlier results of similar analyses presented in other forms, were used in drafting some of the guidelines. Presentence investigation reports were reviewed when the picture from the statistical analysis was

unclear. Another useful source was a table provided by the U.S. Parole Commission that reports the average prison time that federal offenders who are sentenced to a term of imprisonment are expected to serve based on the release dates set at their initial parole hearing. A copy of this document appears as Appendix B to this volume. Yet another source was the Parole Guidelines themselves.<sup>66</sup>

#### **D. Comparing Sentences under the Sentencing Guidelines with the Parole Guidelines**

Tables 1(a) and 1(b) provide information that permits a comparison between current sentences and sentences under the guidelines. *See* Part B.2, *supra*. In addition, Appendix B provides average time served and other information about sentence length for those offenders who are sentenced to a term of imprisonment.

The Commission has received inquiries regarding how sentences under the guidelines compare to those provided for in the parole guidelines. In response to these inquiries, a comparison of the offense levels specified in the two guideline systems is published as Appendix C to this volume. Similar information, although not in precisely the same form, was available to and used by the Commission.

Appendix C lists offenses by applicable sentencing guideline, including a maximum of two specific offense (aggravating/mitigating) characteristics. The corresponding offense level under the sentencing guidelines, and the levels closest to the applicable range under the parole guidelines, are also listed. The distinctions and definitions in the sentencing guidelines often do not coincide precisely with those in the parole guidelines. The accompanying notes provide further detail in the most significant cases.

Comparisons must be made with considerable caution. Not only do the distinctions differ at times, but the parole guidelines and the sentencing guidelines perform substantially different functions. The sentencing guidelines constrain the initial sentencing decision, thus limiting the lower as well as the upper limits of the sentencing range. The parole guidelines, on the other hand, serve primarily to limit high-end disparity among those defendants who are sentenced to prison; they do not in any way constrain judicial decisions to sentence below them. In addition, the sentencing guidelines are constructed on an after-trial basis, while the parole guidelines do not distinguish defendants who are convicted at trial from those who plead guilty. Furthermore, the parole guidelines are based upon "real offense" conduct (as determined by the parole hearing examiner), whereas the sentencing guidelines primarily depend upon the offense of conviction and the presence or absence of relevant factors as defined by the guidelines.

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<sup>66</sup> Sources from the Parole Commission have limitations. First, to be eligible for parole, an offender has to receive a prison term in excess of 12 months. Only about 30 percent of all offenders who are convicted of serious crimes in federal district courts qualify. Second, parole practices data roughly distinguish first-time offenders from others, but do not distinguish trial convictions from guilty pleas. Although the Parole Commission ignores the method of disposition when setting release dates, sentencing practices still result in differences in time served for defendants convicted by trial and by guilty plea. Third, tentative release dates change over time in response to the offender's institutional adjustments. While these changes tend to be minor on average, they affect time served statistics. Fourth, offenders who receive lengthy prison terms generally waive their rights to have a parole hearing within 90-120 days, so for long sentences, the Parole Commission statistics are based on the sentences of offenders convicted prior to 1985. For most serious federal crimes, these limitations are minor.

Because the parole guidelines are limiting, average time served is generally lower than the parole guideline range, especially for property offenses (most notably, embezzlement). However, if a sentence that greatly exceeds the parole guidelines is imposed, the defendant may be required to serve longer than the guidelines, because the sentencing judge can require that the defendant serve at least one-third of the sentence imposed. Average time served can therefore exceed the parole guidelines. This is the case, for example, with armed bank robbery.







Estimated Time Served for Baseline Offenses: 1st Time Offenders, Convicted at Trial, Sentenced to Prison, Adjusted for Good Time

Table 1(a) -- Sentence Levels

Baseline Offense	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	Estimated % Sentenced To Prison
Counterfeiting, ongoing										X																					85
Forgery, not ongoing																															55
no financial documents																															35
\$500/less				X																											49
\$500/\$1,000																															57
\$1,000/\$5,000																															65
\$5,000/\$25,000																															74
\$25,000/\$100,000																															90
more																															
Forgery, ongoing																															55
no financial documents																															45
\$500/less																															66
\$500/\$3,000																															77
\$3,000/\$10,000																															84
\$10,000/\$30,000																															88
\$30,000/\$65,000																															91
\$65,000/\$200,000																															94
\$200,000/\$500,000																															96
\$500,000/\$1,000,000																															99
more																															
Robbery, single event																															82
no loss																															74
\$500/less																															85
\$501/\$3,000																															89
\$3,001/\$15,000																															92
\$15,001/\$90,000																															97
\$90,001 +																															
Robbery, multiple events																															88
\$500/less																															92
\$501/\$3,500																															95
\$3,501/\$20,000																															96
\$20,001/\$150,000																															98
\$150,000 +																															
Robbery, ongoing																															92
\$500/less																															94
\$500/\$6,000																															96
\$6,001/\$50,000																															98
\$50,001/\$25,000																															99
\$375,000 +																															

Note: X indicates the estimated sentence level (see text) for the corresponding offense.



Estimated Time Served for Baseline Offenses: 1st Time Offenders, Convicted at Trial, Sentenced to Prison, Adjusted for Good Time

Table 1(a) -- Sentence Levels

Baseline Offense	Sentence Levels																																			Estimated % Sentenced To Prison	
	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35							
Bribery, receipt other						X				X																										50	
\$100/less											X																									78	
\$101/3,000												X																								86	
\$3,001/30,000													X																							91	
\$30,001/2 M														X																						96	
\$2 M +															X																						
Conspiracy/solicitation/ attempted bribery																																				31	
\$1,000/less							X																													66	
\$1,001/10,000								X																												73	
\$10,001/30,000									X																											88	
\$30,001 +										X																											
Payment/Receipt of unauth. compensation																																					12
\$20,000/less						X																														62	
\$20,001 +							X																														
Loan to Bank examiner/etc																																					11
\$500/less						X																														30	
\$501/70,000							X																													69	
\$70,001 +								X																													
Bribery for false testimony																																					32
\$500/less																																				68	
\$501/5,000																																				78	
\$5,001/75,000																																				92	
\$75,001 +																																					

Note: X indicates the estimated sentence level (see text) for the corresponding offense.





Estimated Time Served for Baseline Offenses: 1st Time Offenders, Convicted at Trial, Sentenced to Prison, Adjusted for Good Time

Table 1(a) -- Sentence Levels

Baseline Offense	Sentence Levels																											Estimated % Sentenced To Prison									
	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32		33	34	35						
Income Tax				X																														30			
\$5,000/less					X																													65			
\$5,001/35,000									X																									73			
\$35,001/100,000										X																									78		
\$100,001/400,000											X																								84		
\$400,001/3M												X																							94		
\$3M +													X																								
Conservation/Wildlife (Lacey Act)																																					
\$10,000/less	X																																		28		
\$10,001/25,000		X																																	62		
\$25,001/75,000			X																																	75	
\$75,001/125,000				X																																87	
\$125,001 +					X																															95	
Illegal Immigration																																					
Illegal entry	*																																			2	
Subsequent conviction**		X																																		74	
Reentry**		X																																		74	
Money and Finance																																					
Misdemeanor		X																																			7
Not Ongoing																																					
\$50,000/less																																					
\$50,001/2.5 M										X																											24
\$2.5 +											X																										50
Ongoing												X																									65
\$50,000/less													X																								50
\$50,001/500,000														X																							62
\$500,001/10 M															X																						90
\$10 M +																X																					96

Notes: X indicates the estimated sentence level (see text) for the corresponding offense.

\* Indicates that the estimated sentence level is 5.

\*\* By definition, offenders who were convicted of reentry have prior criminal convictions for immigration violations. Thus, within the context of this table, these defendants are first-time offenders regarding non-immigration law violations only.



Estimated Level Adjustments: 1st Time Offenders, Convicted at Trial, Sentenced to Prison, Adjusted for Good Time.

Table 1(b) -- Change in Sentence Level

	-10	-9	-8	-7	-6	-5	-4	-3	-2	-1	0	1	2	3	4	5	6	7	8	9	10
<b>Leader in Offense</b>																					
Homicide															XXX						
Burglary													XXXXXXXX								
Counterfeiting												XXXXXXXX									
Forgery												XXX									
Heroin												XXX									
Cocaine												XXX									
Marijuana												XXXXXXXX									
Fraud												XXXXXXXX									
Extortion/blackmail												XXX									
Income tax fraud												XXX									
Conservation/wildlife												XXXXXXXX									
Bribery												XXXXXXXX									
Money and finance												XXXXXXXX									
<b>Lesser Role in Offense</b>																					
Theft												XXXXXXXX									
Burglary												XXX									
Forgery												XXXXXXXX									
Robbery												XXX									
Heroin												XXX									
Cocaine												XXX									
Civil Rights												XXX									
Smuggling aliens												XXX									
Fraud												XXX									
Extortion/blackmail												XXXXXXXX									
Income tax fraud												XXX									
Conservation/wildlife												XXX									
Counterfeiting												XXXXXXXX									
Money and finance												XXXXXXXX									

Note: XXX represents the range of sentence levels increased (+) or decreased (-) when a factor is present.

Estimated Level Adjustments: 1st Time Offenders, Convicted at Trial, Sentenced to Prison, Adjusted for Good Time.

Table 1(b) -- Change in Sentence Level

	-10	-9	-8	-7	-6	-5	-4	-3	-2	-1	0	1	2	3	4	5	6	7	8	9	10
Weapon: present or used																					
Theft																					
Burglary																					
Robbery																					
Heroin																					
Cocaine																					
Homicide (did not use)																					
Rape																					
Additional Planning Involved																					
Robbery																					
Embezzlement																					
Fraud																					
Illegal immigration																					
Organized Crime Involved																					
Income tax																					
Cooperation																					
Cocaine																					
Marijuana																					
Fraud																					
Heroin																					
Embezzlement																					
Def. was a drug user																					
Theft																					
Auto Theft																					
Burglary																					
Heroin (sales)																					
Cocaine (sales)																					

Note: XXX represents the range of sentence levels increased (+) or decreased (-) when a factor is present.

Estimated Level Adjustments: 1st Time Offenders, Convicted at Trial, Sentenced to Prison, Adjusted for Good Time.

Table 1(b) -- Change in Sentence Level

	-10	-9	-8	-7	-6	-5	-4	-3	-2	-1	0	1	2	3	4	5	6	7	8	9	10
Hostages taken																					
Robbery																XXX	XXX				
Extortion/blackmail																					
Injury Inflicted by Def.																	XXX				
Robbery																					
Injury Inflicted by Another															XXXXXXXX						
Robbery																					
Nonfed Facility																					
Robbery						XXX															
Postal Embezzlement																					
Embezzlement												XXXXXXXX									
Emb. from Nonbank or																					
Emb. by Bank Officer																					
Embezzlement											XXXXXXXX										
Importation																					
Heroin (trafficking)																	XXX				
Cocaine (trafficking)												XXX									
Single Event																					
Heroin (sales)										XXX											
Government Victim																					
Fraud										XXX											
Breach of Prof. Trust																					
Income tax																XXX					
Convict for blackmail																					
Extort/blackmail																	XXXXXXXX				
Guilty Plea																					
Assault																	XXXXXXXX				
Rape																	XXXXXXXX				
Theft																	XXXXXXXX				
Auto Theft																	XXXXXXXX				
Counterfeiting																	XXXXXXXX				
Forgery																	XXXXXXXX				

Note: XXX represents the range of sentence levels increased (+) or decreased (-) when a factor is present.

Estimated Level Adjustments: 1st Time Offenders, Convicted at Trial, Sentenced to Prison, Adjusted for Good Time.

Table 1(b) -- Change in Sentence Level

	-10	-9	-8	-7	-6	-5	-4	-3	-2	-1	0	1	2	3	4	5	6	7	8	9	10
Guilty Plea (continued)																					
Robbery							XXXXXXX														
Embezzlement							XXX														
Bribery							XXXXXXXXX														
Heroin				XXX																	
Cocaine																					
Marijuana																					
Civil Rights																					
Fraud				XXXXXXX			XXXXXXX														
Perjury							XXXXXXXXX														
Extortion/Blackmail							XXXXXXXXX														
Income tax fraud							XXX														
Conservation/wildlife							XXX														
Money and finance							XXXXXXXXX														
Defendant was unusually cruel													XXX								
Homicide													XXX								
Assault													XXX								
Vulnerable victim																					
Homicide													XXX								
Assault													XXX								
Fraud															XXXXXXXXX						
Injury Planned																					
Assault																					
Extortion/blackmail																	XXX				
Injury to Law Enf. Officer																					
Assault																					
Permanent Injury																					
Kidnapping																					XXXXXXXXX

Note: XXX represents the range of sentence levels increased (+) or decreased (-) when a factor is present.

Estimated Level Adjustments: 1st Time Offenders, Convicted at Trial, Sentenced to Prison, Adjusted for Good Time.

Table 1(b) -- Change in Sentence Level

	-10	-9	-8	-7	-6	-5	-4	-3	-2	-1	0	1	2	3	4	5	6	7	8	9	10
Perjury, about crime*																					
Severity level 4													XXXXXX								
Severity level 5															XXXXXX						
Severity level 6																		XXX			
Severity level 7+																				XXX	
Income Primarily from Crime															XXX						
Theft													XXXXXX								
Auto Theft													XXXXXX								
Burglary													XXXXXX								
Robbery												XXX									
Embezzlement												XXX									
Bribery												XXXXXX									
Heroin												XXX									
Cocaine												XXX									
Marijuana												XXX									
Fraud												XXXXXX									
Income tax fraud												XXX									
Smuggling aliens													XXX								

\* When the defendant perjured himself regarding criminal activity, the level adjustment depends on the seriousness of the criminal activity. In such instances, the "seriousness level" refers to the Parole Commission's grading of the seriousness of the criminal activity.

Note: XXX represents the range of sentence levels increased (+) or decreased (-) when a factor is present.



## CHAPTER FIVE - CRIMINAL HISTORY AND CRIMINAL LIVELIHOOD

This Chapter provides information that explains the reasons underlying the provisions of Chapter Four of the Sentencing Guidelines.

### A. Criminal History

#### 1. Overview.

The criminal history component of the guidelines addresses the statutory sentencing purposes of just punishment and the protection of the public from further crimes by the defendant. (See 18 U.S.C. § 3553(a).) Enhancing a defendant's sentence on the basis of a criminal history furthers the crime control goals of general and special deterrence, and incapacitation. It also is consistent with public perceptions of just punishment. The use of criminal history to adjust a defendant's sentence is similarly consistent with historical sentencing practice. Analyses of past practices in different jurisdictions have consistently shown the defendant's prior criminal record to be one of the key determinants of sentences.<sup>67</sup>

From a just punishment perspective, a defendant with a criminal history is deemed more culpable and deserving of greater punishment than a first offender.

The guidelines should provide that those with previous criminal histories should be punished more severely than first offenders, because the level of culpability of a person with a prior record is higher, and such a person is on fair notice that subsequent convictions subject such a person to enhancement of punishment.<sup>68</sup>

A leading advocate of the "just deserts" philosophy of sentencing has written:

The reason for treating the first offense as less serious is, we think, that repetition alters the degree of culpability that may be ascribed to the offender. . . . A repetition of the offense following that conviction may be regarded as more culpable. . . .<sup>69</sup>

Indeed, the Supreme Court long ago opined that "the repetition of criminal conduct aggravates the guilt and justifies heavier penalties when they are again convicted."<sup>70</sup>

From a crime control perspective, a criminal history component is especially important because it is predictive of recidivism.

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<sup>67</sup> See A. Blumstein, *Research on Sentencing: The Search for Reform*, 83-87 (1983).

<sup>68</sup> House Committee on the Judiciary, *Sentencing Revision Act of 1984*, H.R. Rep. No. 1017, 98th Cong., 2nd Sess., 99 (1984) (footnote omitted) (report accompanying H.R. 6012, one of the sentencing guideline bills considered prior to passage of the Sentencing Reform Act of 1984). See also *Model Sentencing and Corrections Act* § 3-109, 10 H.L.A. 62 (Sp. Pamph. 1978).

<sup>69</sup> A. Von Hirsch, *Doing Justice*, 85 (1976). See also A. von Hirsch, *Past or Future Crimes* (1985).

<sup>70</sup> *Graham v. West Virginia*, 224 U.S. 616, 623 (1912).

[O]ne of the best predictors of future criminal conduct is past criminal conduct, and the parole-prediction literature amply supports this fact. From the earliest studies to the latest, indices of prior criminal conduct consistently are found to be among the most powerful predictors. . . . This generalization tends to hold regardless of the measure of prior criminal conduct used or of specific operational definitions of the conduct.<sup>71</sup>

Imposition of more restrictive sentences on those defendants who have a greater likelihood of recidivism enhances the protection of the public from further crimes by those defendants. In addition, announcing a policy that future offenses will be dealt with more severely furthers special deterrence.

Primary reliance on criminal history to predict recidivism limits the tension between a just punishment and a crime-control philosophy.

[T]o the extent that we can differentiate between high-risk and low-risk offenders, there are obvious reasons why the high-risk offenders should be incapacitated for a longer period. But confinement based on predicted risk is a troubling concept. . . . This apparent conflict between liberty and equality is troubling in principle, but may be substantially avoided in reality. The collision can be averted because to a substantial extent the factors that best distinguish high-risk from low-risk offenders also are factors that make the former group more culpable than the latter (*e.g.*, prior convictions, prior incarcerations, etc.).<sup>72</sup>

Similarly:

[I]tems compatible with "desert" [are] those concerning . . . the frequency, seriousness, and recency of prior offenses. Prior criminal history items [also] tend to be among the items found most predictive of recidivism. Thus, in practice, there is likely to be considerable overlap between a "predictive" dimension and a "desert" dimension.<sup>73</sup>

The criminal history score used in the guidelines is comprised of five items that address the frequency, seriousness, and recency of the defendant's prior criminal history. *See* §4A1.1(a)-(e). The particular elements that the Commission selected have been found empirically to be related to the likelihood of further criminal behavior and also are compatible with the purposes of just punishment. Because the elements selected are compatible both with a just punishment and crime control approach, the conflict that otherwise might exist between these two purposes of sentencing is diminished.<sup>74</sup>

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<sup>71</sup> S. Gottfredson & D. Gottfredson, *Accuracy of Prediction Models*, in 2 *Criminal Careers and "Career Criminals"* 239-240 (1986) (citations omitted).

<sup>72</sup> A.B.A. Standards for Criminal Justice, § 18-2.2 commentary at 68 (1979) (citing Coffee, *The Repressed Issues of Sentencing: Accountability, Predictability, and Equality in the Era of the Sentencing Commission*, 66 *Geo. L.J.* 975, at 1001-07, 1018-27 (1978)).

<sup>73</sup> Hoffman, *Screening for Risk: A Revised Salient Factor Score (SFS 81)*, 11 *J. Crim. Justice* 539, 543 (1983).

<sup>74</sup> In support of this approach, *see* H.R. No. 1017, 98th Cong., 2d Sess., 99-100 (1984); Moore, *Purblind Justice: Normative Issues in the Use of Prediction in the Criminal Justice System*, in 2 *Criminal Careers and "Career Criminals"* 314 (1986); Monahan, *The Case for Prediction in the*



In addition, the Commission selected the particular elements for inclusion in the criminal history score with regard for reliability in field scoring. Field scoring reliability refers to the accuracy and consistency with which decision-makers can score actual cases, and is affected by a number of factors, including the complexity of the items and the difficulty in obtaining verified information about the items. If field scoring reliability is lacking, both predictive power and equity in decision-making suffer.

## 2. Predictive Power of the Criminal History Score.

In selecting elements for the criminal history score, the Commission examined a number of prediction instruments, with particular attention to the four prediction instruments recently reviewed by the National Academy of Sciences Panel on Criminal Careers.<sup>75</sup> Two of these four prediction instruments, the United States Parole Commission's "Salient Factor Score" and the "Proposed Inslaw Scale for Selecting Career Criminals for Special Prosecution," were developed using data on federal offenders. Four of the five elements selected by the Commission for inclusion in the criminal history score are very similar to elements contained in the Salient Factor Score. The remaining element was derived from an element contained in the Proposed Inslaw Scale.

The indirect evidence available to the Commission strongly suggests that the criminal history score will demonstrate predictive power comparable to that of prediction instruments currently in use. Using its augmented FPSSIS (Federal Probation Sentencing and Supervision Information System) data, the Commission has verified that, as anticipated, there is a close relationship between the criminal history score and the Salient Factor Score, a prediction instrument used by the United States Parole Commission as part of its system of parole guidelines for nearly fifteen years. The predictive power and stability of the Salient Factor Score have been firmly established.

Since initial implementation of federal parole guidelines, the Salient Factor Score has been revised and validated prospectively on several new samples. Two measures of predictive power -- point-biserial correlation, mean cost rating -- show that for all versions, the score and the four risk categories are at the high end of the accuracy range reported in other parole recidivism studies.<sup>76</sup>

The high correlation between the two instruments suggests that the criminal history score will have significant predictive power.

## 3. Slope of the Criminal History Adjustment.

The criminal history score is translated into a Criminal History Category. Each Criminal History Category represents a distinct column in the Sentencing Table (Chapter Five, Part A). The higher the Category, the higher is the guideline sentence for any given offense level.

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*Modified Desert Model of Criminal Sentencing*, 5 Int'l J.L. & Psychiatry 103 (1982). See also authorities cited *supra* notes 6 & 7.

<sup>75</sup> See 1 Criminal Careers and "Career Criminals", 178-90 (A. Blumstein, J. Cohen, J. Roth & C. Visher ed. 1986).

<sup>76</sup> *Id.* at 182 (citations omitted).

The slope of the criminal history adjustment, *i.e.*, the rate at which sentences increase as a result of criminal history, roughly mirrors current practice, notably, the parole guidelines. The effect of a shift from criminal history Category I to Category II, or from Category II to Category III, is equivalent to a one level increase in offense level. A shift from Category III to Category IV, Category IV to Category V, or Category V to Category VI represents a more complex transformation of the offense level ranges. This is partly because the Category III, IV, V, and VI ranges are broader (in terms of criminal history score). More importantly, however, it reflects the fact that the increase in average sentence length for offenders with serious criminal records that is observed today is non-proportional. The relative increase (as reflected, for example in the parole guidelines), is larger for offenses of lesser seriousness. This is consistent with the goal of incapacitation.<sup>77</sup>

Both the rate of increase and the maximum increase in the Sentencing Table attributable to the defendant's criminal history roughly parallels that increase in the parole guidelines. It is to be noted, however, that under §4B1.1 (Career Offenders) much larger relative increases are provided for certain repeat offenders, consistent with legislative direction.

#### 4. Further Research.

The Commission has developed a data base that will allow testing of the predictive power of the criminal history score in the near future. The Commission intends to conduct research that will examine predictive power using various measures of recidivism, and the extent of the crime-control benefits derived from increasing sentences in relation to the criminal history score. In addition, it will consider research relating to other possible predictors of recidivism. Such research will enable the Commission to assess the efficacy and desirability of modification of the criminal history score and/or modification of the degree to which it affects the guideline sentences.

#### B. Criminal Livelihood

Section 4B1.3 ensures implementation of 28 U.S.C. § 994(i)(2), which requires the guidelines to "specify a substantial term of imprisonment for" any defendant who "committed the offense as part of a pattern of criminal conduct from which he derived a substantial portion of his income." Under §4B1.3, such defendants must be sentenced to at least one year in prison. The offense guidelines provide for a term of imprisonment exceeding one year for most serious crimes. Consequently, the Commission expects the criminal livelihood provision to affect the guideline sentence infrequently.

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<sup>77</sup> Because the crime-preventive benefits of imprisonment decline with age, adding any given number of years to a 5-year sentence, for example, is likely to be more effective in decreasing the overall level of crime than adding the same number of years to a 20-year sentence.

## CHAPTER SIX - SENTENCING PROCEDURES AND PLEA AGREEMENTS

This chapter supplements Chapter Six of the Sentencing Guidelines. It explains the reasons underlying the Commission's adoption of guidelines and policy statements relating to sentencing procedures and plea agreements.

### A. Sentencing Procedures

#### 1. Overview

Part A of Chapter Six of the guidelines deals with procedures for establishing the facts upon which the sentence will be based. Accurate fact-finding is essential to ensure that a proper sentence is imposed. The guidelines will not achieve their intended effect if sentencing procedures are unreliable. For example, the Commission has determined that an offender who causes serious bodily injury in the course of a robbery should receive an upward offense severity adjustment of 4 levels. *See* §2B3.1(b)(3). The judgment reflected in this determination would be undermined if the 4-level adjustment were invoked when bodily injury was not in fact serious; the judgment would be equally undermined if the 4-level adjustment were ignored in a case that did involve serious bodily injury.

Unreliable fact-finding can also conceal the fact that cases that are similar for sentencing purposes are being treated differently. In robbery cases involving bodily injury, for example, inconsistency in identifying the bodily injury factor at the sentencing hearing will produce inconsistency in applying the appropriate offense severity adjustment. Statistical tabulations might show that the disparate sentences were explained by apparent factual differences although in actuality the sentencing process was generating significantly different sentences in identical cases. *See generally* Note, *How Unreliable Factfinding Can Undermine Sentencing Guidelines*, 95 Yale L.J. 1258 (1986).

The importance of ensuring that the guidelines are properly applied suggests that sentencing may require rigorous and definitive fact-finding procedures. There are, however, countervailing considerations. Workability and administrative efficiency are also important. Setting procedural standards for sentencing requires:

[B]alanc[ing] (1) the nature of the individual interest, (2) the risk of an erroneous deprivation of that interest through the procedure used, (3) the value of additional safeguards, and (4) the government's interest, including fiscal and administrative burdens.

*United States v. Lee*, No. 86-1346, slip op. at 3055-56 (2d Cir. May 18, 1987).

In determining guilt or innocence, a jury often is presented with many complex factual issues, but ultimately a relatively small number of factual elements may suffice to support conviction. Sentencing, on the other hand, can require attention to many more discrete factual issues. These receive increased emphasis in a guideline system. A fact-finding process for sentencing decisions that has all the attributes of a formal trial could consume many times the resources devoted to the resolution of guilt or innocence. Ultimately, such an approach would render the sentencing process completely unworkable.

One possible approach to this problem is to permit very few factual elements to affect the sentence. This is the approach adopted by some state guideline systems, in which the sentence depends almost entirely on the literal offense of conviction. With very few factual issues to be

determined, elaborate dispute resolution procedures might be feasible. This solution might achieve accuracy and a superficial uniformity, but only at the price of substantively inappropriate sentences in far too many cases, especially given the narrowness in sentencing ranges that the Sentencing Reform Act requires. *See* Chapter Three, *supra*.

The difficulties that result from the need for increased fact-finding did prompt the Commission to limit the number of factual issues upon which the guidelines rely, but not as drastically as some suggested. The Commission chose to focus on a relatively manageable number of frequently-occurring factors and to avoid an effort to attribute specific sentencing weight to every conceivable nuance.<sup>78</sup> *See* Chapter Three, *supra*; Sentencing Guidelines, Chapter One, at 1.2-1.3. Thus, the guidelines represent a pragmatic compromise between a highly detailed, all-encompassing system that would be unworkable, and a broad-brush approach that would merely paper over the problem of unwarranted disparity.

Another approach to administrative efficiency is to permit the parties to reach a stipulation as to the relevant facts. This approach, which was favored by many of those who commented on the Commission's early drafts, would accommodate larger numbers of factual elements, and might permit very thorough procedures for resolving any remaining contested issues. To give the parties unconstrained power to agree upon the factual predicate for the sentence, however, would mean that the parties could omit relevant facts or even misrepresent the facts in order to achieve a specific sentence. Consequently, while the policy statements encourage factual stipulations, they are permitted only if they are accurate and not misleading. Stipulations may not omit or misstate relevant facts. To the extent they resolve disputed facts, stipulations should so state and should not be inconsistent with the evidence. All stipulations are subject to review by the sentencing judge, who will have a presentence report against which to check the accuracy and reasonableness of the stipulation. This approach is consistent with the Commission's policy on plea agreements, which requires that terms of plea agreements be disclosed, and that any departures from the guidelines pursuant to them be justifiable. *See* Part B, *infra*. It ensures that neither the Court, the public, nor the Commission will be misled.

While use of stipulations as to the relevant facts is a valuable tool, it cannot be a complete solution. There can be no assurance that the parties will enter into a stipulation. Indeed, the ability to force an elaborate hearing in the absence of a stipulation could be abused as a bargaining tool. Consequently, a mechanism for resolving disputes that is streamlined and efficient must be available.

In order to meet this need, the Commission expects the court to place primary reliance on the presentence report. *See* §6A1.1. This report should be accurate and complete. *See United States v. Lee, supra*, slip op. at 3055. The presentence report typically will provide the primary basis for the court's sentencing decisions. The parties are required to respond to portions with which they disagree, thus framing any disputed issues for resolution by the court.

With respect to sentencing issues that are genuinely disputed, the Commission chose simply to emphasize the importance of accuracy and fairness. Especially in light of questions that have been raised regarding the Commission's power to prescribe enforceable rules for dispute resolution, most of the procedural details are left for resolution by the sentencing court in light of the nature and importance of the particular issue and the context in which it arises. Existing precedent will

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<sup>78</sup> The sentencing factors also tend to be those that are closely tied to elements of the offense (*e.g.*, nature of injury, amount of loss), thus ensuring that evidence relating to them will be adduced in the event of a trial.

provide some guidance; more extensive precedent will develop as the issues become more sharply defined in context.

## 2. Specific Issues

a. Position of the Parties. Section 6A1.2 requires each party to indicate in advance of the sentencing hearing its position with respect to all relevant sentencing factors. This will enable the court to identify areas of agreement and to narrow the scope of any disputes. A pre-hearing conference may also be a useful device for achieving the same objectives. Legislation or rules requiring the parties to participate in such conferences may be desirable.

b. Stipulations. Stipulations as to relevant sentencing factors are provided for in §6A1.2(c)(3). They can play a valuable role in simplifying the sentencing process. It is important, however, that stipulations conform to the requirements of §6A1.2(e), and not be untrue or misleading. Where there is a material difference between facts stipulated by the parties and facts recited in the presentence report, the court cannot simply accept the parties' stipulation without further inquiry.

The parties are not to achieve a particular desired disposition of the case through a false stipulation of fact. Despite any plea agreement, they have an obligation to ensure that the factual stipulation conforms to the requirements of §6A1.2(e). Reasons justifying any departure from the sentence that otherwise would be required by the guidelines under the actual facts are to be presented to the court in accordance with Chapter 6, Part B (Plea Agreements).

c. Resolution of Sentencing Disputes. In some cases a significant dispute about the relevant sentencing factors may remain even after the issues have been narrowed by a pre-hearing position statement, stipulations, and a pre-hearing conference. The decision about the specific procedure to be followed in such situations is complex and can arise in an endless variety of factual contexts.<sup>79</sup>

Existing law addressing dispute resolution in the sentencing context remains to be developed fully. Current sentencing practice often is informal. Particular facts seldom have a formal sentencing consequence under current law. Under the guidelines, however, the resolution of disputed sentencing factors often will have a definite and often quite substantial impact on the sentence. As a consequence, greater formality than currently exists can be expected in many cases. Sometimes, an evidentiary hearing may be necessary to resolve contested factual issues. *See United States v. Fatico*, 603 F.2d 1053, 1057 n. 9 (2d Cir. 1979).

Section 6A1.3 (Resolution of Disputed Factors) is general in nature. It requires that the court provide that the parties be afforded an adequate opportunity to be heard. The court will resolve

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<sup>79</sup> Among the legal issues that may have to be resolved are: When is a sentencing factor reasonably in dispute? When must an evidentiary hearing be held? To what extent is the party asserting a sentencing factor obliged to introduce specific evidence of that factor at the hearing (*i.e.*, which party bears the burden of going forward and how can it be met)? To what extent do the rules of evidence limit the kinds of evidence that such a party is allowed to introduce? To what extent is the party who disputes the asserted sentencing factor allowed (or obliged) to call witnesses to support his objections? Which party bears the burden of persuasion? What is the weight of the burden of persuasion (*i.e.*, is it sufficient to prove the asserted factor by a preponderance of the evidence or is a higher degree of certainty required)?

disputes regarding sentencing factors in accordance with Rule 32(a)(1) of the Federal Rules of Criminal Procedure (effective Nov. 1, 1987). The court is expected to afford the parties an opportunity to point out errors in the findings and suggest revisions where appropriate.

The diversity of settings in which procedural issues can arise makes it inappropriate for the Commission to specify across-the-board procedural rules, even assuming that the Commission has the power to do so. The Commission contemplates that the specific degree of formality required will be decided in the case law, as it develops, against the background of the Commission's general objective of ensuring that sentencing procedures reflect as much care and accuracy as is practically feasible. The Commission also anticipates that the range and nature of evidence considered by the court at sentencing will continue to be wide. *See* 18 U.S.C. § 3577 (renumbered § 3661 effective Nov. 1, 1987); commentary to §6A1.3.

For the guidance of courts in developing sentencing procedures, however, it should be noted that in drafting the guidelines the Commission assumed simply that the sentencing judge would, in a neutral fashion, select the basic offense level along with any specific offense characteristics or other adjustments that best described the case before him. The manner in which the guidelines are presented was not intended to establish any presumptions.

## **B. Guilty Pleas**

### **1. Overview**

Some 85 percent of the federal criminal convictions analyzed by the Commission resulted from guilty pleas.<sup>80</sup> Thus, how the guidelines will be applied to cases that involve guilty pleas is of considerable significance. Accordingly, the Sentencing Reform Act directs the Commission to issue policy statements regarding the acceptance and effect of guilty pleas. 28 U.S.C. § 994(a)(2)(E).

In current practice, cases in which guilty pleas are entered result on average in considerably lower sentences. As measured from the guidelines applicable to the real offense conduct, the Commission's empirical analyses show that the average time served when conviction results from a guilty plea typically is from 30 to 40 percent below that which would have been served had the defendant been convicted at trial. The average reduction varies, however, with the type of crime, ranging from 2 to 7 offense levels. Of course, these figures are only averages; for any given crime type, some cases involve smaller, and others involve larger, reductions. The larger reductions apparently result primarily from negotiated pleas.

Currently, prosecutors and defense attorneys affect maximum sentence exposure and actual sentences through charge reduction agreements and agreements to recommend or not oppose certain sentences. Less frequently, they may agree upon a specific sentence, subject to approval by the judge. Anecdotal evidence indicates that the parties sometimes also agree to suppress relevant facts, thereby making a lower sentence likely. Although they may heavily influence him, the agreements that are reached usually do not materially constrain the judge. The judge retains the primary ability to determine the actual sentence, including the extent of any reduction that may be given as a result of the entry of a guilty plea.

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<sup>80</sup> This figure is based upon the Commission's sample of presentence investigation reports. In many minor cases, including most of those disposed of before magistrates rather than district judges, presentence reports are not prepared. If these cases are taken into account, the actual figure may vary significantly.

Once the guidelines go into effect, the sentence will be determined primarily by the offense of conviction (along with the aggravating and mitigating factors identified by the guidelines) and the defendant's criminal history. The amount of any reduction that the sentencing judge may choose to give without agreement from the parties will be reduced. The power of the prosecutor and defense attorney to make an agreement with assurance that a lower sentence will result may be increased. However, sentencing judges have the power to reject plea agreements under Rule 11 of the Federal Rules of Criminal Procedure. If this power is properly exercised, undue shifting of authority will not occur.

The Commission considered but rejected a proposal to give the sentencing judge considerable latitude to give a sizeable sentence reduction because of the entry of a guilty plea. Doing so would have risked the introduction of considerable unwarranted disparity and unpredictability into the system. The Commission also rejected creating a system that would have narrowly limited the reduction of a sentence pursuant to a negotiated plea. Such a system would have required promulgation of guidelines that ignored the offense of conviction and required that the defendant be sentenced based upon the judge's assessment of the real offense conduct, regardless of the actual offense of conviction. Such an approach would have ignored the higher level of proof required at trial, as well as other legitimate factors that may warrant different sentences in cases that otherwise appear to involve similar facts.<sup>81</sup> A likely result would have been a substantial increase in the number of trials facing an already overburdened federal court system. Some defendants who now are convicted of a lesser charge through a guilty plea likely would be acquitted. Many others simply would have their cases dismissed because of the inability to bring the cases to trial promptly. This all-or-nothing form of disparity is especially antithetical to the interests of crime control.

The treatment of guilty pleas represents an attempt to balance these competing concerns. The amount of reduction for a guilty plea, *per se*, is limited. Nonetheless, the parties may enter into plea agreements that, if accepted, would permit or require sentences in a specific range. The court is called upon to review these agreements, and to reject those that would depart from the guidelines for inadequate reasons, especially if the resulting sentences would undermine the statutory purposes of sentencing. This approach recognizes that considerations which enter into plea negotiations sometimes may warrant sentences below the guidelines. The approach further recognizes that as a practical matter, the Commission lacks the power to prevent sentence agreements. Any rules that proscribed agreements between the parties, with the court's consent, calling for sentences outside the guidelines, would be unenforceable.

The Commission expects the guidelines and policy statements to have a positive effect on plea negotiations in at least three respects. First, the guidelines will provide both prosecutors and defense attorneys with a definite expectation of the sentence that would be imposed after trial. This should make negotiations more certain and realistic. Second, the guidelines will provide a norm to which judges will refer in deciding whether, given all relevant factors, a plea agreement should be accepted. This should produce greater uniformity in judicial decision-making. Third, because the written plea agreement must set forth reason(s) justifying the agreement, the entire plea negotiation practice will be more open for public scrutiny, which will provide greatly increased

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<sup>81</sup> A proposal was made that the defendant be sentenced according to the guideline for the offense of conviction if convicted at trial and the real offense, as determined by the trial judge, in the event of a plea. Such a system proved unacceptable because the more favorable standard of proof would have encouraged defendants to insist upon a trial in every case where there was any possibility of acquittal or conviction of a lesser offense.

accountability. This also should reduce the amount of unwarranted disparity that is attributable to plea agreements.

## 2. Applicable Guidelines and Policy Statements

Sentencing pursuant to guilty pleas is affected by three distinct facets of the guidelines and policy statements. These are §3E1.1 (Acceptance of Responsibility), §1B1.2 (Applicable Guidelines), and Chapter 6, Part B (Plea Agreements). These are discussed in turn below.

The guidelines apply to convictions that result from pleas, whether or not negotiated. The guidelines provide for a possible 2-level adjustment for acceptance of responsibility.<sup>82</sup> It is the Commission's expectation that this adjustment (§3E1.1) will be applied primarily, although not invariably or exclusively, in cases that involve guilty pleas without a charge reduction or sentencing agreement.<sup>83</sup> This is the only adjustment that the guidelines recognize for pleas, and there is no guarantee that the defendant will receive it if he does plead guilty.

The 2-level adjustment for acceptance of responsibility provided for in §3E1.1 reflects substantially less consideration than typically is given to those offenders who plead guilty.<sup>84</sup> This reflects a Commission decision that larger reductions should be justified by additional considerations.

The reduction in sentence length for guilty pleas that currently is observed may be attributable to any of several factors. One reason, which is dealt with through §3E1.1, is simply that judges look more favorably upon persons who plead guilty. Judges may believe that a defendant's acknowledgment of guilt and acceptance of responsibility for his actions is indicative of a lower probability of recidivism, or they may wish to reward such defendants for reducing the burden on the court system. Another reason may be that the guilty plea sentences reflect the risk of acquittal on some of the charges or at least a risk that some of the relevant factors that appear in the presentence report might not be provable at trial.<sup>85</sup> Finally, the reduction may reflect the prosecutor's willingness to accept a lower sentence in order to save prosecutorial and judicial

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<sup>82</sup> Acceptance of responsibility or even merely pleading guilty has been recognized as a factor that legitimately may result in a sentence reduction, consistent with the purposes of sentencing. *See, e.g., United States v. Quejada-Zurique*, 708 F.2d 857, 861 (1st Cir. 1983); *Frank v. Blackburn*, 646 F.2d 873 (5th Cir. 1980); *United States v. Rowen*, 594 F.2d 98 (5th Cir. 1979); *Williams v. United States*, 273 F.2d 469 (10th Cir. 1959). *See also Corbitt v. New Jersey*, 439 U.S. 212 (1978).

<sup>83</sup> The adjustment for acceptance of responsibility does not automatically follow from entry of a guilty plea. Conversely, the adjustment may also be applied in some cases where the defendant does not plead guilty. *See* §3E1.1 and accompanying commentary. The decision as to whether to give a sentence reduction for acceptance of responsibility is essentially within the discretion of the sentencing judge.

<sup>84</sup> As measured from the top of the higher range to the bottom of the lower, the relative difference is larger. Thus, the guidelines may allow the sentencing judge to give a reduction for acceptance of responsibility that in effect exceeds 2 levels in many cases.

<sup>85</sup> Other research has shown that lower sentences for guilty pleas result in part from the circumstance that the cases that go to trial tend to be more aggravated. However, because our analysis controlled for the most significant aggravating (and mitigating) factors, this is not likely to be significant here.



resources, thus enabling him to prosecute cases that, although meritorious otherwise would not be filed or would have to be dismissed.<sup>86</sup> It simply is not practicable for the guidelines to take such considerations into account. The applicable policy statements do, however, allow the parties to enter into plea agreements that permit sentences below the guidelines, provided that the court approves.<sup>87</sup>

Plea negotiations and sentences pursuant to negotiated pleas will be influenced by the provisions of §1B1.2 (Applicable Guidelines). This section specifies that the guideline for the offense of conviction is to be applied.<sup>88</sup> As a result, charge bargaining can alter the guideline sentence.<sup>89</sup>

Because the prosecutor and defense attorney have adverse interests, it can be expected that charge reduction agreements ordinarily will be entered into for good reason. Both prosecutors and defense attorneys who testified before the Commission generally were satisfied that a system which permitted meaningful charge bargaining would not result in substantial abuse. Nonetheless, the Commission has issued policy statements to attempt to ensure that abuse does not occur.

First, pursuant to §6B1.2(a), the trial judge is expected to review charge reduction agreements to ensure that, under the circumstances presented, an appropriate sentence may be imposed that will not undermine the purposes of sentencing. At a minimum, the judge will review the presentence report, but may conduct further inquiries. The judge is expected to invoke his power under Rule 11(e)(4) of the Federal Rules of Criminal Procedure to reject agreements that violate this standard. Thus, the judge's power to impose a proper and adequate sentence cannot be circumscribed through negotiation.

Second, §6B1.4 requires that the parties make full, truthful disclosure of the relevant facts, and any reasons or factors that would justify the agreement. *See also* §6A1.2. This provision ensures that plea agreements and the justifications for them will be exposed to public scrutiny. This may dissuade prosecutors from entering into agreements that are unduly favorable to the defendant.<sup>90</sup> Moreover, the Commission will be able to monitor the extent, if any, to which plea agreements are being used to subvert the guidelines' intent, using the information obtained to revise the guidelines and policy statements.

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<sup>86</sup> *See, e.g.,* F. Easterbrook, *Criminal Procedure as a Market System*, 12 J. Legal Studies 289, 312-17 (1983).

<sup>87</sup> The need to use policy statements rather than guidelines in this area was anticipated by the drafters of the Sentencing Reform Act. *See* 28 U.S.C. § 994(a)(2)(E).

<sup>88</sup> If a stipulation specifically establishes a more serious offense, the guideline applicable to such offense is to be applied. *Id.*

<sup>89</sup> This is an unavoidable consequence of the Commission's decision to employ a system that starts with the offense of conviction. Such a system is desirable in order to limit the amount of fact-finding required and to preserve some degree of procedural protection for defendants. Existing state guideline systems are based on the offense of conviction.

<sup>90</sup> Some commentators have suggested that individual prosecutors may have personal incentives to make agreements that are unnecessarily favorable to the defendant in order to dispose of cases. Under the guidelines, it will be clear how much the prosecutor is giving up and why.

The policy statements deal with sentence recommendations pursuant to Rule 11(e)(1)(B) and sentence agreements pursuant to Rule 11(e)(1)(C) in a similar fashion. The judge is expected to review such agreements to ensure that, if they call for departure from the guidelines, they will not undermine the statutory purposes of sentencing.<sup>91</sup> §§6B1.2(b), 6B1.2(c).

Some critics may object to the approach adopted by the Commission as not going far enough to eliminate the disparity resulting from guilty pleas. The approach adopted is, however, consistent with the Commission's conclusion that it should proceed cautiously. Evolutionary refinement will be possible once more is learned about how the entire guideline system operates in practice.

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<sup>91</sup> It is possible that sentence agreements sometimes might be entered into for reasons other than or in addition to entry of a guilty plea. If there are relevant sentencing factors that are not adequately considered by the guidelines, especially ones that are the subject of policy statements, it may be clear that departure from the guidelines is appropriate. In such cases, the parties may enter into sentence agreements simply to limit the extent of departure. In some instances, such agreements might provide for sentences above the guidelines.

## CHAPTER SEVEN - PRISON IMPACT

### A. Introduction

Congress directed the Commission to estimate the impact of the sentencing guidelines on future prison populations. This chapter summarizes the Commission's projections. It presents an overview of our approach to forecasting and our primary results. A forthcoming supplementary technical report, *The Impact of Federal Sentencing Guidelines on the Federal Prisons* (the "Technical Report"), contains a more detailed discussion of the impact model.

Briefly, the projections reported in this chapter indicate that:

1. The incidence of "straight" probationary sentences, *i.e.*, sentences that require no form of confinement, will be reduced significantly under the guidelines. For many property crimes, however, the overall incidence of probation and split sentences will remain substantially unchanged.
2. Average time served for violent offenses will increase substantially under the guidelines. Average time served for most property crimes will remain substantially unchanged. The major exceptions are burglary and income tax fraud, for which average time served will increase substantially under the guidelines.
3. Federal prison populations are likely to grow dramatically by the end of this century. However, the sentencing guidelines alone will contribute only marginally to such growth. The Anti-Drug Abuse Act of 1986 and the career-offender provision of the Comprehensive Crime Control Act of 1984 will have far greater impact.

Projecting future sentencing patterns and inmate populations is difficult under any circumstances. The additional uncertainties resulting from the enactment of new legislation and the introduction of sentencing guidelines make our forecasting exercise especially problematic. Because many uncertainties affected our overall method of making projections, the next section of this chapter is devoted to describing the primary difficulties. Subsequent sections describe the data used in our forecasts, the most important assumptions that were made, and the different "scenarios" for which we made projections. The chapter concludes with projections about the type and length of sentences that will be imposed for the crimes that, collectively, generate the overwhelming majority of federal prisoners, and about the implications of these sentences for prison populations.

### B. Problems in Forecasting Prison Population

One obvious factor that substantially influences any prison population forecast is the future level of crime. Except for short-term projections, however, no reliable method exists for predicting future crime rates. Moreover, changes in the sentencing structure can be expected to affect crime through deterrence and incapacitation.

Even if future crime rates could be predicted with an acceptable degree of accuracy, historical data indicate a very weak relationship between changes in the number of offenses of a given type and changes in the contemporaneous level of federal prosecutions. Such discrepancies result partially from the exercise of discretion by federal prosecutors. U.S. Attorneys may refer a case to state or local authorities, or simply decline prosecution for policy reasons. For example, the

decline in federal prosecutions for bank robbery in the late 1970s was not preceded by a large drop in the prevalence of such crimes. Rather, this decline appeared to result primarily from U.S. Attorneys' referring bank robbery cases for state prosecution.

Discrepancies between changes in specific crime rates and prosecutions may also arise because of changing enforcement priorities. The level of crime is only one consideration in setting federal enforcement policies. To the extent that priorities are set by the Administration in office, predicting future priorities involves predicting the outcome of future elections and the policies successive Administrations will pursue. These highly speculative factors make the forecasting problem especially difficult.

Plea negotiation practices are another crucial element in prison population forecasts. Over 85% of all federal defendants enter guilty pleas.<sup>92</sup> Negotiated pleas are likely to have continued significance under the guidelines, but both the frequency of such pleas and the nature and terms of the agreements reached could change when the guidelines are implemented.

Currently, time served after a negotiated plea is entered generally averages 30% to 40% less than that which would have been served had the defendant been found guilty at trial. This difference is closely related to the atmosphere in which plea negotiations now take place. Indeed, some defendants currently must choose between a negotiated plea agreement and the near-total uncertainty of the sentence if convicted at trial. The guidelines will result in far more certainty about sentences. This increase in certainty could modify the incentives facing prosecutors and defendants and, hence, the reductions resulting from negotiated pleas.

Furthermore, as a result of the new drug law and the career-offender provision, some defendants will be faced with sentences after trial that are many times those which prevail today. Will these much higher sentences affect the proportion of defendants willing to "gamble" on being acquitted in the courtroom? Will they increase or decrease the degree of sentence reductions attributable to negotiated pleas? Such questions are especially difficult to answer because the range and scope of the changes in sentencing practices under the guidelines, combined with changes mandated by the new drug law and the career-offender provision, frustrate the search for close historical parallels.

There is also the question of how closely federal judges will follow the guidelines. Judges may depart from guideline sentences for factors not adequately considered in the guidelines, provided they explain in writing their reasons for departure. While the Commission does not expect departure from the guidelines to occur with great frequency, it is not known how often departures will occur, which direction they will take and how large they will be. Thus, the discretion to depart from the guidelines, which is integral to the legislation that established the Commission, creates uncertainty about the ultimate impact of the guidelines.

Against the backdrop of these various problems, one might fear that any prison projections will be far too speculative to be trusted. But decision-makers do not have the luxury of adopting this view. Given the many years required to plan and construct new facilities, federal prison capacity at the end of this century will depend on choices made today. Failure to forecast as realistically as possible could convert an imprecise decision-making process into a wholly arbitrary one.

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<sup>92</sup> An exploratory study conducted by the Commission found that almost 80% of all guilty pleas involved some form of explicit plea agreement.

Central to the forecasting effort described here is the recognition that we proceed in the presence of many imponderables. Thus, rather than make a single set of assumptions about the many unknown factors, we used an approach involving several alternative "scenarios." For example, because future prosecution policy cannot be anticipated, we projected prison impact based on two alternative assumptions, one involving low growth in the prosecution/conviction rate and the other involving high growth. We also considered a number of alternatives regarding future plea negotiation practices and levels of departure. Prison population forecasts were derived for almost twenty different possible scenarios involving different growth rates in prosecutions, different conventions regarding concessions for entering pleas, and different degrees of departure from the guidelines. The results under these various scenarios provide upper and lower bounds on the estimates of prison impact.

### C. The Data

The projections were derived using data from several sources, including those discussed in Chapter Four, *supra*. In addition, the Commission obtained data from the Administrative Office of the U.S. Courts regarding the number of defendants convicted of each federal offense in years prior to 1987. The Commission also used data from the Parole Commission and extant statistical analyses regarding the probability of federal parole revocation and average consequences thereof, depending on the original offense and the characteristics of the offender.<sup>93</sup>

For purposes of forecasting, it was necessary to rely upon data from fiscal 1985 as characteristic of offenders and offenses from earlier and later years. This required a number of simplifying assumptions. We posited, for example, that the statistical profile of those convicted of a given offense was stable over time. Thus, if 62% of the bank robbers convicted in fiscal 1985 had at least one prior felony conviction, it was assumed that the same 62% figure would apply to bank robbers convicted in 1982 and 1994. Although such assumptions could not be exactly correct, they seem plausible and simplified the forecasting exercise.<sup>94</sup> A full discussion of the forecasting methodology used in this study appears in the Technical Report.

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<sup>93</sup> See Rhodes, *A Survival Model with Dependent Competing Events and Right-Hand Censoring: Probation and Parole as an Illustration*, 2 J. Quantitative Criminology 113-37 (1986). See also the Technical Report.

<sup>94</sup> The impact model requires detailed information regarding federal offenders who have been, and who will be, convicted in federal district courts. Otherwise, the guidelines could not have been simulated accurately and current sentencing practices could not have been inferred. This need motivated the Commission's assembly of the augmented FPSSIS data.

It was impractical to collect detailed data for years earlier than 1985 and, at the time, impossible to collect data for 1986 and beyond. It was necessary to use the 1985 data to draw inferences regarding the characteristics of offenses and offenders from earlier and later years. Our basic assumption was that for each offense category (robbery, fraud, etc.) the distribution of offense and offender characteristics was fixed over time. For 1986 and earlier years, the absolute number of convictions was determined from the number of convictions reported by the Administrative Office of the U.S. Courts. For later years, the absolute number of convictions was based on high and low growth projections, as discussed later in the text.

#### **D. Nature of the Projections**

Working with the Bureau of Prisons, the Commission developed a computer simulation model of prison impact. This model was designed to project future prison demand based on a variety of factors including: (1) current practice,<sup>95</sup> (2) anticipated prosecution trends, (3) the Anti-Drug Abuse Act of 1986, (4) the career-offender provision of the Comprehensive Crime Control Act of 1984, and (5) the guidelines.

Using alternative assumptions regarding future prosecution and conviction rates and various plea negotiation and departure scenarios, the study projected prison capacity demand for 1992, 1997 and 2002. The projections for 1992 are believed to be the most accurate. Prosecution policy is unlikely to change significantly over this time period, especially over the next three years. As a consequence, recent trends in prosecutions should provide a reasonable indication of the number of convictions which can be anticipated over this period. The 10-year projections merit somewhat less confidence. Nevertheless, the 10-year projections provide a general impression about prison demand over a longer time period. This impression, of course, can be updated as actual data from 1987 and later years become available. The 15-year projections are necessarily very speculative and are presented only so that the long-term relative effects of the Anti-Drug Abuse Act, the career-offender provision and the guidelines can be considered.

#### **E. Establishing the Baseline**

##### **1. Projecting Trends in Prosecution**

The guidelines will significantly change existing sentencing practices. To estimate the resulting impact on federal prisons, it was necessary to establish as a benchmark a projection of future prison demand in the absence of any change in current sentencing practices. This benchmark is referred to as the "baseline."<sup>96</sup>

Projecting future prison requirements is complex, even in the absence of changes in sentencing and parole practices. It was necessary to make assumptions regarding future trends in criminal prosecutions. Criminal caseload is influenced by many factors, notably the crime rate, expenditures on investigative and prosecutorial resources, and by Administration policy as carried out by U.S. Attorneys. Future crime rates, expenditures and policy are all unknown factors. Consequently, we made two different assumptions regarding future prosecutions. One presumes "low growth" in the

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<sup>95</sup> As used in this chapter the term "current practice" refers to time served under the sentencing practices that prevailed prior to the implementation of the Anti-Drug Abuse Act of 1986, which did not become effective until November 1986, well after the Commission's prison impact projection efforts had begun. Current practice takes into account the extent to which good time and release on parole affect actual time served.

<sup>96</sup> To some extent, use of current practice in our projections implicitly assumes that judges would not change their sentencing practices in the absence of the guidelines and the legislatively-mandated changes considered in our model. In fact, judicial sentencing trends do change. A recently-released study suggests that federal sentences have been increasing. See Bureau of Justice Statistics, *Sentencing and Time Served*, Rep. No. NCJ-101043 (1983). If that pattern were to continue, our forecasts could understate prison populations in the absence of the guidelines, and overstate the impact of the guidelines.

prosecution rate and the other presumes "high growth."<sup>97</sup> These two projected conviction-rate patterns are set forth in Figure 1, *infra*.

In the low-growth projections, we assumed that the average year-by-year increase from 1982 through 1986 would continue only through 1989. This assumption reflects the fact that the present administration, whose policies determined the growth pattern for 1982 through 1986, will have a continuing influence on prosecution policies only through 1989. We assumed that criminal caseload will grow at a constant yearly rate of one percent thereafter. While we consider this a low-growth assumption, it is not actually a lower bound on the growth rate of prosecutions.<sup>98</sup> As we report below, however, the relative impact of the guidelines on prison population decreases as the rate of growth in convictions decreases. Hence, if the number of convictions grows more slowly than hypothesized in the low-growth scenario, absolute and relative impact of the guidelines on prison population will be overstated.

In the high-growth projections, we assumed that the annual rate of growth in the number of criminal prosecutions for the next five years (1987 through 1991) would equal the average annual growth rate for the preceding five years (1982 through 1986), a period of exceptionally high growth. The growth rate for the remainder of the period was chosen so that total growth over the period from 1987 to 2002 would equal total growth during the previous fifteen year period, 1971 to 1986, also a relatively high-growth period.

As Figure 1 indicates, the low and high-growth projections diverge most rapidly during the years immediately after which this Administration's prosecution policy will cease to influence the process. In terms of relative future prison impact, this early divergence in growth rates is compounded because the longer sentences imposed under the new drug law and career-offender

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<sup>97</sup> These projections were done on an offense-by-offense basis (*e.g.*, robbery, larceny, heroin) using data provided by the Administrative Office of the U.S. Courts.

<sup>98</sup> Any growth assumption necessarily has an element of arbitrariness about it, and it is possible to postulate and justify a scenario in which the growth rate is even lower than one percent. For example, during the period 1976 to 1980, the number of convictions for drug offenses, forgery, weapon offenses, rape and robbery all fell by roughly fifty percent. Thus, recent historical precedent might have been consistent with even lower projections.

Given Congressional sentiment as expressed in the Anti-Drug Abuse Act, however, it appears unreasonable to assume that drug case prosecution patterns in the near future could replicate the trends of the 1976-1980 period. This is of particular significance because drug offenders constitute the single largest block of federal prisoners. In addition, the number of fraud cases increased from less than 1,000 in 1970 to more than 5,000 in 1984, producing the second-largest block of federal prisoners. Since 1970, the number of fraud cases declined only in 1979 and 1985. Robbers comprise the third largest block of federal prisoners. Again, the long-term growth is significant, from fewer than 300 robbery cases in 1961 to approximately 2,300 in 1976. After the decline that occurred during the late 1970s, the number of robbery cases has stabilized at approximately 1,200 per year. Based on long-term trends, our low-growth scenario is modest indeed. It implies that the number of cases would grow by approximately 16 percent over a 15-year period when, in fact, cases that result in the majority of prison sentences have grown by about 50 percent between 1971 and 1986. Even if the one-percent growth rate assumption in the low-growth scenario is an overestimate, however, it would be several years before there would be any noticeable difference in prison populations.

provision will add to prison demand in the years to follow. This will prevent prison demands from converging during this period even as prosecution rates in the two scenarios converge.<sup>99</sup>

## 2. Adjusting for the Anti-Drug Abuse Act of 1986

The Anti-Drug Abuse Act of 1986 imposed mandatory minimum sentences and significantly increased the maximum prison terms for virtually all drug offenses. Because the Commission's data on current practices were taken from cases prosecuted in fiscal 1985, the sentences observed were not affected by this new drug law, which applies only to offenses committed after November 1986. As a result, it was necessary to project the impact of this new law. Because the new drug law is already a part of the sentencing structure, projections that include its effects provide the most natural benchmark for measuring the impact of the career-offender provision and the guidelines.

To project the effect of the Anti-Drug Abuse Act, each drug case in the fiscal 1985 data base was analyzed to develop an estimate of how much time each offender would have served had the new drug law been in effect. The rules that were used to generate this estimate are described in the Technical Report. Although the actual application of the new drug law to the data was complex, its practical effect was straightforward. Essentially, defendants subject to a minimum penalty under the new drug law who were convicted at trial were presumed to serve the minimum mandated by the new law (but not less than they served under current practice), while defendants who pled guilty were presumed to receive sentences that would involve their serving only about two-thirds of this amount.<sup>100</sup> This sentence concession is consistent with the percentage reduction observed in current practice.

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<sup>99</sup> Figure 1 is based on a subset of district court criminal cases consisting of felony cases, serious misdemeanor cases, and petty offense cases when handled by a district judge. Petty offenses (such as simple traffic cases) and some more serious misdemeanors that routinely result in sentences not involving incarceration are excluded from the figure when handled exclusively by magistrates. Due in part to the Federal Magistrate Act of 1968 (amended in 1979), the proportion of criminal cases handled by magistrates (and therefore excluded from the figure) has increased. Thus, the growth in criminal cases has been greater than that reflected in Figure 1.

The growth in serious crimes, including those offenses that most frequently result in prison terms, has exceeded the growth in total criminal cases as represented in Figure 1. This observation reinforces the explanation provided in the text for why the 15-year growth in prison population increases faster in the high-growth model than in the low-growth model, despite the fact that the high-growth and low-growth criminal caseload projections seem to converge after 1992.

<sup>100</sup> The Anti-Drug Abuse Act sets mandatory minimum prison terms based on the amount of drugs involved in the crime. Likewise, the career-offender provision of the Comprehensive Crime Control Act of 1984 requires that the guidelines specify a sentence at or near the statutory maximum for certain defendants. The simulation model assumes that defendants are able to negotiate for sentences that are less than the mandatory minimum for the drug law and that are less than the sentence prescribed by the guidelines for career offenders. We recognize that achieving this result will require that there be many explicit sentence or charge agreements that usually must be approved by the sentencing judge. Nonetheless, the assumption that sentences will often be less than required by statute or the guidelines is consistent with state experiences. See Cohen & Tonry, *Sentencing Reforms and their Impacts*, in 2 Research on Sentencing: the Search for Reform 305 (A. Blumstein, J. Cohen, S. Martin & M. Tonry ed. 1983). Indeed, the assumptions made in the impact model could understate the degree of sentence reduction that will occur.



The results of a full implementation of the new drug law are analyzed in the tables that appear at the end of this chapter.

## **Future Sentencing Practices**

### **1. Implementation of the Career-Offender Provision**

The Comprehensive Crime Control Act of 1984 required the Sentencing Commission to adopt guidelines that would assure that certain repeat offenders -- those 18 or older who have been convicted of a violent crime or certain drug offenses and who had been convicted of two or more such crimes previously -- would receive sentences "at or near the maximum term authorized." 28 U.S.C. § 994(h). In accordance with this "career-offender" provision, the Commission set the guideline sentences for these offenders close to the statutorily prescribed maximums.

A number of assumptions had to be made to apply the career-offender provision to the data. A defendant was identified as a career offender if he was convicted of a violent crime or a drug-law felony and had two or more felony convictions for any of the following: murder, manslaughter, forcible sexual offenses, robbery, burglary, assault and drug offenses. For the basic simulation model, we assumed that career offenders who pled guilty prior to implementation of the guidelines would continue to do so after the guidelines took effect. Moreover, the percentage sentence concession resulting from a guilty plea was assumed to be the same in the future as it is now. Time served was reduced in the model by fifteen percent to reflect good time allowances. The career-offender provision notwithstanding, offenders who cooperated with the authorities were assumed to serve the same length of time under the guidelines as they now serve. While alternative scenarios about plea negotiations and departures were considered, the foregoing assumptions formed the core of the basic simulation model.

### **2. Implementation of the Guidelines**

As a first step in estimating the impact of the guidelines, it was necessary to essentially "resentence" each offender in the data base as if the guidelines were in effect. This process involved more than 12 separate steps and a series of assumptions, which are set forth in full in the Technical Report.

Briefly, however, application of the guidelines required that the seriousness of the offense (offense level) and the defendant's criminal record (criminal history category) be determined from the Commission's data base. The offense level was assessed using the complete offense behavior, as reported.<sup>101</sup> This offense level was interpreted as that for which the defendant would be liable under the guidelines if convicted at trial of the complete offense behavior. The criminal history category was determined using the defendant's criminal record. The guideline sentence range (minimum and maximum terms) was computed from the offense level and the criminal history score. The resulting sentence estimate was chosen at random between the minimum and the maximum of the range.

Of course, given expected plea negotiation practices, many defendants may be held accountable for less than the complete offense behavior reflected in the presentence report. To adjust for the reality of plea negotiations, the sentence was reduced for all defendants who entered guilty pleas.

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<sup>101</sup> The term "complete offense behavior" refers to the true nature and circumstances of the actual conduct underlying the instant offense, as opposed to the offense of conviction. This corresponds to the "real offense" upon which the parole guidelines are based.

The reduction corresponded to the typical current percentage reduction for the offense, as determined through analysis of the data available to the Commission.

After adjusting for plea negotiations, all estimates of time served were reduced further by good time. The career-offender provision was applied when appropriate. In addition, whenever the data showed that the defendant had provided substantial assistance to authorities, we assumed that the defendant would serve the same amount of time after the guidelines take effect as served currently.

#### **G. The Effect of the Guidelines on Sentences**

The projections of our basic model indicate that the guidelines will have two interrelated effects on sentences.<sup>102</sup> First, they will reduce the number of straight probation terms. A larger proportion of offenders will be required to serve some time in some form of confinement. Second, the guidelines will, for a number of crimes, increase somewhat the average length of time served. Estimates of both these effects are presented below.

##### **1. Reduction in Number of Straight Probation Sentences**

Table 2, *infra*, shows the percentages of offenders who receive probation now and the corresponding percentages that are projected to receive probation under the guidelines.<sup>103</sup> The first two columns compare the percentages of offenders for various offense categories who receive straight probation under current practice with the corresponding percentage we project will receive straight probation once the guidelines are implemented. (Straight probation is probation without a condition requiring any confinement.) The third column shows the percentage of defendants who, under current practice, receive probation with a condition that some time be spent in confinement or receive split sentences. The last two columns display corresponding percentages under the guidelines.

Under current practice, probation terms that require confinement include probation with imprisonment as a condition of probation, split sentences and mixed sentences. Split sentences are sentences to a period of imprisonment of up to 6 months, followed by probation. Mixed sentences are sentences to a term of imprisonment on one count, with a sentence to probation on another count. Under the guidelines, there are two types of sentences similar in form to split sentences and mixed sentences: For guideline ranges where the minimum term of imprisonment does not exceed 6 months, the defendant may receive a term of probation that includes as a condition of probation a requirement that he serve a minimum period of intermittent or community confinement. For minimum sentences not exceeding 10 months, the defendant's sentence may be "split" between incarceration and community confinement.

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<sup>102</sup> The offenses included in this analysis account for approximately 75 percent of all convictions and approximately 90 percent of all prison admissions. Among the omitted categories are drunk driving and traffic (14% of cases and 3% of admissions), escape (1% of cases and 2% of admissions), and an assortment of federal statutes (7% of cases and 4% of admissions) that cover agricultural acts, antitrust, and so on. Because offenses that receive the longest sentences are included, the offenses included in the table are estimated to account for over 95 percent of the prison population.

<sup>103</sup> These projections include a full implementation of the new drug law and the career-offender provision.

As Table 2 indicates, the incidence of straight probation will be reduced under the guidelines. For many crimes, this reduction will be quite substantial.<sup>104</sup> For property crimes, however, the overall proportion of sentences involving probation will not change appreciably under the guidelines. For these crimes, confinement as a condition of probation will simply be required more frequently. Specifically, it is estimated that the percentage of defendants convicted of property crimes who receive straight probation will drop from 60.1% to 33.1% (columns 1 and 2). By contrast, the percentage of offenders who receive probation terms requiring some confinement will increase from 15.2% (column 3) to 35.6% (columns 4 plus 5). Overall, an estimated 75.3% of all property offenders currently receive some form of probation or split sentence, and an estimated 68.7% will do so under the guidelines. It is also likely that, for most defendants who are sentenced to probation with conditions of confinement or to a split sentence, the guidelines will increase the length of confinement.

## 2. Increase in Average Sentences

Estimates of average time currently served and projections of average time served after implementation of the guidelines are set forth in Table 3 and depicted in Figure 2. These initial estimates do not include prison time that may result from revocation of supervised release. The first column of Table 3 indicates the average time currently served by those convicted of the offense indicated, including probationers (who contribute no time unless they are incarcerated as a condition of probation). The second column reports the projected average time after the new drug law is taken into account. The third column reports projected average time given both the drug law and the career-offender provision. The last column reports projections of average time served assuming full implementation of: (1) the new drug law, (2) the career-offender provision, and (3) the sentencing guidelines.

As an illustration, consider the entries under "Drugs" in Table 3. Prior to the new drug law, defendants who were convicted of drug-law violations served an average of 23.1 months in prison. This average is projected to increase to 48.1 months after the drug law is fully implemented. It is projected to increase to 56.8 months when the drug law and the career-offender provision are both taken into account. When the effect of the guidelines is factored in, the average time served for such violations is projected to increase to 57.7 months.

The impact on average sentence lengths resulting from the new drug law and by the career-offender provision will be larger and more widespread than the impact of the guidelines. For most property crimes the guidelines have little effect on average time served. While the guidelines increase average sentence lengths for some offenses, particularly crimes against persons, burglary, and income tax evasion, it is the new drug law and career-offender provision that are likely to have the most impact on sentences.

## 3. Parole Revocations

Parole will be abolished when the guidelines are implemented.<sup>105</sup> However, the Commission

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<sup>104</sup> To a large extent, the reduction in straight probation results from the reduction of disparity in sentence length, rather than from an increase in average sentence length.

<sup>105</sup> During 1985, the federal probation system received over 10,000 people for supervision following institutional release under parole, mandatory release, military parole and special parole. Also during 1985, almost 3,000 offenders who were being supervised following imprisonment were removed from supervision, at least temporarily, for technical violations and new crimes.

has issued guidelines for supervised release, a new form of supervision that is similar to parole. Because the length of the terms of supervised release are, by statute, generally shorter than current parole terms, the guidelines may change the demand for housing offenders removed for cause from post-incarceration supervision.<sup>106</sup> Full implementation of the guidelines and the career-offender provision could decrease post-incarceration prison demands by as much as 30 to 50 percent during the period covered by the impact study.

#### H. Prison Impact

Although the incidence of straight probation is reduced under the guidelines and time served on average is somewhat longer, the precise effect of these changes in sentencing practices on overall prison demand is not obvious. Average sentences for some offenses are shorter under the guidelines, while those for other offenses are longer. A significant increase in the sentence for a crime rarely prosecuted will have little effect on prison demand. By contrast, a small increase or decrease in the average sentence for a frequently-prosecuted crime may have a substantial impact on prison populations. Both prosecution rates and average sentence lengths must be considered in projecting future prison demand. Moreover, feedback effects of changes due to incapacitation and deterrence could decrease prison demand, as explained below.

In any given year, those defendants prosecuted by federal authorities include some "veterans" of previous federal detention. The number of such recidivists will vary with the sentencing policy in place. If first offenders get longer terms under the guidelines, for example, they thereby lose "street time" to commit further crimes that could lead to further imprisonment. Thus, guidelines or other changes in sentencing, such as the Anti-Drug Abuse Act, that raise the average sentence of first offenders could ultimately reduce the prison arrival rate, and this "feedback" effect could lessen the burden that such increases impose on prison capacity.

To investigate the importance of this feedback phenomenon, we determined the current number of recidivists among incoming federal prisoners, and then estimated how this number would change under the anticipated revisions in sentencing. There clearly would be some effects (especially among robbery offenders), but they would be fairly small. The overall prison population projections plausibly might be lowered a few percentage points because of feedback, but because such adjustments are small and uncertain, they are not included in the figures presented herein. We would stress, however, that because recidivism is far more common among state than federal prisoners, feedback effects could be more potent at the state level. Hence, because many federal prisoners are subsequently incarcerated by the states, longer federal prison terms might do more to lower arrival rates at state prisons than in the federal system.

It is also likely that, as confinement grows in certainty and duration, a significant number of potential crimes will be deterred. Nonetheless, we did not lower our arrival rate forecasts in response to this possibility, nor did we explore other potential implications of this feedback effect. One reason for this decision is the historically weak link between changes in specific crime rates and changes in federal prosecution policy. Because declines in specific crime rates do not necessarily bring about corresponding declines in the rate of federal prosecutions for those crimes,

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Approximately 80 percent of those removals resulted in a revocation and return to prison. Because the revocations result in an average prison term of about 27 months, offenders who do not successfully complete their parole terms account for a significant proportion of prison space.

<sup>106</sup> The reduction in the length of the terms of supervised release reduces the exposure of the releasees to revocation. It also provides a corresponding reduction in the maximum term of imprisonment that may be imposed upon revocation.

it did not appear appropriate to investigate deterrence feedback at this time, especially given the other uncertainties in our projections.

### 1. The Basic Model

In this impact study we made several projections of the effect of implementation of the sentencing guidelines on prison populations. Each projection incorporated somewhat different assumptions regarding the growth in prosecutions, plea negotiations and departures from the guidelines. In this section, we discuss the first set of projections, in which we assumed that (1) the proportional reductions in average time served that result from plea negotiations will change little from current practice (*i.e.*, we assume that there will be equi-proportional changes in the average time served resulting from both trials and pleas), and (2) there will be relatively few departures from the guidelines. This is referred to as the "basic model". Scenarios involving both "low-growth" and "high-growth" rates in the number of convictions are presented in this section. In later sections, the results of scenarios involving other assumptions regarding plea negotiations and departures are discussed.

The prison-impact model treats community corrections facilities as a form of federal prison space. Thus, the numbers in the projections presented below include projected increases in the demand for community corrections facilities.

### 2. Low-Growth Scenario

Table 4 provides 15-year prison population projections under the low-growth assumption. Projections are given both for existing sentencing practices (current practices and practices after the drug law) and future sentencing practices (career-offender and guidelines). Figure 3 depicts this same information graphically.

Without taking into account the effect of a full implementation of the new drug law, prison population under this low-growth scenario is projected to increase from its current level of 42,000 to 57,000 in 1992, to 61,000 in 1997, and to 65,000 in 2002. This constitutes a projected fifty-percent increase in prison population in the absence of any change in sentencing practices.

As Table 4 indicates, full implementation of the new drug law in itself will cause a substantial increase in prison populations over time. We project that prison population will increase from 57,000 to 67,000 in 1992, from 61,000 to 85,000 in 1997, and from 65,000 to 93,000 in 2002, simply from implementing the new drug law. The total projected increase from 42,000 in 1987 to 85,000 in 1997 underscores a significant point: a doubling of inmates over the next decade might be expected even under a low-growth assumption and even without sentencing guidelines.

Taking into account the career-offender provision in addition to the new drug law, prison population is projected to increase from 42,000 in 1987 to 68,000 in 1992, to 89,000 in 1997, and to 102,000 in 2002. Adding the effects of the guidelines into the analyses raises the projected prison population only slightly: to 72,000 in 1992, to 92,000 in 1997, and to 105,000 in 2002. This last calculation emphasizes an important point: the incremental effect of the guidelines is relatively modest, only about 6 percent in 1992, 3 percent in 1997, and 2 percent in 2002.

Aside from the impact that is created by the growth in prosecutions, the most significant factor in creating a demand for prison capacity will be the full implementation of the new drug law. On the other hand, at least over the next decade, both the career-offender provision and guidelines are likely to have relatively minor impacts on prison population.

### 3. High-Growth Scenario

The 15-year "high-growth" projections are set forth in Table 5 and Figure 4. Under the high-growth assumptions, prison population is expected to increase dramatically -- from 42,000 currently, to 62,000 in 1992, 78,000 in 1997 and 95,000 in 2002, even without a full implementation of the new drug law. If prosecutions increase at this high rate over the 15-year period, prison population could be expected to more than double without any change in sentencing practices.

These high-growth projections suggest that given current trends in prosecutions, future demands on the federal prisons will greatly exceed present prison capacity. While these projections may be viewed as the upper limit of future prison demand, they are not beyond the range of experience. Over the last 15 years, the total population in federal prisons has more than doubled, from over 20,000 to over 40,000. The growth in total population of state institutions has been even more pronounced, increasing by 184 percent over the same period.

Under this scenario, as under the low-growth scenario, the new drug law is projected to have a substantial effect on future prison population. Because of the drug law, prison population is projected to increase by 17 percent in 1992, 39 percent in 1997 and 46 percent in 2002. The effects of both the career-offender provision and the guidelines are small in comparison. The additional effect attributable to the guidelines is 7 percent in 1992, 4 percent in 1997, and 4 percent in 2002. Although, the impact of the guidelines is somewhat larger under this scenario than under the low-growth scenario, it is still relatively modest.

### 4. Impact on Community Corrections

Although the level of utilization is difficult to estimate reliably, it is clear that community corrections facilities will be used more heavily under the guidelines. This projected increase results from a projected decline in the use of straight probation, as well as from a projected increase in the length of sentences that might be served in community corrections facilities. We estimate that, had the offenders who were convicted during 1985 been sentenced under the guidelines, somewhat more than 2,500 would have received community or intermittent confinement. Approximately another 4,000 likely would have received split sentences. We estimate that these 6,500 offenders could have required 1,600 to 3,600 man-years of community correction facility space depending on the length of the sentences and the proportions of split sentences allocated to community facilities. This contrasts with approximately 800 man-years currently used for direct commitments from court and for commitments as a condition of probation. Assuming that the use of community corrections facilities as a transition from prison remains at current levels,<sup>107</sup> the total population of such facilities may increase to 4,000 to 6,000, from a current level of approximately 3,200.

#### I. Plea Agreements and Compliance with the Guidelines: Alternative Scenarios

Our basic approach has been to estimate prison impact under both low and high-growth scenarios assuming that: (1) judges will infrequently depart from the guidelines, and (2) future plea negotiations will approximate current practice in the proportion by which sentences are reduced for

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<sup>107</sup> The use of community corrections facilities as a transition from prison may change after the guidelines go into effect. New legislation, effective November 1, 1987, may decrease the length of the transition terms for which the Bureau of Prisons can utilize community corrections facilities. See 18 U.S.C. § 3624(c).

defendants who enter guilty pleas. Recognizing that our assumptions regarding plea negotiations<sup>108</sup> or departures<sup>109</sup> might prove unrealistic, we tested the sensitivity of our projections of prison population and impact of the guidelines under alternative assumptions regarding plea negotiations and departures.

#### 1. Alternative Assumptions

To test the sensitivity of prison projections that were derived from the basic model, we entertained two alternative plea negotiation scenarios. In the first, we assumed essentially that all pleas, whether negotiated or not, received only the 2-level reduction authorized by the guidelines for "acceptance of responsibility." This sentence concession, which involves average time reductions of approximately 25 percent, is less than the current average. Thus, this alternative scenario assumed that plea negotiations for sentence concessions would be more constrained under the guidelines. In the second alternative scenario, however, we assumed that plea negotiations would be somewhat less constrained than in the basic model, and heavily influenced by current sentencing

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<sup>108</sup> Some studies at the state level indicate that compulsory sentencing guidelines and determinate sentencing laws may change the nature of guilty pleas or the rate at which they are entered. Under California's determinate sentencing law, guilty pleas were more likely to be entered at the initial hearing than at a later hearing, but the overall guilty plea rate changed little. Under Minnesota's compulsory guidelines, guilty pleas increased for the most serious crimes and decreased for the least serious crimes. North Carolina's determinate sentencing law, which was similar to a compulsory guideline system, resulted in somewhat fewer trials and an increase in formal plea agreements. Pennsylvania's compulsory guidelines resulted in fewer guilty pleas and more jury trials. *See generally* J. Casper, *The Implementation of the California Determinate Sentencing Law* (1981); Minnesota Sentencing Guidelines Comm'n, *The Impact of the Minnesota Sentencing Guidelines: Three Year Evaluation* (1984); Cohen & Tonry, *supra* note 100; S. Clarke, *North Carolina's Determinate Sentencing Legislation: An Evaluation of the First Year's Experience* (1983); R. Morelli, *The Impact of Five-Year Mandatory Sentencing on Three Pennsylvania Trial Courts: a Preliminary Analysis* (1985) (Paper presented at the 1985 Annual Meeting of the American Society of Criminology). One other study, based on voluntary guidelines in Maryland and Florida, indicated little change in the rate at which offenders enter guilty pleas. R. Hendberg & N. Holten, *The Impact of Florida's Sentencing Guidelines on the Processing and Disposition of Criminal Cases* (1985). Evidence from Florida and Maryland indicate that the adaptation to guidelines may, nevertheless, be complex. *See* D. Carrow & J. Feins, *Guidelines without Force: An Evaluation of the Multijurisdictional Sentencing Guidelines Field Test* (1985).

<sup>109</sup> Given the experience of states with determinate sentencing laws and sentencing guidelines, as well as that of the U.S. Parole Commission, the assumption that departures will occur is a reasonable one. For example, under Minnesota's presumptive sentencing guidelines 20 to 24 percent of cases sentenced between 1981 and 1983 represented departures in terms of sentence duration. Similarly, during roughly the same time period discretionary departures under the federal parole guidelines averaged 13 to 16 percent. *See* Minnesota Sentencing Guidelines Comm'n, *supra* note 108; U.S. Parole Comm'n, *Report of the United States Parole Commission: October 1, 1980 to September 30, 1983* (1984). In Pennsylvania, the departure rate was about 12 percent. *See* Kramer & Lubitz, *Pennsylvania Sentencing Reform: The Impact of Commission Established Guidelines*, 31 *Crime & Delinq.* 481 (1985).

A more recent evaluation found that Florida judges complied with their voluntary guidelines in about 78 percent of all instances, and that Maryland judges complied with their voluntary guidelines in about 68 percent of all instances. D. Carrow & J. Feins, *supra* note 108.



practices. Specifically, in the second alternative scenario, it was assumed that defendants who entered guilty pleas would receive sentences that are midway between those predicted by the basic model and those currently received. For example, when the basic model predicted a sentence of 15 years and currently the average time served is 10 years, this second scenario assumed a term of 12.5 years.

We also tested the basic model's assumption that almost all sentence exposure would be determined by sentences that are within the guidelines. Our first alternative scenario assumed that only 70 percent of all sentence exposures would be within the minimum and maximum sentences provided by the guidelines.<sup>110</sup> Our second alternative scenario assumed that sentence exposure would fall midway between the exposure predicted by the basic model and the time currently served. This assumption gives considerable weight to current practice in instances when current practice and the guidelines differ. A third and final alternative scenario assumed that sentences would fall midway between those predicted by the basic model and those observed currently, but that no sentence would exceed the maximum term allowed by the guidelines. The rationale for this scenario was that departures above the guidelines probably would be appealed routinely by the defendant (especially since most convictions at trial are appealed), while departures below the guidelines probably would be appealed only rarely by the prosecution. The possibility of reversal on appeal might cause departures above the guidelines to be rare (occurring primarily in truly extreme cases), while departures below the guidelines likely would be more frequent.

## 2. Results from Adopting Alternative Scenarios

Although these alternative scenarios regarding plea negotiations and departures differ markedly from one another and from the basic model, our projections of prison impact are relatively insensitive to these alternatives. Table 6 summarizes the results of our sensitivity analysis. In a high-growth environment under all five alternative scenarios, projected prison populations are between 72,000 and 83,000 for 1992, between 100,000 and 125,000 for 1997, and between 125,000 and 165,000 for 2002. Comparable figures for the low-growth assumptions are 67,000 to 76,000 for 1992, 78,000 to 98,000 for 1997, and 83,000 to 111,000 for 2002.

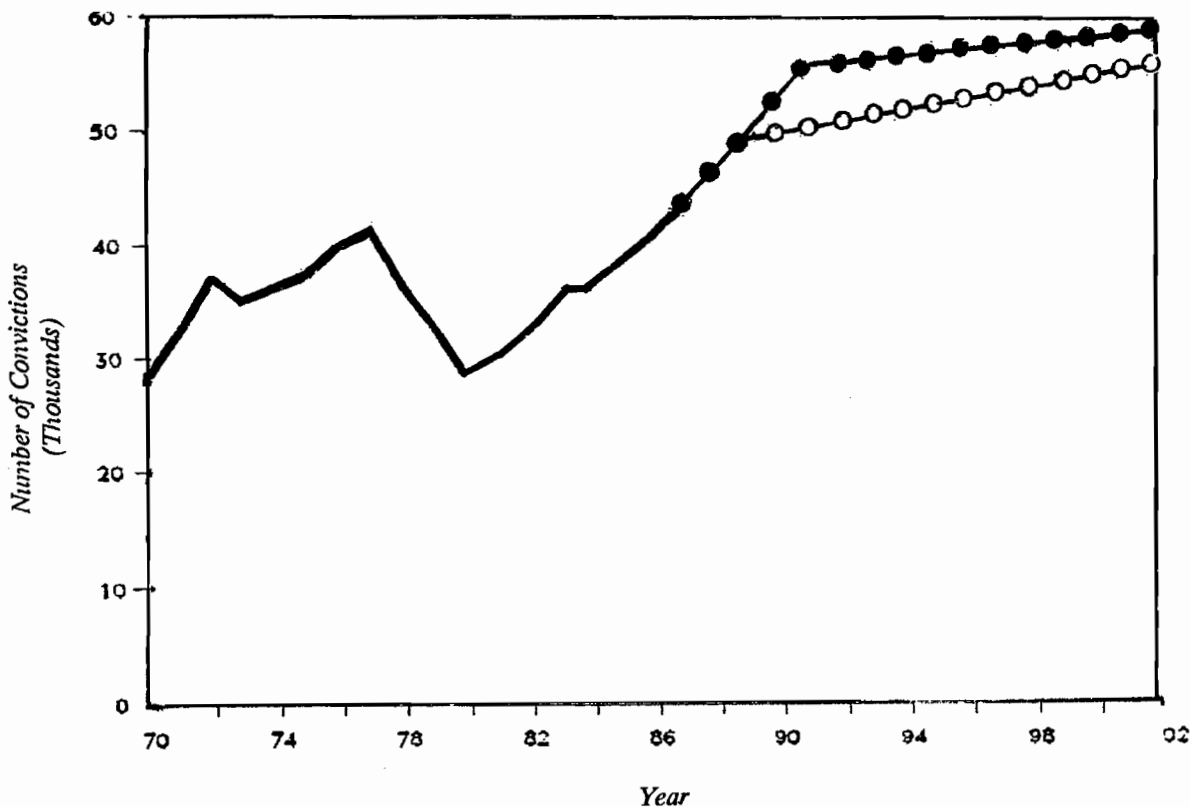
More interesting, perhaps, are the implications of the sensitivity analysis for our projections concerning changes in existing sentencing practice. As is clear from Table 6, full implementation of the 1986 Anti-Drug Abuse Act will, under any of the scenarios, be the major factor in increasing prison population in the next decade. Also apparent is the fact that neither the career-offender provision nor the guidelines themselves are likely to have a major impact on prison population during the next decade. There is no scenario under which the guidelines have more than a 10 percent impact on prison population.

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<sup>110</sup> The 30 percent departure rate is somewhat higher than the rate of departure from the parole guidelines. Because Parole Commission practices probably provide the best available evidence about the occurrence of unusual factors, a departure rate somewhat in excess of the Parole Commission's was a logical starting point for our sensitivity analysis. Furthermore, this departure rate is similar to that experienced in the states of Maryland and Florida, which recently adopted sentencing guidelines. See note 109, *supra*.



FIGURE 1 -- ACTUAL AND PROJECTED CONVICTIONS BY YEAR



- Key:
- Actual Number of Convictions
  - High Projection
  - Low Projection

Notes

- (1) For 1970-1976, the actual number of convictions is shown.
- (2) For 1987-2002, a high growth and low growth projection of number of convictions is shown. For example, the projections for the years 1992, 1997, and 2002 are as follows:

<u>Year</u>	<u>High Growth Projection</u>	<u>Low Growth Projection</u>
1992	55,962	50,626
1997	57,414	53,206
2002	58,902	55,923

For 1987-1989, the high growth and low growth projections overlap.

- (3) The high growth projections for 1987-92 are based on the average annual growth for 1982-1986. The high growth projections for 1993-2002 are based on the average annual growth that reproduces the same 15-year growth for 1987-2002 that was observed for 1971-1986.
- (4) Low growth projections for 1987-1989 are based on the average annual growth for the years 1982-1986. Thereafter, the low growth projections assume that the criminal cases grow at a 1 percent yearly rate.

TABLE 2 -- PROBATION TERMS AND SPLIT SENTENCES BY OFFENSE TYPE

Percentage of Defendants Receiving Probation and Split Sentences

<u>Offense Type</u>	<u>Straight Probation</u>			<u>Probation with Confinement &amp; Split Sentences</u>		
	<u>Under Current Practice</u>	<u>Under Guidelines</u>	<u>Under Current Practice</u>	<u>Under Guidelines (probation with custody)</u>	<u>Under Guidelines (split sentence equivalent)</u>	
Person Offenses	31.4%	14.6%	10.0%	3.1%	7.7%	
Robbery	18.0%	3.0%	8.0%	1.0%	1.0%	
Burglary	64.0%	43.0%	10.0%	0.0%	2.0%	
Property Offenses	60.1%	33.1%	15.2%	17.5%	18.1%	
Drugs	20.8%	5.1%	13.0%	1.3%	6.9%	
Fraud	59.0%	24.0%	18.0%	20.0%	21.0%	
Income Taxes	57.0%	3.0%	25.0%	20.0%	36.0%	
Firearms	37.0%	9.0%	15.0%	17.0%	16.0%	
Immigration	41.0%	30.0%	27.0%	8.0%	28.0%	

Notes:

- (1) The term 'straight probation' means probation without any period of confinement.
- (2) Under current practice, probation terms with confinement consist of probation terms with any form of incarceration: probation with jail as a condition, split sentences and mixed sentences.
- (3) The term 'probation with custody' means probation with a condition requiring a period of intermittent confinement or residence in a community treatment center.
- (4) The term 'split sentence equivalent' means a sentence under the guideline §5C2.1(c)(3) or (d)(2).
- (5) The category labeled 'person offenses' includes homicide, assault, rape, and kidnapping.
- (6) The category labeled 'property offenses' includes embezzlement, forgery, larceny, property destruction, counterfeiting and auto theft.
- (7) The category labeled 'burglary' also includes trespass.

TABLE 3 -- TIME SERVED UNDER CURRENT PRACTICE AND PROJECTED TIME SERVED UNDER THE DRUG LAW, CAREER-OFFENDER PROVISION AND GUIDELINES

Offense Type	Average Time Served (Imprisonment)		
	Present Practice	Drug Law	Future Practice
	Current Practice	Career Offender	Guidelines
Robbery	44.8	74.1	75.4
Person	37.7	53.3	75.2
Drugs	23.1	48.1	57.7
Firearms	14.1	--	15.2
Burglary	7.7	9.1	16.5
Fraud	7.0	--	8.0
Property	6.8	--	6.5
Immigration	5.7	--	5.2
Income tax	5.5	--	11.9

Notes:

- (1) Average time served is based on sentences for all offenders. Offenders not sentenced to imprisonment are treated as having zero months imprisonment.
- (2) The average time served reported in column two (drug law) and column three (career-offender provision) is for all offenders, not only offenders subject to the new drug law and the career-offender provision.
- (3) Imprisonment includes confinement in prison, jail or a community corrections facility.

FIGURE 2 -- TIME SERVED UNDER CURRENT PRACTICES AND PROJECTED TIME SERVED UNDER THE DRUG LAW, CAREER-OFFENDER PROVISION AND GUIDELINES



**Key:**

- ▨ Current average term of imprisonment (time served)
- ▧ Additional time attributable to the drug law
- ▩ Additional time attributable to the career-offender provision
- Additional time attributable to the guidelines
- Additional time attributable to the guidelines for property and immigration is negative

**Notes:**

- (1) Average time served is reported for all offenders. Offenders not sentenced to prison are treated as having zero months imprisonment.
- (2) Imprisonment includes both prison and jail confinement.

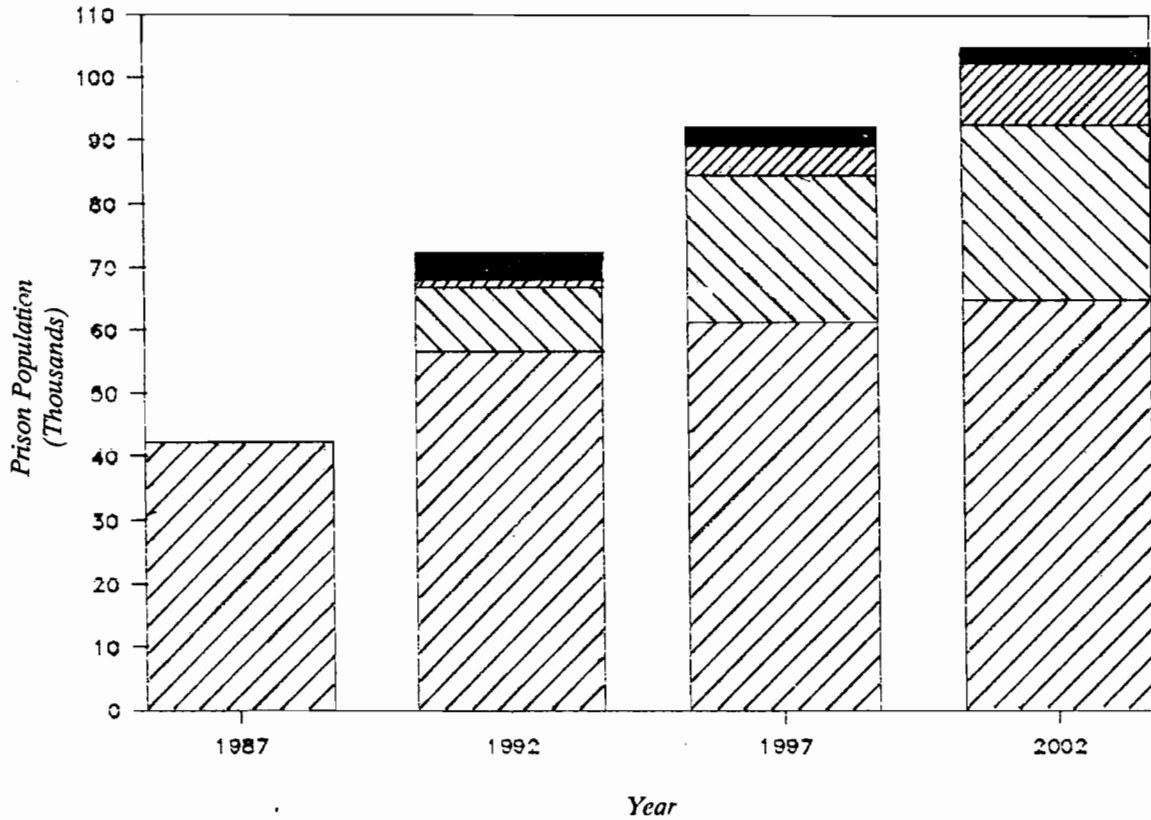
TABLE 4 -- PROJECTED GROWTH IN PRISON POPULATION: LOW-GROWTH SCENARIO

	<u>Projected Prison Population by Year</u>			
	<u>1987</u>	<u>1992</u>	<u>1997</u>	<u>2002</u>
Baseline	42,000	57,000	61,000	65,000
With Drug Law	N/A	67,000 (+18%)	85,000 (+38%)	93,000 (+44%)
With Career-Offender Provision	N/A	68,000 (+2%)	89,000 (+6%)	102,000 (+10%)
With Guidelines	N/A	72,000 (+6%)	92,000 (+3%)	105,000 (+2%)

Notes:

- (1) The baseline projections for 1987-1989 are based on the average annual growth for the years 1982-1986. Thereafter, criminal cases were assumed to grow at a 1 percent rate.
- (2) The percentage change is the increase relative to the previous estimate. The percentage change for the drug law is the change relative to the baseline. The percentage change for the career-offender provision is the change relative to the baseline plus the drug law. The percentage change for the guidelines is the change relative to the baseline plus the drug law and the career-offender provision.

FIGURE 3 -- PRISON POPULATION PROJECTIONS: LOW GROWTH SCENARIO



Key:





-  Prison population attributable to current sentencing practices and growth in prosecutions
-  Change attributable to the drug law
-  Change attributable to the career-offender provision
-  Change attributable to the guidelines

TABLE 5 -- PROJECTED GROWTH IN PRISON POPULATION: HIGH GROWTH SCENARIO

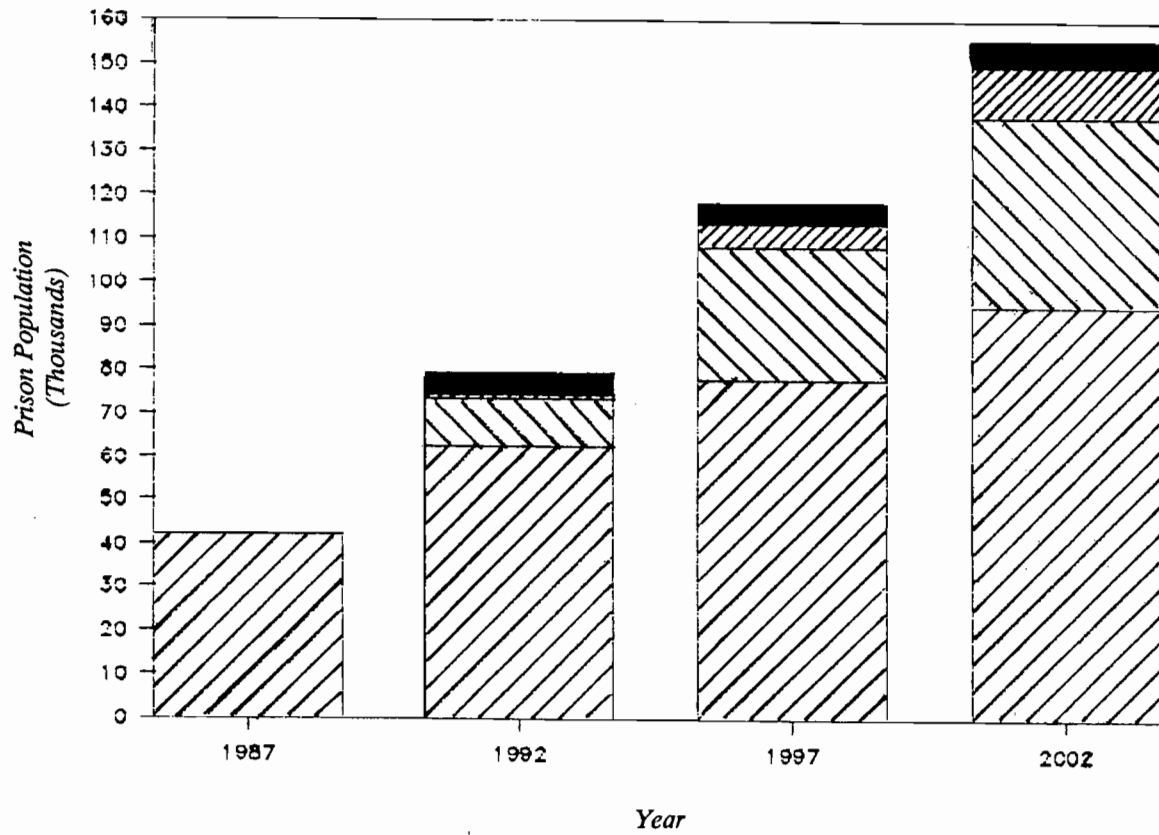
Projected Prison Population by Year

	<u>1987</u>	<u>1992</u>	<u>1997</u>	<u>2002</u>
Baseline	42,000	62,000	78,000	95,000
With Drug Law	N/A	73,000 (+17%)	108,000 (+39%)	138,000 (+46%)
With Career-Offender Provision	N/A	74,000 (+2%)	114,000 (+5%)	150,000 (+8%)
With Guidelines	N/A	79,000 (+7%)	118,000 (+4%)	156,000 (+4%)

Notes:

- (1) The baseline projections for 1987-1991 are based on the average annual growth for 1982-1986. Projections for 1992-2002 are based on the average annual growth that reproduces the same 15-year percentage growth for 1987-2002 that was observed for 1971-1986.
- (2) The percentage change is the increase relative to the previous estimate. The percentage change for the drug law is the change relative to the baseline. The percentage change for the career-offender provision is the change relative to the baseline plus the drug law. The percentage change for the guidelines is the change relative to the baseline plus the drug law and the career-offender provision.

FIGURE 4 -- PRISON POPULATION PROJECTIONS: HIGH GROWTH SCENARIO







- Key:
-  Prison population attributable to current sentencing practices and growth in prosecutions
  -  Change attributable to the drug law
  -  Change attributable to the career-offender provision
  -  Change attributable to the guidelines



TABLE 6 -- PROJECTED GROWTH IN PRISON POPULATION: RANGES FOR ALTERNATIVE DEPARTURE AND NEGOTIATION SCENARIOS

		<u>Projected Prison Population By Year</u>		
		<u>1992</u>	<u>1997</u>	<u>2002</u>
<b>Negotiation Scenarios</b>				
<b>Low Growth</b>				
	Baseline Population	57,000	62,000	65,000
	% change due to Drug Law	15-20%	27-43%	30-49%
	% change due to Career-Offender	2%	6-7%	10%
	% change due to Guidelines	4-9%	1-6%	0-5%
	Projected Total Population	68-76,000	83-98,000	91-111,000
<b>High Growth</b>				
	Baseline Population	63,000	78,000	95,000
	% change due to Drug Law	14-19%	27-44%	32-52%
	% change due to Career-Offender	2%	5%	7-8%
	% change due to Guidelines	4-10%	4-6%	2-6%
	Projected Total Population	72-83,000	107-125,000	136-165,000
<b>Departure Scenarios</b>				
<b>Low Growth</b>				
	Baseline Population	57,000	62,000	65,000
	% change due to Drug Law	14-18%	20-38%	22-44%
	% change due to Career-Offender	2%	6%	8-10%
	% change due to Guidelines	1-6%	(1)-3%	(2)-3%
	Projected Total Population	67-73,000	78-92,000	83-105,000
<b>High Growth</b>				
	Baseline Population	63,000	78,000	95,000
	% change due to Drug Law	13-17%	22-39%	24-46%
	% change due to Career-Offender	2%	5%	7-8%
	% change due to Guidelines	3-7%	0-4%	(2)-4%
	Projected Total Population	72-80,000	100-118,000	125-155,000

**Notes:**

- (1) "Baseline Population" is the projected prison population based on current trends in prosecutions and convictions, as adjusted for high and low growth; and sentencing patterns that prevailed in 1985.
- (2) The rows designated as "% change..." refer to the range of increase over the previous estimate. That is, the percentage change due to the drug law is the percentage change over the baseline. The percentage change due to the career-offender provision is the percentage change over the baseline plus the drug law. The percentage change due to the guidelines is the percentage change over the baseline plus the drug law and career-offender provisions.
- (3) "Projected Population" is the projected prison population after accounting for the baseline population, the drug law, the career-offender provision, and the guidelines.
- (4) Numbers in parentheses ( ) are negative.



## APPENDIX A - LIST OF WITNESSES AT SENTENCING COMMISSION HEARINGS

### **Public Hearing: Offense Seriousness**

**United States Sentencing Commission Hearing Room, Washington, D.C.**

**April 15, 1986**

Peter Walsh, The Association of the Bar of the City of New York

Susan Smith, Federal Probation Officers Association

Owen Walker, Federal Public Defenders Association

David Conover, National Rifle Association

Alvin Bronstein, Executive Director, American Civil Liberties Union National Prison Project

L. William Yolton, Executive Director, NISBICO

Paul Kamenar, Executive Legal Director, Washington Legal Foundation

Patrick McGuigan, Director, Institute for Government and Politics

David Jones, Crime Magazine

Stephen Jennings, Crime Magazine

Benson Weintraub, National Association of Criminal Defense Lawyers

### **Public Hearing: Treatment of Prior Criminal Record**

**United States Sentencing Commission Hearing Room, Washington, D.C.**

**May 22, 1986**

William F. Weld, United States Attorney, District of Massachusetts

Thomas W. Hillier, Federal Public Defenders Association

Melvin D. Mercer, Jr., Identification Bureau, Federal Bureau of Investigation

Donald L. Chamlee, Director, Probation Division of the Administrative Office of the U.S. Courts

William D. "Dan" Broome, Chief United States Probation Officer, Fargo, ND

Robert C. Hughes, Jr., Supervising United States Probation Officer, Macon, GA

Joel Weber, United States Probation Officer, New York, NY

**Public Hearing: Organizational Sanctions**  
**United States Sentencing Commission Hearing Room, Washington, D.C.**  
**June 10, 1986**

William M. Brodsky, American Bar Association

George C. Freeman, Jr., American Bar Association

Harvey M. Silets, Esq., Silets & Martin, Chicago

Stephen S. Trott, Assistant Attorney General, Criminal Division, Department of Justice

Mark Crane, Esq., Hopkins and Sutter, Chicago

John C. Coffee, Jr., Columbia University School of Law

**Public Hearing: Sentencing Options**  
**United States Sentencing Commission Hearing Room, Washington, D.C.**  
**July 15, 1986**

Douglas Ginsburg, Assistant Attorney General, Antitrust Division, Department of Justice

John M. Greacen, Chairman-elect, American Bar Association Criminal Justice Section

Herb J. Hoelter, National Association of Criminal Defense Lawyers

Marcia G. Shein, National Association of Criminal Defense Lawyers

Jerry Miller, National Center on Institutions and Alternatives

Alvin Bronstein, Executive Director, American Civil Liberties Union National Prison Project

Harvey Goldstein, Chief of Probation, State of New Jersey

Annesley K. Schmidt, National Institute of Justice

Samuel F. Saxton, Director, Department of Corrections, Prince George's County

Burton Galaway, University of Minnesota School of Social Work

Sally Hillsman, Vera Institute of Justice

Donald L. Chamlee, Director, Probation Division of the Administrative Office of the U.S. Courts

Newt Scott, Chief United States Probation Officer, Tulsa, OK

William D. Graves, Chief United States Probation Officer, Denver, CO

**Public Hearing: Plea Agreements**

**United States Sentencing Commission Hearing Room, Washington, D.C.  
September 23, 1986**

Stephen J. Schulhofer, University of Chicago Law School

Edward F. Marek Chairman, Federal Defenders Advisory Committee

Phyllis S. Bamberger, Federal Public Defenders Association

William J. Garber, Esq., Washington, D.C.

Frederick B. Lacey, Esq., New York City

John Volz, United States Attorney, Eastern District of Louisiana

Anton R. Valukas, United States Attorney, Northern District of Illinois

William F. Weld, Assistant Attorney General, Criminal Division, Department of Justice

**Public Hearing**

**Ceremonial Courtroom, Dirksen Federal Building, Chicago, IL  
October 17, 1986**

Anton R. Valukas, United States Attorney, Northern District of Illinois

Terence F. MacCarthy, Director, Federal Defender Program, Chicago, IL

Fred H. Bartlit, Jr., Esq., Kirkland & Ellis, Chicago, IL

Samuel K. Skinner, Esq., Sidley & Austin, Chicago, IL

Merri Dee, Victim Advocate

Patrick J. Healy, Executive Director, Chicago Crime Commission

Michael M. Mihm, Judge, U.S. District Court for the Central District of Illinois

Melvin B. Lewis, Chicago Bar Association

Albert Alschuler, University of Chicago Law School

Stephen J. Schulhofer, University of Chicago Law School

Sharon Kramer, Esq., Chicago, IL

Richard Darst, Esq., Indiana

Chester Kulus, Illinois Council Against Handgun Violence

Carol Ann Larson, Wheaton United Methodist Church

**Public Hearing**  
**United States Courthouse, Foley Square, New York, NY**  
**October 21, 1986**

Marvin Frankel, Esq., Former U.S. District Court Judge

Jack Weinstein, Chief Judge, U.S. District Court for the Eastern District of New York

Hugh H. Bownes, Judge, U.S. Court of Appeals for the First Circuit

Mark L. Wolfe, Judge, U.S. District Court for the District of Massachusetts

Phylis S. Bamberger, Attorney-in-Charge, Federal Defender Services Appeals Unit, New York, NY

Owen Walker, Federal Public Defender, District of Massachusetts

Rhea K. Brecker, Chief, Narcotics Unit, United States Attorney's Office for the Southern District of New York

Kenneth Feinberg, Chairman, New York State Committee on Sentencing Guidelines

Michael Smith, Executive Director, Vera Institute of Justice

Harold Tyler, Esq., Patterson, Belknap, Webb & Tyler, New York, NY

Jon O. Newman, Judge, U.S. Court of Appeals for the Second Circuit

William C. Conner, Judge, U.S. District Court for the Southern District of New York

Robert Fiske, Esq., Former U.S. Attorney

John Martin, Esq., Former U.S. Attorney

Robert McKay, New York University School of Law

Marie Raghianti, Former Chairman, Tennessee Parole Board

**Public Hearing**  
**Ceremonial Courtroom, Russell Federal Building, Atlanta, GA**  
**October 29, 1986**

Robert L. Barr, Jr., United States Attorney, Northern District of Georgia

Joe B. Brown, United States Attorney, Middle District of Tennessee

Gedney M. Howe, Esq., Charleston, S.C.

Gilbert S. Merritt, Judge, U.S. Court of Appeals for the Sixth Circuit

Alvin I. Krenzler, Judge, U.S. District Court for the Northern District of Ohio

James K. Hasson, Jr., Chairman, Metropolitan Atlanta Crime Commission

Gene Slade, Executive Director, Metropolitan Atlanta Crime Commission

Carlos Juenke, Chief United States Probation Officer, Southern District of Florida

Robert C. Hughes, Jr., Supervising United States Probation Officer, Middle District of Georgia

Miriam Shehane, Victim Advocate, Clio, AL

Geri O'Byrne, Victim/Witness Coordinator, Northern District of Alabama

Larry D. Thompson, Esq., King and Spalding, Atlanta, GA

Michael Doyle, Esq., Alston and Byrd, Atlanta, GA

Stephanie Kearns, Federal Public Defender, Northern District of Georgia

Lucien B. Campbell, Federal Public Defender, Western District of Texas

J. Robert Cooper, Esq., Cooper & Associates, Atlanta, GA

**Public Hearing**

**Ceremonial Courtroom, United States Courthouse, Denver, CO**

**November 5, 1986**

Robert Miller, United States Attorney, District of Colorado

William S. Price, United States Attorney, Western District of Oklahoma

Arthur Nieto, Esq., Denver, CO

Mary Ann Castellano, Victim/Witness Coordinator, Denver, CO

Terry Lee Martin, Victim Advocate

Lynn Bogle, Victim Advocate

John L. Kane, Judge, U.S. District Court for the District of Colorado

Michael Bender, Esq., Bender & Treece, Denver, CO

William Graves, Chief United States Probation Officer, Denver, CO

Perry Mathis, Chief United States Probation Officer, Kansas City, KS

Donna Chavez, Assistant Attorney General, Navajo Nation

Mark Crane, Esq., Hopkins & Sutter, Chicago, IL

Bobby R. Baldock, Judge, U.S. Court of Appeals for the Tenth Circuit

Clarence A. Brimmer, Chief Judge, U.S. District Court for the District of Wyoming

Tova Indritz, Federal Public Defender, Albuquerque, NM

Michael Katz, Federal Public Defender, Denver, CO

**Public Hearing**

**Ceremonial Courtroom, United States Courthouse, San Francisco, CA**

**November 18, 1986**

Joseph P. Russoniello, United States Attorney, Northern District of California

Jeffrey Brown, Public Defender, City and County of San Francisco

Judy Clarke, Director, Federal Defender Program, San Diego, CA

Robert C. Bonner, United States Attorney, Central District of California

J. Anthony Klein, Presiding Judge, California Court of Appeals

Mary Woods, Victim Advocate, Los Angeles, CA

William Brockett, Esq., Keker & Brockett, San Francisco, CA

James A. Lassart, Esq., Roper & Majeski, San Francisco, CA

Arthur L. Alarcon, Judge, U.S. Court of Appeals for the Ninth Circuit

James M. Burns, Judge, U.S. District Court for the District of Oregon

Dennis Curtis, University of Southern California Law School, Los Angeles, CA

**Public Hearing**

**Ceremonial Courtroom, United States Courthouse, Washington, D.C.**

**December 2-3, 1986**

December 2

Stephen S. Trott, Associate Attorney General, Department of Justice

Norman A. Carlson, Director, Bureau of Prisons

Bobby Lee Cook, Esq., Cook & Palmour, Summerville, GA

Henry E. Hudson, United States Attorney, Eastern District of Virginia

Richard Arcara, President, National District Attorneys Association

Anthony Travisono, Executive Director, American Correctional Association

Marlene Young, Executive Director, National Organization for Victim Assistance



Reuben M. Greenberg, Chief of Police, Charleston, SC  
R. Lanier Anderson, Judge, U.S. Court of Appeals for the Eleventh Circuit  
William C. O'Kelley, Judge, U.S. District Court for the Northern District of Georgia  
Edward R. Becker, Judge, U.S. Court of Appeals for the Third Circuit  
Maryanne Trump Barry, Judge, U.S. District Court for the District of New Jersey  
Jack Lipson, Federal Defenders Advisory Committee  
Cheryl M. Long, Public Defender, District of Columbia  
Edward J. Burger, Jr., Council for Court Excellence  
James W. Ellis, American Association on Mental Deficiency  
Ruth Luckasson, American Association on Mental Deficiency

December 3

Roger C. Spaeder, Esq., Zuckerman, Spaeder, Goldstein, Taylor & Kolker, Washington, D.C.  
Breckinridge L. Willcox, United States Attorney, District of Maryland  
Joseph E. diGenova, United States Attorney, District of Columbia  
Robert M. Hill, Judge, U.S. Court of Appeals for the Fifth Circuit  
George P. Kazen, Judge, U.S. District Court for the Southern District of Texas  
Gerald Heaney, Judge, U.S. Court of Appeals for the Eighth Circuit  
Donald O'Brien, Chief Judge, U.S. District Court for the Northern District of Iowa  
Albert Quie, Justice Fellowship  
Robert F. Utter, Justice Fellowship  
Charles Sullivan, CURE  
John M. Greacen, Chairman-elect, American Bar Association Criminal Justice Section  
Laurie Robinson, Executive Director, American Bar Association Criminal Justice Section  
John B. Jones, American Bar Association Section on Taxation  
Ian M. Comisky, American Bar Association Section on Taxation  
Paul Kamenar, Executive Legal Director, Washington Legal Foundation

Abner J. Mikva, Judge, U.S. Court of Appeals for the District of Columbia

Louis F. Oberdorfer, Judge, U.S. District Court for the District of Columbia  
Cornelius J. Behan, Chief of Police, Baltimore County Police Department

Jeffery D. Troutt, Research Director, Institute for Government and Politics

Robert B. Kliesmet, President, International Union of Police Associations

Rory McMahon, Secretary, Federal Probation Officers Association

Wayne R. Lapierre, Executive Director, National Rifle Association Institute for Legislative Action

Peter Shields, Chairman, Handgun Control, Inc.

Scott Wallace, Legislative Director, National Association of Criminal Defense Lawyers

**Public Hearing: The Commission's Responsibility Regarding Promulgation of Sentencing Guidelines for Federal Capital Offenses**  
**Ceremonial Courtroom, United States Courthouse, Washington, D.C.**  
**February 17, 1987**

William F. Weld, Assistant Attorney General, Criminal Division, Department of Justice

Charles J. Cooper, Assistant Attorney General, Office of Legal Counsel, Department of Justice

Mike Quinlan, Deputy Director, Bureau of Prisons

Wiley Branton, NAACP Legal Defense Fund

Marvin Frankel, NAACP Legal Defense Fund

Patrick McGuigan, Director, Institute for Government and Politics

Jeffery D. Troutt, Research Director, Institute for Government and Politics

Bruce Fein, Visiting Fellow, Heritage Foundation

John Shattuck, Amnesty International

Jane Rocamora, Amnesty International

Jonathan Gradess, National Coalition Against the Death Penalty

Paul Kamenar, Executive Legal Director, Washington Legal Foundation

L. William Yolton, NISBICO & National Interreligious Task Force on Criminal Justice

Darell Stephens, Executive Director, Police Executive Research Forum

Ordway P. Burden, Chairman, National Law Enforcement Council

Douglas Baldwin, Executive Director, National Law Enforcement Council

Norman Dorsen, President, American Civil Liberties Union

William Allen, Esq., Covington & Burling, Washington, D.C.

Elizabeth Danello, Esq., Covington & Burling, Washington, D.C.

Albert W. Alschuler, University of Chicago Law School

Charles Sullivan, CURE

Jerald R. Vaughn, Executive Director, International Association of Chiefs of Police

M. Wayne Huggins, National Sheriff's Association

Donald L. Cahill, Fraternal Order of Police

Charles Ogletree, National Association of Criminal Defense Lawyers

Mickey Veich, Congressional Affairs Officer, Federal Criminal Investigators Association

Robert Kliesmet, President, International Union of Police Associations - AFL-CIO

Robert L. Weinberg, Esq., Williams & Connolly, Washington, D.C.

**Public Hearing: Revised Draft of Sentencing Guidelines  
Ceremonial Courtroom, United States Courthouse, Washington, D.C.  
March 11-12, 1987**

**March 11**

Stephen S. Trott, Associate Attorney General, Department of Justice

Gerald B. Tjoflat, Judge, U.S. Court of Appeals for the Eleventh Circuit

James M. Burns, Judge, U.S. District Court for the District of Oregon

Charles L. Brieant, Jr., Chief Judge, U.S. District Court for the Southern District of New York

Anthony Trivisono, Executive Director, American Correctional Association

Tommaso D. Rendino, President, Federal Probation Officers Association

Ralph Ardito, Vice President, Federal Probation Officers Association

Eugene C. Thomas, President, American Bar Association

John M. Greacen, Chairman-elect, American Bar Association Criminal Justice Section

Laurie Robinson, Executive Director, American Bar Association Criminal Justice Section

L. William Yolton, Executive Director, NISBICO

Edward F. Marek, Chairman, Federal Defenders Advisory Committee

Alan Ellis, National Association of Criminal Defense Lawyers

Robert H. Saltzer, Parole and post-conviction consultant

Kenneth Feinberg, Chairman, New York State Committee on Sentencing Guidelines

Jon O. Newman, Judge, U.S. Court of Appeals for the Second Circuit

Harold Tyler, Esq., Patterson, Belknap, Webb & Tyler, New York, NY

March 12

Stephen J. Schulhofer, University of Chicago Law School

Richard Arcara, President, National District Attorneys Association

Kurt Wolfgang, National District Attorneys Association

Gerald W. Heaney, Judge, U.S. Court of Appeals for the Eight Circuit

Donald E. O'Brien, Chief Judge, U.S. District Court for the Northern District of Iowa

Paul Kamenar, Executive Legal Director, Washington Legal Foundation

Jeffery D. Troutt, Research Director, Institute for Government and Politics

Donald Santarelli, Former Director, Law Enforcement Assistance Administration

**APPENDIX B - COMPARISON OF SENTENCING GUIDELINE OFFENSE LEVELS  
WITH U.S. PAROLE COMMISSION OFFENSE LEVELS**

The following table provides a comparison of the sentencing guideline offense levels with the offense seriousness categories used in the U.S. Parole Commission guidelines. Columns 1 and 2 of the table show the sentencing guideline section number (from Chapter Two of the Guidelines) and corresponding offense level. Column 3 of the table shows the comparable parole guideline offense level. Columns 4, 5, and 6 contain a description of the offense and specific offense characteristics.

The Parole Commission offense categories and most comparable sentencing guideline offense levels are as follows:

<u>Category</u>	<u>Offense Level</u>
1	04
2	06
3	06-09
4	14
5	18-20
6	23
7	25-27
8	31-33 or 31-43 (first degree murder)

The above correspondences are based upon the parole guidelines adjusted to take into account the effect of good time under the new law.

In many cases, the comparisons are only approximate. This may occur, for example, because there are various differences in the definitions used by the two systems in respect to particular offenses and offense characteristics. In some cases, *e.g.*, drug and gambling offenses, the approach used by the two systems is substantially different. For such offenses an asterisk (\*) following the guideline section number indicates that a comparison or explanation is provided in the endnotes. In addition, there are a number of offenses for which there are no comparable parole guidelines.

The comparisons in this table should be used with caution because of the significantly different functions served by the sentencing guidelines and the parole guidelines. See pages 25-26 of the text.



Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2A1.1	43	31-43	FIRST DEGREE MURDER		
2A1.2	33	31-33	SECOND DEGREE MURDER		
2A1.3	25	25-27	VOLUNTARY MANSLAUGHTER		
2A1.4	10	14	CRIMINALLY NEGLIGENT HOMICIDE		
2A1.4	14	14	RECKLESS HOMICIDE		
2A2.1	20	31-33	ATTEMPT/CONSPIRACY/SOLICITATION TO MURDER		
2A2.1	22	31-33	ATTEMPT/CONSPIRACY/SOLICITATION TO MURDER	Bodily Injury	
2A2.1	22	31-33	ATTEMPT/CONSPIRACY/SOLICITATION TO MURDER	For Money	
2A2.1	22	31-33	ATTEMPT/CONSPIRACY/SOLICITATION TO MURDER	Planned	
2A2.1	23	31-33	ATTEMPT/CONSPIRACY/SOLICITATION TO MURDER	Weapon Brandished	
2A2.1	24	31-33	ATTEMPT/CONSPIRACY/SOLICITATION TO MURDER	Bodily Injury	For Money
2A2.1	24	31-33	ATTEMPT/CONSPIRACY/SOLICITATION TO MURDER	Planned	Bodily Injury
2A2.1	24	31-33	ATTEMPT/CONSPIRACY/SOLICITATION TO MURDER	Planned	For Money
2A2.1	24	31-33	ATTEMPT/CONSPIRACY/SOLICITATION TO MURDER	Serious Bodily Injury	
2A2.1	24	31-33	ATTEMPT/CONSPIRACY/SOLICITATION TO MURDER	Weapon Used	
2A2.1	25	31-33	ATTEMPT/CONSPIRACY/SOLICITATION TO MURDER	Firearm Discharged	
2A2.1	25	31-33	ATTEMPT/CONSPIRACY/SOLICITATION TO MURDER	Planned	Weapon Brandished
2A2.1	25	31-33	ATTEMPT/CONSPIRACY/SOLICITATION TO MURDER	Weapon Brandished	Bodily Injury
2A2.1	25	31-33	ATTEMPT/CONSPIRACY/SOLICITATION TO MURDER	Weapon Brandished	For Money
2A2.1	26	31-33	ATTEMPT/CONSPIRACY/SOLICITATION TO MURDER	Permanent Bodily Injury	
2A2.1	26	31-33	ATTEMPT/CONSPIRACY/SOLICITATION TO MURDER	Planned	Serious Bodily Injury
2A2.1	26	31-33	ATTEMPT/CONSPIRACY/SOLICITATION TO MURDER	Planned	Weapon Used
2A2.1	26	31-33	ATTEMPT/CONSPIRACY/SOLICITATION TO MURDER	Serious Bodily Injury	For Money
2A2.1	26	31-33	ATTEMPT/CONSPIRACY/SOLICITATION TO MURDER	Weapon Used	Bodily Injury
2A2.1	26	31-33	ATTEMPT/CONSPIRACY/SOLICITATION TO MURDER	Weapon Used	For Money
2A2.1	27	31-33	ATTEMPT/CONSPIRACY/SOLICITATION TO MURDER	Firearm Discharged	Bodily Injury
2A2.1	27	31-33	ATTEMPT/CONSPIRACY/SOLICITATION TO MURDER	Firearm Discharged	For Money
2A2.1	27	31-33	ATTEMPT/CONSPIRACY/SOLICITATION TO MURDER	Planned	Firearm Discharged
2A2.1	27	31-33	ATTEMPT/CONSPIRACY/SOLICITATION TO MURDER	Weapon Brandished	Serious Bodily Injury

Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2A2.1	28	31-33	ATTEMPT/CONSPIRACY/SOLICITATION TO MURDER	Permanent Bodily Injury	For Money
2A2.1	28	31-33	ATTEMPT/CONSPIRACY/SOLICITATION TO MURDER	Planned	Permanent Bodily Injury
2A2.1	28	31-33	ATTEMPT/CONSPIRACY/SOLICITATION TO MURDER	Weapon Used	Serious Bodily Injury
2A2.1	29	31-33	ATTEMPT/CONSPIRACY/SOLICITATION TO MURDER	Firearm Discharged	Permanent Bodily Injury
2A2.1	29	31-33	ATTEMPT/CONSPIRACY/SOLICITATION TO MURDER	Firearm Discharged	Serious Bodily Injury
2A2.1	29	31-33	ATTEMPT/CONSPIRACY/SOLICITATION TO MURDER	Weapon Brandished	Permanent Bodily Injury
2A2.1	29	31-33	ATTEMPT/CONSPIRACY/SOLICITATION TO MURDER	Weapon Used	Permanent Bodily Injury
2A2.2	15	18-20	AGGRAVATED ASSAULT		
2A2.2	17	18-20	AGGRAVATED ASSAULT	Bodily Injury	
2A2.2	17	18-20	AGGRAVATED ASSAULT	For Money	
2A2.2	17	18-20	AGGRAVATED ASSAULT	Planned	
2A2.2	18	18-20	AGGRAVATED ASSAULT	Weapon Brandished	
2A2.2	19	18-20	AGGRAVATED ASSAULT	Bodily Injury	For Money
2A2.2	19	18-20	AGGRAVATED ASSAULT	Planned	Bodily Injury
2A2.2	19	18-20	AGGRAVATED ASSAULT	Planned	For Money
2A2.2	19	18-20	AGGRAVATED ASSAULT	Weapon Used	
2A2.2	19	25-27	AGGRAVATED ASSAULT	Serious Bodily Injury	
2A2.2	20	18-20	AGGRAVATED ASSAULT	Firearm Discharged	
2A2.2	20	18-20	AGGRAVATED ASSAULT	Planned	Weapon Brandished
2A2.2	20	18-20	AGGRAVATED ASSAULT	Weapon Brandished	Bodily Injury
2A2.2	20	18-20	AGGRAVATED ASSAULT	Weapon Brandished	For Money
2A2.2	21	18-20	AGGRAVATED ASSAULT	Planned	Weapon Used
2A2.2	21	18-20	AGGRAVATED ASSAULT	Weapon Used	Bodily Injury
2A2.2	21	18-20	AGGRAVATED ASSAULT	Weapon Used	For Money
2A2.2	21	25-27	AGGRAVATED ASSAULT	Permanent Bodily Injury	
2A2.2	21	25-27	AGGRAVATED ASSAULT	Planned	Serious Bodily Injury
2A2.2	21	25-27	AGGRAVATED ASSAULT	Serious Bodily Injury	For Money
2A2.2	22	18-20	AGGRAVATED ASSAULT	Firearm Discharged	Bodily Injury
2A2.2	22	18-20	AGGRAVATED ASSAULT	Firearm Discharged	For Money



Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2A2.2	22	18-20	AGGRAVATED ASSAULT	Planned	Firearm Discharged
2A2.2	22	25-27	AGGRAVATED ASSAULT	Weapon Brandished	Serious Bodily Injury
2A2.2	23	25-27	AGGRAVATED ASSAULT	Permanent Bodily Injury	For Money
2A2.2	23	25-27	AGGRAVATED ASSAULT	Planned	Permanent Bodily Injury
2A2.2	23	25-27	AGGRAVATED ASSAULT	Weapon Used	Serious Bodily Injury
2A2.2	24	25-27	AGGRAVATED ASSAULT	Firearm Discharged	Permanent Bodily Injury
2A2.2	24	25-27	AGGRAVATED ASSAULT	Firearm Discharged	Serious Bodily Injury
2A2.2	24	25-27	AGGRAVATED ASSAULT	Weapon Brandished	Permanent Bodily Injury
2A2.2	24	25-27	AGGRAVATED ASSAULT	Weapon Used	Permanent Bodily Injury
2A2.3	03	06	MINOR ASSAULT - SIMPLE ASSAULT		
2A2.3	06	06	MINOR ASSAULT: STRIKING/BEATING/WOUNDING		
2A3.1	27	25-27	SEXUAL ABUSE/ATTEMPT	Serious Bodily Injury	
2A3.1	29	25-27	SEXUAL ABUSE/ATTEMPT	Victim In the Custody/Care/Control of Defendant	
2A3.1	29	25-27	SEXUAL ABUSE/ATTEMPT	Victim Under 16, Over 12	
2A3.1	31	25-27	SEXUAL ABUSE/ATTEMPT	Permanent Bodily Injury	
2A3.1	31	25-27	SEXUAL ABUSE/ATTEMPT	Used Force/Threat	
2A3.1	31	25-27	SEXUAL ABUSE/ATTEMPT	Victim in the Custody/Care/Control of Defendant	Serious Bodily Injury
2A3.1	31	25-27	SEXUAL ABUSE/ATTEMPT	Victim Under 12	
2A3.1	31	25-27	SEXUAL ABUSE/ATTEMPT	Victim Under 16, Over 12	Serious Bodily Injury
2A3.1	31	25-27	SEXUAL ABUSE/ATTEMPT	Victim Under 16, Over 12	Victim in the Custody/Care/Control of Defendant
2A3.1	31	25-27	SEXUAL ABUSE/ATTEMPT	Victim Was Abducted	
2A3.1	33	25-27	SEXUAL ABUSE/ATTEMPT	Serious Bodily Injury	Victim Was Abducted
2A3.1	33	25-27	SEXUAL ABUSE/ATTEMPT	Used Force/Threat	Serious Bodily Injury
2A3.1	33	25-27	SEXUAL ABUSE/ATTEMPT	Used Force/Threat	Victim in the Custody/Care/Control of Defendant
2A3.1	33	25-27	SEXUAL ABUSE/ATTEMPT	Used Force/Threat	Victim Under 16, Over 12
2A3.1	33	25-27	SEXUAL ABUSE/ATTEMPT	Victim in the Custody/Care/Control of Defendant	Permanent Bodily Injury

Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2A3.1	33	25-27	SEXUAL ABUSE/ATTEMPT	Victim Under 12	Serious Bodily Injury
2A3.1	33	25-27	SEXUAL ABUSE/ATTEMPT	Victim Under 12	Victim in the Custody/Care/Control of Defendant
2A3.1	33	25-27	SEXUAL ABUSE/ATTEMPT	Victim Under 16, over 12	Permanent Bodily Injury
2A3.1	33	25-27	SEXUAL ABUSE/ATTEMPT	Victim Under 16, Over 12	Victim Was Abducted
2A3.1	35	25-27	SEXUAL ABUSE/ATTEMPT	Permanent Bodily Injury	Victim Was Abducted
2A3.1	35	25-27	SEXUAL ABUSE/ATTEMPT	Used Force/Threat	Permanent Bodily Injury
2A3.1	35	25-27	SEXUAL ABUSE/ATTEMPT	Used Force/Threat	Victim Under 12
2A3.1	35	25-27	SEXUAL ABUSE/ATTEMPT	Used Force/Threat	Victim Was Abducted
2A3.1	35	25-27	SEXUAL ABUSE/ATTEMPT	Victim Under 12	Permanent Bodily Injury
2A3.1	35	25-27	SEXUAL ABUSE/ATTEMPT	Victim Under 12	Victim Was Abducted
2A3.2	15	14	STATUTORY RAPE OF MINOR/ATTEMPT	Victim in the Custody/Care/Control of Defendant	
2A3.2	16	14	STATUTORY RAPE OF MINOR/ATTEMPT	Victim in the Custody/Care/Control of Defendant	
2A3.3	09	-	STATUTORY RAPE OF WARD/ATTEMPT		
2A3.4	06	-	SEXUAL CONTACT/ATTEMPT		
2A3.4	10	-	SEXUAL CONTACT/ATTEMPT	Victim Unable to Appraise Nature of Conduct	
2A3.4	15	-	SEXUAL CONTACT/ATTEMPT	Used Force/Threat	
2A3.4	19	-	SEXUAL CONTACT/ATTEMPT	Used Force/Threat	Victim Unable to Appraise Nature of Conduct
2A4.1	23	23/25-27	KIDNAPPING/ABDUCTION	Held Under 24 Hours	
2A4.1	24	25-27	KIDNAPPING/ABDUCTION	Weapon Used	Held Under 24 Hours
2A4.1	25	23/25-27	KIDNAPPING/ABDUCTION	Held Over 7 Days	
2A4.1	25	25-27	KIDNAPPING/ABDUCTION	Serious Injury	Held Under 24 Hours
2A4.1	25	25-27	KIDNAPPING/ABDUCTION	Held Over 30 Days	
2A4.1	26	25-27	KIDNAPPING/ABDUCTION	Serious Bodily Injury	
2A4.1	26	25-27	KIDNAPPING/ABDUCTION	Weapon Used	
2A4.1	26	25-27	KIDNAPPING/ABDUCTION	To Facilitate Another Offense	Held Under 24 Hours
2A4.1	27	23/25-27	KIDNAPPING/ABDUCTION		

Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2A4.1	27	25-27	KIDNAPPING/ABDUCTION	Permanent bodily Injury	Held Under 24 Hours
2A4.1	27	25-27	KIDNAPPING/ABDUCTION	Serious Bodily Injury	Held Over 7 Days
2A4.1	27	25-27	KIDNAPPING/ABDUCTION	Weapon Used	Held Over 7 Days
2A4.1	28	23/25-27	KIDNAPPING/ABDUCTION	To Facilitate Another Offense	
2A4.1	28	25-27	KIDNAPPING/ABDUCTION	Permanent Bodily Injury	
2A4.1	28	25-27	KIDNAPPING/ABDUCTION	Serious Bodily Injury	Held Over 30 Days
2A4.1	28	25-27	KIDNAPPING/ABDUCTION	Serious Bodily Injury	Weapon Used
2A4.1	28	25-27	KIDNAPPING/ABDUCTION	Weapon Used	Held Over 30 Days
2A4.1	29	25-27	KIDNAPPING/ABDUCTION	Permanent Bodily Injury	Held Over 7 Days
2A4.1	29	25-27	KIDNAPPING/ABDUCTION	To Facilitate Another Offense	Held Over 7 Days
2A4.1	29	31-33	KIDNAPPING/ABDUCTION	Ransom Demand	Held Under 24 Hours
2A4.1	30	25-27	KIDNAPPING/ABDUCTION	Permanent Bodily Injury	Held Over 30 Days
2A4.1	30	25-27	KIDNAPPING/ABDUCTION	To Facilitate Another Offense	Held Over 30 Days
2A4.1	30	25-27	KIDNAPPING/ABDUCTION	Permanent Bodily Injury	Weapon Used
2A4.1	30	25-27	KIDNAPPING/ABDUCTION	To Facilitate Another Offense	Serious Bodily Injury
2A4.1	30	25-27	KIDNAPPING/ABDUCTION	To Facilitate Another Offense	Weapon Used
2A4.1	31	31-33	KIDNAPPING/ABDUCTION	Ransom Demand	Held Over 7 Days
2A4.1	32	25-27	KIDNAPPING/ABDUCTION	To Facilitate Another Offense	Permanent Bodily Injury
2A4.1	32	31-33	KIDNAPPING/ABDUCTION	Ransom Demand	Held Over 30 Days
2A4.1	32	31-33	KIDNAPPING/ABDUCTION	Ransom Demand	Serious Bodily Injury
2A4.1	32	31-33	KIDNAPPING/ABDUCTION	Ransom Demand	Weapon Used
2A4.1	34	31-33	KIDNAPPING/ABDUCTION	Ransom Demand	Permanent Bodily Injury
2A4.1	34	31-33	KIDNAPPING/ABDUCTION	To Facilitate Another Offense	Ransom Demand
2A4.2	23	25-27	DEMANDING/RECEIVING RANSOM MONEY		
2A5.1	38	31-33	AIRCRAFT PIRACY/ATTEMPT		
2A5.1	43	31-43	AIRCRAFT PIRACY/ATTEMPT	Death Results	
2A5.2	09	06	INTERFERENCE WITH FLIGHT CREW/ATTENDANT		
2A5.2	18	25-27	INTERFERENCE WITH FLIGHT CREW/ATTENDANT: RECKLESS		

Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
			ENDANGERMENT		
2A5.2	30	25-27	INTENTIONAL ENDANGERMENT/FLIGHT CREW		
2A6.1	08	14	THREATENING COMMUNICATIONS	No Intent to Carry Out Threat	
2A6.1	12	14	THREATENING COMMUNICATIONS		
2A6.1	18	14	THREATENING COMMUNICATIONS	Intent to Carry Out Threat	
2B1.1	04	04	LARCENY/EMBEZZLEMENT/ETC.	Value: \$101-1,000	
2B1.1	05	04	LARCENY/EMBEZZLEMENT/ETC.	Planned	
2B1.1	06	04	LARCENY/EMBEZZLEMENT/ETC.	Theft from Person	
2B1.1	06	04	LARCENY/EMBEZZLEMENT/ETC.	Value \$1,001-2000	
2B1.1	06	06	LARCENY/EMBEZZLEMENT/ETC.	Mail	Mail
2B1.1	06	06	LARCENY/EMBEZZLEMENT/ETC.	Planned	Mail
2B1.1	06	06	LARCENY/EMBEZZLEMENT/ETC.	Theft from Person	Mail
2B1.1	06	06	LARCENY/EMBEZZLEMENT/ETC.	Value \$1,001-2,000	Mail
2B1.1	06	06	LARCENY/EMBEZZLEMENT/ETC.	Value \$101-1,000	Mail
2B1.1	07	04	LARCENY/EMBEZZLEMENT/ETC.	Value \$1,001-2,000	Firearms/Destructive Device/Controlled Substance
2B1.1	07	04	LARCENY/EMBEZZLEMENT/ETC.	Value \$101-1,000	Planned
2B1.1	07	04	LARCENY/EMBEZZLEMENT/ETC.	Value \$101-1,000	Theft from Person
2B1.1	07	06	LARCENY/EMBEZZLEMENT/ETC.	Mail	Firearms/Destructive Device/Controlled Substance
2B1.1	07	06-09	LARCENY/EMBEZZLEMENT/ETC.	Value: \$2,001-5,000	
2B1.1	07	06-09	LARCENY/EMBEZZLEMENT/ETC.	Value: \$2,001-5,000	Mail
2B1.1	08	04	LARCENY/EMBEZZLEMENT/ETC.	Value: \$1,001-2,000	Planned
2B1.1	08	06-09	LARCENY/EMBEZZLEMENT/ETC.	Theft from Person	Planned
2B1.1	08	06-09	LARCENY/EMBEZZLEMENT/ETC.	Value: \$1,001-2,000	Theft from Person
2B1.1	08	06-09	LARCENY/EMBEZZLEMENT/ETC.	Value: \$2,001-5,000	Firearms/Destructive Device/Controlled Substance
2B1.1	08	06-09	LARCENY/EMBEZZLEMENT/ETC.	Value: \$5,001-10,000	
2B1.1	08	06-09	LARCENY/EMBEZZLEMENT/ETC.	Value: \$5,001-10,000	Mail

Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2B1.1	09	04	LARCENY/EMBEZZLEMENT/ETC.	Firearms/Destructive Device/Controlled Substance	Planned
2B1.1	09	04	LARCENY/EMBEZZLEMENT/ETC.	Firearms/Destructive Device/Controlled Substance	Theft from Person
2B1.1	09	06-09	LARCENY/EMBEZZLEMENT/ETC.	Value: \$10,001-20,000	
2B1.1	09	06-09	LARCENY/EMBEZZLEMENT/ETC.	Value: \$10,001-20,000	Mail
2B1.1	09	06-09	LARCENY/EMBEZZLEMENT/ETC.	Value: \$2,001-5,000	Planned
2B1.1	09	06-09	LARCENY/EMBEZZLEMENT/ETC.	Value: \$2,001-5,000	Theft from Person
2B1.1	09	06-09	LARCENY/EMBEZZLEMENT/ETC.	Value: \$5,001-10,000	Firearms/Destructive Device/Controlled Substance
2B1.1	10	06-09	LARCENY/EMBEZZLEMENT/ETC.	Value: \$10,001-20,000	Firearms/Destructive Device/Controlled Substance
2B1.1	10	06-09	LARCENY/EMBEZZLEMENT/ETC.	Value: \$5,001-10,000	Planned
2B1.1	10	06-09	LARCENY/EMBEZZLEMENT/ETC.	Value: \$5,001-10,000	Theft from Person
2B1.1	10	14	LARCENY/EMBEZZLEMENT/ETC.	Value: \$20,001-50,000	Mail
2B1.1	10	14	LARCENY/EMBEZZLEMENT/ETC.	Value: \$20,001-50,000	Planned
2B1.1	11	06-09	LARCENY/EMBEZZLEMENT/ETC.	Value: \$10,001-20,000	Theft from Person
2B1.1	11	06-09	LARCENY/EMBEZZLEMENT/ETC.	Value: \$10,001-20,000	Firearms/Destructive Device/Controlled Substance
2B1.1	11	14	LARCENY/EMBEZZLEMENT/ETC.	Value: \$20,001-50,000	Firearms/Destructive Device/Controlled Substance
2B1.1	11	14	LARCENY/EMBEZZLEMENT/ETC.	Value: \$50,001-100,000	Mail
2B1.1	11	14	LARCENY/EMBEZZLEMENT/ETC.	Value: \$50,001-100,000	Planned
2B1.1	12	14	LARCENY/EMBEZZLEMENT/ETC.	Value: \$20,001-50,000	Theft from Person
2B1.1	12	14	LARCENY/EMBEZZLEMENT/ETC.	Value: \$50,001-100,000	Firearms/Destructive Device/Controlled Substance
2B1.1	12	18-20	LARCENY/EMBEZZLEMENT/ETC.	Value: \$100,001-200,000	
2B1.1	12	18-20	LARCENY/EMBEZZLEMENT/ETC.	Value: \$100,001-200,000	Mail
2B1.1	13	14	LARCENY/EMBEZZLEMENT/ETC.	Value: \$50,001-100,000	Planned
2B1.1	13	14	LARCENY/EMBEZZLEMENT/ETC.	Value: \$50,001-100,000	Theft from Person
2B1.1	13	18-20	LARCENY/EMBEZZLEMENT/ETC.	Value: \$100,001-200,000	Firearms/Destructive Device/Controlled Substance

Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USFC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2B1.1	13	18-20	LARCENY/EMBEZZLEMENT/ETC.	Value: \$200,001-500,000	
2B1.1	13	18-20	LARCENY/EMBEZZLEMENT/ETC.	Value: \$200,001-500,000	Mail
2B1.1	14	18-20	LARCENY/EMBEZZLEMENT/ETC.	Value: \$100,001-200,000	Planned
2B1.1	14	18-20	LARCENY/EMBEZZLEMENT/ETC.	Value: \$100,001-200,000	Theft from Person
2B1.1	14	18-20	LARCENY/EMBEZZLEMENT/ETC.	Value: \$200,001-500,000	Firearms/Destructive Device/Controlled Substance
2B1.1	14	23	LARCENY/EMBEZZLEMENT/ETC.	Value: \$500,001-1,000,000	
2B1.1	14	23	LARCENY/EMBEZZLEMENT/ETC.	Value: \$500,001-1,000,000	Mail
2B1.1	15	18-20	LARCENY/EMBEZZLEMENT/ETC.	Value: \$200,001-500,000	Planned
2B1.1	15	18-20	LARCENY/EMBEZZLEMENT/ETC.	Value: \$200,001-500,000	Theft from Person
2B1.1	15	23	LARCENY/EMBEZZLEMENT/ETC.	Value: \$1,000,001-2,000,000	
2B1.1	15	23	LARCENY/EMBEZZLEMENT/ETC.	Value: \$1,000,001-2,000,000	Mail
2B1.1	15	23	LARCENY/EMBEZZLEMENT/ETC.	Value: \$500,001-1,000,000	Firearms/Destructive Device/Controlled Substance
2B1.1	16	23	LARCENY/EMBEZZLEMENT/ETC.	Value: \$1,000,001-2,000,000	Firearms/Destructive Device/Controlled Substance
2B1.1	16	23	LARCENY/EMBEZZLEMENT/ETC.	Value: \$2,000,001-5,000,000	
2B1.1	16	23	LARCENY/EMBEZZLEMENT/ETC.	Value: \$500,001-1,000,000	Planned
2B1.1	16	23	LARCENY/EMBEZZLEMENT/ETC.	Value: \$500,001-1,000,000	Theft from Person
2B1.1	17	23	LARCENY/EMBEZZLEMENT/ETC.	Value: \$1,000,001-2,000,000	Planned
2B1.1	17	23	LARCENY/EMBEZZLEMENT/ETC.	Value: \$1,000,001-2,000,000	Theft from Person
2B1.1	17	23	LARCENY/EMBEZZLEMENT/ETC.	Value: \$2,000,001-5,000,000	Firearms/Destructive Device/Controlled Substance
2B1.1	17	23	LARCENY/EMBEZZLEMENT/ETC.	Value: Over \$5,000,000	
2B1.1	17	23	LARCENY/EMBEZZLEMENT/ETC.	Value: Over \$5,000,000	Mail
2B1.1	18	23	LARCENY/EMBEZZLEMENT/ETC.	Value: \$2,000,001-5,000,000	Planned
2B1.1	18	23	LARCENY/EMBEZZLEMENT/ETC.	Value: \$2,000,001-5,000,000	Theft from Person
2B1.1	18	23	LARCENY/EMBEZZLEMENT/ETC.	Value: Over \$5,000,000	Firearms/Destructive Device/Controlled Substance
2B1.1	19	23	LARCENY/EMBEZZLEMENT/ETC.	Value: Over \$5,000,000	Planned
2B1.1	19	23	LARCENY/EMBEZZLEMENT/ETC.	Value: Over \$5,000,000	Theft from Person

Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2B1.2	04	04	RECEIVING STOLEN PROPERTY		
2B1.2	06	04	RECEIVING STOLEN PROPERTY	Planned	
2B1.2	06	04	RECEIVING STOLEN PROPERTY	Value: \$1,001-2,000	
2B1.2	07	04	RECEIVING STOLEN PROPERTY	Firearms/Destructive Device/Controlled Substance	
2B1.2	07	04	RECEIVING STOLEN PROPERTY	Planned	Firearm/Destructive Device/Controlled Substance
2B1.2	07	04	RECEIVING STOLEN PROPERTY	Planned	Value: \$101-1,000
2B1.2	07	04	RECEIVING STOLEN PROPERTY	Value: \$1,001-2,000	Firearms/Destructive Device/Controlled Substance
2B1.2	07	04	RECEIVING STOLEN PROPERTY	Value: \$101-1,000	Firearms/Destructive Device/Controlled Substance
2B1.2	07	06-09	RECEIVING STOLEN PROPERTY	Value: \$2,001-5,000	
2B1.2	08	04	RECEIVING STOLEN PROPERTY	Planned	Value: \$1,001-2,000
2B1.2	08	06	RECEIVING STOLEN PROPERTY	Intent to Resell	
2B1.2	08	06-09	RECEIVING STOLEN PROPERTY	Value: \$2,001-5,000	Firearms/Destructive Device/Controlled Substance
2B1.2	08	06-09	RECEIVING STOLEN PROPERTY	Value: \$5,001-10,000	
2B1.2	09	06	RECEIVING STOLEN PROPERTY	Intent to Resell	Firearms/Destructive Device/Controlled Substance
2B1.2	09	06	RECEIVING STOLEN PROPERTY	Value: \$101-1,000	Intent to Resell
2B1.2	09	06-09	RECEIVING STOLEN PROPERTY	Planned	Value: \$2,001-5,000
2B1.2	09	06-09	RECEIVING STOLEN PROPERTY	Value: \$10,001-20,000	
2B1.2	09	06-09	RECEIVING STOLEN PROPERTY	Value: \$5,001-10,000	Firearms/Destructive Device/Controlled Substance
2B1.2	10	06	RECEIVING STOLEN PROPERTY	Value: \$1,001-2,000	Intent to Resell
2B1.2	10	06-09	RECEIVING STOLEN PROPERTY	Planned	Value: \$5,001-10,000
2B1.2	10	06-09	RECEIVING STOLEN PROPERTY	Value: \$10,001-20,000	Firearms/Destructive Device/Controlled Substance
2B1.2	10	14	RECEIVING STOLEN PROPERTY	Value: \$20,001-50,000	
2B1.2	11	06-09	RECEIVING STOLEN PROPERTY	Planned	Value: \$10,001-20,000
2B1.2	11	06-09	RECEIVING STOLEN PROPERTY	Value: \$2,001-5,000	Intent to Resell
2B1.2	11	14	RECEIVING STOLEN PROPERTY	Value: \$20,001-50,000	Firearms/Destructive Device/Controlled Substance

Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2B1.2	11	14	RECEIVING STOLEN PROPERTY	Value: \$50,001-100,000	Substance
2B1.2	12	06-09	RECEIVING STOLEN PROPERTY	Value: \$5,001-10,000	Intent to Resell
2B1.2	12	14	RECEIVING STOLEN PROPERTY	Planned	Value: \$20,001-50,000
2B1.2	12	14	RECEIVING STOLEN PROPERTY	Value: \$50,001-100,000	Firearms/Destructive Device/Controlled Substance
2B1.2	12	18-20	RECEIVING STOLEN PROPERTY	Value: \$100,001-200,000	
2B1.2	13	06-09	RECEIVING STOLEN PROPERTY	Value: \$10,001-20,000	Intent to Resell
2B1.2	13	14	RECEIVING STOLEN PROPERTY	Planned	Value: \$50,001-100,000
2B1.2	13	18-20	RECEIVING STOLEN PROPERTY	Value: \$100,001-200,000	Firearms/Destructive Device/Controlled Substance
2B1.2	13	18-20	RECEIVING STOLEN PROPERTY	Value: \$200,001-500,000	
2B1.2	14	14	RECEIVING STOLEN PROPERTY	Value: \$20,001-50,000	Intent to Resell
2B1.2	14	18-20	RECEIVING STOLEN PROPERTY	Planned	Value: \$100,001-200,000
2B1.2	14	18-20	RECEIVING STOLEN PROPERTY	Value: \$200,001-500,000	Firearms/Destructive Device/Controlled Substance
2B1.2	14	23	RECEIVING STOLEN PROPERTY	Value: \$500,001-1,000,000	
2B1.2	15	14	RECEIVING STOLEN PROPERTY	Value: \$50,001-100,000	Intent to Resell
2B1.2	15	18-20	RECEIVING STOLEN PROPERTY	Planned	Value: \$200,001-500,000
2B1.2	15	23	RECEIVING STOLEN PROPERTY	Value: \$1,000,001-2,000,000	
2B1.2	15	23	RECEIVING STOLEN PROPERTY	Value: \$500,001-1,000,000	Firearms/Destructive Device/Controlled Substance
2B1.2	16	18-20	RECEIVING STOLEN PROPERTY	Value: \$100,001-200,000	Intent to Resell
2B1.2	16	23	RECEIVING STOLEN PROPERTY	Planned	Value: \$500,001-1,000,000
2B1.2	16	23	RECEIVING STOLEN PROPERTY	Value: \$1,000,001-2,000,000	Firearms/Destructive Device/Controlled Substance
2B1.2	16	23	RECEIVING STOLEN PROPERTY	Value: \$2,000,001-5,000,000	
2B1.2	17	18-20	RECEIVING STOLEN PROPERTY	Value: \$200,001-500,000	Intent to Resell
2B1.2	17	23	RECEIVING STOLEN PROPERTY	Planned	Value: \$1,000,001-2,000,000
2B1.2	17	23	RECEIVING STOLEN PROPERTY	Value: \$2,000,001-5,000,000	Firearms/Destructive Device/Controlled Substance
2B1.2	17	23	RECEIVING STOLEN PROPERTY	Value: Over \$5,000,000	



Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2B1.2	18	23	RECEIVING STOLEN PROPERTY	Planned	Value: \$2,000,001-5,000,000
2B1.2	18	23	RECEIVING STOLEN PROPERTY	Value: \$500,001-1,000,000	Intent to Resell
2B1.2	18	23	RECEIVING STOLEN PROPERTY	Value: Over \$5,000,000	Firearms/Destructive Device/Controlled Substance
2B1.2	19	23	RECEIVING STOLEN PROPERTY	Planned	Value: Over \$5,000,000
2B1.2	19	23	RECEIVING STOLEN PROPERTY	Value: \$1,000,001-2,000,000	Intent to Resell
2B1.2	20	23	RECEIVING STOLEN PROPERTY	Value: \$2,000,001-5,000,000	Intent to Resell
2B1.2	21	23	RECEIVING STOLEN PROPERTY	Value: Over \$5,000,000	Intent to Resell
2B1.3	04	04	PROPERTY DAMAGE (OTHER THAN BY ARSON OR EXPLOSIVES)		
2B1.3	06	04	PROPERTY DAMAGE (OTHER THAN BY ARSON OR EXPLOSIVES)	Mail	
2B1.3	06	04	PROPERTY DAMAGE (OTHER THAN BY ARSON OR EXPLOSIVES)	Planned	
2B1.3	06	04	PROPERTY DAMAGE (OTHER THAN BY ARSON OR EXPLOSIVES)	Planned	Mail
2B1.3	06	04	PROPERTY DAMAGE (OTHER THAN BY ARSON OR EXPLOSIVES)	Value: \$1,001-2,000	
2B1.3	06	04	PROPERTY DAMAGE (OTHER THAN BY ARSON OR EXPLOSIVES)	Value: \$101-2,000	Mail
2B1.3	07	04	PROPERTY DAMAGE (OTHER THAN BY ARSON OR EXPLOSIVES)	Value: \$101-1,000	Planned
2B1.3	07	06-09	PROPERTY DAMAGE (OTHER THAN BY ARSON OR EXPLOSIVES)	Value: \$2,001-5,000	
2B1.3	07	06-09	PROPERTY DAMAGE (OTHER THAN BY ARSON OR EXPLOSIVES)	Value: \$2,001-5,000	Mail
2B1.3	08	04	PROPERTY DAMAGE (OTHER THAN BY ARSON OR EXPLOSIVES)	Value: \$1,001-2,000	Planned
2B1.3	08	06-09	PROPERTY DAMAGE (OTHER THAN BY ARSON OR EXPLOSIVES)	Value: \$5,001-10,000	
2B1.3	08	06-09	PROPERTY DAMAGE (OTHER THAN BY ARSON OR EXPLOSIVES)	Value: \$5,001-10,000	Mail
2B1.3	09	06-09	PROPERTY DAMAGE (OTHER THAN BY ARSON OR EXPLOSIVES)	Value: \$10,001-20,000	
2B1.3	09	06-09	PROPERTY DAMAGE (OTHER THAN BY ARSON OR EXPLOSIVES)	Value: \$10,001-20,000	Mail

Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2B1.3	09	06-09	PROPERTY DAMAGE (OTHER THAN BY ARSON OR EXPLOSIVES)	Value: \$2,001-5,000	Planned
2B1.3	10	06-09	PROPERTY DAMAGE (OTHER THAN BY ARSON OR EXPLOSIVES)	Value: \$5,001-10,000	Planned
2B1.3	10	14	PROPERTY DAMAGE (OTHER THAN BY ARSON OR EXPLOSIVES)	Value: \$20,001-50,000	
2B1.3	10	14	PROPERTY DAMAGE (OTHER THAN BY ARSON OR EXPLOSIVES)	Value: \$20,001-50,000	Mail
2B1.3	11	06-09	PROPERTY DAMAGE (OTHER THAN BY ARSON OR EXPLOSIVES)	Value: \$10,001-20,000	Planned
2B1.3	11	14	PROPERTY DAMAGE (OTHER THAN BY ARSON OR EXPLOSIVES)	Value: \$50,001-100,000	
2B1.3	11	14	PROPERTY DAMAGE (OTHER THAN BY ARSON OR EXPLOSIVES)	Value: \$50,001-100,000	Mail
2B1.3	12	14	PROPERTY DAMAGE (OTHER THAN BY ARSON OR EXPLOSIVES)	Value: \$20,001-50,000	Planned
2B1.3	12	18-20	PROPERTY DAMAGE (OTHER THAN BY ARSON OR EXPLOSIVES)	Value: \$100,001-200,000	
2B1.3	12	18-20	PROPERTY DAMAGE (OTHER THAN BY ARSON OR EXPLOSIVES)	Value: \$100,001-200,000	Mail
2B1.3	13	14	PROPERTY DAMAGE (OTHER THAN BY ARSON OR EXPLOSIVES)	Value: \$50,001-100,000	Planned
2B1.3	13	18-20	PROPERTY DAMAGE (OTHER THAN BY ARSON OR EXPLOSIVES)	Value: \$200,001-500,000	
2B1.3	13	18-20	PROPERTY DAMAGE (OTHER THAN BY ARSON OR EXPLOSIVES)	Value: \$200,001-500,000	Mail
2B1.3	14	18-20	PROPERTY DAMAGE (OTHER THAN BY ARSON OR EXPLOSIVES)	Value: \$100,001-200,000	Planned
2B1.3	14	23	PROPERTY DAMAGE (OTHER THAN BY ARSON OR EXPLOSIVES)	Value: \$500,001-1,000,000	
2B1.3	14	23	PROPERTY DAMAGE (OTHER THAN BY ARSON OR EXPLOSIVES)	Value: \$500,001-1,000,000	Mail
2B1.3	15	18-20	PROPERTY DAMAGE (OTHER THAN BY ARSON OR EXPLOSIVES)	Value: \$200,001-500,000	Planned
2B1.3	15	23	PROPERTY DAMAGE (OTHER THAN BY ARSON OR EXPLOSIVES)	Value: \$1,000,001-2,000,000	
2B1.3	15	23	PROPERTY DAMAGE (OTHER THAN BY ARSON OR EXPLOSIVES)	Value: \$1,000,001-2,000,000	Mail

Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2B1.3	16	23	PROPERTY DAMAGE (OTHER THAN BY ARSON OR EXPLOSIVES)	Value: \$2,000,001-5,000,000	
2B1.3	16	23	PROPERTY DAMAGE (OTHER THAN BY ARSON OR EXPLOSIVES)	Value: \$2,000,001-5,000,000	Mail
2B1.3	16	23	PROPERTY DAMAGE (OTHER THAN BY ARSON OR EXPLOSIVES)	Value: \$500,001-1,000,000	Planned
2B1.3	17	23	PROPERTY DAMAGE (OTHER THAN BY ARSON OR EXPLOSIVES)	Value: \$1,000,001-2,000,000	Planned
2B1.3	17	23	PROPERTY DAMAGE (OTHER THAN BY ARSON OR EXPLOSIVES)	Value: Over \$5,000,000	
2B1.3	17	23	PROPERTY DAMAGE (OTHER THAN BY ARSON OR EXPLOSIVES)	Value: Over \$5,000,000	Mail
2B1.3	18	23	PROPERTY DAMAGE (OTHER THAN BY ARSON OR EXPLOSIVES)	Value: \$2,000,001-5,000,000	Planned
2B1.3	19	23	PROPERTY DAMAGE (OTHER THAN BY ARSON OR EXPLOSIVES)	Value: Over \$5,000,000	Planned
2B2.1	17	18-20	BURGLARY OF A RESIDENCE	Firearms/Destructive Device/Controlled Substance	
2B2.1	18	18-20	BURGLARY OF A RESIDENCE	Value: \$2,501-10,000	
2B2.1	19	18-20	BURGLARY OF A RESIDENCE	Planned	
2B2.1	19	18-20	BURGLARY OF A RESIDENCE	Value: \$10,001-50,000	
2B2.1	19	18-20	BURGLARY OF A RESIDENCE	Value: \$2,501-10,000	Firearms/Destructive Device/Controlled Substance
2B2.1	19	18-20	BURGLARY OF A RESIDENCE	Weapon Possessed	
2B2.1	20	18-20	BURGLARY OF A RESIDENCE	Planned	Firearms/Destructive Device/Controlled Substance
2B2.1	20	18-20	BURGLARY OF A RESIDENCE	Planned	Value: \$2,501-10,000
2B2.1	20	18-20	BURGLARY OF A RESIDENCE	Value: \$10,001-50,000	Firearms/Destructive Device/Controlled Substance
2B2.1	20	18-20	BURGLARY OF A RESIDENCE	Value: \$50,001-250,000	
2B2.1	20	18-20	BURGLARY OF A RESIDENCE	Weapon Possessed	Firearms/Destructive Device/Controlled Substance
2B2.1	20	18-20	BURGLARY OF A RESIDENCE	Weapon Possessed	Value: \$2,501-10,000
2B2.1	21	18-20	BURGLARY OF A RESIDENCE	Planned	Value: \$10,001-50,000

Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2B2.1	21	18-20	BURGLARY OF A RESIDENCE	Planned	Weapon Possessed
2B2.1	21	18-20	BURGLARY OF A RESIDENCE	Value: \$50,001-250,000	Firearms/Destructive Device/Controlled Substance Value: \$10,001-50,000
2B2.1	21	18-20	BURGLARY OF A RESIDENCE	Weapon Possessed	
2B2.1	21	18-20/23	BURGLARY OF A RESIDENCE	Value: \$250,001-1,000,000	
2B2.1	22	18-20	BURGLARY OF A RESIDENCE	Planned	Value: \$50,001-250,000
2B2.1	22	18-20	BURGLARY OF A RESIDENCE	Weapon Possessed	Value: \$50,001-250,000
2B2.1	22	18-20/23	BURGLARY OF A RESIDENCE	Value: \$250,001-1,000,000	Firearms/Destructive Device/Controlled Substance
2B2.1	22	23	BURGLARY OF A RESIDENCE	Value: \$1,000,001-5,000,000	
2B2.1	23	18-20/23	BURGLARY OF A RESIDENCE	Planned	Value: \$250,001-1,000,000
2B2.1	23	18-20/23	BURGLARY OF A RESIDENCE	Weapon Possessed	Value: \$250,001-1,000,000
2B2.1	23	23	BURGLARY OF A RESIDENCE	Value: \$1,000,001-5,000,000	Firearms/Destructive Device/Controlled Substance
2B2.1	23	23	BURGLARY OF A RESIDENCE	Value: Over \$5,000,000	
2B2.1	24	23	BURGLARY OF A RESIDENCE	Planned	Value: \$1,000,001-5,000,000
2B2.1	24	23	BURGLARY OF A RESIDENCE	Value: Over \$5,000,000	Firearms/Destructive Device/Controlled Substance
2B2.1	24	23	BURGLARY OF A RESIDENCE	Weapon Possessed	
2B2.1	25	23	BURGLARY OF A RESIDENCE	Planned	Value: Over \$5,000,000
2B2.1	25	23	BURGLARY OF A RESIDENCE	Weapon Possessed	Value: Over \$5,000,000
2B2.2	16	18-20/23	BURGLARY OF OTHER STRUCTURES	Value: \$250,001-1,000,000	
2B2.2	17	18-20/23	BURGLARY OF OTHER STRUCTURES	Value: \$250,001-1,000,000	Firearms/Destructive Device/Controlled Substance
2B2.2	17	23	BURGLARY OF OTHER STRUCTURES	Value: \$1,000,001-5,000,000	
2B2.2	18	18-20/23	BURGLARY OF OTHER STRUCTURES	Planned	Value: \$250,001-1,000,000
2B2.2	18	18-20/23	BURGLARY OF OTHER STRUCTURES	Weapon Possessed	Value: \$250,001-1,000,000
2B2.2	18	23	BURGLARY OF OTHER STRUCTURES	Value: \$1,000,001-5,000,000	Firearms/Destructive Device/Controlled Substance
2B2.2	18	23	BURGLARY OF OTHER STRUCTURES	Value: Over \$5,000,000	
2B2.2	19	23	BURGLARY OF OTHER STRUCTURES	Planned	Value: \$1,000,001-5,000,000
2B2.2	19	23	BURGLARY OF OTHER STRUCTURES	Value: Over \$5,000,000	Firearms/Destructive Device/Controlled Substance

Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

C/L Section	C/L LEVEL	USFC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2B2.2	19	23	BURGLARY OF OTHER STRUCTURES	Weapon Possessed	Value: \$1,000,001-5,000,000 Substance
2B2.2	20	23	BURGLARY OF OTHER STRUCTURES	Planned	Value: Over \$5,000,000
2B2.2	20	23	BURGLARY OF OTHER STRUCTURES	Weapon Possessed	Value: Over \$5,000,000
2B2.2*	12	06	BURGLARY OF OTHER STRUCTURES	Firearms/Destructive Device/Controlled Substance	Value: Over \$5,000,000
2B2.2*	13	06	BURGLARY OF OTHER STRUCTURES	Value: \$2,501-10,000	
2B2.2*	13	06-09	BURGLARY OF OTHER STRUCTURES	Planned	
2B2.2*	14	06	BURGLARY OF OTHER STRUCTURES	Weapon Possessed	
2B2.2*	14	06	BURGLARY OF OTHER STRUCTURES	Value: \$2,501-10,000	Firearms/Destructive Device/Controlled Substance
2B2.2*	14	06-09	BURGLARY OF OTHER STRUCTURES	Value: \$10,001-50,000	Firearms/Destructive Device/Controlled Substance
2B2.2*	15	06	BURGLARY OF OTHER STRUCTURES	Planned	Firearms/Destructive Device/Controlled Substance
2B2.2*	15	06	BURGLARY OF OTHER STRUCTURES	Weapon Possessed	Firearms/Destructive Device/Controlled Substance
2B2.2*	15	06-09	BURGLARY OF OTHER STRUCTURES	Planned	Value: \$2,501-10,000
2B2.2*	15	06-09	BURGLARY OF OTHER STRUCTURES	Weapon Possessed	Value: \$2,501-10,000
2B2.2*	15	06-09,14	BURGLARY OF OTHER STRUCTURES	Value: \$10,001-50,000	Firearms/Destructive Device/Controlled Substance
2B2.2*	15	14/18-20	BURGLARY OF OTHER STRUCTURES	Value: \$50,001-250,000	Firearms/Destructive Device/Controlled Substance
2B2.2*	16	06	BURGLARY OF OTHER STRUCTURES	Weapon Possessed	Planned
2B2.2*	16	06-09,14	BURGLARY OF OTHER STRUCTURES	Planned	Value: \$10,001-50,000
2B2.2*	16	06-09,14	BURGLARY OF OTHER STRUCTURES	Weapon Possessed	Value: \$10,001-50,000
2B2.2*	16	14/18-20	BURGLARY OF OTHER STRUCTURES	Value: \$50,001-250,000	Firearms/Destructive Device/Controlled Substance
2B2.2*	17	14/18-20	BURGLARY OF OTHER STRUCTURES	Planned	Value: \$50,001-250,000
2B2.2*	17	14/18-20	BURGLARY OF OTHER STRUCTURES	Weapon Possessed	Value: \$50,001-250,000
2B2.3	04	04	TRESPASS		
2B2.3	06	04	TRESPASS	Secured Government/Nuclear Facility or Residence	

Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2B2.3	06	04	TRESPASS	Weapon Possessed	
2B2.3	08	04	TRESPASS	Weapon Possessed	Secured Government/Nuclear Facility or Residence
2B3.1	18	18-20	ROBBERY		
2B3.1	19	18-20	ROBBERY	Firearms/Destructive Device/Controlled Substance	
2B3.1	19	18-20	ROBBERY	Value: \$2,501-10,000	
2B3.1	20	18-20	ROBBERY	Value: \$10,001-50,000	
2B3.1	20	18-20	ROBBERY	Value: \$2,501-10,000	Firearms/Destructive Device/Controlled Substance
2B3.1	20	23	ROBBERY	Bodily Injury	
2B3.1	21	18-20	ROBBERY	Value: \$10,001-50,000	Firearms/Destructive Device/Controlled Substance
2B3.1	21	18-20	ROBBERY	Weapon Brandished	
2B3.1	21	18-20/23	ROBBERY	Value: \$50,001-1,000,000	
2B3.1	21	23	ROBBERY	Bodily Injury	Firearms/Destructive Device/Controlled Substance
2B3.1	21	23	ROBBERY	Value: \$2,501-10,000	Bodily Injury
2B3.1	22	18-20	ROBBERY	Value: \$50,001-250,000	Firearms/Destructive Device/Controlled Substance
2B3.1	22	18-20	ROBBERY	Weapon Brandished	Firearms/Destructive Device/Controlled Substance
2B3.1	22	18-20	ROBBERY	Weapon Used	
2B3.1	22	23	ROBBERY	Value: \$10,001-50,000	Bodily Injury
2B3.1	22	23/25-27	ROBBERY	Abduction	
2B3.1	22	25-27	ROBBERY	Serious Bodily Injury	
2B3.1	23	18-20	ROBBERY	Value: \$10,001-50,000	Weapon Brandished
2B3.1	23	18-20	ROBBERY	Value: \$2,501-10,000	Weapon Used
2B3.1	23	18-20	ROBBERY	Weapon Used	Firearms/Destructive Device/Controlled Substance
2B3.1	23	23	ROBBERY	Firearm Discharged	
2B3.1	23	23	ROBBERY	Value: \$1,000,001-5,000,000	
2B3.1	23	23	ROBBERY	Value: \$50,001-250,000	Bodily Injury

Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2B3.1	23	23	ROBBERY	Weapon Brandished	Bodily Injury
2B3.1	23	23/25-27	ROBBERY	Abduction	Firearms/Destructive Device/Controlled Substance
2B3.1	23	23/25-27	ROBBERY	Value: \$2,501-10,000	Abduction
2B3.1	23	25-27	ROBBERY	Serious Bodily Injury	Firearms /Destructive Device/Controlled Substance
2B3.1	23	25-27	ROBBERY	Value: \$2,501-10,000	Serious Bodily Injury
2B3.1	24	18-20	ROBBERY	Value: \$10,001-50,000	Weapon Used
2B3.1	24	18-20	ROBBERY	Value: \$50,001-250,000	Weapon Brandished
2B3.1	24	23	ROBBERY	Firearm Discharged	Firearms/Destructive Device/Controlled Substance
2B3.1	24	23	ROBBERY	Value: \$1,000,001-5,000,000	Firearms/Destructive Device/Controlled Substance
2B3.1	24	23	ROBBERY	Value: \$2,501-10,000	Firearm Discharged
2B3.1	24	23	ROBBERY	Value: Over \$5,000,000	
2B3.1	24	23	ROBBERY	Weapon Used	Bodily Injury
2B3.1	24	23/25-27	ROBBERY	Bodily Injury	Abduction
2B3.1	24	23/25-27	ROBBERY	Value: \$10,001-50,000	Abduction
2B3.1	24	25-27	ROBBERY	Permanent Bodily Injury	
2B3.1	24	25-27	ROBBERY	Value: \$10,001-50,000	Serious Bodily Injury
2B3.1	25	18-20	ROBBERY	Value: \$50,001-250,000	Weapon Used
2B3.1	25	23	ROBBERY	Value: \$1,000,001-5,000,000	Bodily Injury
2B3.1	25	23	ROBBERY	Value: \$10,001-50,000	Firearm Discharged
2B3.1	25	23	ROBBERY	Value: Over \$5,000,000	Firearms/Destructive Device/Controlled Substance
2B3.1	25	23/25-27	ROBBERY	Firearm Discharged	Bodily Injury
2B3.1	25	23/25-27	ROBBERY	Value: \$50,001-250,000	Abduction
2B3.1	25	23/25-27	ROBBERY	Weapon Brandished	Abduction
2B3.1	25	25-27	ROBBERY	Permanent Bodily Injury	Firearms/Destructive Device/Controlled Substance
2B3.1	25	25-27	ROBBERY	Value: \$2,501-10,000	Permanent Bodily Injury
2B3.1	25	25-27	ROBBERY	Value: \$50,001-250,000	Serious Bodily Injury

Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2B3.1	25	25-27	ROBBERY	Weapon Brandished	Serious Bodily Injury
2B3.1	26	23	ROBBERY	Value: \$1,000,001-5,000,000	Weapon Brandished
2B3.1	26	23	ROBBERY	Value: \$50,001-250,000	Firearm Discharged
2B3.1	26	23	ROBBERY	Value: Over \$5,000,000	Bodily Injury
2B3.1	26	23/25-27	ROBBERY	Weapon Used	Abduction
2B3.1	26	25-27	ROBBERY	Serious Bodily Injury	Abduction
2B3.1	26	25-27	ROBBERY	Value: \$10,001-50,000	Permanent Bodily Injury
2B3.1	26	25-27	ROBBERY	Weapon Used	Serious Bodily Injury
2B3.1	27	23	ROBBERY	Value: \$1,000,001-5,000,000	Weapon Used
2B3.1	27	23	ROBBERY	Value: Over \$5,000,000	Weapon Brandished
2B3.1	27	23/25-27	ROBBERY	Firearm Discharged	Abduction
2B3.1	27	23/25-27	ROBBERY	Value: \$1,000,001-5,000,000	Abduction
2B3.1	27	25-27	ROBBERY	Firearm Discharged	Permanent Bodily Injury
2B3.1	27	25-27	ROBBERY	Firearm Discharged	Serious Bodily Injury
2B3.1	27	25-27	ROBBERY	Value: \$1,000,001-5,000,000	Serious Bodily Injury
2B3.1	27	25-27	ROBBERY	Value: \$50,001-250,000	Permanent Bodily Injury
2B3.1	27	25-27	ROBBERY	Weapon Brandished	Permanent Bodily Injury
2B3.1	27	25-27	ROBBERY	Weapon Used	Permanent Bodily Injury
2B3.1	28	23	ROBBERY	Value: \$1,000,001-5,000,000	Firearm Discharged
2B3.1	28	23	ROBBERY	Value: Over \$5,000,000	Weapon Used
2B3.1	28	23/25-27	ROBBERY	Value: Over \$5,000,000	Abduction
2B3.1	28	25-27	ROBBERY	Permanent Bodily Injury	Abduction
2B3.1	28	25-27	ROBBERY	Value: Over \$5,000,000	Serious Bodily Injury
2B3.1	29	23	ROBBERY	Value: Over \$5,000,000	Firearm Discharged
2B3.1	29	25-27	ROBBERY	Value: \$1,000,001-5,000,000	Permanent Bodily Injury
2B3.1	30	25-27	ROBBERY	Value: Over \$5,000,000	Permanent Bodily Injury
2B3.2	18	18-20	FORCIBLE EXTORTION		
2B3.2	19	18-20	FORCIBLE EXTORTION	Value: \$2,501-10,000	
2B3.2	20	18-20	FORCIBLE EXTORTION	Value: \$10,001-50,000	



Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2B3.2	20	23	FORCIBLE EXTORTION	Bodily Injury	
2B3.2	20	23/25-27	FORCIBLE EXTORTION	Restrained to Facilitate the Offense	
2B3.2	21	18-20	FORCIBLE EXTORTION	Weapon Brandished	
2B3.2	21	18-20/23	FORCIBLE EXTORTION	Value: \$50,001-1,000,000	Bodily Injury
2B3.2	21	23	FORCIBLE EXTORTION	Value: \$2,501-10,000	Restrained to Facilitate the Offense
2B3.2	21	23/25-27	FORCIBLE EXTORTION	Value: \$2,501-10,000	Weapon Brandished
2B3.2	22	18-20	FORCIBLE EXTORTION	Weapon Used	
2B3.2	22	18-20	FORCIBLE EXTORTION	Value: \$10,001-50,000	Bodily Injury
2B3.2	22	23	FORCIBLE EXTORTION	Abduction	
2B3.2	22	23/25-27	FORCIBLE EXTORTION	Bodily Injury	Restrained to Facilitate the Offense
2B3.2	22	23/25-27	FORCIBLE EXTORTION	Value: \$10,001-50,000	Restrained to Facilitate the Offense
2B3.2	22	25-27	FORCIBLE EXTORTION	Serious Bodily Injury	
2B3.2	23	18-20	FORCIBLE EXTORTION	Value: \$10,001-50,000	Weapon Brandished
2B3.2	23	18-20	FORCIBLE EXTORTION	Value: \$2,501-10,000	Weapon Used
2B3.2	23	23	FORCIBLE EXTORTION	Firearm Discharged	
2B3.2	23	23	FORCIBLE EXTORTION	Value: \$1,000,001-5,000,000	
2B3.2	23	23	FORCIBLE EXTORTION	Value: \$50,001-250,000	Bodily Injury
2B3.2	23	23	FORCIBLE EXTORTION	Weapon Brandished	Bodily Injury
2B3.2	23	23/25-27	FORCIBLE EXTORTION	Value: \$2,501-10,000	Abduction
2B3.2	23	23/25-27	FORCIBLE EXTORTION	Value: \$2,501-10,000	Serious Bodily Injury
2B3.2	23	23/25-27	FORCIBLE EXTORTION	Value: \$50,001-250,000	Restrained to Facilitate the Offense
2B3.2	23	23/25-27	FORCIBLE EXTORTION	Weapon Brandished	Restrained to Facilitate the Offense
2B3.2	24	18-20	FORCIBLE EXTORTION	Value: \$10,001-50,000	Weapon Used
2B3.2	24	18-20	FORCIBLE EXTORTION	Value: \$50,001-250,000	Weapon Brandished
2B3.2	24	23	FORCIBLE EXTORTION	Value: \$2,501-10,000	Firearm Discharged
2B3.2	24	23	FORCIBLE EXTORTION	Value: Over \$5,000,000	
2B3.2	24	23	FORCIBLE EXTORTION	Weapon Used	Bodily Injury
2B3.2	24	23	FORCIBLE EXTORTION	Bodily Injury	Abduction
2B3.2	24	23/25-27	FORCIBLE EXTORTION	Bodily Injury	

Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2B3.2	24	23/25-27	FORCIBLE EXTORTION	Value: \$10,001-50,000	Abduction
2B3.2	24	23/25-27	FORCIBLE EXTORTION	Weapon Used	Restrained to Facilitate the Offense
2B3.2	24	25-27	FORCIBLE EXTORTION	Permanent Bodily Injury	
2B3.2	24	25-27	FORCIBLE EXTORTION	Serious Bodily Injury	Restrained to Facilitate the Offense
2B3.2	24	25-27	FORCIBLE EXTORTION	Value: \$10,001-50,000	Serious Bodily Injury
2B3.2	25	18-20	FORCIBLE EXTORTION	Value: \$50,001-\$250,000	Weapon Used
2B3.2	25	23	FORCIBLE EXTORTION	Value: \$1,000,001-5,000,000	Bodily Injury
2B3.2	25	23	FORCIBLE EXTORTION	Value: \$10,001-50,000	Firearm Discharged
2B3.2	25	23/25-27	FORCIBLE EXTORTION	Firearm Discharged	Bodily Injury
2B3.2	25	23/25-27	FORCIBLE EXTORTION	Firearm Discharged	Restrained to Facilitate the Offense
2B3.2	25	23/25-27	FORCIBLE EXTORTION	Value: \$1,000,001-5,000,000	Restrained to Facilitate the Offense
2B3.2	25	23/25-27	FORCIBLE EXTORTION	Value: \$50,001-250,000	Abduction
2B3.2	25	23/25-27	FORCIBLE EXTORTION	Weapon Brandished	Abduction
2B3.2	25	25-27	FORCIBLE EXTORTION	Value: \$2,501-10,000	Permanent Bodily Injury
2B3.2	25	25-27	FORCIBLE EXTORTION	Value: \$50,001-250,000	Serious Bodily Injury
2B3.2	25	25-27	FORCIBLE EXTORTION	Weapon Brandished	Serious Bodily Injury
2B3.2	26	23	FORCIBLE EXTORTION	Value: \$1,000,001-5,000,000	Weapon Brandished
2B3.2	26	23	FORCIBLE EXTORTION	Value: \$50,001-250,000	Firearm Discharged
2B3.2	26	23	FORCIBLE EXTORTION	Value: Over \$5,000,000	Bodily Injury
2B3.2	26	23/25-27	FORCIBLE EXTORTION	Value: Over \$5,000,000	Restrained to Facilitate the Offense
2B3.2	26	23/25-27	FORCIBLE EXTORTION	Weapon Used	Abduction
2B3.2	26	25-27	FORCIBLE EXTORTION	Serious Bodily Injury	Abduction
2B3.2	26	25-27	FORCIBLE EXTORTION	Value: \$10,001-50,000	Permanent Bodily Injury
2B3.2	26	25-27	FORCIBLE EXTORTION	Weapon Used	Serious Bodily Injury
2B3.2	27	23	FORCIBLE EXTORTION	Value: \$1,000,001-5,000,000	Weapon Used
2B3.2	27	23	FORCIBLE EXTORTION	Value: Over \$5,000,000	Weapon Brandished
2B3.2	27	23/25-27	FORCIBLE EXTORTION	Firearm Discharged	Abduction
2B3.2	27	23/25-27	FORCIBLE EXTORTION	Value: \$1,000,001-5,000,000	Abduction
2B3.2	27	25-27	FORCIBLE EXTORTION	Firearm Discharged	Permanent Bodily Injury

Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2B3.2	27	25-27	FORCIBLE EXTORTION	Firearm Discharged	Serious Bodily Injury
2B3.2	27	25-27	FORCIBLE EXTORTION	Value: \$1,000,001-5,000,000	Serious Bodily Injury
2B3.2	27	25-27	FORCIBLE EXTORTION	Value: \$50,001-250,000	Permanent Bodily Injury
2B3.2	27	25-27	FORCIBLE EXTORTION	Weapon Brandished	Permanent Bodily Injury
2B3.2	27	25-27	FORCIBLE EXTORTION	Weapon Used	Permanent Bodily Injury
2B3.2	28	23	FORCIBLE EXTORTION	Value: \$1,000,001-5,000,000	Firearm Discharged
2B3.2	28	23	FORCIBLE EXTORTION	Value: Over \$5,000,000	Weapon Used
2B3.2	28	23/25-27	FORCIBLE EXTORTION	Value: Over \$5,000,000	Abduction
2B3.2	28	25-27	FORCIBLE EXTORTION	Permanent Bodily Injury	Abduction
2B3.2	28	25-27	FORCIBLE EXTORTION	Value: Over \$5,000,000	Serious Bodily Injury
2B3.2	29	23	FORCIBLE EXTORTION	Value: Over \$5,000,000	Firearm Discharged
2B3.2	29	25-27	FORCIBLE EXTORTION	Value: \$1,000,001-5,000,000	Permanent Bodily Injury
2B3.2	30	25-27	FORCIBLE EXTORTION	Value: Over \$5,000,000	Permanent Bodily Injury
2B3.3	09	06	BLACKMAIL	Value: \$2,001-5,000	
2B3.3	10	06-09	BLACKMAIL	Value: \$5,001-10,000	
2B3.3	11	06-09	BLACKMAIL	Value: \$20,001-50,000	
2B3.3	13	14	BLACKMAIL	Value: \$50,001-100,000	
2B3.3	14	14	BLACKMAIL		
2B4.1	08	06	BRIBERY IN BANK LOAN/COMMERCIAL BRIBERY		
2B4.1	09	06-09	BRIBERY IN BANK LOAN/COMMERCIAL BRIBERY	Value: \$2,001-5,000	
2B4.1	10	06-09	BRIBERY IN BANK LOAN/COMMERCIAL BRIBERY	Value: \$5,001-10,000	
2B4.1	11	06-09	BRIBERY IN BANK LOAN/COMMERCIAL BRIBERY	Value: \$10,001-20,000	
2B4.1	12	14	BRIBERY IN BANK LOAN/COMMERCIAL BRIBERY	Value: \$20,001-50,000	
2B4.1	13	14	BRIBERY IN BANK LOAN/COMMERCIAL BRIBERY	Value: \$50,001-100,000	
2B4.1	15	18-20	BRIBERY IN BANK LOAN/COMMERCIAL BRIBERY	Value: \$200,001-500,000	
2B4.1	16	23	BRIBERY IN BANK LOAN/COMMERCIAL BRIBERY	Value: \$500,001-1,000,000	
2B4.1	17	23	BRIBERY IN BANK LOAN/COMMERCIAL BRIBERY	Value: \$1,000,001-2,000,000	
2B4.1	18	23	BRIBERY IN BANK LOAN/COMMERCIAL BRIBERY	Value: \$2,000,001-5,000,000	
2B4.1	19	23	BRIBERY IN BANK LOAN/COMMERCIAL BRIBERY	Value: Over \$5,000,000	

Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

C/L Section	C/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2B5.1	09	06	COUNTERFEIT U.S. OBLIGATIONS		
2B5.1	10	06-09	COUNTERFEIT U.S. OBLIGATIONS	Value: \$2,001-5,000	
2B5.1	11	06-09	COUNTERFEIT U.S. OBLIGATIONS	Value: \$5,001-10,000	
2B5.1	12	06-09	COUNTERFEIT U.S. OBLIGATIONS	Value: \$10,001-20,000	
2B5.1	13	14	COUNTERFEIT U.S. OBLIGATIONS	Value: \$20,001-50,000	
2B5.1	14	14	COUNTERFEIT U.S. OBLIGATIONS	Value: \$50,001-100,000	
2B5.1	15	18-20	COUNTERFEIT U.S. OBLIGATIONS	Possession of Device	
2B5.1	15	18-20	COUNTERFEIT U.S. OBLIGATIONS	Value: \$100,001-200,000	
2B5.1	16	18-20	COUNTERFEIT U.S. OBLIGATIONS	Value: \$200,001-500,000	
2B5.1	17	23	COUNTERFEIT U.S. OBLIGATIONS	Value: \$500,001-1,000,000	
2B5.1	18	23	COUNTERFEIT U.S. OBLIGATIONS	Value: \$1,000,001-2,000,000	
2B5.1	19	23	COUNTERFEIT U.S. OBLIGATIONS	Value: \$2,000,001-5,000,000	
2B5.1	20	23	COUNTERFEIT U.S. OBLIGATIONS	Value: Over \$5,000,000	
2B5.2	07	06-09	FORGERY/COUNTERFEIT INSTRUMENTS	Value: \$2,001-5,000	
2B5.2	08	06-09	FORGERY/COUNTERFEIT INSTRUMENTS	Value: \$5,001-10,000	
2B5.2	09	06-09	FORGERY/COUNTERFEIT INSTRUMENTS	Value: \$10,001-\$20,000	
2B5.2	10	14	FORGERY/COUNTERFEIT INSTRUMENTS	Value: \$20,001-50,000	
2B5.2	11	14	FORGERY/COUNTERFEIT INSTRUMENTS	Value: \$50,001-100,000	
2B5.2	12	18-20	FORGERY/COUNTERFEIT INSTRUMENTS	Value: \$100,001-200,000	
2B5.2	13	18-20	FORGERY/COUNTERFEIT INSTRUMENTS	Value: \$200,001-500,000	
2B5.2	14	23	FORGERY/COUNTERFEIT INSTRUMENTS	Value: \$500,001-1,000,000	
2B5.2	15	23	FORGERY/COUNTERFEIT INSTRUMENTS	Value: \$1,000,001-2,000,000	
2B5.2	16	23	FORGERY/COUNTERFEIT INSTRUMENTS	Value: \$2,000,001-5,000,000	
2B5.2	17	23	FORGERY/COUNTERFEIT INSTRUMENTS	Value: Over \$5,000,000	
2B5.3*	06	-	CRIMINAL INFRINGEMENT OF COPYRIGHT	Value: \$2,001-5,000	
2B5.3*	07	-	CRIMINAL INFRINGEMENT OF COPYRIGHT	Value: \$5,001-10,000	
2B5.3*	08	-	CRIMINAL INFRINGEMENT OF COPYRIGHT	Value: \$10,001-20,000	
2B5.3*	09	-	CRIMINAL INFRINGEMENT OF COPYRIGHT	Value: \$20,001-50,000	
2B5.3*	10	-	CRIMINAL INFRINGEMENT OF COPYRIGHT	Value: Over \$50,000	

Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2B5.3*	11	-	CRIMINAL INFRINGEMENT OF COPYRIGHT	Value: \$50,001-100,000	
2B5.3*	12	-	CRIMINAL INFRINGEMENT OF COPYRIGHT	Value: \$100,001-200,000	
2B5.3*	13	-	CRIMINAL INFRINGEMENT OF COPYRIGHT	Value: \$200,001-500,000	
2B5.3*	14	-	CRIMINAL INFRINGEMENT OF COPYRIGHT	Value: \$500,001-1,000,000	
2B5.3*	15	-	CRIMINAL INFRINGEMENT OF COPYRIGHT	Value: \$1,000,001-2,000,000	
2B5.3*	16	-	CRIMINAL INFRINGEMENT OF COPYRIGHT	Value: \$2,000,001-5,000,000	
2B5.3*	17	-	CRIMINAL INFRINGEMENT OF COPYRIGHT	Value: Over \$5,000,000	
2B5.4	06	-	CRIMINAL INFRINGEMENT OF TRADEMARK		
2B5.4	07	-	CRIMINAL INFRINGEMENT OF TRADEMARK	Value: \$2,001-5,000	
2B5.4	08	-	CRIMINAL INFRINGEMENT OF TRADEMARK	Value: \$5,001-10,000	
2B5.4	09	-	CRIMINAL INFRINGEMENT OF TRADEMARK	Value: 10,001-20,000	
2B5.4	10	-	CRIMINAL INFRINGEMENT OF TRADEMARK	Value: \$20,001-50,000	
2B5.4	11	-	CRIMINAL INFRINGEMENT OF TRADEMARK	Value: \$50,001-100,000	
2B5.4	12	-	CRIMINAL INFRINGEMENT OF TRADEMARK	Value: \$100,001-200,000	
2B5.4	13	-	CRIMINAL INFRINGEMENT OF TRADEMARK	Value: \$200,001-500,000	
2B5.4	14	-	CRIMINAL INFRINGEMENT OF TRADEMARK	Value: \$500,001-1,000,000	
2B5.4	15	-	CRIMINAL INFRINGEMENT OF TRADEMARK	Value: \$1,000,001-2,000,000	
2B5.4	16	-	CRIMINAL INFRINGEMENT OF TRADEMARK	Value: \$2,000,001-5,000,000	
2B5.4	17	-	CRIMINAL INFRINGEMENT OF TRADEMARK	Value: Over \$5,000,000	
2B6.1	08	06	ALTERING/REMOVING VEHICLE I.D. NUMBERS		
2B6.1	09	06-09	ALTERING/REMOVING VEHICLE I.D. NUMBERS	Value: \$2,001-5,000	
2B6.1	10	06-09	ALTERING/REMOVING VEHICLE I.D. NUMBERS	Value: \$5,001-10,000	
2B6.1	11	06-09	ALTERING/REMOVING VEHICLE I.D. NUMBERS	Value: \$10,001-20,000	
2B6.1	12	14	ALTERING/REMOVING VEHICLE I.D. NUMBERS	Value: \$20,001-50,000	
2B6.1	13	14	ALTERING/REMOVING VEHICLE I.D. NUMBERS	Value: \$50,001-100,000	
2B6.1	14	18-20	ALTERING/REMOVING VEHICLE I.D. NUMBERS	Value: \$100,001-200,000	
2B6.1	15	18-20	ALTERING/REMOVING VEHICLE I.D. NUMBERS	Value: \$200,001-500,000	
2B6.1	16	23	ALTERING/REMOVING VEHICLE I.D. NUMBERS	Value: \$500,001-1,000,000	
2B6.1	17	23	ALTERING/REMOVING VEHICLE I.D. NUMBERS	Value: \$1,000,001-2,000,000	

Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2B6.1	18	23	ALTERING/REMOVING VEHICLE I.D. NUMBERS	Value: \$2,000,001-5,000,000	
2B6.1	19	23	ALTERING/REMOVING VEHICLE I.D. NUMBERS	Value: Over \$5,000,000	
2C1.1	10	06-09	BRIBE INVOLVING PUBLIC OFFICIAL	Value: \$2,000/Less	
2C1.1	10	06-09	BRIBE INVOLVING PUBLIC OFFICIAL	Value: \$2,001-5,000	
2C1.1	11	06-09	BRIBE INVOLVING PUBLIC OFFICIAL	Value: \$5,001-10,000	
2C1.1	12	06-09	BRIBE INVOLVING PUBLIC OFFICIAL	Value: \$10,001-20,000	
2C1.1	13	06-09	BRIBE INVOLVING PUBLIC OFFICIAL	Value: \$20,001-50,000	
2C1.1	14	14	BRIBE INVOLVING PUBLIC OFFICIAL	Value: \$50,001-100,000	
2C1.1	15	14	BRIBE INVOLVING PUBLIC OFFICIAL	Value: \$100,001-200,000	
2C1.1	16	18-20	BRIBE INVOLVING PUBLIC OFFICIAL	Value: \$200,001-500,000	
2C1.1	17	18-20	BRIBE INVOLVING PUBLIC OFFICIAL	To Influence Elected Official	To Influence Elected Official
2C1.1	18	06-09	BRIBE INVOLVING PUBLIC OFFICIAL	Value: \$500,001-1,000,000	
2C1.1	18	23	BRIBE INVOLVING PUBLIC OFFICIAL	Value: \$1,000,001-2,000,000	
2C1.1	19	23	BRIBE INVOLVING PUBLIC OFFICIAL	Value: \$1,000,001-2,000,000	
2C1.1	19	23	BRIBE INVOLVING PUBLIC OFFICIAL	Value: \$2,000,001-5,000,000	
2C1.1	20	23	BRIBE INVOLVING PUBLIC OFFICIAL	Value: \$2,000,001-5,000,000	
2C1.1	20	23	BRIBE INVOLVING PUBLIC OFFICIAL	Value: Over \$5,000,000	To Influence Elected Official
2C1.1	21	23	BRIBE INVOLVING PUBLIC OFFICIAL	Value: Over \$5,000,000	To Influence Elected Official
2C1.1	21	23	BRIBE INVOLVING PUBLIC OFFICIAL	Value: \$2,000/Less	
2C1.2	07	06-09	GRATUITY INVOLVING PUBLIC OFFICIAL	Value: \$2,001-5,000	
2C1.2	08	06-09	GRATUITY INVOLVING PUBLIC OFFICIAL	Value: \$5,001-10,000	
2C1.2	09	06-09	GRATUITY INVOLVING PUBLIC OFFICIAL	Value: \$10,001-20,000	
2C1.2	10	06-09	GRATUITY INVOLVING PUBLIC OFFICIAL	Value: \$20,001-50,000	
2C1.2	11	14	GRATUITY INVOLVING PUBLIC OFFICIAL	Value: \$50,001-100,000	
2C1.2	12	14	GRATUITY INVOLVING PUBLIC OFFICIAL	Value: \$100,001-200,000	
2C1.2	13	18-20	GRATUITY INVOLVING PUBLIC OFFICIAL	Value: \$200,001-500,000	
2C1.2	14	18-20	GRATUITY INVOLVING PUBLIC OFFICIAL	To Influence Elected Official	To Influence Elected Official
2C1.2	15	06-09	GRATUITY INVOLVING PUBLIC OFFICIAL	Value: \$500,001-1,000,000	
2C1.2	15	23	GRATUITY INVOLVING PUBLIC OFFICIAL	Value: \$500,001-1,000,000	

Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

C/L Section	C/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2C1.2	16	23	GRATUITY INVOLVING PUBLIC OFFICIAL	Value: \$1,000,001-2,000,000	
2C1.2	16	23	GRATUITY INVOLVING PUBLIC OFFICIAL	Value: \$1,000,001-2,000,000	To Influence Elected Official
2C1.2	17	23	GRATUITY INVOLVING PUBLIC OFFICIAL	Value: \$2,000,001-5,000,000	
2C1.2	17	23	GRATUITY INVOLVING PUBLIC OFFICIAL	Value: \$2,000,001-5,000,000	To Influence Elected Official
2C1.2	18	23	GRATUITY INVOLVING PUBLIC OFFICIAL	Value: Over \$5,000,000	
2C1.2	18	23	GRATUITY INVOLVING PUBLIC OFFICIAL	Value: Over \$5,000,000	To Influence Elected Official
2C1.3	06	-	CONFLICT OF INTEREST		
2C1.3	10	-	CONFLICT OF INTEREST		
2C1.4	06	-	PAYMENT/RECEIPT OF UNAUTHORIZED COMPENSATION		
2C1.5	08	-	PAYMENT TO OBTAIN PUBLIC OFFICE		Intended to Adversely Affect the U.S.
2C1.6	07	06-09	LOAN/GRATUITY TO BANK EXAMINER	Value: \$2,001-5,000	
2C1.6	08	06-09	LOAN/GRATUITY TO BANK EXAMINER	Value: \$5,001-10,000	
2C1.6	09	06-09	LOAN/GRATUITY TO BANK EXAMINER	Value: \$10,001-20,000	
2C1.6	10	06-09	LOAN/GRATUITY TO BANK EXAMINER	Value: \$20,001-50,000	
2C1.6	11	14	LOAN/GRATUITY TO BANK EXAMINER	Value: \$50,001-100,000	
2C1.6	12	14	LOAN/GRATUITY TO BANK EXAMINER	Value: \$100,001-200,000	
2C1.6	13	18-20	LOAN/GRATUITY TO BANK EXAMINER	Value: \$200,001-500,000	
2C1.6	14	18-20	LOAN/GRATUITY TO BANK EXAMINER	Value: \$500,001-1,000,000	
2C1.6	15	23	LOAN/GRATUITY TO BANK EXAMINER	Value: \$1,000,001-2,000,000	
2C1.6	16	23	LOAN/GRATUITY TO BANK EXAMINER	Value: \$2,000,001-5,000,000	
2C1.6	17	23	LOAN/GRATUITY TO BANK EXAMINER	Value: Over \$5,000,000	
2C1.6	18	23	LOAN/GRATUITY TO BANK EXAMINER		
2D1.1	38	-	TRAFFICKING (EXCEPT SCH. 3,4,5 DRUGS): DEATH/INJURY RESULTS		Weapon Possessed
2D1.1	40	-	TRAFFICKING: (EXCEPT SCH.3,4,5 DRUGS) DEATH/INJURY RESULTS		Weapon Possessed
2D1.1	43	-	TRAFFICKING: DEATH RESULTS & PRIOR OFFENSE		
2D1.1	43	-	TRAFFICKING: DEATH RESULTS & PRIOR OFFENSE		Weapon Possessed
2D1.1*	06	-	DRUG TRAFFICKING: TABLE, CATEGORY 16		
2D1.1*	08	-	DRUG TRAFFICKING: TABLE, CATEGORY 15		

Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2D1.1*	08	-	DRUG TRAFFICKING: TABLE, CATEGORY 16	Weapon Possessed	
2D1.1*	10	-	DRUG TRAFFICKING: TABLE, CATEGORY 14	Weapon Possessed	
2D1.1*	10	-	DRUG TRAFFICKING: TABLE, CATEGORY 15	Weapon Possessed	
2D1.1*	12	-	DRUG TRAFFICKING: TABLE, CATEGORY 13	Weapon Possessed	
2D1.1*	12	-	DRUG TRAFFICKING: TABLE, CATEGORY 14	Weapon Possessed	
2D1.1*	14	-	DRUG TRAFFICKING: TABLE, CATEGORY 12	Weapon Possessed	
2D1.1*	14	-	DRUG TRAFFICKING: TABLE, CATEGORY 13	Weapon Possessed	
2D1.1*	16	-	DRUG TRAFFICKING: TABLE, CATEGORY 11	Weapon Possessed	
2D1.1*	16	-	DRUG TRAFFICKING: TABLE, CATEGORY 12	Weapon Possessed	
2D1.1*	18	-	DRUG TRAFFICKING: TABLE, CATEGORY 10	Weapon Possessed	
2D1.1*	18	-	DRUG TRAFFICKING: TABLE, CATEGORY 11	Weapon Possessed	
2D1.1*	20	-	DRUG TRAFFICKING: TABLE, CATEGORY 10	Weapon Possessed	
2D1.1*	20	-	DRUG TRAFFICKING: TABLE, CATEGORY 9	Weapon Possessed	
2D1.1*	22	-	DRUG TRAFFICKING: TABLE, CATEGORY 8	Weapon Possessed	
2D1.1*	22	-	DRUG TRAFFICKING: TABLE, CATEGORY 9	Weapon Possessed	
2D1.1*	24	-	DRUG TRAFFICKING: TABLE, CATEGORY 7	Weapon Possessed	
2D1.1*	24	-	DRUG TRAFFICKING: TABLE, CATEGORY 8	Weapon Possessed	
2D1.1*	26	-	DRUG TRAFFICKING: TABLE, CATEGORY 6	Weapon Possessed	
2D1.1*	26	-	DRUG TRAFFICKING: TABLE, CATEGORY 7	Weapon Possessed	
2D1.1*	28	-	DRUG TRAFFICKING: TABLE, CATEGORY 5	Weapon Possessed	
2D1.1*	28	-	DRUG TRAFFICKING: TABLE, CATEGORY 6	Weapon Possessed	
2D1.1*	30	-	DRUG TRAFFICKING: TABLE, CATEGORY 4	Weapon Possessed	
2D1.1*	30	-	DRUG TRAFFICKING: TABLE, CATEGORY 5	Weapon Possessed	
2D1.1*	32	-	DRUG TRAFFICKING: TABLE, CATEGORY 3	Weapon Possessed	
2D1.1*	32	-	DRUG TRAFFICKING: TABLE, CATEGORY 4	Weapon Possessed	
2D1.1*	34	-	DRUG TRAFFICKING: TABLE, CATEGORY 2	Weapon Possessed	
2D1.1*	34	-	DRUG TRAFFICKING: TABLE, CATEGORY 3	Weapon Possessed	
2D1.1*	36	-	DRUG TRAFFICKING: TABLE, CATEGORY 1	Weapon Possessed	
2D1.1*	36	-	DRUG TRAFFICKING: TABLE, CATEGORY 2	Weapon Possessed	



Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2D1.1*	38	-	DRUG TRAFFICKING: TABLE, CATEGORY 1	Weapon Possessed	
2D1.2	10	-	INVOLVING MINOR 14-18 IN DRUG TRAFFICKING: TABLE, CATEGORY 15		
2D1.2	10	-	INVOLVING MINOR 14-18 IN DRUG TRAFFICKING: TABLE, CATEGORY 16		
2D1.2	12	-	INVOLVING MINOR 14-18 IN DRUG TRAFFICKING: TABLE, CATEGORY 14		
2D1.2	13	-	INVOLVING MINOR 14/LESS IN DRUG TRAFFICKING: TABLE, CATEGORY 14		
2D1.2	13	-	INVOLVING MINOR 14/LESS IN DRUG TRAFFICKING: TABLE, CATEGORY 15		
2D1.2	13	-	INVOLVING MINOR 14/LESS IN DRUG TRAFFICKING: TABLE, CATEGORY 16		
2D1.2	14	-	INVOLVING MINOR 14-18 IN DRUG TRAFFICKING: TABLE, CATEGORY 13		
2D1.2	16	-	INVOLVING MINOR 14-18 IN DRUG TRAFFICKING: TABLE, CATEGORY 12		
2D1.2	16	-	INVOLVING MINOR 14/LESS IN DRUG TRAFFICKING: TABLE, CATEGORY 12		
2D1.2	16	-	INVOLVING MINOR 14/LESS IN DRUG TRAFFICKING: TABLE, CATEGORY 13		
2D1.2	18	-	INVOLVING MINOR 14-18 IN DRUG TRAFFICKING: TABLE, CATEGORY 11		
2D1.2	18	-	INVOLVING MINOR 14/LESS IN DRUG TRAFFICKING: TABLE, CATEGORY 11		
2D1.2	20	-	INVOLVING MINOR 14-18 IN DRUG TRAFFICKING: TABLE, CATEGORY 10		
2D1.2	22	-	INVOLVING MINOR 14/LESS IN DRUG TRAFFICKING: TABLE, CATEGORY 10		
2D1.2	24	-	INVOLVING MINOR 14-18 IN DRUG TRAFFICKING: TABLE, CATEGORY 9		
2D1.2	24	-	INVOLVING MINOR 14/LESS IN DRUG TRAFFICKING: TABLE, CATEGORY 9		
2D1.2	26	-	INVOLVING MINOR 14-18 IN DRUG TRAFFICKING: TABLE, CATEGORY 7		
2D1.2	26	-	INVOLVING MINOR 14-18 IN DRUG TRAFFICKING: TABLE, CATEGORY 8		
2D1.2	26	-	INVOLVING MINOR 14/LESS IN DRUG TRAFFICKING:		

Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2D1.2	26	-	INVOLVING MINOR 14/LESS IN DRUG TRAFFICKING: TABLE, CATEGORY 8		
2D1.2	28	-	INVOLVING MINOR 14-18 IN DRUG TRAFFICKING: TABLE, CATEGORY 6		
2D1.2	28	-	INVOLVING MINOR 14/LESS IN DRUG TRAFFICKING: TABLE, CATEGORY 6		
2D1.2	30	-	INVOLVING MINOR 14-18 IN DRUG TRAFFICKING: TABLE, CATEGORY 5		
2D1.2	32	-	INVOLVING MINOR 14-18 IN DRUG TRAFFICKING: TABLE, CATEGORY 4		
2D1.2	32	-	INVOLVING MINOR 14/LESS IN DRUG TRAFFICKING: TABLE, CATEGORY 4		
2D1.2	32	-	INVOLVING MINOR 14/LESS IN DRUG TRAFFICKING: TABLE, CATEGORY 5		
2D1.2	34	-	INVOLVING MINOR 14-18 IN DRUG TRAFFICKING: TABLE, CATEGORY 3		
2D1.2	34	-	INVOLVING MINOR 14/LESS IN DRUG TRAFFICKING: TABLE, CATEGORY 3		
2D1.2	36	-	INVOLVING MINOR 14-18 IN DRUG TRAFFICKING: TABLE, CATEGORY 1		
2D1.2	36	-	INVOLVING MINOR 14-18 IN DRUG TRAFFICKING: TABLE, CATEGORY 2		
2D1.2	36	-	INVOLVING MINOR 14/LESS IN DRUG TRAFFICKING: TABLE, CATEGORY 1		
2D1.2	36	-	INVOLVING MINOR 14/LESS IN DRUG TRAFFICKING: TABLE, CATEGORY 2		
2D1.3	13	-	DRUG DIST: UNDER 21, PREG. WOMEN, CLOSE TO SCHOOL: TABLE, CATEGORY 14		
2D1.3	13	-	DRUG DIST: UNDER 21, PREG. WOMEN, CLOSE TO SCHOOL: TABLE, CATEGORY 15		
2D1.3	13	-	DRUG DIST: UNDER 21, PREG. WOMEN, CLOSE TO SCHOOL: TABLE, CATEGORY 16		
2D1.3	14	-	DRUG DIST: UNDER 21, PREG. WOMEN, CLOSE TO SCHOOL: TABLE, CATEGORY 13		
2D1.3	16	-	DRUG DIST: UNDER 21, PREG. WOMEN, CLOSE TO SCHOOL: TABLE, CATEGORY 12		
2D1.3	18	-	DRUG DIST: UNDER 21, PREG. WOMEN, CLOSE TO SCHOOL: TABLE, CATEGORY 12		

Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2D1.3	20	-	TABLE, CATEGORY 11		
2D1.3	24	-	DRUG DIST: UNDER 21, PREG. WOMEN, CLOSE TO SCHOOL: TABLE, CATEGORY 10		
2D1.3	26	-	DRUG DIST: UNDER 21, PREG. WOMEN, CLOSE TO SCHOOL: TABLE, CATEGORY 9		
2D1.3	26	-	DRUG DIST: UNDER 21, PREG. WOMEN, CLOSE TO SCHOOL: TABLE, CATEGORY 7		
2D1.3	28	-	DRUG DIST: UNDER 21, PREG. WOMEN, CLOSE TO SCHOOL: TABLE, CATEGORY 8		
2D1.3	30	-	DRUG DIST: UNDER 21, PREG. WOMEN, CLOSE TO SCHOOL: TABLE, CATEGORY 6		
2D1.3	32	-	DRUG DIST: UNDER 21, PREG. WOMEN, CLOSE TO SCHOOL: TABLE, CATEGORY 5		
2D1.3	34	-	DRUG DIST: UNDER 21, PREG. WOMEN, CLOSE TO SCHOOL: TABLE, CATEGORY 4		
2D1.3	34	-	DRUG DIST: UNDER 21, PREG. WOMEN, CLOSE TO SCHOOL: TABLE, CATEGORY 2		
2D1.3	36	-	DRUG DIST: UNDER 21, PREG. WOMEN, CLOSE TO SCHOOL: TABLE, CATEGORY 3		
2D1.5	32	-	CCE: FIRST CONVICTION		
2D1.5	38	-	CCE: SECOND/MORE CONVICTIONS		
2D1.5	43	-	CCE: KINGPIN		
2D1.6	12	-	USE OF COMMUNICATION FACILITY COMMITTING DRUG OFFENSE		
2D1.7	12	-	INTERSTATE SALE/TRANSPORTING OF DRUG PARAPHERNALIA		
2D1.8	16	-	RENTING/MANAGING ESTABLISHMENT TO MANUFACTURE DRUGS		
2D1.8	18	-	RENTING/MANAGING ESTABLISHMENT TO MANUFACTURE DRUGS		Weapon Possessed
2D1.9	23	-	BOOBY TRAP ON FEDERAL LAND TO PROTECT DRUGS		
2D2.1	04	04	POSSESSION: NOT HEROIN/COCAINE/PCP/LSO		
2D2.1	06	04	POSSESSION: COCAINE, PCP		
2D2.1	08	04	POSSESSION: HEROIN/ANY SCHEDULE I-II OPIATE/LSO		

Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2D2.2	08	06	ACQUIRING DRUGS BY FORGERY/FRAUD/DECEPTION		
2D2.3	08	-	OPERATION OF A COMMON CARRIER UNDER INFLUENCE OF DRUGS		
2D3.1	06	-	USE OF REGISTRATION NUMBER IN MANUFACTURE/ETC. OF DRUGS		
2D3.2	04	-	MANUFACTURE OF DRUGS IN EXCESS OF REGISTRATION QUOTA		
2D3.3	04	-	USE OF REGISTRATION NUMBER TO DISTRIBUTE DRUGS TO ANOTHER REGISTRANT		
2D3.4	04	-	ILLEGAL TRANSFER/TRANSSHIPMENT OF DRUGS		
2E1.1*	19	18-20	RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS		
2E1.3*	06	06-09	TRANSPORTATION TO AID RACKETEERING		
2E1.3*	12	18-20	VIOLENT CRIMES IN AID OF RACKETEERING		
2E1.4*	23	31-43	INTERSTATE COMMERCE USED IN MURDER		
2E2.1	20	18-20	FINANCING EXTORTIONATE CREDIT	Bodily Injury	
2E2.1	22	23	FINANCING EXTORTIONATE CREDIT	Unlawful Restraint	
2E2.1	22	23/25-27	FINANCING EXTORTIONATE CREDIT	Weapon Brandished	
2E2.1	23	18-20/23	FINANCING EXTORTIONATE CREDIT	Weapon Used	
2E2.1	24	18-20/23	FINANCING EXTORTIONATE CREDIT	Bodily Injury	Unlawful Restraint
2E2.1	24	23	FINANCING EXTORTIONATE CREDIT	Abduction	
2E2.1	24	23/25-27	FINANCING EXTORTIONATE CREDIT	Serious Bodily Injury	
2E2.1	24	25-27	FINANCING EXTORTIONATE CREDIT	Firearm Discharged	
2E2.1	25	23	FINANCING EXTORTIONATE CREDIT	Weapon Brandished	Bodily Injury
2E2.1	25	23	FINANCING EXTORTIONATE CREDIT	Weapon Brandished	Unlawful Restraint
2E2.1	25	23/25-27	FINANCING EXTORTIONATE CREDIT	Weapon Used	Bodily Injury
2E2.1	26	23	FINANCING EXTORTIONATE CREDIT	Bodily Injury	Abduction
2E2.1	26	23/25-27	FINANCING EXTORTIONATE CREDIT	Weapon Used	Unlawful Restraint
2E2.1	26	23/25-27	FINANCING EXTORTIONATE CREDIT	Permanent Bodily Injury	
2E2.1	26	25-27	FINANCING EXTORTIONATE CREDIT	Serious Bodily Injury	Unlawful Restraint
2E2.1	26	25-27	FINANCING EXTORTIONATE CREDIT	Firearm Discharged	Bodily Injury
2E2.1	27	23/25-27	FINANCING EXTORTIONATE CREDIT		

Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2E2.1	27	23/25-27	FINANCING EXTORTIONATE CREDIT	Firearm Discharged	Unlawful Restraint
2E2.1	27	23/25-27	FINANCING EXTORTIONATE CREDIT	Weapon Brandished	Abduction
2E2.1	27	25-27	FINANCING EXTORTIONATE CREDIT	Weapon Brandished	Serious Bodily Injury
2E2.1	28	23/25-27	FINANCING EXTORTIONATE CREDIT	Weapon Used	Abduction
2E2.1	28	25-27	FINANCING EXTORTIONATE CREDIT	Permanent Bodily Injury	Unlawful Restraint
2E2.1	28	25-27	FINANCING EXTORTIONATE CREDIT	Serious Bodily Injury	Abduction
2E2.1	28	25-27	FINANCING EXTORTIONATE CREDIT	Weapon Used	Serious Bodily Injury
2E2.1	29	23/25-27	FINANCING EXTORTIONATE CREDIT	Firearm Discharged	Abduction
2E2.1	29	25-27	FINANCING EXTORTIONATE CREDIT	Firearm Discharged	Serious Bodily Injury
2E2.1	29	25-27	FINANCING EXTORTIONATE CREDIT	Weapon Brandished	Permanent Bodily Injury
2E2.1	30	25-27	FINANCING EXTORTIONATE CREDIT	Permanent Bodily Injury	Abduction
2E2.1	30	25-27	FINANCING EXTORTIONATE CREDIT	Weapon Used	Permanent Bodily Injury
2E2.1	31	25-27	FINANCING EXTORTIONATE CREDIT	Firearm Discharged	Permanent Bodily Injury
2E3.1*	12	06/06-9/14	GAMBLING AS A BUSINESS		
2E3.2*	12	06/06-9/14	TRANSMISSION OF WAGERING INFORMATION		
2E3.3*	06	04	OTHER GAMBLING OFFENSES		
2E3.3*	12	06/06-9/14	OTHER GAMBLING OFFENSES	To Facilitate Commercial Gambling	
2E4.1	09	04/06-09	CONTRABAND CIGARETTES	Tax Evaded: \$20,000/Less	
2E4.1	10	14	CONTRABAND CIGARETTES	Tax Evaded: \$20,001-40,000	
2E4.1	11	14	CONTRABAND CIGARETTES	Tax Evaded: \$40,001-80,000	
2E4.1	12	14/18-20	CONTRABAND CIGARETTES	Tax Evaded: \$80,001-150,000	
2E4.1	13	18-20	CONTRABAND CIGARETTES	Tax Evaded: \$150,001-300,000	
2E4.1	14	18-20	CONTRABAND CIGARETTES	Tax Evaded: \$300,001-500,000	
2E4.1	15	23	CONTRABAND CIGARETTES	Tax Evaded: \$500,001-1,000,000	
2E4.1	16	23	CONTRABAND CIGARETTES	Tax Evaded: \$1,000,001-2,000,000	
2E4.1	17	23	CONTRABAND CIGARETTES	Tax Evaded: \$2,000,001-5,000,000	
2E4.1	18	23	CONTRABAND CIGARETTES	Tax Evaded: More Than \$5,000,000	
2E5.1	06	06	GRATUITY AFFECTING EMPLOYEE WELFARE/PENSION PLAN		
2E5.1	07	06-09	GRATUITY AFFECTING EMPLOYEE WELFARE/PENSION PLAN	Value: \$2,001-5,000	

Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2E5.1	08	06	GRATUITY AFFECTING EMPLOYEE WELFARE/PENSION PLAN	Fiduciary Duty	
2E5.1	08	06-09	GRATUITY AFFECTING EMPLOYEE WELFARE/PENSION PLAN	Value: \$5,001-10,000	
2E5.1	09	06-09	GRATUITY AFFECTING EMPLOYEE WELFARE/PENSION PLAN	Fiduciary Duty	Value: \$2,001-5,000
2E5.1	09	06-09	GRATUITY AFFECTING EMPLOYEE WELFARE/PENSION PLAN	Value: \$10,001-20,000	
2E5.1	10	06	BRIBERY AFFECTING EMPLOYEE WELFARE/PENSION PLAN	Fiduciary Duty	Value: \$5,001-10,000
2E5.1	10	06-09	GRATUITY AFFECTING EMPLOYEE WELFARE/PENSION PLAN	Value: \$20,001-50,000	
2E5.1	10	14	GRATUITY AFFECTING EMPLOYEE WELFARE/PENSION PLAN	Value: \$2,001-5,000	
2E5.1	11	06-09	BRIBERY AFFECTING EMPLOYEE WELFARE/PENSION PLAN	Fiduciary Duty	Value: \$10,001-20,000
2E5.1	11	06-09	GRATUITY AFFECTING EMPLOYEE WELFARE/PENSION PLAN	Value: \$50,001-100,000	
2E5.1	11	14	GRATUITY AFFECTING EMPLOYEE WELFARE/PENSION PLAN	Fiduciary Duty	
2E5.1	12	06	BRIBERY AFFECTING EMPLOYEE WELFARE/PENSION PLAN	Value: \$5,001-10,000	
2E5.1	12	06-09	BRIBERY AFFECTING EMPLOYEE WELFARE/PENSION PLAN	Fiduciary Duty	Value: \$20,001-50,000
2E5.1	12	14	GRATUITY AFFECTING EMPLOYEE WELFARE/PENSION PLAN	Value: \$100,001-200,000	
2E5.1	12	18-20	GRATUITY AFFECTING EMPLOYEE WELFARE/PENSION PLAN	Fiduciary Duty	Value: \$2,001-5,000
2E5.1	13	06-09	BRIBERY AFFECTING EMPLOYEE WELFARE/PENSION PLAN	Value: \$10,001-20,000	
2E5.1	13	06-09	BRIBERY AFFECTING EMPLOYEE WELFARE/PENSION PLAN	Fiduciary Duty	Value: \$50,001-100,000
2E5.1	13	14	GRATUITY AFFECTING EMPLOYEE WELFARE/PENSION PLAN	Value: \$200,001-500,000	
2E5.1	13	18-20	GRATUITY AFFECTING EMPLOYEE WELFARE/PENSION PLAN	Fiduciary Duty	Value: \$5,001-10,000
2E5.1	14	06-09	BRIBERY AFFECTING EMPLOYEE WELFARE/PENSION PLAN	Value: \$20,001-50,000	
2E5.1	14	14	BRIBERY AFFECTING EMPLOYEE WELFARE/PENSION PLAN	Fiduciary Duty	Value: \$100,001-200,000
2E5.1	14	18-20	GRATUITY AFFECTING EMPLOYEE WELFARE/PENSION PLAN	Value: \$500,001-1,000,000	
2E5.1	14	23	GRATUITY AFFECTING EMPLOYEE WELFARE/PENSION PLAN	Fiduciary Duty	Value: \$10,001-20,000
2E5.1	15	06-09	BRIBERY AFFECTING EMPLOYEE WELFARE/PENSION PLAN	Value: \$50,001-100,000	
2E5.1	15	14	BRIBERY AFFECTING EMPLOYEE WELFARE/PENSION PLAN	Fiduciary Duty	Value: \$200,001-500,000
2E5.1	15	18-20	GRATUITY AFFECTING EMPLOYEE WELFARE/PENSION PLAN	Value: \$1,000,001-2,000,000	
2E5.1	15	23	GRATUITY AFFECTING EMPLOYEE WELFARE/PENSION PLAN	Fiduciary Duty	Value: \$20,001-50,000
2E5.1	16	14	BRIBERY AFFECTING EMPLOYEE WELFARE/PENSION PLAN	Value: \$100,001-200,000	
2E5.1	16	18-20	BRIBERY AFFECTING EMPLOYEE WELFARE/PENSION PLAN	Fiduciary Duty	Value: \$500,001-1,000,000
2E5.1	16	23	GRATUITY AFFECTING EMPLOYEE WELFARE/PENSION PLAN	Fiduciary Duty	

Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2E5.1	16	23	GRATUITY AFFECTING EMPLOYEE WELFARE/PENSION PLAN	Value: \$2,000,001-5,000,000	
2E5.1	17	14	BRIbery AFFECTING EMPLOYEE WELFARE/PENSION PLAN	Fiduciary Duty	Value: \$50,001-100,000
2E5.1	17	18-20	BRIbery AFFECTING EMPLOYEE WELFARE/PENSION PLAN	Value: \$200,001-500,000	
2E5.1	17	23	GRATUITY AFFECTING EMPLOYEE WELFARE/PENSION PLAN	Fiduciary Duty	Value: \$1,000,001-2,000,000
2E5.1	17	23	GRATUITY AFFECTING EMPLOYEE WELFARE/PENSION PLAN	Value: Over \$5,000,000	
2E5.1	18	18-20	BRIbery AFFECTING EMPLOYEE WELFARE/PENSION PLAN	Fiduciary Duty	Value: \$100,001-200,000
2E5.1	18	23	BRIbery AFFECTING EMPLOYEE WELFARE/PENSION PLAN	Value: \$500,001-1,000,000	
2E5.1	18	23	GRATUITY AFFECTING EMPLOYEE WELFARE/PENSION PLAN	Fiduciary Duty	Value: \$2,000,001-5,000,000
2E5.1	19	18-20	BRIbery AFFECTING EMPLOYEE WELFARE/PENSION PLAN	Fiduciary Duty	Value: \$200,001-500,000
2E5.1	19	23	BRIbery AFFECTING EMPLOYEE WELFARE/PENSION PLAN	Value: \$1,000,001-2,000,000	
2E5.1	19	23	GRATUITY AFFECTING EMPLOYEE WELFARE/PENSION PLAN	Fiduciary Duty	Value: Over \$5,000,000
2E5.1	20	23	BRIbery AFFECTING EMPLOYEE WELFARE/PENSION PLAN	Fiduciary Duty	Value: \$500,001-1,000,000
2E5.1	20	23	BRIbery AFFECTING EMPLOYEE WELFARE/PENSION PLAN	Value: \$2,000,001-5,000,000	
2E5.1	21	23	BRIbery AFFECTING EMPLOYEE WELFARE/PENSION PLAN	Fiduciary Duty	Value: \$1,000,001-2,000,000
2E5.1	21	23	BRIbery AFFECTING EMPLOYEE WELFARE/PENSION PLAN	Value: Over \$5,000,000	
2E5.1	22	23	BRIbery AFFECTING EMPLOYEE WELFARE/PENSION PLAN	Fiduciary Duty	Value: \$2,000,001-5,000,000
2E5.1	23	23	BRIbery AFFECTING EMPLOYEE WELFARE/PENSION PLAN	Fiduciary Duty	Value: Over \$5,000,000
2E5.2	04	06	THEFT/EMBEZZLEMENT: EMPLOYEE PENSION/WELFARE PLAN	Value: \$101-1,000	
2E5.2	05	06	THEFT/EMBEZZLEMENT: EMPLOYEE PENSION/WELFARE PLAN	Fiduciary Duty	Value: \$101-1,000
2E5.2	06	06	THEFT/EMBEZZLEMENT: EMPLOYEE PENSION/WELFARE PLAN	Planned	
2E5.2	06	06	THEFT/EMBEZZLEMENT: EMPLOYEE PENSION/WELFARE PLAN	Value: \$1,001-2,000	
2E5.2	07	06	THEFT/EMBEZZLEMENT: EMPLOYEE PENSION/WELFARE PLAN	Fiduciary Duty	Value: \$101-1,000
2E5.2	07	06	THEFT/EMBEZZLEMENT: EMPLOYEE PENSION/WELFARE PLAN	Planned	
2E5.2	07	06-09	THEFT/EMBEZZLEMENT: EMPLOYEE PENSION/WELFARE PLAN	Value: \$2,001-5,000	
2E5.2	08	06	THEFT/EMBEZZLEMENT: EMPLOYEE PENSION/WELFARE PLAN	Fiduciary Duty	Value: \$1,001-2,000
2E5.2	08	06	THEFT/EMBEZZLEMENT: EMPLOYEE PENSION/WELFARE PLAN	Planned	Fiduciary Duty
2E5.2	08	06	THEFT/EMBEZZLEMENT: EMPLOYEE PENSION/WELFARE PLAN	Planned	Value: \$1,001-2,000
2E5.2	08	06-09	THEFT/EMBEZZLEMENT: EMPLOYEE PENSION/WELFARE PLAN	Value: \$5,001-10,000	

Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2E5.2	09	06-09	THEFT/EMBEZZLEMENT: EMPLOYEE PENSION/WELFARE PLAN	Fiduciary Duty	Value: \$2,001-5,000
2E5.2	09	06-09	THEFT/EMBEZZLEMENT: EMPLOYEE PENSION/WELFARE PLAN	Planned	Value: \$2,001-5,000
2E5.2	09	06-09	THEFT/EMBEZZLEMENT: EMPLOYEE PENSION/WELFARE PLAN	Value: \$10,001-20,000	
2E5.2	10	06-09	THEFT/EMBEZZLEMENT: EMPLOYEE PENSION/WELFARE PLAN	Fiduciary Duty	Value: \$5,001-10,000
2E5.2	10	06-09	THEFT/EMBEZZLEMENT: EMPLOYEE PENSION/WELFARE PLAN	Planned	Value: \$5,001-10,000
2E5.2	10	14	THEFT/EMBEZZLEMENT: EMPLOYEE PENSION/WELFARE PLAN	Value: \$20,001-50,000	
2E5.2	11	06-09	THEFT/EMBEZZLEMENT: EMPLOYEE PENSION/WELFARE PLAN	Fiduciary Duty	Value: \$10,001-20,000
2E5.2	11	06-09	THEFT/EMBEZZLEMENT: EMPLOYEE PENSION/WELFARE PLAN	Planned	Value: \$10,001-20,000
2E5.2	11	14	THEFT/EMBEZZLEMENT: EMPLOYEE PENSION/WELFARE PLAN	Value: \$50,001-100,000	
2E5.2	12	14	THEFT/EMBEZZLEMENT: EMPLOYEE PENSION/WELFARE PLAN	Fiduciary Duty	Value: \$20,001-50,000
2E5.2	12	14	THEFT/EMBEZZLEMENT: EMPLOYEE PENSION/WELFARE PLAN	Planned	Value: \$20,001-50,000
2E5.2	12	18-20	THEFT/EMBEZZLEMENT: EMPLOYEE PENSION/WELFARE PLAN	Value: \$100,001-200,000	
2E5.2	13	14	THEFT/EMBEZZLEMENT: EMPLOYEE PENSION/WELFARE PLAN	Fiduciary Duty	Value: \$50,001-100,000
2E5.2	13	14	THEFT/EMBEZZLEMENT: EMPLOYEE PENSION/WELFARE PLAN	Planned	Value: \$50,001-100,000
2E5.2	13	18-20	THEFT/EMBEZZLEMENT: EMPLOYEE PENSION/WELFARE PLAN	Value: \$200,001-500,000	
2E5.2	14	18-20	THEFT/EMBEZZLEMENT: EMPLOYEE PENSION/WELFARE PLAN	Fiduciary Duty	Value: \$100,001-200,000
2E5.2	14	18-20	THEFT/EMBEZZLEMENT: EMPLOYEE PENSION/WELFARE PLAN	Planned	Value: \$100,001-200,000
2E5.2	14	23	THEFT/EMBEZZLEMENT: EMPLOYEE PENSION/WELFARE PLAN	Value: \$500,001-1,000,000	
2E5.2	15	18-20	THEFT/EMBEZZLEMENT: EMPLOYEE PENSION/WELFARE PLAN	Fiduciary Duty	Value: \$200,001-500,000
2E5.2	15	18-20	THEFT/EMBEZZLEMENT: EMPLOYEE PENSION/WELFARE PLAN	Planned	Value: \$200,001-500,000
2E5.2	15	23	THEFT/EMBEZZLEMENT: EMPLOYEE PENSION/WELFARE PLAN	Value: \$1,000,001-2,000,000	
2E5.2	16	23	THEFT/EMBEZZLEMENT: EMPLOYEE PENSION/WELFARE PLAN	Fiduciary Duty	Value: \$500,001-1,000,000
2E5.2	16	23	THEFT/EMBEZZLEMENT: EMPLOYEE PENSION/WELFARE PLAN	Planned	Value: \$500,001-1,000,000
2E5.2	16	23	THEFT/EMBEZZLEMENT: EMPLOYEE PENSION/WELFARE PLAN	Value: \$2,000,001-5,000,000	
2E5.2	17	23	THEFT/EMBEZZLEMENT: EMPLOYEE PENSION/WELFARE PLAN	Fiduciary Duty	Value: \$1,000,001-2,000,000
2E5.2	17	23	THEFT/EMBEZZLEMENT: EMPLOYEE PENSION/WELFARE PLAN	Planned	Value: \$1,000,001-2,000,000
2E5.2	17	23	THEFT/EMBEZZLEMENT: EMPLOYEE PENSION/WELFARE PLAN	Value: Over \$5,000,000	
2E5.2	18	23	THEFT/EMBEZZLEMENT: EMPLOYEE PENSION/WELFARE PLAN	Fiduciary Duty	Value: \$2,000,001-5,000,000
2E5.2	18	23	THEFT/EMBEZZLEMENT: EMPLOYEE PENSION/WELFARE PLAN	Planned	Value: \$2,000,001-5,000,000



Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2E5.2	19	23	THEFT/EMBEZZLEMENT: EMPLOYEE PENSION/WELFARE PLAN	Fiduciary Duty	Value: Over \$5,000,000
2E5.2	19	23	THEFT/EMBEZZLEMENT: EMPLOYEE PENSION/WELFARE PLAN	Planned	Value: Over \$5,000,000
2E5.3	06	-	FALSE STATEMENTS: ERISA		
2E5.4	04	06	EMBEZZLEMENT/THEFT FROM LABOR UNIONS: PRIVATE SECTOR		
2E5.4	05	06	EMBEZZLEMENT/THEFT FROM LABOR UNIONS: PRIVATE SECTOR	Value: \$101-1,000	
2E5.4	06	06	EMBEZZLEMENT/THEFT FROM LABOR UNIONS: PRIVATE SECTOR	Planned	
2E5.4	06	06	EMBEZZLEMENT/THEFT FROM LABOR UNIONS: PRIVATE SECTOR	Union Officer/Position of Trust	
2E5.4	06	06	EMBEZZLEMENT/THEFT FROM LABOR UNIONS: PRIVATE SECTOR	Value: \$1,001-2,000	
2E5.4	07	06	EMBEZZLEMENT/THEFT FROM LABOR UNIONS: PRIVATE SECTOR	Planned	Value: \$101-1,000
2E5.4	07	06	EMBEZZLEMENT/THEFT FROM LABOR UNIONS: PRIVATE SECTOR	Union Officer/Position of Trust	Value: \$101-1,000
2E5.4	07	06-09	EMBEZZLEMENT/THEFT FROM LABOR UNIONS: PRIVATE SECTOR	Value: \$2,001-5,000	
2E5.4	08	06	EMBEZZLEMENT/THEFT FROM LABOR UNIONS: PRIVATE SECTOR	Planned	Union Officer/Position of Trust
2E5.4	08	06	EMBEZZLEMENT/THEFT FROM LABOR UNIONS: PRIVATE SECTOR	Planned	Value: \$1,001-2,000
2E5.4	08	06	EMBEZZLEMENT/THEFT FROM LABOR UNIONS: PRIVATE SECTOR	Union Officer/Position of Trust	Value: \$1,001-2,000
2E5.4	08	06-09	EMBEZZLEMENT/THEFT FROM LABOR UNIONS: PRIVATE SECTOR	Value: \$5,001-10,000	
2E5.4	09	06-09	EMBEZZLEMENT/THEFT FROM LABOR UNIONS: PRIVATE SECTOR	Planned	Value: \$2,001-5,000
2E5.4	09	06-09	EMBEZZLEMENT/THEFT FROM LABOR UNIONS: PRIVATE SECTOR	Union Officer/Position of Trust	Value: \$2,001-5,000
2E5.4	09	06-09	EMBEZZLEMENT/THEFT FROM LABOR UNIONS: PRIVATE SECTOR	Value: \$10,001-20,000	
2E5.4	10	06-09	EMBEZZLEMENT/THEFT FROM LABOR UNIONS: PRIVATE SECTOR	Planned	Value: \$5,001-10,000
2E5.4	10	06-09	EMBEZZLEMENT/THEFT FROM LABOR UNIONS: PRIVATE SECTOR	Union Officer/Position of Trust	Value: \$5,001-10,000

Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2E5.4	10	14	EMBEZZLEMENT/THEFT FROM LABOR UNIONS: PRIVATE SECTOR	Value: \$20,001-50,000	
2E5.4	11	06-09	EMBEZZLEMENT/THEFT FROM LABOR UNIONS: PRIVATE SECTOR	Planned	Value: \$10,001-20,000
2E5.4	11	06-09	EMBEZZLEMENT/THEFT FROM LABOR UNIONS: PRIVATE SECTOR	Union Officer/Position of Trust	Value: \$10,001-20,000
2E5.4	11	14	EMBEZZLEMENT/THEFT FROM LABOR UNIONS: PRIVATE SECTOR	Value: \$50,001-100,000	
2E5.4	12	14	EMBEZZLEMENT/THEFT FROM LABOR UNIONS: PRIVATE SECTOR	Planned	Value: \$20,001-50,000
2E5.4	12	14	EMBEZZLEMENT/THEFT FROM LABOR UNIONS: PRIVATE SECTOR	Union Officer/Position of Trust	Value: \$20,001-50,000
2E5.4	12	18-20	EMBEZZLEMENT/THEFT FROM LABOR UNIONS: PRIVATE SECTOR	Value: \$100,001-200,000	
2E5.4	13	14	EMBEZZLEMENT/THEFT FROM LABOR UNION: PRIVATE SECTOR	Planned	Value: \$50,001-100,000
2E5.4	13	14	EMBEZZLEMENT/THEFT FROM LABOR UNION: PRIVATE SECTOR	Union Officer/Position of Trust	Value: \$50,001-100,000
2E5.4	13	18-20	EMBEZZLEMENT/THEFT FROM LABOR UNION: PRIVATE SECTOR	Value: \$200,001-500,000	
2E5.4	14	18-20	EMBEZZLEMENT/THEFT FROM LABOR UNIONS: PRIVATE SECTOR	Planned	Value: \$100,001-200,000
2E5.4	14	18-20	EMBEZZLEMENT/THEFT FROM LABOR UNIONS: PRIVATE SECTOR	Union Officer/Position of Trust	Value: \$100,001-200,000
2E5.4	14	23	EMBEZZLEMENT/THEFT FROM LABOR UNIONS: PRIVATE SECTOR	Value: \$500,001-1,000,000	
2E5.4	15	18-20	EMBEZZLEMENT/THEFT FROM LABOR UNIONS: PRIVATE SECTOR	Planned	Value: \$200,001-500,000
2E5.4	15	18-20	EMBEZZLEMENT/THEFT FROM LABOR UNIONS: PRIVATE SECTOR	Union Officer/Position of Trust	Value: \$200,001-500,000
2E5.4	15	23	EMBEZZLEMENT/THEFT FROM LABOR UNIONS: PRIVATE SECTOR	Value: \$1,000,001-2,000,000	
2E5.4	16	23	EMBEZZLEMENT/THEFT FROM LABOR UNIONS: PRIVATE SECTOR	Planned	Value: \$500,001-1,000,000
2E5.4	16	23	EMBEZZLEMENT/THEFT FROM LABOR UNIONS: PRIVATE SECTOR	Union Officer/Position of Trust	Value: \$500,001-1,000,000
2E5.4	16	23	EMBEZZLEMENT/THEFT FROM LABOR UNIONS: PRIVATE SECTOR	Value: \$2,000,001-5,000,000	

Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2E5.4	17	23	EMBEZZLEMENT/THEFT FROM LABOR UNIONS: PRIVATE SECTOR	Planned	Value: \$1,000,001-2,000,000
2E5.4	17	23	EMBEZZLEMENT/THEFT FROM LABOR UNIONS: PRIVATE SECTOR	Union Officer/Position of Trust	Value: \$1,000,001-2,000,000
2E5.4	17	23	EMBEZZLEMENT/THEFT FROM LABOR UNIONS: PRIVATE SECTOR	Value: Over \$5,000,000	
2E5.4	18	23	EMBEZZLEMENT/THEFT FROM LABOR UNIONS: PRIVATE SECTOR	Planned	Value: \$2,000,001-5,000,000
2E5.4	18	23	EMBEZZLEMENT/THEFT FROM LABOR UNIONS: PRIVATE SECTOR	Union Officer/Position of Trust	Value: \$2,000,001-5,000,000
2E5.4	19	23	EMBEZZLEMENT/THEFT FROM LABOR UNIONS: PRIVATE SECTOR	Planned	Value: Over \$5,000,000
2E5.4	19	23	EMBEZZLEMENT/THEFT FROM LABOR UNIONS: PRIVATE SECTOR	Union Officer/Position of Trust	Value: Over \$5,000,000
2E5.5	06	-	FALSIFICATION OF RECORDS REQUIRED BY LMRDA		
2E5.6	06	06	GRATUITY BY EMPLOYER	Value: \$2,001-5,000	
2E5.6	07	06-09	GRATUITY BY EMPLOYER	Value: \$5,001-10,000	
2E5.6	08	06-09	GRATUITY BY EMPLOYER	Value: \$10,001-20,000	
2E5.6	09	06-09	GRATUITY BY EMPLOYER		
2E5.6	10	06	BRIBE BY EMPLOYER	Value: \$20,001-50,000	
2E5.6	10	14	GRATUITY BY EMPLOYER	Value: \$2,001-5,000	
2E5.6	11	06-09	BRIBE BY EMPLOYER	Value: \$50,001-100,000	
2E5.6	11	14	GRATUITY BY EMPLOYER	Value: \$5,001-10,000	
2E5.6	12	06-09	BRIBE BY EMPLOYER	Value: \$100,001-200,000	
2E5.6	12	18-20	GRATUITY BY EMPLOYER	Value: \$10,001-20,000	
2E5.6	13	06-09	BRIBE BY EMPLOYER	Value: \$200,001-500,000	
2E5.6	13	18-20	GRATUITY BY EMPLOYER	Value: \$20,001-50,000	
2E5.6	14	14	BRIBE BY EMPLOYER	Value: \$500,001-1,000,000	
2E5.6	14	23	GRATUITY BY EMPLOYER	Value: \$1,000,001-2,000,000	
2E5.6	15	23	GRATUITY BY EMPLOYER	Value: \$100,001-200,000	
2E5.6	16	18-20	BRIBE BY EMPLOYER	Value: \$2,000,001-5,000,000	
2E5.6	16	23	GRATUITY BY EMPLOYER		

Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2E5.6	17	18-20	BRIBE BY EMPLOYER	Value: \$200,001-500,000	
2E5.6	17	23	GRATUITY BY EMPLOYER	Value: Over \$5,000,000	
2E5.6	18	23	BRIBE BY EMPLOYER	Value: \$500,001-1,000,000	
2E5.6	19	23	BRIBE BY EMPLOYER	Value: \$1,000,001-2,000,000	
2E5.6	20	23	BRIBE BY EMPLOYER	Value: \$2,000,001-5,000,000	
2E5.6	21	23	BRIBE BY EMPLOYER	Value: Over \$5,000,000	
2F1.1	06	06	FRAUD/DECEIT		
2F1.1	07	06-09	FRAUD/DECEIT	Estimated Loss: \$2,001-5,000	
2F1.1	08	06-09	FRAUD/DECEIT	Estimated Loss: \$5,001-10,000	
2F1.1	09	06-09	FRAUD/DECEIT	Estimated Loss: \$10,001-20,000	
2F1.1	10	06	FRAUD/DECEIT	Planned	
2F1.1	10	14	FRAUD/DECEIT	Estimated Loss: \$20,001-50,000	
2F1.1	11	06-09	FRAUD/DECEIT	Estimated Loss: \$10,001-20,000	Planned
2F1.1	11	14	FRAUD/DECEIT	Estimated Loss: \$50,001-100,000	
2F1.1	12	06	FRAUD/DECEIT	Foreign Bank Account	Foreign Bank Account
2F1.1	12	06	FRAUD/DECEIT	Planned	Foreign Bank Account
2F1.1	12	06-20	FRAUD/DECEIT	Estimated Loss: \$200,000/Less	Foreign Bank Account
2F1.1	12	14	FRAUD/DECEIT	Estimated Loss: \$20,001-50,000	Planned
2F1.1	12	18-20	FRAUD/DECEIT	Estimated Loss: \$100,001-200,000	Planned
2F1.1	13	14	FRAUD/DECEIT	Estimated Loss: \$50,001-100,000	Planned
2F1.1	13	18-20	FRAUD/DECEIT	Estimated Loss: \$200,001-500,000	Planned
2F1.1	14	18-20	FRAUD/DECEIT	Estimated Loss: \$100,001-200,000	Planned
2F1.1	14	23	FRAUD/DECEIT	Estimated Loss: \$500,001-1,000,000	Planned
2F1.1	15	18-20	FRAUD/DECEIT	Estimated Loss: \$200,001-500,000	Planned
2F1.1	15	23	FRAUD/DECEIT	Estimated Loss: \$1,000,001-2,000,000	Planned
2F1.1	16	23	FRAUD/DECEIT	Estimated Loss: \$2,000,001-5,000,000	Planned
2F1.1	16	23	FRAUD/DECEIT	Estimated Loss: \$500,001-1,000,000	Planned
2F1.1	17	23	FRAUD/DECEIT	Estimated Loss: \$1,000,001-2,000,000	Planned
2F1.1	17	23	FRAUD/DECEIT	Estimated Loss: Over \$5,000,000	Planned

Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2F1.1	18	23	FRAUD/DECEIT	Estimated Loss: \$2,000,001-5,000,000	Planned
2F1.1	19	23	FRAUD/DECEIT	Estimated Loss: Over \$5,000,000	Planned
2F1.2	08	06	INSIDER TRADING	Gain: \$2,001-5,000	
2F1.2	09	06-09	INSIDER TRADING	Gain: \$5,001-10,000	
2F1.2	10	06-09	INSIDER TRADING	Gain: \$10,001-20,000	
2F1.2	11	06-09	INSIDER TRADING	Gain: \$20,001-50,000	
2F1.2	12	14	INSIDER TRADING	Gain: \$50,001-100,000	
2F1.2	13	14	INSIDER TRADING	Gain: \$100,001-200,000	
2F1.2	14	18-20	INSIDER TRADING	Gain: \$200,001-500,000	
2F1.2	15	18-20	INSIDER TRADING	Gain: \$500,001-1,000,000	
2F1.2	16	23	INSIDER TRADING	Gain: \$1,000,001-2,000,000	
2F1.2	17	23	INSIDER TRADING	Gain: \$2,000,001-5,000,000	
2F1.2	18	23	INSIDER TRADING	Gain: Over \$5,000,000	
2F1.2	19	23	INSIDER TRADING		
2G1.1	14	14	TRANSPORTATION FOR PROSTITUTION	Physical Force/Coercion by Drugs	
2G1.1	18	23	TRANSPORTATION FOR PROSTITUTION	Physical Force/Coercion by Drugs	
2G1.2	16	23	TRANSPORTATION FOR PROSTITUTION: MINOR	Persons Under 12	
2G1.2	20	23	TRANSPORTATION FOR PROSTITUTION: MINOR	Physical Force/Coercion by Drugs	
2G1.2	20	23	TRANSPORTATION FOR PROSTITUTION: MINOR	Physical Force/Coercion by Drugs	
2G1.2	22	23	TRANSPORTATION FOR PROSTITUTION: MINOR	Physical Force/Coercion by Drugs	Persons Under 16, Over 12
2G1.2	24	23	TRANSPORTATION FOR PROSTITUTION: MINOR	Persons Under 12	Physical Force/Coercion by Drugs
2G2.1	25	23	EXPLOITING A MINOR: PRODUCTION OF EXPLICIT MATERIAL		
2G2.1	27	23	EXPLOITING A MINOR: PRODUCTION OF EXPLICIT MATERIAL	Persons Under 12	
2G2.2	13	23	TRAFFICKING IN MATERIAL EXPLOITING A MINOR	Persons Under 12	
2G2.2	15	23	TRAFFICKING IN MATERIAL EXPLOITING A MINOR	Retail Value: \$100,000/Less	
2G2.2	18	23	TRAFFICKING IN MATERIAL EXPLOITING A MINOR	Retail Value: \$100,001-200,000	
2G2.2	19	23	TRAFFICKING IN MATERIAL EXPLOITING A MINOR	Persons Under 12	Retail Value: \$100,000/Less
2G2.2	20	23	TRAFFICKING IN MATERIAL EXPLOITING A MINOR	Persons Under 12	

Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2G2.2	20	23	TRAFFICKING IN MATERIAL EXPLOITING A MINOR	Retail Value: \$200,001-500,000 Persons Under 12	Retail Value: \$100,001-200,000
2G2.2	21	23	TRAFFICKING IN MATERIAL EXPLOITING A MINOR	Retail Value: \$500,001-1,000,000 Persons Under 12	Retail Value: \$200,001-500,000
2G2.2	22	23	TRAFFICKING IN MATERIAL EXPLOITING A MINOR	Retail Value: \$1,000,001-2,000,000 Persons Under 12	Retail Value: \$500,001-1,000,000
2G2.2	23	23	TRAFFICKING IN MATERIAL EXPLOITING A MINOR	Retail Value: \$2,000,001-5,000,000 Persons Under 12	Retail Value: \$1,000,001-2,000,000
2G2.2	24	23	TRAFFICKING IN MATERIAL EXPLOITING A MINOR	Retail Value: Over \$5,000,000 Persons Under 12	Retail Value: \$2,000,001-5,000,000
2G2.2	25	23	TRAFFICKING IN MATERIAL EXPLOITING A MINOR	Retail Value: Over \$5,000,000 Persons Under 12	Retail Value: Over \$5,000,000
2G3.1	06	04	IMPORTING/MAILING/TRANSPORTING OBSCENE MATTER	Sado-masochistic Conduct	Sado-Masochistic Conduct
2G3.1	10	04	IMPORTING/MAILING/TRANSPORTING OBSCENE MATTER	Retail Value: \$100,000/Less	Sado-Masochistic Conduct
2G3.1	11	06-09	IMPORTING/MAILING/TRANSPORTING OBSCENE MATTER	Retail Value: \$100,001-200,000	Sado-Masochistic Conduct
2G3.1	12	06-09	IMPORTING/MAILING/TRANSPORTING OBSCENE MATTER	Retail Value: \$200,001-500,000	Sado-Masochistic Conduct
2G3.1	13	06-09	IMPORTING/MAILING/TRANSPORTING OBSCENE MATTER	Retail Value: \$500,001-1,000,000	Sado-Masochistic Conduct
2G3.1	14	06-09	IMPORTING/MAILING/TRANSPORTING OBSCENE MATTER	Retail Value: \$100,000/Less	Sado-Masochistic Conduct
2G3.1	15	06-09	IMPORTING/MAILING/TRANSPORTING OBSCENE MATTER	Retail Value: \$100,001-200,000	Sado-Masochistic Conduct
2G3.1	16	06-09	IMPORTING/MAILING/TRANSPORTING OBSCENE MATTER	Retail Value: \$200,001-500,000	Sado-Masochistic Conduct
2G3.1	17	06-09	IMPORTING/MAILING/TRANSPORTING OBSCENE MATTER	Retail Value: \$500,001-1,000,000	Sado-Masochistic Conduct
2G3.1	18	06-09	IMPORTING/MAILING/TRANSPORTING OBSCENE MATTER	Retail Value: \$1,000,001-2,000,000	Sado-Masochistic Conduct
2G3.1	19	06-09	IMPORTING/MAILING/TRANSPORTING OBSCENE MATTER	Retail Value: \$2,000,001-5,000,000	Sado-Masochistic Conduct
2G3.1	20	06-09	IMPORTING/MAILING/TRANSPORTING OBSCENE MATTER	Retail Value: Over \$5,000,000	Sado-Masochistic Conduct
2G3.1	21	06-09	IMPORTING/MAILING/TRANSPORTING OBSCENE MATTER	Retail Value: Over \$5,000,000	Sado-Masochistic Conduct
2G3.2	06	-	OBSCENE OR INDECENT TELEPHONE COMMUNICATIONS		
2H1.1*	15	-	IN DISGUISE TO DEPRIVE OF RIGHTS	Public Official	
2H1.1*	19	-	IN DISGUISE TO DEPRIVE OF RIGHTS	Public Official	
2H1.2*	13	-	CONSPIRACY TO INTERFERE WITH CIVIL RIGHTS		
2H1.2*	17	-	CONSPIRACY TO INTERFERE WITH CIVIL RIGHTS		

Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2H1.3*	10	-	USE/THREAT OF FORCE TO FURTHER DISCRIMINATION: NO INJURY		
2H1.3*	14	-	USE/THREAT OF FORCE TO FURTHER DISCRIMINATION: NO INJURY	Public Official	
2H1.3*	15	-	USE/THREAT OF FORCE TO FURTHER DISCRIMINATION: INJURY RESULTS		
2H1.3*	19	-	USE/THREAT OF FORCE TO FURTHER DISCRIMINATION: INJURY RESULTS	Public Official	
2H1.4*	10	-	INTERFERENCE WITH CIVIL RIGHTS UNDER COLOR OF LAW		
2H1.5*	06	-	DEPRIVATION OF RIGHTS TO FURTHER DISCRIMINATION		
2H1.5*	10	-	DEPRIVATION OF RIGHTS TO FURTHER DISCRIMINATION	Public Official	
2H2.1	06	14	OBSTRUCTING AN ELECTION BY OTHER MEANS		
2H2.1	12	14	OBSTRUCTING AN ELECTION BY FRAUD		
2H2.1	18	18-20	OBSTRUCTING AN ELECTION BY USE/THREAT OF FORCE		
2H3.1	09	06	EAVESDROPPING		
2H3.1	12	06	EAVESDROPPING	For Economic Gain	
2H3.2	06	06/06-09	MANUFACTURING/POSSESSING EAVESDROPPING DEVICE		
2H3.2	09	06/06-09	MANUFACTURING/POSSESSING EAVESDROPPING DEVICE	For Economic Gain	
2H3.3	04	06	DESTRUCTING MAIL: APPLY 2B1.2		
2H3.3	04	06	OBSTRUCTING MAIL: APPLY 2B1.1		
2H3.3	06	06	OBSTRUCTING CORRESPONDENCE		
2H4.1	15	-	PEONAGE		
2J1.2*	12	06-09	OBSTRUCTION OF JUSTICE	Substantial Interference	
2J1.2*	15	06-09	OBSTRUCTION OF JUSTICE	Threat Physical/Harm	
2J1.2*	20	18-20	OBSTRUCTION OF JUSTICE	Threat Physical/Harm	Substantial Interference
2J1.2*	23	18-20	OBSTRUCTION OF JUSTICE		
2J1.3*	12	06-09	PERJURY	Substantial Interference	
2J1.3*	15	06-09	PERJURY	Threat Physical/Harm	
2J1.3*	20	18-20	PERJURY	Threat Physical/Harm	Substantial Interference
2J1.3*	23	-	PERJURY		
2J1.4*	06	06	IMPERSONATION: FEDERAL OFFICER, AGENT, EMPLOYEE		

Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2J1.4*	12	06	IMPERSONATION: FEDERAL OFFICER, AGENT, EMPLOYEE	To Conduct Unlawful Search/Arrest	
2J1.5	04	-	FAILURE TO APPEAR BY MATERIAL WITNESS: MISDEMEANOR		
2J1.5	06	-	FAILURE TO APPEAR BY MATERIAL WITNESS		
2J1.5	07	-	FAILURE TO APPEAR BY MATERIAL WITNESS: MISDEMEANOR	Substantial Interference	
2J1.5	09	-	FAILURE TO APPEAR BY MATERIAL WITNESS: FELONY	Substantial Interference	
2J1.6	06	06-09	FAILURE TO APPEAR BY DEFENDANT		
2J1.6	09	06-09	FAILURE TO APPEAR BY DEFENDANT	Felony Punishable Less Than 5 Years	
2J1.6	12	06-09	FAILURE TO APPEAR BY DEFENDANT	Offense is Punishable Between 5-15 Years	
2J1.6	15	06-09	FAILURE TO APPEAR BY DEFENDANT	Punishable by Prison at least 15 years	
2J1.7	06	-	OFFENSE WHILE ON RELEASE		
2J1.7	08	-	OFFENSE WHILE ON RELEASE	Felony Punishable Less Than 5 Years	
2J1.7	10	-	OFFENSE WHILE ON RELEASE	Offense is Punishable Between 5-15 Years	
2J1.7	12	-	OFFENSE WHILE ON RELEASE	Punishable By Prison At least 15 Years	
2J1.8	12	06-09	BRIBERY OF WITNESS		
2J1.8	15	06-09	BRIBERY OF WITNESS	Substantial Interference	
2J1.9	06	06-09	PAYMENT TO WITNESS		
2J1.9	10	06-09	PAYMENT TO WITNESS	Refusing to Testify	
2K1.1	06	-	FAILURE TO REPORT EXPLOSIVES THEFT		
2K1.2	06	-	IMPROPER STORAGE OF EXPLOSIVES		
2K1.3	06	18-20	TRAFFICKING IN EXPLOSIVES		
2K1.3	10	18-20	TRAFFICKING IN EXPLOSIVES	False Statement	Knowingly Distributed to Under 21
2K1.3	10	18-20	TRAFFICKING IN EXPLOSIVES	False Statement	Knowingly Distributed to Under 21
2K1.3	10	18-20	TRAFFICKING IN EXPLOSIVES	Knowingly Distributed to Under 21	
2K1.3	12	18-20	TRAFFICKING IN EXPLOSIVES	False Statement	Stolen
2K1.3	12	18-20	TRAFFICKING IN EXPLOSIVES	Knew Explosive Stolen	
2K1.3	12	18-20	TRAFFICKING IN EXPLOSIVES	Knew Explosive Stolen	Knowingly Distributed to Under 21
2K1.3	16	18-20	TRAFFICKING IN EXPLOSIVES	Distributing to Felon	
2K1.4	06	18-20	ARSON; PROPERTY DAMAGE BY EXPLOSIVES		



Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2K1.4	08	18-20	ARSON: PROPERTY DAMAGE BY EXPLOSIVES	Destructive Device	
2K1.4	10	23	ARSON: PROPERTY DAMAGE BY EXPLOSIVES	Endangered Safety	
2K1.4	13	18-20	ARSON: PROPERTY DAMAGE BY EXPLOSIVES	Fire/Explosive Another Felony	
2K1.4	13	18-20	ARSON: PROPERTY DAMAGE BY EXPLOSIVES	Fire/Explosive Another Felony	Destructive Device
2K1.4	18	23	ARSON: PROPERTY DAMAGE BY EXPLOSIVES	Residence	
2K1.4	20	23	ARSON: PROPERTY DAMAGE BY EXPLOSIVES	Reckless Disregard For Safety	
2K1.4	24	31-33	ARSON: PROPERTY DAMAGE BY EXPLOSIVES	Knowingly Substantial Risk of Death	
2K1.5	06	-	POSSESS WEAPONS ABOARD AN AIRCRAFT	Lawful but for mere negligence	
2K1.5	08	-	POSSESS WEAPONS ABOARD AN AIRCRAFT	Prohibited Possess	Lawful but for mere negligence
2K1.5	09	-	POSSESS WEAPONS ABOARD AN AIRCRAFT	Prohibited Possess	
2K1.5	11	-	POSSESS WEAPONS ABOARD AN AIRCRAFT	Prohibited Possess	
2K1.5	24	-	POSSESS WEAPONS ABOARD AN AIRCRAFT	Wilfully, Reckless Disregard	
2K1.6	18	18-20	SHIP/RECEIVE EXPLOSIVES WITH FELONIOUS INTENT		
2K2.1	05	06-09	PROHIBIT TO: RECEIPT/POSSESS/TRANSPORT FIREARMS	Sport/Recreation	
2K2.1	06	06-09	PROHIBIT TO: RECEIPT/POSSESS/TRANSPORT FIREARMS	Stolen/Altered Serial Number	Sport/Recreation
2K2.1	09	06-09	PROHIBIT TO: RECEIPT/POSSESS/TRANSPORT FIREARMS	Stolen/Altered Serial Number	
2K2.1	10	06-09	PROHIBIT TO: RECEIPT/POSSESS/TRANSPORT FIREARMS	Stolen/Altered Serial Number	
2K2.2	06	06-09	PROHIBIT TO: RECEIPT/POSSESS/TRANSPORT FIREARMS-VIOLATION N.F.A.	Sport/Recreation	
2K2.2	07	06-09	PROHIBIT TO: RECEIPT/POSSESS/TRANSPORT FIREARMS-VIOLATION N.F.A.	Stolen/Altered Serial Number	Sport/Recreation
2K2.2	12	06-09	PROHIBIT TO: RECEIPT/POSSESS/TRANSPORT FIREARMS-VIOLATION N.F.A.	Stolen/Altered Serial Number	
2K2.2	13	06-09	PROHIBIT TO: RECEIPT/POSSESS/TRANSPORT FIREARMS-VIOLATION N.F.A.	Stolen/Altered Serial Number	
2K2.2	16	23	PROHIBIT TO: RECEIPT/POSSESS/TRANSPORT FIREARMS-VIOLATION N.F.A.	Silencer	
2K2.2	17	23	PROHIBIT TO: RECEIPT/POSSESS/TRANSPORT FIREARMS-VIOLATION N.F.A.	Stolen/Altered Serial Number	Silencer
2K2.3	06	06-09	TRANSACTIONS/SHIPMENT OF FIREARMS		
2K2.3	07	06-09	TRANSACTIONS/SHIPMENT OF FIREARMS	Knew Purchaser Prohibited in State	
2K2.3	07	06-09	TRANSACTIONS/SHIPMENT OF FIREARMS	Knew Stolen/Altered Serial Number	

Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2K2.3	07	14	TRANSACTIONS/SHIPMENT OF FIREARMS	6-10 Weapons	
2K2.3	08	06-09	TRANSACTIONS/SHIPMENT OF FIREARMS	Knew Purchaser Prohibited	
2K2.3	08	14	TRANSACTIONS/SHIPMENT OF FIREARMS	11-20 Weapons	
2K2.3	08	14	TRANSACTIONS/SHIPMENT OF FIREARMS	6-10 Weapons	Knew Purchaser Prohibited in State
2K2.3	08	14	TRANSACTIONS/SHIPMENT OF FIREARMS	6-10 Weapons	Knew Stolen/Altered Serial Number
2K2.3	09	14	TRANSACTIONS/SHIPMENT OF FIREARMS	11-20 Weapons	Knew Purchaser Prohibited in State
2K2.3	09	14	TRANSACTIONS/SHIPMENT OF FIREARMS	11-20 Weapons	Knew Stolen/Altered Serial Number
2K2.3	09	14	TRANSACTIONS/SHIPMENT OF FIREARMS	21-50 Weapons	
2K2.3	09	14	TRANSACTIONS/SHIPMENT OF FIREARMS	6-10 Weapons	Knew Purchaser Prohibited
2K2.3	10	14	TRANSACTIONS/SHIPMENT OF FIREARMS	11-20 Weapons	Knew Purchaser Prohibited
2K2.3	10	14	TRANSACTIONS/SHIPMENT OF FIREARMS	21-50 Weapons	Knew Purchaser Prohibited in State
2K2.3	10	14	TRANSACTIONS/SHIPMENT OF FIREARMS	21-50 Weapons	Knew Purchaser Prohibited in State
2K2.3	10	14	TRANSACTIONS/SHIPMENT OF FIREARMS	21-50 Weapons	Knew Stolen/Altered Serial Number
2K2.3	10	14	TRANSACTIONS/SHIPMENT OF FIREARMS	51-100 Weapons	
2K2.3	11	14	TRANSACTIONS/SHIPMENT OF FIREARMS	101-200 Weapons	
2K2.3	11	14	TRANSACTIONS/SHIPMENT OF FIREARMS	21-50 Weapons	Knew Purchaser Prohibited
2K2.3	11	14	TRANSACTIONS/SHIPMENT OF FIREARMS	51-100 Weapons	Knew Purchaser Prohibited in State
2K2.3	11	14	TRANSACTIONS/SHIPMENT OF FIREARMS	51-100 Weapons	Knew Purchaser Prohibited in State
2K2.3	12	14	TRANSACTIONS/SHIPMENT OF FIREARMS	101-200 Weapons	
2K2.3	12	14	TRANSACTIONS/SHIPMENT OF FIREARMS	101-200 Weapons	Knew Purchaser Prohibited in State
2K2.3	12	14	TRANSACTIONS/SHIPMENT OF FIREARMS	51-100 Weapons	Knew Stolen/Altered Serial Number
2K2.3	12	14	TRANSACTIONS/SHIPMENT OF FIREARMS	More than 200 Weapons	Knew Purchaser Prohibited
2K2.3	12	18-20/23	TRANSACTIONS/SHIPMENT OF FIREARMS (26 U.S.C. 5861)		
2K2.3	13	18-20/23	TRANSACTIONS/SHIPMENT OF FIREARMS (26 U.S.C. 5861)	101-200 Weapons	Knew Purchaser Prohibited
2K2.3	13	18-20/23	TRANSACTIONS/SHIPMENT OF FIREARMS (26 U.S.C. 5861)	6-10 weapons	
2K2.3	13	18-20/23	TRANSACTIONS/SHIPMENT OF FIREARMS (26 U.S.C. 5861)	Knew Purchaser Prohibited in State	
2K2.3	13	18-20/23	TRANSACTIONS/SHIPMENT OF FIREARMS (26 U.S.C. 5861)	Knew Stolen/Altered Serial Number	
2K2.3	13	18-20/23	TRANSACTIONS/SHIPMENT OF FIREARMS (26 U.S.C. 5861)	More than 200 Weapons	Knew Purchaser Prohibited in State
2K2.3	13	18-20/23	TRANSACTIONS/SHIPMENT OF FIREARMS (26 U.S.C. 5861)	More than 200 Weapons	Knew Stolen/Altered Serial Number

Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2K2.3	14	18-20/23	TRANSACTIONS/SHIPMENT OF FIREARMS (26 U.S.C. 5861)	11-20 Weapons	
2K2.3	14	18-20/23	TRANSACTIONS/SHIPMENT OF FIREARMS (26 U.S.C. 5861)	6-10 Weapons	Knew Purchaser Prohibited in State
2K2.3	14	18-20/23	TRANSACTIONS/SHIPMENT OF FIREARMS (26 U.S.C. 5861)	6-10 Weapons	Knew Stolen/Altered Serial Number
2K2.3	14	18-20/23	TRANSACTIONS/SHIPMENT OF FIREARMS (26 U.S.C. 5861)	Knew Purchaser Prohibited	
2K2.3	14	18-20/23	TRANSACTIONS/SHIPMENT OF FIREARMS (26 U.S.C. 5861)	More than 200 Weapons	Knew Purchaser Prohibited
2K2.3	15	18-20/23	TRANSACTIONS/SHIPMENT OF FIREARMS (26 U.S.C. 5861)	11-20 Weapons	Knew Purchaser Prohibited in State
2K2.3	15	18-20/23	TRANSACTIONS/SHIPMENT OF FIREARMS (26 U.S.C. 5861)	11-20 Weapons	Knew Stolen/Altered Serial Number
2K2.3	15	18-20/23	TRANSACTIONS/SHIPMENT OF FIREARMS (26 U.S.C. 5861)	21-50 Weapons	
2K2.3	15	18-20/23	TRANSACTIONS/SHIPMENT OF FIREARMS (26 U.S.C. 5861)	6-10 Weapons	Knew Purchaser Prohibited
2K2.3	16	18-20/23	TRANSACTIONS/SHIPMENT OF FIREARMS (26 U.S.C. 5861)	11-20 Weapons	Knew Purchaser Prohibited
2K2.3	16	18-20/23	TRANSACTIONS/SHIPMENT OF FIREARMS (26 U.S.C. 5861)	21-50 Weapons	Knew Purchaser Prohibited in State
2K2.3	16	18-20/23	TRANSACTIONS/SHIPMENT OF FIREARMS (26 U.S.C. 5861)	21-50 Weapons	Knew Stolen/Altered Serial Number
2K2.3	16	18-20/23	TRANSACTIONS/SHIPMENT OF FIREARMS (26 U.S.C. 5861)	51-100 Weapons	
2K2.3	17	18-20/23	TRANSACTIONS/SHIPMENT OF FIREARMS (26 U.S.C. 5861)	101-200 Weapons	
2K2.3	17	18-20/23	TRANSACTIONS/SHIPMENT OF FIREARMS (26 U.S.C. 5861)	21-50 Weapons	Knew Purchaser Prohibited
2K2.3	17	18-20/23	TRANSACTIONS/SHIPMENT OF FIREARMS (26 U.S.C. 5861)	51-100 Weapons	Knew Purchaser Prohibited in State
2K2.3	17	18-20/23	TRANSACTIONS/SHIPMENT OF FIREARMS (26 U.S.C. 5861)	51-100 Weapons	Knew Stolen/Altered Serial Number
2K2.3	18	18-20/23	TRANSACTIONS/SHIPMENT OF FIREARMS (26 U.S.C. 5861)	101-200 Weapons	Knew Purchaser Prohibited in State
2K2.3	18	18-20/23	TRANSACTIONS/SHIPMENT OF FIREARMS (26 U.S.C. 5861)	101-200 Weapons	Knew Stolen/Altered Serial Number
2K2.3	18	18-20/23	TRANSACTIONS/SHIPMENT OF FIREARMS (26 U.S.C. 5861)	51-100 Weapons	Knew Purchaser Prohibited
2K2.3	18	18-20/23	TRANSACTIONS/SHIPMENT OF FIREARMS (26 U.S.C. 5861)	More than 200 Weapons	
2K2.3	19	18-20/23	TRANSACTIONS/SHIPMENT OF FIREARMS (26 U.S.C. 5861)	101-200 Weapons	Knew Purchaser Prohibited
2K2.3	19	18-20/23	TRANSACTIONS/SHIPMENT OF FIREARMS (26 U.S.C. 5861)	More than 200 Weapons	Knew Purchaser Prohibited in State
2K2.3	19	18-20/23	TRANSACTIONS/SHIPMENT OF FIREARMS (26 U.S.C. 5861)	More than 200 Weapons	Knew Stolen/Altered Serial Number
2K2.3	20	18-20/23	TRANSACTIONS/SHIPMENT OF FIREARMS (26 U.S.C. 5861)	More than 200 Weapons	Knew Purchaser Prohibited
2L1.1	06	06-09	SMUGGLING/HARBORING ILLEGAL ALIENS		
2L1.1	09	06-09	SMUGGLING/HARBORING ILLEGAL ALIENS	For Profit of Def/Knew Alien was Excludable	
2L1.2	06	06	UNLAWFULLY ENTERING OR REMAINING IN THE U.S.		

Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2L1.3	06	-	ENGAGING IN A PATTERN OF UNLAWFUL EMPLOYMENT OF ALIENS		
2L2.1	06	06-09	TRAFFICKING IN DOCUMENTS AUTHORIZING ENTRY		
2L2.1	09	06-09	TRAFFICKING IN DOCUMENTS AUTHORIZING ENTRY	For Profit	
2L2.2	06	06	FRAUDULENT DOCUMENTS AUTHORIZING ENTRY FOR OWN USE		
2L2.3	06	06-09	TRAFFICKING IN U.S. PASSPORTS		
2L2.3	09	06-09	TRAFFICKING IN U.S. PASSPORTS	For Profit	
2L2.4	06	06	FRAUDULENTLY ACQUIRING/IMPROPERLY USING U.S. PASSPORT		
2L2.5	06	04	FAILURE TO SURRENDER CANCELLED NATURALIZATION CERTIFICATE		
2M1.1	43	31-33	TREASON		
2M2.1	32	31-33	DESTRUCTION OF WAR MATERIAL, PREMISES, UTILITIES		
2M2.2	32	31-33	PRODUCTION OF DEFECTIVE WAR MATERIAL, PREMISES, UTILITIES		
2M2.3	26	31-33	DESTRUCTION OF NATIONAL DEFENSE MATERIAL, PREMISES, UTILITIES		
2M2.4	26	31-33	PRODUCTION OF DEFECTIVE NATIONAL DEFENSE MATERIAL, PREMISES, UTILITIES		
2M3.1	37	31-33	GATHERING NATIONAL DEFENSE INFORMATION: INTENT TO HARM U.S.		
2M3.1	42	31-33	GATHERING NATIONAL DEFENSE INFO: INTENT TO HARM U.S.(TOP SECRET)		
2M3.2	30	31-33	GATHERING NATIONAL DEFENSE INFORMATION		
2M3.2	35	31-33	GATHERING NATIONAL DEFENSE INFORMATION: TOP SECRET		
2M3.3	24	31-33	TRANSMITTING NATIONAL DEFENSE INFORMATION		
2M3.3	29	31-33	TRANSMITTING NATIONAL DEFENSE INFORMATION: TOP SECRET		
2M3.4	13	31-33	LOSING NATIONAL DEFENSE INFORMATION		
2M3.4	18	31-33	LOSING NATIONAL DEFENSE INFORMATION: TOP SECRET		
2M3.5	24	31-33	TAMPERING WITH RESTRICTED DATA CONCERNING ATOMIC ENERGY		
2M3.6	24	31-33	DISCLOSURE OF CLASSIFIED CRYPTOGRAPHIC INFORMATION		
2M3.6	29	31-33	DISCLOSURE OF CLASSIFIED CRYPTOGRAPHIC INFORMATION	Top Secret Information Disclosed	

Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2M3.7	24	31-33	UNAUTHORIZED DISCLOSURE TO FOREIGN GOVERNMENT OF CLASSIFIED INFO.		
2M3.7	29	31-33	UNAUTHORIZED DISCLOSURE TO FOREIGN GOVERNMENT OF CLASSIFIED INFO.	Top Secret Information Disclosed	
2M3.8	24	31-33	RECEIPT OF CLASSIFIED INFORMATION		
2M3.8	29	31-33	RECEIPT OF CLASSIFIED INFORMATION	Top Secret Information Received	
2M3.9	25	31-33	DISCLOSURE OF INFORMATION IDENTIFYING A COVERT AGENT	Access to Other Classified Information	
2M3.9	30	31-33	DISCLOSURE OF INFORMATION IDENTIFYING A COVERT AGENT	Access to Classified Information Identifying Agent	
2M4.1	06	04	EVASION OF MILITARY SERVICE/REGISTRATION: NO DRAFT		
2M4.1	12	06-09	EVASION OF MILITARY SERVICE/REGISTRATION	Inducted Into Armed Forces (Non-War Time)	
2M5.1	22	23	EVASION EXPORT CONTROLS AFFECT NATIONAL SECURITY		
2M5.1	30	31-33	CONSPIRACY TO ACQUIRE/POSSESS NUCLEAR MATERIAL		
2M5.2	22	23	EXPORTATION OF ARMS WITHOUT EXPORT LICENSE	Sophisticated Weaponry	
2M5.4	14	14	EXPORTATION OF ARMS WITHOUT EXPORT LICENSE		
2M6.1	30	31-33	CONSPIRACY TO ACQUIRE/POSSESS NUCLEAR MATERIAL		
2M6.1	42	31-33	CONSPIRACY TO ACQUIRE/POSSESS NUCLEAR MATERIAL	Intent to Injure U.S.	
2M6.2	06	31-33	VIOLATION ATOMIC ENERGY STATUTES: NO INTENT TO INJURE U.S.		
2M6.2	30	31-33	VIOLATION ATOMIC ENERGY STATUTES: INTENT TO INJURE U.S.		
2N1.1	25	-	TAMPERING WITH CONSUMER PRODUCTS/ATTEMPT: RISK OF DEATH		
2N1.2	16	-	THREATENING TO TAMPER WITH CONSUMER PRODUCTS		
2N1.3	12	-	TAMPERING WITH INTENT TO INJURE BUSINESS		
2N2.1	06	-	VIOLATIONS OF FDA REGULATIONS		
2N3.1	06	06	ODOMETER LAWS AND REGULATIONS		
2P1.1*	04	06-09	ESCAPE CUSTODY/EXTRADITION/WITNESS/PENDING (MISDEMEANOR)	Defendant Returned Voluntarily Within 96 Hours	
2P1.1*	06	-	ESCAPE CUSTODY/EXTRADITION/WITNESS/PENDING (MISDEMEANOR)	Defendant Returned Voluntarily Within 96 Hours	Defendant is Correctional Officer/DOJ Employee
2P1.1*	06	06-09	ESCAPE CUSTODY/CONVICTION/PENDING (FELONY)	Defendant Returned Voluntarily Within	

Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2P1.1*	08	-	ESCAPE CUSTODY/EXTRADITION/WITNESS/PENDING (FELONY)	Defendant Returned Voluntarily Within 96 Hours	Defendant is Correctional Officer/DOJ Employee
2P1.1*	08	06-09	ESCAPE CUSTODY/EXTRADITION/WITNESS/PENDING (MISDEMEANOR)	Use/Threat of Force	Defendant Returned Voluntarily Within 96 Hours
2P1.1*	09	18-20	ESCAPE CUSTODY/EXTRADITION/WITNESS/PENDING (MISDEMEANOR)	Use/Threat of Force	Defendant Returned Voluntarily Within 96 Hours
2P1.1*	11	18-20	ESCAPE CUSTODY/CONVICTION/PENDING (FELONY)	Use/Threat of Force	Defendant Returned Voluntarily Within 96 Hours
2P1.1*	13	18-20	ESCAPE CUSTODY/EXTRADITION/WITNESS/PENDING (MISDEMEANOR)	Use/Threat of Force	Defendant is Correctional Officer/DOJ Employee
2P1.1*	15	-	ESCAPE CUSTODY/EXTRADITION/WITNESS/PENDING (MISDEMEANOR)	Use/Threat of Force	Defendant is Correctional Officer/DOJ Employee
2P1.1*	18	18-20	ESCAPE CUSTODY/CONVICTION/PENDING (FELONY)	Use/Threat of Force	Defendant is Correctional Officer/DOJ Employee
2P1.1*	20	-	ESCAPE CUSTODY/ EXTRADITION/WITNESS/PENDING (FELONY)	Use/Threat of Force	Defendant is Correctional Officer/DOJ Employee
2P1.2*	04	-	PRISON CONTRABAND: EXCEPT WEAPONS, DRUGS, AND \$	Defendant is Correctional Officer/DOJ Employee	
2P1.2*	06	-	PRISON CONTRABAND: ALCOHOL, \$, DRUGS (NOT NARCOTIC DRUGS)	Defendant is Correctional Officer/DOJ Employee	
2P1.2*	06	-	PRISON CONTRABAND: EXCEPT WEAPONS, DRUGS, AND \$	Defendant is Correctional Officer/DOJ Employee	
2P1.2*	08	-	PRISON CONTRABAND: ALCOHOL, \$, DRUGS (NOT NARCOTIC DRUGS)	Defendant is Correctional Officer/DOJ Employee	
2P1.2*	13	-	PRISON CONTRABAND: WEAPON (NOT GUN OR DD) OR NARCOTICS	Defendant is Correctional Officer/DOJ Employee	
2P1.2*	15	-	PRISON CONTRABAND: WEAPON (NOT GUN OR DD) OR NARCOTICS	Defendant is Correctional Officer/DOJ Employee	
2P1.2*	23	-	PRISON CONTRABAND: FIREARM	Defendant is Correctional Officer/DOJ Employee	
2P1.2*	25	-	PRISON CONTRABAND: FIREARM	Defendant is Correctional Officer/DOJ Employee	
2P1.3*	10	-	PRISON RIOT: MINIMAL DISRUPTION/NO RISK OF INJURY		
2P1.3*	16	-	PRISON RIOT: MAJOR DISRUPTION		
2P1.3*	22	-	PRISON RIOT: SUBSTANTIAL RISK OF DEATH		
2P1.4	06	-	TRESPASS ON BUREAU OF PRISONS FACILITIES		
2Q1.1	24	18-27	KNOWING ENDANGERMENT MISHANDLING HAZARDOUS SUBSTANCES		

Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2Q1.2	06	-	MISHANDLING HAZARDOUS SUBSTANCES/RECORDKEEPING	Recordkeeping Violation	
2Q1.2	08	06-09	MISHANDLING HAZARDOUS SUBSTANCES/RECORDKEEPING		
2Q1.2	12	06-09	MISHANDLING HAZARDOUS SUBSTANCES/RECORDKEEPING	Discharge Into Environment	
2Q1.2	12	06-09	MISHANDLING HAZARDOUS SUBSTANCES/RECORDKEEPING	Transport Without Permit	
2Q1.2	12	14	MISHANDLING HAZARDOUS SUBSTANCES/RECORDKEEPING	Disrupt Utility	
2Q1.2	16	06-09	MISHANDLING HAZARDOUS SUBSTANCES/RECORDKEEPING	Discharge Into Environment	Transport Without Permit
2Q1.2	16	14	MISHANDLING HAZARDOUS SUBSTANCES/RECORDKEEPING	Discharge Into Environment	Disrupt Utility
2Q1.2	16	14	MISHANDLING HAZARDOUS SUBSTANCES/RECORDKEEPING	Disrupt Utility	Transport Without Permit
2Q1.2	17	18-20	MISHANDLING HAZARDOUS SUBSTANCES/RECORDKEEPING	Substantial Likelihood of Death	
2Q1.2	18	06-09	MISHANDLING HAZARDOUS SUBSTANCES/RECORDKEEPING	Continuous Discharge	Transport Without Permit
2Q1.2	18	14	MISHANDLING HAZARDOUS SUBSTANCES/RECORDKEEPING	Disrupt Utility	Continuous Discharge
2Q1.2	21	18-20	MISHANDLING HAZARDOUS SUBSTANCES/RECORDKEEPING	Discharge Into Environment	Substantial Likelihood of Death
2Q1.2	21	18-20	MISHANDLING HAZARDOUS SUBSTANCES/RECORDKEEPING	Substantial Likelihood of Death	Disrupt Utility
2Q1.2	21	18-20	MISHANDLING HAZARDOUS SUBSTANCES/RECORDKEEPING	Substantial Likelihood of Death	Transport Without Permit
2Q1.2	23	18-20	MISHANDLING HAZARDOUS SUBSTANCES/RECORDKEEPING	Substantial Likelihood of Death	Continuous Discharge
2Q1.3	06	-	MISHANDLING POLLUTANTS NOT HAZARDOUS, TOXIC, PESTICIDE		
2Q1.3	10	-	MISHANDLING POLLUTANTS NOT HAZARDOUS, TOXIC, PESTICIDE	Discharge Into Environment	
2Q1.3	10	-	MISHANDLING POLLUTANTS NOT HAZARDOUS, TOXIC, PESTICIDE	Disrupt Utility	
2Q1.3	12	-	MISHANDLING, POLLUTANTS NOT HAZARDOUS, TOXIC, PESTICIDE	Continuous Discharge	
2Q1.3	14	-	MISHANDLING POLLUTANTS NOT HAZARDOUS, TOXIC, PESTICIDE	Discharge Into Environment	Disrupt Utilities
2Q1.3	16	-	MISHANDLING POLLUTANTS NOT HAZARDOUS, TOXIC, PESTICIDE	Continuous Discharge	Discharge Into Environment
2Q1.3	16	-	MISHANDLING POLLUTANTS NOT HAZARDOUS, TOXIC, PESTICIDE	Continuous Discharge	Disrupt Utility
2Q1.3	17	-	MISHANDLING POLLUTANTS NOT HAZARDOUS, TOXIC, PESTICIDE	Substantial Likelihood of Death	
2Q1.3	17	-	MISHANDLING POLLUTANTS NOT HAZARDOUS, TOXIC, PESTICIDE	Substantial Likelihood of Death	Disrupt Utilities

Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2Q1.3	21	-	MISHANDLING POLLUTANTS NOT HAZARDOUS, TOXIC, PESTICIDE	Discharge Into Environment	Substantial Likelihood of Death
2Q1.3	23	-	MISHANDLING POLLUTANTS NOT HAZARDOUS, TOXIC, PESTICIDE	Continuous Discharge	Likelihood of Death
2Q1.4	18	-	ATTEMPT/TAMPER PUBLIC WATER SYSTEM	Disrupt System, Costly Cleanup, Continuous Contamination	
2Q1.4	22	-	ATTEMPT/TAMPER PUBLIC WATER SYSTEM	Influence Government Action/Extort Money	
2Q1.4	24	-	ATTEMPT/TAMPER PUBLIC WATER SYSTEM	Risk of Death	
2Q1.4	24	-	ATTEMPT/TAMPER PUBLIC WATER SYSTEM	Disrupt System, Costly Cleanup, Continuous Contamination	Influence Government Action/Extort Money
2Q1.4	28	-	ATTEMPT/TAMPER PUBLIC WATER SYSTEM	Risk of Death	
2Q1.4	28	-	ATTEMPT/TAMPER PUBLIC WATER SYSTEM	Disrupt System, Costly Cleanup, Continuous Contamination	Disrupt System, Costly Cleanup, Continuous Contamination
2Q1.4	30	-	ATTEMPT/TAMPER PUBLIC WATER SYSTEM	Risk of Death	Influence Government Action/Extort Money
2Q1.5	10	-	THREAT/TAMPER PUBLIC WATER SYSTEM	Disrupt System, Evacuate, Costly Cleanup	
2Q1.5	14	-	THREAT/TAMPER PUBLIC WATER SYSTEM	Influence Government Action/Extort Money	
2Q1.5	18	-	THREAT/TAMPER PUBLIC WATER SYSTEM	Disrupt System, Evacuate, Costly Cleanup	
2Q1.5	22	-	THREAT/TAMPER PUBLIC WATER SYSTEM	Disrupt System, Evacuate, Costly Cleanup	Influence Government Action/Extort Money
2Q2.1	06	-	SPECIALLY PROTECTED FISH, WILDLIFE, PLANTS	Value: \$2,001-5,000	
2Q2.1	07	-	SPECIALLY PROTECTED FISH, WILDLIFE, PLANTS	Commercial Purpose	
2Q2.1	08	-	SPECIALLY PROTECTED FISH, WILDLIFE, PLANTS	Not Quarantined as Required	
2Q2.1	08	-	SPECIALLY PROTECTED FISH, WILDLIFE, PLANTS	Value: \$5,001-10,000	
2Q2.1	09	-	SPECIALLY PROTECTED FISH, WILDLIFE, PLANTS	Commercial Purpose	Value: \$2,001-5,000
2Q2.1	09	-	SPECIALLY PROTECTED FISH, WILDLIFE, PLANTS	Not Quarantined as Required	Value: \$2,001-5,000
2Q2.1	09	-	SPECIALLY PROTECTED FISH, WILDLIFE, PLANTS	Value: \$10,001-20,000	
2Q2.1	10	-	SPECIALLY PROTECTED FISH, WILDLIFE, PLANTS	Commercial Purpose	Not Quarantined As Required
2Q2.1	10	-	SPECIALLY PROTECTED FISH, WILDLIFE, PLANTS	Commercial Purpose	Value: \$5,001-10,000
2Q2.1	10	-	SPECIALLY PROTECTED FISH, WILDLIFE, PLANTS	Not Quarantined As Required	Value: \$5,001-10,000



Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
202.1	10	-	SPECIALLY PROTECTED FISH, WILDLIFE, PLANTS	Quantity Substantial Overall Population	
202.1	10	-	SPECIALLY PROTECTED FISH, WILDLIFE, PLANTS	Value: \$20,001-50,000	
202.1	11	-	SPECIALLY PROTECTED FISH, WILDLIFE, PLANTS	Commercial Purpose	Value: \$10,001-20,000
202.1	11	-	SPECIALLY PROTECTED FISH, WILDLIFE, PLANTS	Not Quarantined As Required	Value: \$10,001-20,000
202.1	11	-	SPECIALLY PROTECTED FISH, WILDLIFE, PLANTS	Value: \$50,001-100,000	
202.1	12	-	SPECIALLY PROTECTED FISH, WILDLIFE, PLANTS	Commercial Purpose	Quantity Substantial Overall Population
202.1	12	-	SPECIALLY PROTECTED FISH, WILDLIFE, PLANTS	Commercial Purpose	Value: \$20,001-50,000
202.1	12	-	SPECIALLY PROTECTED FISH, WILDLIFE, PLANTS	Not Quarantined As Required	Quantity Substantial Overall Population
202.1	12	-	SPECIALLY PROTECTED FISH, WILDLIFE, PLANTS	Not Quarantined As Required	Value: \$20,001-50,000
202.1	12	-	SPECIALLY PROTECTED FISH, WILDLIFE, PLANTS	Value: \$100,001-200,000	
202.1	13	-	SPECIALLY PROTECTED FISH, WILDLIFE, PLANTS	Commercial Purpose	Value: \$50,001-100,000
202.1	13	-	SPECIALLY PROTECTED FISH, WILDLIFE, PLANTS	Not Quarantined as Required	Value: \$50,001-100,000
202.1	13	-	SPECIALLY PROTECTED FISH, WILDLIFE, PLANTS	Value: \$200,001-500,000	
202.1	14	-	SPECIALLY PROTECTED FISH, WILDLIFE, PLANTS	Commercial Purpose	Value: \$100,001-200,000
202.1	14	-	SPECIALLY PROTECTED FISH, WILDLIFE, PLANTS	Not Quarantined As Required	Value: \$100,001-200,000
202.1	14	-	SPECIALLY PROTECTED FISH, WILDLIFE, PLANTS	Value: \$500,001-1,000,000	
202.1	15	-	LACEY ACT: KNOWINGLY SMUGGLING/DEALING IN WILDLIFE	Not Quarantined as Required	Value: \$200,001-500,000
202.1	15	-	LACEY ACT: KNOWINGLY SMUGGLING/DEALING IN WILDLIFE	Value: \$1,000,001-2,000,000	
202.1	15	-	LACEY ACT: SMUGGLING/DEALING IN WILDLIFE	Commercial Purpose	Value: \$1,000,001-2,000,000
202.1	15	-	LACEY ACT: SMUGGLING/DEALING IN WILDLIFE	Not Quarantined as Required	Value: \$1,000,001-2,000,000
202.1	15	-	SPECIALLY PROTECTED FISH, WILDLIFE, PLANTS	Commercial Purpose	Value: \$200,001-500,000
202.1	15	-	SPECIALLY PROTECTED FISH, WILDLIFE, PLANTS	Not Quarantined As Required	Value: \$200,001-500,000
202.1	15	-	SPECIALLY PROTECTED FISH, WILDLIFE, PLANTS	Value: \$1,000,001-2,000,000	
202.1	16	-	SPECIALLY PROTECTED FISH, WILDLIFE, PLANTS	Commercial Purpose	Value: \$500,001-1,000,000
202.1	16	-	SPECIALLY PROTECTED FISH, WILDLIFE, PLANTS	Not Quarantined as Required	Value: \$500,001-1,000,000
202.1	16	-	SPECIALLY PROTECTED FISH, WILDLIFE, PLANTS	Value: \$2,000,001-5,000,000	
202.1	17	-	LACEY ACT: KNOWINGLY SMUGGLING/DEALING IN WILDLIFE	Value: Over \$5,000,000	

Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2Q2.1	17	-	SPECIALLY PROTECTED FISH, WILDLIFE, PLANTS	Commercial Purpose	Value: \$1,000,001-2,000,000
2Q2.1	17	-	SPECIALLY PROTECTED FISH, WILDLIFE, PLANTS	Not Quarantined as Required	Value: \$1,000,001-2,000,000
2Q2.1	17	-	SPECIALLY PROTECTED FISH, WILDLIFE, PLANTS	Value: Over \$5,000,000	
2Q2.1	18	-	SPECIALLY PROTECTED FISH, WILDLIFE, PLANTS	Commercial Purpose	Value: \$2,000,001-5,000,000
2Q2.1	18	-	SPECIALLY PROTECTED FISH, WILDLIFE, PLANTS	Not Quarantined As Required	Value: \$2,000,001-5,000,000
2Q2.1	19	-	SPECIALLY PROTECTED FISH, WILDLIFE, PLANTS	Commercial Purpose	Value: Over \$5,000,000
2Q2.1	19	-	SPECIALLY PROTECTED FISH, WILDLIFE, PLANTS	Not Quarantined As Required	Value: Over \$5,000,000
2Q2.2	04	-	LACEY ACT: SMUGGLING/DEALING IN WILDLIFE		
2Q2.2	05	-	LACEY ACT: SMUGGLING/DEALING IN WILDLIFE	Value: \$2,001-5,000	
2Q2.2	06	-	LACEY ACT: KNOWINGLY SMUGGLING/DEALING IN WILDLIFE	Commercial Purpose	
2Q2.2	06	-	LACEY ACT: SMUGGLING/DEALING IN WILDLIFE	Not Quarantined As Required	
2Q2.2	06	-	LACEY ACT: SMUGGLING/DEALING IN WILDLIFE	Value: \$5,001-10,000	
2Q2.2	06	-	LACEY ACT: SMUGGLING/DEALING IN WILDLIFE	Value: \$2,001-5,000	Value: \$2,001-5,000
2Q2.2	07	-	LACEY ACT: SMUGGLING/DEALING IN WILDLIFE	Commercial Purpose	Value: \$2,001-5,000
2Q2.2	07	-	LACEY ACT: SMUGGLING/DEALING IN WILDLIFE	Not Quarantined As Required	Value: \$2,001-5,000
2Q2.2	07	-	LACEY ACT: SMUGGLING/DEALING IN WILDLIFE	Value: \$10,001-20,000	
2Q2.2	08	-	LACEY ACT: KNOWINGLY SMUGGLING/DEALING IN WILDLIFE	Commercial Purpose	
2Q2.2	08	-	LACEY ACT: KNOWINGLY SMUGGLING/DEALING IN WILDLIFE	Not Quarantined As Required	
2Q2.2	08	-	LACEY ACT: KNOWINGLY SMUGGLING/DEALING IN WILDLIFE	Value: \$5,001-10,000	
2Q2.2	08	-	LACEY ACT: SMUGGLING/DEALING IN WILDLIFE	Commercial Purpose	Not Quarantined As Required
2Q2.2	08	-	LACEY ACT: SMUGGLING/DEALING IN WILDLIFE	Commercial Purpose	Value: \$5,001-10,000
2Q2.2	08	-	LACEY ACT: SMUGGLING/DEALING IN WILDLIFE	Not Quarantined As Required	Value: \$5,001-10,000
2Q2.2	08	-	LACEY ACT: SMUGGLING/DEALING IN WILDLIFE	Value: \$20,001-50,000	
2Q2.2	09	-	LACEY ACT: KNOWINGLY SMUGGLING/DEALING IN WILDLIFE	Commercial Purpose	Value: \$2,001-5,000
2Q2.2	09	-	LACEY ACT: KNOWINGLY SMUGGLING/DEALING IN WILDLIFE	Not Quarantined As Required	Value: \$2,001-5,000
2Q2.2	09	-	LACEY ACT: KNOWINGLY SMUGGLING/DEALING IN WILDLIFE	Value: \$10,001-20,000	
2Q2.2	09	-	LACEY ACT: SMUGGLING/DEALING IN WILDLIFE	Commercial Purpose	Value: \$10,001-20,000
2Q2.2	09	-	LACEY ACT: SMUGGLING/DEALING IN WILDLIFE	Not Quarantined As Required	Value: \$10,001-20,000

Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2Q2.2	09	-	LACEY ACT: SMUGGLING/DEALING IN WILDLIFE	Value: \$50,001-100,000	
2Q2.2	10	-	LACEY ACT: KNOWINGLY SMUGGLING/DEALING IN WILDLIFE	Commercial Purpose	Not Quarantined As Required
2Q2.2	10	-	LACEY ACT: KNOWINGLY SMUGGLING/DEALING IN WILDLIFE	Commercial Purpose	Value: \$5,001-10,000
2Q2.2	10	-	LACEY ACT: KNOWINGLY SMUGGLING/DEALING IN WILDLIFE	Not Quarantined As Required	Value: \$5,001-10,000
2Q2.2	10	-	LACEY ACT: KNOWINGLY SMUGGLING/DEALING IN WILDLIFE	Value: \$20,001-50,000	Substantial Percentage of Population
2Q2.2	10	-	LACEY ACT: SMUGGLING/DEALING IN WILDLIFE	Commercial Purpose	Value: \$20,001-50,000
2Q2.2	10	-	LACEY ACT: SMUGGLING/DEALING IN WILDLIFE	Commercial Purpose	Substantial Percentage of Population
2Q2.2	10	-	LACEY ACT: SMUGGLING/DEALING IN WILDLIFE	Not Quarantined As Required	Value: \$20,001-50,000
2Q2.2	10	-	LACEY ACT: SMUGGLING/DEALING IN WILDLIFE	Not Quarantined As Required	Value: \$20,001-50,000
2Q2.2	10	-	LACEY ACT: SMUGGLING/DEALING IN WILDLIFE	Value: \$100,001-200,000	
2Q2.2	11	-	LACEY ACT: KNOWINGLY SMUGGLING/DEALING IN WILDLIFE	Commercial Purpose	Value: \$10,001-20,000
2Q2.2	11	-	LACEY ACT: KNOWINGLY SMUGGLING/DEALING IN WILDLIFE	Not Quarantined As Required	Value: \$10,001-20,000
2Q2.2	11	-	LACEY ACT: KNOWINGLY SMUGGLING/DEALING IN WILDLIFE	Value: \$50,001-100,000	
2Q2.2	11	-	LACEY ACT: SMUGGLING/DEALING IN WILDLIFE	Commercial Purpose	Value: \$50,001-100,000
2Q2.2	11	-	LACEY ACT: SMUGGLING/DEALING IN WILDLIFE	Not Quarantined As Required	Value: \$50,001-100,000
2Q2.2	11	-	LACEY ACT: SMUGGLING/DEALING IN WILDLIFE	Value: \$200,001-500,000	
2Q2.2	12	-	LACEY ACT: KNOWINGLY SMUGGLING/DEALING IN WILDLIFE	Commercial Purpose	Substantial Percentage of Population
2Q2.2	12	-	LACEY ACT: KNOWINGLY SMUGGLING/DEALING IN WILDLIFE	Commercial Purpose	Value: \$20,001-50,000
2Q2.2	12	-	LACEY ACT: KNOWINGLY SMUGGLING/DEALING IN WILDLIFE	Not Quarantined As Required	Substantial Percentage of Population
2Q2.2	12	-	LACEY ACT: KNOWINGLY SMUGGLING/DEALING IN WILDLIFE	Not Quarantined As Required	Value: \$20,001-50,000
2Q2.2	12	-	LACEY ACT: KNOWINGLY SMUGGLING/DEALING IN WILDLIFE	Value: \$100,001-200,000	
2Q2.2	12	-	LACEY ACT: SMUGGLING/DEALING IN WILDLIFE	Commercial Purpose	Value: \$100,001-200,000
2Q2.2	12	-	LACEY ACT: SMUGGLING/DEALING IN WILDLIFE	Not Quarantined As Required	Value: \$100,001-200,000
2Q2.2	12	-	LACEY ACT: SMUGGLING/DEALING IN WILDLIFE	Value: \$500,001-1,000,000	
2Q2.2	13	-	LACEY ACT: KNOWINGLY SMUGGLING/DEALING IN WILDLIFE	Commercial Purpose	Value: \$50,001-100,000
2Q2.2	13	-	LACEY ACT: KNOWINGLY SMUGGLING/DEALING IN WILDLIFE	Not Quarantined As Required	Value: \$50,001-100,000
2Q2.2	13	-	LACEY ACT: KNOWINGLY SMUGGLING/DEALING IN WILDLIFE	Value: \$200,001-500,000	
2Q2.2	13	-	LACEY ACT: SMUGGLING/DEALING IN WILDLIFE	Commercial Purpose	Value: \$200,001-500,000
2Q2.2	13	-	LACEY ACT: SMUGGLING/DEALING IN WILDLIFE	Not Quarantined As Required	Value: \$200,001-500,000

Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2Q2.2	13	-	LACEY ACT: SMUGGLING/DEALING IN WILDLIFE	Value: \$1,000,001-2,000,000	
2Q2.2	14	-	LACEY ACT: KNOWINGLY SMUGGLING/DEALING IN WILDLIFE	Commercial Purpose	Value: \$100,001-200,000
2Q2.2	14	-	LACEY ACT: KNOWINGLY SMUGGLING/DEALING IN WILDLIFE	Not Quarantined As Required	Value: \$100,001-200,000
2Q2.2	14	-	LACEY ACT: KNOWINGLY SMUGGLING/DEALING IN WILDLIFE	Value: \$500,001-1,000,000	
2Q2.2	14	-	LACEY ACT: SMUGGLING/DEALING IN WILDLIFE	Commercial Purpose	Value: \$500,001-1,000,000
2Q2.2	14	-	LACEY ACT: SMUGGLING/DEALING IN WILDLIFE	Not Quarantined As Required	Value: \$500,001-1,000,000
2Q2.2	14	-	LACEY ACT: SMUGGLING/DEALING IN WILDLIFE	Value: \$2,000,001-5,000,000	
2Q2.2	15	-	LACEY ACT: KNOWINGLY SMUGGLING/DEALING IN WILDLIFE	Commercial Purpose	Value: \$200,001-500,000
2Q2.2	15	-	LACEY ACT: KNOWINGLY SMUGGLING/DEALING IN WILDLIFE	Not Quarantined As Required	Value: \$200,001-500,000
2Q2.2	15	-	LACEY ACT: KNOWINGLY SMUGGLING/DEALING IN WILDLIFE	Value: \$1,000,001-2,000,000	
2Q2.2	15	-	LACEY ACT: SMUGGLING/DEALING IN WILDLIFE	Commercial Purpose	Value: \$1,000,001-2,000,000
2Q2.2	15	-	LACEY ACT: SMUGGLING/DEALING IN WILDLIFE	Not Quarantined As Required	Value: \$1,000,001-2,000,000
2Q2.2	15	-	LACEY ACT: SMUGGLING/DEALING IN WILDLIFE	Value: Over \$5,000,000	
2Q2.2	16	-	LACEY ACT: KNOWINGLY SMUGGLING/DEALING IN WILDLIFE	Commercial Purpose	Value: \$500,001-1,000,000
2Q2.2	16	-	LACEY ACT: KNOWINGLY SMUGGLING/DEALING IN WILDLIFE	Not Quarantined As Required	Value: \$500,001-1,000,000
2Q2.2	16	-	LACEY ACT: KNOWINGLY SMUGGLING/DEALING IN WILDLIFE	Value: \$2,000,001-5,000,000	
2Q2.2	16	-	LACEY ACT: SMUGGLING/DEALING IN WILDLIFE	Commercial Purpose	Value: \$2,000,001-5,000,000
2Q2.2	16	-	LACEY ACT: SMUGGLING/DEALING IN WILDLIFE	Not Quarantined As Required	Value: \$2,000,001-5,000,000
2Q2.2	17	-	LACEY ACT: KNOWINGLY SMUGGLING/DEALING IN WILDLIFE	Commercial Purpose	Value: \$1,000,001-2,000,000
2Q2.2	17	-	LACEY ACT: KNOWINGLY SMUGGLING/DEALING IN WILDLIFE	Not Quarantined As Required	Value: \$1,000,001-2,000,000
2Q2.2	17	-	LACEY ACT: KNOWINGLY SMUGGLING/DEALING IN WILDLIFE	Value: Over \$5,000,000	
2Q2.2	17	-	LACEY ACT: SMUGGLING/DEALING IN WILDLIFE	Commercial Purpose	Value: Over \$5,000,000
2Q2.2	18	-	LACEY ACT: KNOWINGLY SMUGGLING/DEALING IN WILDLIFE	Commercial Purpose	Value: \$2,000,001-5,000,000
2Q2.2	18	-	LACEY ACT: KNOWINGLY SMUGGLING/DEALING IN WILDLIFE	Not Quarantined As Required	Value: \$2,000,001-5,000,000
2Q2.2	19	-	LACEY ACT: KNOWINGLY SMUGGLING/DEALING IN WILDLIFE	Commercial Purpose	Value: Over \$5,000,000
2Q2.2	19	-	LACEY ACT: KNOWINGLY SMUGGLING/DEALING IN WILDLIFE	Not Quarantined As Required	Value: Over \$5,000,000
2R1.1	08	06	NON-COMPETITION (PRICE FIXING)	Plus Fines	
2R1.1	08	06,06-09	NON-COMPETITION (MARKET ALLOCATION AGREEMENTS)	Volume of Commerce: \$1,000,000/Less	
2R1.1	09	06,06-09	BID RIGGING	Non-Competitive Bid	Volume of Commerce: \$1,000,000/Less

Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2R1.1	09	14	NON-COMPETITION (MARKET ALLOCATION AGREEMENTS)	Volume of Commerce: \$1,000,000-4,000,000	
2R1.1	09	14	NON-COMPETITION (PRICE FIXING)	Volume of Commerce: \$1,000,000-4,000,000	
2R1.1	10	14	BID RIGGING	Non-Competitive Bid	Volume of Commerce: \$1,000,000-4,000,000
2R1.1	10	14	NON-COMPETITION (MARKET ALLOCATION AGREEMENTS)	Volume of Commerce: \$4,000,001-15,000,000	
2R1.1	10	14	NON-COMPETITION (PRICE FIXING)	Volume of Commerce: \$4,000,001-15,000,000	
2R1.1	11	14	BID RIGGING	Non-Competitive Bid	Volume of Commerce: \$4,000,001-15,000,000
2R1.1	11	14	NON-COMPETITION (MARKET ALLOCATION AGREEMENTS)	Volume of Commerce: \$15,000,001-50,000,000	
2R1.1	11	14	NON-COMPETITION (PRICE FIXING)	Volume of Commerce: \$15,000,001-50,000,000	
2R1.1	12	14	BID RIGGING	Non-Competitive Bid	Volume of Commerce: \$15,000,001-50,000,000
2R1.1	12	14	NON-COMPETITION (MARKET ALLOCATION AGREEMENTS)	Volume of Commerce: Over \$50,000,000	
2R1.1	12	14	NON-COMPETITION (PRICE FIXING)	Volume of Commerce: Over \$50,000,000	
2R1.1	13	14	BID RIGGING	Non-Competitive Bid	Volume of Commerce: Over \$50,000,000
2S1.1	20	06-09	LAUNDERING MONETARY INSTRUMENTS		
2S1.1	22	18-20	LAUNDERING MONETARY INSTRUMENTS	Funds: \$200,001-350,000	
2S1.1	23	-	LAUNDERING MONETARY INSTRUMENTS	Knew Proceeds Unlawful Drugs	
2S1.1	23	06-09	LAUNDERING MONETARY INSTRUMENTS: 18 U.S.C. 1956		
2S1.1	23	18-20/23	LAUNDERING MONETARY INSTRUMENTS	Funds: \$350,001-600,000	
2S1.1	24	18-20	LAUNDERING MONETARY INSTRUMENTS: 18 U.S.C. 1956	Funds: \$100,001-200,000	
2S1.1	24	23	LAUNDERING MONETARY INSTRUMENTS	Funds: \$600,001-1,000,000	
2S1.1	25	18-20	LAUNDERING MONETARY INSTRUMENTS	Knew Proceeds Unlawful Drugs	Funds: \$200,001-350,000
2S1.1	25	18-20	LAUNDERING MONETARY INSTRUMENTS: 18 U.S.C. 1956	Funds: \$200,001-350,000	
2S1.1	25	23	LAUNDERING MONETARY INSTRUMENTS	Funds: \$1,000,001-2,000,000	
2S1.1	26	-	LAUNDERING MONETARY INSTRUMENTS: 18 U.S.C. 1956	Knew Proceeds Unlawful Drugs	
2S1.1	26	18-20/23	LAUNDERING MONETARY INSTRUMENTS	Knew Proceeds Unlawful Drugs	Funds: \$350,001-600,000

Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2S1.1	26	18-20/23	LAUNDERING MONETARY INSTRUMENTS: 18 U.S.C. 1956	Funds: \$350,001-600,000	
2S1.1	26	23	LAUNDERING MONETARY INSTRUMENTS	Funds: \$2,000,001-3,500,000	
2S1.1	27	18-20	LAUNDERING MONETARY INSTRUMENTS: 18 U.S.C. 1956	Knew Proceeds Unlawful Drugs	Funds: \$100,001-200,000
2S1.1	27	23	LAUNDERING MONETARY INSTRUMENTS	Funds: \$3,500,001-6,000,000	
2S1.1	27	23	LAUNDERING MONETARY INSTRUMENTS	Knew Proceeds Unlawful Drugs	Funds: \$600,001-1,000,000
2S1.1	27	23	LAUNDERING MONETARY INSTRUMENTS: 18 U.S.C. 1956	Funds: \$600,000-1,000,000	
2S1.1	28	18-20	LAUNDERING MONETARY INSTRUMENTS: 18 U.S.C. 1956	Knew Proceeds Unlawful Drugs	Funds: \$200,001-350,000
2S1.1	28	23	LAUNDERING MONETARY INSTRUMENTS	Knew Proceeds Unlawful Drugs	Funds: \$1,000,001-2,000,000
2S1.1	28	23	LAUNDERING MONETARY INSTRUMENTS: 18 U.S.C. 1956	Funds: \$1,000,001-2,000,000	
2S1.1	29	18-20/23	LAUNDERING MONETARY INSTRUMENTS: 18 U.S.C. 1956	Knew Proceeds Unlawful Drugs	Funds: \$350,001-600,000
2S1.1	29	23	LAUNDERING MONETARY INSTRUMENTS	Funds: \$10,000,001-20,000,000	
2S1.1	29	23	LAUNDERING MONETARY INSTRUMENTS	Knew Proceeds Unlawful Drugs	Funds: \$2,000,001-3,500,000
2S1.1	29	23	LAUNDERING MONETARY INSTRUMENTS	Funds: \$2,000,001-3,500,000	
2S1.1	30	23	LAUNDERING MONETARY INSTRUMENTS	Funds: \$20,000,001-35,000,000	
2S1.1	30	23	LAUNDERING MONETARY INSTRUMENTS	Knew Proceeds Unlawful Drugs	Funds: \$3,500,001-6,000,000
2S1.1	30	23	LAUNDERING MONETARY INSTRUMENTS: 18 U.S.C. 1956	Funds: \$3,500,001-6,000,000	
2S1.1	30	23	LAUNDERING MONETARY INSTRUMENTS: 18 U.S.C. 1956	Knew Proceeds Unlawful Drugs	Funds: \$600,001-1,000,000
2S1.1	31	23	LAUNDERING MONETARY INSTRUMENTS	Funds: \$35,000,001-60,000,000	
2S1.1	31	23	LAUNDERING MONETARY INSTRUMENTS	Knew Proceeds Unlawful Drugs	Funds: \$6,000,001-10,000,000
2S1.1	31	23	LAUNDERING MONETARY INSTRUMENTS: 18 U.S.C. 1956	Funds: \$6,000,001-10,000,000	
2S1.1	31	23	LAUNDERING MONETARY INSTRUMENTS: 18 U.S.C. 1956	Knew Proceeds Unlawful Drugs	Funds: \$1,000,001-2,000,000
2S1.1	32	23	LAUNDERING MONETARY INSTRUMENTS	Funds: \$60,000,001-100,000,000	
2S1.1	32	23	LAUNDERING MONETARY INSTRUMENTS	Knew Proceeds Unlawful Drugs	Funds: \$10,000,001-20,000,000
2S1.1	32	23	LAUNDERING MONETARY INSTRUMENTS: 18 U.S.C. 1956	Fund: \$10,000,001-20,000,000	
2S1.1	32	23	LAUNDERING MONETARY INSTRUMENTS: 18 U.S.C. 1956	Knew Proceeds Unlawful Drugs	Funds: \$2,000,001-3,500,000
2S1.1	33	23	LAUNDERING MONETARY INSTRUMENTS	Funds: Over \$100,000,000	
2S1.1	33	23	LAUNDERING MONETARY INSTRUMENTS	Knew Proceeds Unlawful Drugs	Funds: \$20,000,001-35,000,000
2S1.1	33	23	LAUNDERING MONETARY INSTRUMENTS: 18 U.S.C. 1956	Funds: \$20,000,001-35,000,000	
2S1.1	33	23	LAUNDERING MONETARY INSTRUMENTS: 18 U.S.C. 1956	Knew Proceeds Unlawful Drugs	Funds: \$3,500,001-6,000,000

Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2S1.1	34	23	LAUNDERING MONETARY INSTRUMENTS	Knew Proceeds Unlawful Drugs	Funds: \$35,000,001-60,000,000
2S1.1	34	23	LAUNDERING MONETARY INSTRUMENTS: 18 U.S.C. 1956	Funds: \$35,000,001-60,000,000	Funds: \$35,000,001-60,000,000
2S1.1	34	23	LAUNDERING MONETARY INSTRUMENTS: 18 U.S.C. 1956	Knew Proceeds Unlawful Drugs	Funds: \$6,000,001-10,000,000
2S1.1	35	23	LAUNDERING MONETARY INSTRUMENTS	Knew Proceeds Unlawful Drugs	Funds: \$60,000,001-100,000,000
2S1.1	35	23	LAUNDERING MONETARY INSTRUMENTS: 18 U.S.C. 1956	Funds: \$60,000,001-100,000,000	Funds: \$60,000,001-100,000,000
2S1.1	35	23	LAUNDERING MONETARY INSTRUMENTS: 18 U.S.C. 1956	Knew Proceeds Unlawful Drugs	Funds: \$10,000,001-20,000,000
2S1.1	36	23	LAUNDERING MONETARY INSTRUMENTS	Knew Proceeds Unlawful Drugs	Funds: Over \$100,000,000
2S1.1	36	23	LAUNDERING MONETARY INSTRUMENTS: 18 U.S.C. 1956	Funds: Over \$100,000,000	Funds: Over \$100,000,000
2S1.1	38	23	LAUNDERING MONETARY INSTRUMENTS: 18 U.S.C. 1956	Knew Proceeds Unlawful Drugs	Funds: \$60,000,001-100,000,000
2S1.1	39	23	LAUNDERING MONETARY INSTRUMENTS: 18 U.S.C. 1956	Knew Proceeds Unlawful Drugs	Funds: Over \$100,000,000
2S1.2	17	-	MONEY DERIVED FROM UNLAWFUL ACTIVITY		
2S1.2	19	-	MONEY DERIVED FROM UNLAWFUL ACTIVITY	Funds: \$200,001-350,000	
2S1.2	19	-	MONEY DERIVED FROM UNLAWFUL ACTIVITY	Unlawful Activity: 18 U.S.C. 1956	
2S1.2	20	-	MONEY DERIVED FROM UNLAWFUL ACTIVITY	Funds: \$350,001-600,000	
2S1.2	20	-	MONEY DERIVED FROM UNLAWFUL ACTIVITY	Unlawful Activity: 18 U.S.C. 1956	Funds: \$100,001-200,000
2S1.2	21	-	MONEY DERIVED FROM UNLAWFUL ACTIVITY	Funds: \$600,001-1,000,000	
2S1.2	21	-	MONEY DERIVED FROM UNLAWFUL ACTIVITY	Unlawful Activity: 18 U.S.C. 1956	Funds: \$200,001-350,000
2S1.2	22	-	MONEY DERIVED FROM UNLAWFUL ACTIVITY	Funds: \$1,000,001-2,000,000	
2S1.2	22	-	MONEY DERIVED FROM UNLAWFUL ACTIVITY	Knew Proceeds Unlawful Drugs	
2S1.2	22	-	MONEY DERIVED FROM UNLAWFUL ACTIVITY	Unlawful Activity: 18 U.S.C. 1956	Funds: \$350,001-600,000
2S1.2	23	-	MONEY DERIVED FROM UNLAWFUL ACTIVITY	Funds: \$2,000,001-3,500,000	
2S1.2	23	-	MONEY DERIVED FROM UNLAWFUL ACTIVITY	Knew Proceeds Unlawful Drugs	Funds: \$100,001-200,000
2S1.2	23	-	MONEY DERIVED FROM UNLAWFUL ACTIVITY	Unlawful Activity: 18 U.S.C. 1956	Funds: \$600,001-1,000,000
2S1.2	24	-	MONEY DERIVED FROM UNLAWFUL ACTIVITY	Funds: \$3,500,001-6,000,000	
2S1.2	24	-	MONEY DERIVED FROM UNLAWFUL ACTIVITY	Knew Proceeds Unlawful Drugs	Funds: \$200,001-350,000
2S1.2	24	-	MONEY DERIVED FROM UNLAWFUL ACTIVITY	Knew Proceeds Unlawful Drugs	Unlawful Activity: 18 U.S.C. 1956
2S1.2	24	-	MONEY DERIVED FROM UNLAWFUL ACTIVITY	Unlawful Activity: 18 U.S.C. 1956	Funds: \$1,000,001-2,000,000
2S1.2	25	-	MONEY DERIVED FROM UNLAWFUL ACTIVITY	Funds: \$6,000,001-10,000,000	
2S1.2	25	-	MONEY DERIVED FROM UNLAWFUL ACTIVITY	Knew Proceeds Unlawful Drugs	Funds \$350,001-600,000

Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2S1.2	25	-	MONEY DERIVED FROM UNLAWFUL ACTIVITY	Unlawful Activity: 18 U.S.C. 1956	Funds \$2,000,001-3,500,000
2S1.2	26	-	MONEY DERIVED FROM UNLAWFUL ACTIVITY	Funds: \$10,000,001-20,000,000	Funds: \$3,500,001-6,000,000
2S1.2	26	-	MONEY DERIVED FROM UNLAWFUL ACTIVITY 1965		
2S1.2	27	-	MONETARY DERIVED FROM UNLAWFUL ACTIVITY	Unlawful Activity: 18 U.S.C. 1957	Funds: \$6,000,001-10,000,000
2S1.2	27	-	MONEY DERIVED FROM UNLAWFUL ACTIVITY	Funds: \$20,000,001-35,000,000	
2S1.2	27	-	MONEY DERIVED FROM UNLAWFUL ACTIVITY	Knew Proceeds Unlawful Drugs	Funds: \$1,000,001-2,000,000
2S1.2	28	-	MONEY DERIVED FROM UNLAWFUL ACTIVITY	Funds: \$35,000,001-60,000	
2S1.2	28	-	MONEY DERIVED FROM UNLAWFUL ACTIVITY	Knew Proceeds Unlawful Drugs	Funds: \$2,000,001-3,500,000
2S1.2	28	-	MONEY DERIVED FROM UNLAWFUL ACTIVITY	Unlawful Activity 18 U.S.C. 1956	Funds: \$10,000,001-20,000,000
2S1.2	29	-	MONEY DERIVED FROM UNLAWFUL ACTIVITY	Funds \$60,000,001-100,000,000	
2S1.2	29	-	MONEY DERIVED FROM UNLAWFUL ACTIVITY	Knew Proceeds Unlawful Drugs	Funds \$3,500,001-6,000,000
2S1.2	29	-	MONEY DERIVED FROM UNLAWFUL ACTIVITY	Unlawful Activity: 18 U.S.C. 1956	Funds \$20,000,001-35,000,000
2S1.2	30	-	MONEY DERIVED FROM UNLAWFUL ACTIVITY	Funds: Over \$100,000,000	
2S1.2	30	-	MONEY DERIVED FROM UNLAWFUL ACTIVITY	Knew Proceeds Unlawful Drugs	Funds: \$6,000,001-10,000,000
2S1.2	30	-	MONEY DERIVED FROM UNLAWFUL ACTIVITY	Unlawful Activity: 18 U.S.C. 1956	Funds: \$35,000,001-60,000,000
2S1.2	31	-	MONEY DERIVED FROM UNLAWFUL ACTIVITY	Knew Proceeds Unlawful Drugs	Funds: \$10,000,001-20,000,000
2S1.2	31	-	MONEY DERIVED FROM UNLAWFUL ACTIVITY	Unlawful Activity: 18 U.S.C. 1956	Funds: \$60,000,001-100,000,000
2S1.2	32	-	MONEY DERIVED FROM UNLAWFUL ACTIVITY	Knew Proceeds Unlawful Drugs	Funds: \$20,000,001-35,000,000
2S1.2	32	-	MONEY DERIVED FROM UNLAWFUL ACTIVITY	Unlawful Activity: 18 U.S.C. 1956	Funds: Over \$100,000,000
2S1.2	33	-	MONEY DERIVED FROM UNLAWFUL ACTIVITY	Knew Proceeds Unlawful Drugs	Funds: \$35,000,001-60,000,000
2S1.2	34	-	MONEY DERIVED FROM UNLAWFUL ACTIVITY	Knew Proceeds Unlawful Drugs	Funds: \$60,000,001-100,000,000
2S1.2	35	-	MONEY DERIVED FROM UNLAWFUL ACTIVITY	Knew Proceeds Unlawful Drugs	Funds: Over \$100,000,000
2S1.2	36	-	MONEY DERIVED FROM UNLAWFUL ACTIVITY	Knew Proceeds Unlawful Drugs	Funds: \$600,001-1,000,000
2S1.3	05	06-09	EVADE REPORTING REQUIREMENTS: NEGLIGENT		
2S1.3	13	06-09	EVADE REPORTING REQUIREMENTS	Funds: \$100,001-200,000	
2S1.3	14	18-20	EVADE REPORTING REQUIREMENTS	Funds: \$200,001-350,000	
2S1.3	15	18-20	EVADE REPORTING REQUIREMENTS	Funds: \$350,001-600,000	
2S1.3	16	18-20/23	EVADE REPORTING REQUIREMENTS		



Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
251.3	17	23	EVADE REPORTING REQUIREMENTS	Funds: \$600,001-1,000,000	
251.3	18	23	EVADE REPORTING REQUIREMENTS	Funds: \$1,000,001-2,000,000	
251.3	19	18-20	EVADE REPORTING REQUIREMENTS	Funds: \$100,001-200,000	Knew Funds Criminally Derived
251.3	19	23	EVADE REPORTING REQUIREMENTS	Funds: \$2,000,001-3,500,000	
251.3	20	18-20	EVADE REPORTING REQUIREMENTS	Funds: \$200,001-350,000	Knew Funds Criminally Derived
251.3	20	23	EVADE REPORTING REQUIREMENTS	Funds: \$3,500,001-6,000,000	
251.3	21	18-20/23	EVADE REPORTING REQUIREMENTS	Funds: \$350,001-600,000	Knew Funds Criminally Derived
251.3	21	23	EVADE REPORTING REQUIREMENTS	Funds: \$6,000,001-10,000,000	
251.3	22	23	EVADE REPORTING REQUIREMENTS	Funds: \$10,000,001-20,000,000	
251.3	22	23	EVADE REPORTING REQUIREMENTS	Funds: \$600,001-1,000,000	Knew Funds Criminally Derived
251.3	23	23	EVADE REPORTING REQUIREMENTS	Funds: \$1,000,001-2,000,000	Knew Funds Criminally Derived
251.3	23	23	EVADE REPORTING REQUIREMENTS	Funds: \$20,000,001-35,000,000	
251.3	24	23	EVADE REPORTING REQUIREMENTS	Funds: \$2,000,001-3,500,000	Knew Funds Criminally Derived
251.3	24	23	EVADE REPORTING REQUIREMENTS	Funds: \$35,000,001-60,000,000	
251.3	25	23	EVADE REPORTING REQUIREMENTS	Funds: \$3,500,001-6,000,000	Knew Funds Criminally Derived
251.3	25	23	EVADE REPORTING REQUIREMENTS	Funds: \$60,000,001-100,000,000	
251.3	26	23	EVADE REPORTING REQUIREMENTS	Funds: \$6,000,001-10,000,000	Knew Funds Criminally Derived
251.3	26	23	EVADE REPORTING REQUIREMENTS	Funds: Over \$100,000,000	
251.3	27	23	EVADE REPORTING REQUIREMENTS	Funds: \$10,000,001-20,000,000	Knew Funds Criminally Derived
251.3	28	23	EVADE REPORTING REQUIREMENTS	Funds: \$20,000,001-35,000,000	Knew Funds Criminally Derived
251.3	29	23	EVADE REPORTING REQUIREMENTS	Funds: \$35,000,001-60,000,000	Knew Funds Criminally Derived
251.3	30	23	EVADE REPORTING REQUIREMENTS	Funds: \$60,000,001-100,000,000	Knew Funds Criminally Derived
251.3	31	23	EVADE REPORTING REQUIREMENTS	Funds: More Than \$100,000,000	Knew Funds Criminally Derived
2T1.1	06	04	TAX EVASION: \$2,000/LESS		
2T1.1	07	06-09	TAX EVASION: \$2,000-5,000		
2T1.1	08	04	TAX EVASION: \$2,000/LESS	Sophisticated	
2T1.1	08	06-09	TAX EVASION: \$5,001-10,000		
2T1.1	09	06-09	TAX EVASION: \$10,001-20,000		
2T1.1	09	06-09	TAX EVASION: \$2,000-5,000	Sophisticated	

Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2T1.1	10	06-09	TAX EVASION: \$5,001-10,000	Sophisticated	
2T1.1	10	14	TAX EVASION: \$20,001-40,000	Sophisticated	
2T1.1	11	06-09	TAX EVASION: \$10,001-20,000	Sophisticated	
2T1.1	11	14	TAX EVASION: \$40,001-80,000	Failure To Report Over \$10,000 From Criminal Activity	
2T1.1	12	04/06-9/14	TAX EVASION: \$40,000/LESS	Sophisticated	
2T1.1	12	14	TAX EVASION: \$20,001-40,000	Sophisticated	
2T1.1	12	14/18-20	TAX EVASION: \$80,001-150,000	Sophisticated	
2T1.1	13	14	TAX EVASION: \$40,001-80,000	Sophisticated	
2T1.1	13	18-20	TAX EVASION: \$150,001-300,000	Failure To Report Over \$10,000 From Criminal Activity	Sophisticated
2T1.1	14	14	TAX EVASION: \$20,001-40,000	Failure To Report Over \$10,000 From Criminal Activity	Sophisticated
2T1.1	14	14/18-20	TAX EVASION: \$80,001-150,000	Failure To Report Over \$10,000 From Criminal Activity	Sophisticated
2T1.1	14	14/18-20	TAX EVASION: \$80,001-150,000	Sophisticated	
2T1.1	14	18-20	TAX EVASION: \$300,001-500,000	Failure To Report Over \$10,000 From Criminal Activity	Sophisticated
2T1.1	15	14	TAX EVASION: \$40,001-80,000	Failure To Report Over \$10,000 From Criminal Activity	Sophisticated
2T1.1	15	18-20	TAX EVASION: \$150,001-300,000	Failure To Report Over \$10,000 From Criminal Activity	Sophisticated
2T1.1	15	23	TAX EVASION: \$500,001-1,000,000	Sophisticated	
2T1.1	16	14/18-20	TAX EVASION: \$80,001-150,000	Failure To Report Over \$10,000 From Criminal Activity	Sophisticated
2T1.1	16	18-20	TAX EVASION: \$300,001-500,000	Failure To Report Over \$10,000 From Criminal Activity	Sophisticated
2T1.1	16	18-20	TAX EVASION: \$300,001-500,000	Sophisticated	
2T1.1	16	23	TAX EVASION: \$1,000,001-2,000,000	Failure To Report Over \$10,000 From Criminal Activity	Sophisticated
2T1.1	17	18-20	TAX EVASION: \$150,001-300,000	Failure To Report Over \$10,000 From Criminal Activity	Sophisticated
2T1.1	17	23	TAX EVASION: \$2,000,001-5,000,000	Sophisticated	
2T1.1	17	23	TAX EVASION: \$500,001-1,000,000	Failure To Report Over \$10,000 From Criminal Activity	Sophisticated
2T1.1	18	18-20	TAX EVASION: \$300,001-500,000	Failure To Report Over \$10,000 From Criminal Activity	Sophisticated

Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2T1.1	18	23	TAX EVASION: \$1,000,001-2,000,000	Failure To Report Over \$10,000 From Criminal Activity	Sophisticated
2T1.1	18	23	TAX EVASION: \$1,000,001-2,000,000	Sophisticated	Sophisticated
2T1.1	18	23	TAX EVASION: OVER \$5,000,000	Failure To Report Over \$10,000 From Criminal Activity	Sophisticated
2T1.1	19	23	TAX EVASION: \$2,000,001-5,000,000	Sophisticated	Sophisticated
2T1.1	19	23	TAX EVASION: \$2,000,001-5,000,000	Sophisticated	Sophisticated
2T1.1	19	23	TAX EVASION: \$500,001-1,000,000	Failure To Report Over \$10,000 From Criminal Activity	Sophisticated
2T1.1	20	23	TAX EVASION: \$1,000,001-2,000,000	Failure To Report Over \$10,000 From Criminal Activity	Sophisticated
2T1.1	20	23	TAX EVASION: OVER \$5,000,000	Failure To Report Over \$10,000 From Criminal Activity	Sophisticated
2T1.1	20	23	TAX EVASION: OVER \$5,000,000	Sophisticated	Sophisticated
2T1.1	21	23	TAX EVASION: \$2,000,001-5,000,000	Failure To Report Over \$10,000 From Criminal Activity	Sophisticated
2T1.1	22	23	TAX EVASION: OVER \$5,000,000	Failure To Report Over \$10,000 From Criminal Activity	Sophisticated
2T1.2	05	04	WILLFUL FAILURE TO FILE RETURN: \$2,000/LESS	Sophisticated	Sophisticated
2T1.2	07	04	WILLFUL FAILURE TO FILE RETURN: \$2,000/LESS	Sophisticated	Sophisticated
2T1.2	07	06-09	WILLFUL FAILURE TO FILE RETURN: \$5,001-10,000	Sophisticated	Sophisticated
2T1.2	08	06-09	WILLFUL FAILURE TO FILE RETURN: \$10,001-20,000	Sophisticated	Sophisticated
2T1.2	08	06-09	WILLFUL FAILURE TO FILE RETURN: \$2,000-5,000	Sophisticated	Sophisticated
2T1.2	09	06-09	WILLFUL FAILURE TO FILE RETURN: \$5,001-10,000	Sophisticated	Sophisticated
2T1.2	09	14	WILLFUL FAILURE TO FILE RETURN: \$20,001-40,000	Sophisticated	Sophisticated
2T1.2	10	06-09	WILLFUL FAILURE TO FILE RETURN: \$10,001-20,000	Sophisticated	Sophisticated
2T1.2	10	14	WILLFUL FAILURE TO FILE RETURN: \$40,001-80,000	Sophisticated	Sophisticated
2T1.2	11	14	WILLFUL FAILURE TO FILE RETURN: \$20,001-40,000	Sophisticated	Sophisticated
2T1.2	11	14/18-20	WILLFUL FAILURE TO FILE RETURN: \$80,001-150,000	Sophisticated	Sophisticated
2T1.2	12	04-14	WILLFUL FAILURE TO FILE RETURN: \$40,000/LESS	Failure To Report Over \$10,000 From Criminal Activity	Sophisticated
2T1.2	12	14	WILLFUL FAILURE TO FILE RETURN: \$40,001-80,000	Sophisticated	Sophisticated
2T1.2	12	18-20	WILLFUL FAILURE TO FILE RETURN: \$150,001-300,000	Sophisticated	Sophisticated

Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2T1.2	13	14/18-20	WILLFUL FAILURE TO FILE RETURN: \$80,001-150,000	Sophisticated	
2T1.2	13	18-20	WILLFUL FAILURE TO FILE RETURN: \$300,001-500,000		Sophisticated
2T1.2	14	14	WILLFUL FAILURE TO FILE RETURN: \$40,001-80,000	Failure To Report Over \$10,000 From Criminal Activity	
2T1.2	14	18-20	WILLFUL FAILURE TO FILE RETURN: \$150,001-300,000	Failure To Report Over \$10,000 From Criminal Activity	
2T1.2	14	18-20	WILLFUL FAILURE TO FILE RETURN: \$150,001-300,000	Sophisticated	
2T1.2	14	23	WILLFUL FAILURE TO FILE RETURN: \$500,001-1,000,000		Sophisticated
2T1.2	15	14/18-20	WILLFUL FAILURE TO FILE RETURN: \$80,001-150,000	Failure To Report Over \$10,000 From Criminal Activity	
2T1.2	15	18-20	WILLFUL FAILURE TO FILE RETURN: \$300,001-500,000	Failure To Report Over \$10,000 From Criminal Activity	
2T1.2	15	18-20	WILLFUL FAILURE TO FILE RETURN: \$300,001-500,000	Sophisticated	
2T1.2	15	23	WILLFUL FAILURE TO FILE RETURN: \$1,000,001-2,000,000		Sophisticated
2T1.2	16	18-20	WILLFUL FAILURE TO FILE RETURN: \$150,001-300,000	Failure To Report Over \$10,000 From Criminal Activity	
2T1.2	16	23	WILLFUL FAILURE TO FILE RETURN: \$2,000,001-5,000,000		Sophisticated
2T1.2	16	23	WILLFUL FAILURE TO FILE RETURN: \$500,001-1,000,000	Failure To Report Over \$10,000 From Criminal Activity	
2T1.2	17	18-20	WILLFUL FAILURE TO FILE RETURN: \$300,001-500,000	Failure To Report Over \$10,000 From Criminal Activity	
2T1.2	17	23	WILLFUL FAILURE TO FILE RETURN: \$1,000,001-2,000,000	Failure To Report Over \$10,000 From Criminal Activity	
2T1.2	17	23	WILLFUL FAILURE TO FILE RETURN: \$1,000,001-2,000,000	Sophisticated	
2T1.2	17	23	WILLFUL FAILURE TO FILE RETURN: OVER \$5,000,000		Sophisticated
2T1.2	18	23	WILLFUL FAILURE TO FILE RETURN: \$2,000,001-5,000,000	Failure To Report Over \$10,000 From Criminal Activity	
2T1.2	18	23	WILLFUL FAILURE TO FILE RETURN: \$2,000,001-5,000,000	Sophisticated	
2T1.2	18	23	WILLFUL FAILURE TO FILE RETURN: \$500,001-1,000,000	Failure To Report Over \$10,000 From Criminal Activity	
2T1.2	19	23	WILLFUL FAILURE TO FILE RETURN: \$1,000,001-2,000,000	Failure To Report Over \$10,000 From Criminal Activity	

Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2T1.2	19	23	WILLFUL FAILURE TO FILE RETURN: OVER \$5,000,000	Failure To Report Over \$10,000 From Criminal Activity	
2T1.2	19	23	WILLFUL FAILURE TO FILE RETURN: OVER \$5,000,000	Sophisticated	
2T1.2	20	23	WILLFUL FAILURE TO FILE RETURN \$2,000,001-5,000,000	Failure To Report Over \$10,000 From Criminal Activity	Sophisticated
2T1.2	21	23	WILLFUL FAILURE TO FILE RETURN: OVER \$5,000,000	Failure To Report Over \$10,000 From Criminal Activity	Sophisticated
2T1.3	06	-	FALSE STATEMENTS: NOT TO FACILITATE TAX EVASION		
2T1.3	06	04	FALSE STATEMENTS: TAX EVASION \$2,000/LESS		
2T1.3	07	06-09	FALSE STATEMENTS: TAX EVASION \$2,000-5,000		
2T1.3	08	-	FALSE STATEMENTS/NOT TO FACILITATE TAX EVASION	Sophisticated	
2T1.3	08	04	FALSE STATEMENTS: TAX EVASION \$2,000/LESS	Sophisticated	
2T1.3	08	06-09	FALSE STATEMENTS: TAX EVASION \$5,001-10,000		
2T1.3	09	06-09	FALSE STATEMENTS: TAX EVASION \$10,001-20,000		
2T1.3	09	06-09	FALSE STATEMENTS: TAX EVASION \$2,000-5,000	Sophisticated	
2T1.3	10	06-09	FALSE STATEMENTS: TAX EVASION \$5,001-10,000	Sophisticated	
2T1.3	10	14	FALSE STATEMENTS: TAX EVASION: \$20,001-40,000		
2T1.3	11	06-09	FALSE STATEMENTS: TAX EVASION \$10,001-20,000	Sophisticated	
2T1.3	11	14	FALSE STATEMENTS: TAX EVASION \$40,001-80,000		
2T1.3	12	-	FALSE STATEMENTS: NOT TO FACILITATE TAX EVASION	Sophisticated	Failure to Report Over \$10,000 from Criminal Activity
2T1.3	12	14	FALSE STATEMENTS: TAX EVASION \$20,001-40,000	Sophisticated	
2T1.3	12	14/18-20	FALSE STATEMENTS: TAX EVASION \$80,001-150,000		
2T1.3	13	14	FALSE STATEMENTS: TAX EVASION \$40,001-80,000	Sophisticated	
2T1.3	13	18-20	FALSE STATEMENTS: TAX EVASION \$150,001-300,000		
2T1.3	14	14	FALSE STATEMENTS: TAX EVASION \$20,001-40,000	Failure To Report Over \$10,000 From Criminal Activity	Sophisticated
2T1.3	14	14/18-20	FALSE STATEMENTS: TAX EVASION \$80,001-150,000	Failure To Report Over \$10,000 From Criminal Activity	
2T1.3	14	14/18-20	FALSE STATEMENTS: TAX EVASION \$80,001-150,000	Sophisticated	
2T1.3	14	18-20	FALSE STATEMENTS: TAX EVASION \$300,001-500,000		
2T1.3	15	14	FALSE STATEMENTS: TAX EVASION \$40,001-80,000	Failure To Report Over \$10,000 From	Sophisticated

Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2T1.3	15	18-20	FALSE STATEMENTS: TAX EVASION \$150,001-300,000	Failure To Report Over \$10,000 From Criminal Activity	Criminal Activity
2T1.3	15	18-20	FALSE STATEMENTS: TAX EVASION \$150,001-300,000	Sophisticated	Sophisticated
2T1.3	15	23	FALSE STATEMENTS: TAX EVASION \$500,001-1,000,000	Failure To Report Over \$10,000 From Criminal Activity	Sophisticated
2T1.3	16	14/18-20	FALSE STATEMENTS: TAX EVASION \$80,001-150,000	Failure To Report Over \$10,000 From Criminal Activity	Sophisticated
2T1.3	16	18-20	FALSE STATEMENTS: TAX EVASION \$300,001-500,000	Failure To Report Over \$10,000 From Criminal Activity	Sophisticated
2T1.3	16	18-20	FALSE STATEMENTS: TAX EVASION \$300,001-500,000	Sophisticated	Sophisticated
2T1.3	16	23	FALSE STATEMENTS: TAX EVASION \$1,000,001-2,000,000	Failure To Report Over \$10,000 From Criminal Activity	Sophisticated
2T1.3	17	18-20	FALSE STATEMENTS: TAX EVASION \$150,001-300,000	Failure To Report Over \$10,000 From Criminal Activity	Sophisticated
2T1.3	17	23	FALSE STATEMENTS: TAX EVASION \$2,000,001-5,000,000	Failure To Report Over \$10,000 From Criminal Activity	Sophisticated
2T1.3	17	23	FALSE STATEMENTS: TAX EVASION \$500,001-1,000,000	Failure To Report Over \$10,000 From Criminal Activity	Sophisticated
2T1.3	17	23	FALSE STATEMENTS: TAX EVASION \$500,001-1,000,000	Sophisticated	Sophisticated
2T1.3	18	18-20	FALSE STATEMENTS: TAX EVASION \$300,001-500,000	Failure To Report Over \$10,000 From Criminal Activity	Sophisticated
2T1.3	18	23	FALSE STATEMENTS: TAX EVASION \$1,000,001-2,000,000	Failure To Report Over \$10,000 From Criminal Activity	Sophisticated
2T1.3	18	23	FALSE STATEMENTS: TAX EVASION OVER \$5,000,000	Sophisticated	Sophisticated
2T1.3	19	23	FALSE STATEMENTS: TAX EVASION \$2,000,001-5,000,000	Failure To Report Over \$10,000 From Criminal Activity	Sophisticated
2T1.3	19	23	FALSE STATEMENTS: TAX EVASION \$2,000,001-5,000,000	Sophisticated	Sophisticated
2T1.3	19	23	FALSE STATEMENTS: TAX EVASION \$500,001-1,000,000	Failure To Report Over \$10,000 From Criminal Activity	Sophisticated
2T1.3	20	23	FALSE STATEMENTS: TAX EVASION \$1,000,001-2,000,000	Failure To Report Over \$10,000 From Criminal Activity	Sophisticated
2T1.3	20	23	FALSE STATEMENTS: TAX EVASION OVER \$5,000,000	Failure To Report Over \$10,000 From Criminal Activity	Sophisticated
2T1.3	20	23	FALSE STATEMENTS: TAX EVASION OVER \$5,000,000	Sophisticated	Sophisticated
2T1.3	21	23	FALSE STATEMENTS: TAX EVASION \$2,000,001-5,000,000	Failure To Report Over \$10,000 From Criminal Activity	Sophisticated
2T1.3	22	23	FALSE STATEMENTS: TAX EVASION OVER \$5,000,000	Failure To Report Over \$10,000 From Criminal Activity	Sophisticated

Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2T1.4	06	04	AIDING TAX FRAUD: \$2,000/LESS		
2T1.4	07	06-09	AIDING TAX FRAUD: \$2,000-5,000		
2T1.4	08	04	AIDING TAX FRAUD: \$2,000/LESS	Derived Substantial Portion of Income	
2T1.4	08	04	AIDING TAX FRAUD: \$2,000/LESS	Sophisticated	
2T1.4	08	06-09	AIDING TAX FRAUD \$5,001-10,000		
2T1.4	09	06-09	AIDING TAX FRAUD: \$10,001-20,000		
2T1.4	09	06-09	AIDING TAX FRAUD: \$2,000-5,000	Def in Business of Preparing Tax Returns	
2T1.4	09	06-09	AIDING TAX FRAUD: \$2,000-5,000	Derived Substantial Portion of Income	
2T1.4	09	06-09	AIDING TAX FRAUD: \$2,000-5,000	Sophisticated	
2T1.4	10	04	AIDING TAX FRAUD: \$2,000/LESS	Derived Substantial Portion of Income	Def in Business of Preparing Tax Returns
2T1.4	10	04	AIDING TAX FRAUD: \$2,000/LESS	Derived Substantial Portion of Income	Sophisticated
2T1.4	10	04	AIDING TAX FRAUD: \$2,000/LESS	Sophisticated	Def in Business of Preparing Tax Returns
2T1.4	10	06-09	AIDING TAX FRAUD: \$20,001-40,000		
2T1.4	10	06-09	AIDING TAX FRAUD: \$5,001-10,000	Def in Business of Preparing Tax Returns	
2T1.4	10	06-09	AIDING TAX FRAUD: \$5,001-10,000	Derived Substantial Portion of Income	
2T1.4	10	06-09	AIDING TAX FRAUD: \$5,001-10,000	Sophisticated	
2T1.4	11	06-09	AIDING TAX FRAUD: \$10,001-20,000	Def in Business of Preparing Tax Returns	
2T1.4	11	06-09	AIDING TAX FRAUD: \$10,001-20,000	Derived Substantial Portion of Income	
2T1.4	11	06-09	AIDING TAX FRAUD: \$10,001-20,000	Sophisticated	
2T1.4	11	06-09	AIDING TAX FRAUD: \$2,000-5,000	Derived Substantial Portion of Income	Def in Business of Preparing Tax Returns
2T1.4	11	06-09	AIDING TAX FRAUD: \$2,000-5,000	Derived Substantial Portion of Income	Sophisticated
2T1.4	11	06-09	AIDING TAX FRAUD: \$2,000-5,000	Sophisticated	Def in Business of Preparing Tax Returns
2T1.4	11	14	AIDING TAX FRAUD: \$40,001-80,000		
2T1.4	12	06-09	AIDING TAX FRAUD: \$5,001-10,000	Derived Substantial Portion of Income	Def in Business of Preparing Tax Returns
2T1.4	12	06-09	AIDING TAX FRAUD: \$5,001-10,000	Derived Substantial Portion of Income	Sophisticated

Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2T1.4	12	06-09	AIDING TAX FRAUD: \$5,001-10,000	Sophisticated	Def in Business of Preparing Tax Returns
2T1.4	12	14	AIDING TAX FRAUD: \$20,001-40,000	Def in Business of Preparing Tax Returns	Def in Business of Preparing Tax Returns
2T1.4	12	14	AIDING TAX FRAUD: \$20,001-40,000	Derived Substantial Portion of Income	
2T1.4	12	14	AIDING TAX FRAUD: \$20,001-40,000	Sophisticated	
2T1.4	12	14/18-20	AIDING TAX FRAUD: \$80,001-150,000		
2T1.4	13	06-09	AIDING TAX FRAUD: \$10,001-20,000	Derived Substantial Portion of Income	Def in Business of Preparing Tax Returns
2T1.4	13	06-09	AIDING TAX FRAUD: \$10,001-20,000	Derived Substantial Portion of Income	Sophisticated
2T1.4	13	06-09	AIDING TAX FRAUD: \$10,001-20,000	Sophisticated	Def in Business of Preparing Tax Returns
2T1.4	13	14	AIDING TAX FRAUD: \$40,001-80,000	Def in Business of Preparing Tax Returns	
2T1.4	13	14	AIDING TAX FRAUD: \$40,001-80,000	Derived Substantial Portion of Income	
2T1.4	13	14	AIDING TAX FRAUD: \$40,001-80,000	Sophisticated	
2T1.4	13	18-20	AIDING TAX FRAUD: \$150,001-300,000		
2T1.4	14	14	AIDING TAX FRAUD: \$20,001-40,000	Derived Substantial Portion of Income	Def in Business of Preparing Tax Returns
2T1.4	14	14	AIDING TAX FRAUD: \$20,001-40,000	Derived Substantial Portion of Income	Sophisticated
2T1.4	14	14	AIDING TAX FRAUD: \$20,001-40,000	Sophisticated	Def in Business of Preparing Tax Returns
2T1.4	14	14/18-20	AIDING TAX FRAUD: \$80,001-150,000	Def in Business of Preparing Tax Returns	
2T1.4	14	14/18-20	AIDING TAX FRAUD: \$80,001-150,000	Derived Substantial Portion of Income	
2T1.4	14	14/18-20	AIDING TAX FRAUD: \$80,001-150,000	Sophisticated	
2T1.4	14	18-20	AIDING TAX FRAUD: \$300,001-500,000		
2T1.4	15	14	AIDING TAX FRAUD: \$40,001-80,000	Derived Substantial Portion of Income	Def in Business of Preparing Tax Returns
2T1.4	15	14	AIDING TAX FRAUD: \$40,001-80,000	Derived Substantial Portion of Income	Sophisticated
2T1.4	15	14	AIDING TAX FRAUD: \$40,001-80,000	Sophisticated	Def in Business of Preparing Tax Returns
2T1.4	15	18-20	AIDING TAX FRAUD: \$150,001-300,000	Def in Business of Preparing Tax Returns	



Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2T1.4	15	18-20	AIDING TAX FRAUD: \$150,001-300,000	Derived Substantial Portion of Income	
2T1.4	15	18-20	AIDING TAX FRAUD: \$150,001-300,000	Sophisticated	
2T1.4	15	23	AIDING TAX FRAUD: \$500,001-1,000,000		
2T1.4	16	14/18-20	AIDING TAX FRAUD: \$80,001-150,000	Derived Substantial Portion of Income	Def in Business of Preparing Tax Returns
2T1.4	16	14/18-20	AIDING TAX FRAUD: \$80,001-150,000	Derived Substantial Portion of Income	Sophisticated
2T1.4	16	14/18-20	AIDING TAX FRAUD: \$80,001-150,000	Sophisticated	Def in Business of Preparing Tax Returns
2T1.4	16	18-20	AIDING TAX FRAUD: \$300,001-500,000	Def in Business of Preparing Tax Returns	
2T1.4	16	18-20	AIDING TAX FRAUD: \$300,001-500,000	Derived Substantial Portion of Income	
2T1.4	16	18-20	AIDING TAX FRAUD: \$300,001-500,000	Sophisticated	
2T1.4	16	23	AIDING TAX FRAUD: \$1,000,001-2,000,000		
2T1.4	17	18-20	AIDING TAX FRAUD: \$150,001-300,000	Derived Substantial Portion of Income	Def in Business of Preparing Tax Returns
2T1.4	17	18-20	AIDING TAX FRAUD: \$150,001-300,000	Derived Substantial Portion of Income	Sophisticated
2T1.4	17	18-20	AIDING TAX FRAUD: \$150,001-300,000	Sophisticated	Def in Business of Preparing Tax Returns
2T1.4	17	23	AIDING TAX FRAUD: \$2,000,001-5,000,000		
2T1.4	17	23	AIDING TAX FRAUD: \$500,001-1,000,000	Def in Business of Preparing Tax Returns	
2T1.4	17	23	AIDING TAX FRAUD: \$500,001-1,000,000	Derived Substantial Portion of Income	
2T1.4	17	23	AIDING TAX FRAUD: \$500,001-1,000,000	Sophisticated	
2T1.4	18	18-20	AIDING TAX FRAUD: \$300,001-500,000	Derived Substantial Portion of Income	Def in Business of Preparing Tax Returns
2T1.4	18	18-20	AIDING TAX FRAUD: \$300,001-500,000	Derived Substantial Portion of Income	Sophisticated
2T1.4	18	18-20	AIDING TAX FRAUD: \$300,001-500,000	Sophisticated	Def in Business of Preparing Tax Returns
2T1.4	18	23	AIDING TAX FRAUD: \$1,000,001-2,000,000	Def in Business of Preparing Tax Returns	
2T1.4	18	23	AIDING TAX FRAUD: \$1,000,001-2,000,000	Sophisticated	
2T1.4	18	23	AIDING TAX FRAUD: OVER \$5,000,000		
2T1.4	19	23	AIDING TAX FRAUD: \$2,000,001-5,000,000	Def in Business of Preparing Tax Forms	

Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

C/L Section	C/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2T1.4	19	23	AIDING TAX FRAUD: \$2,000,001-5,000,000	Derived Substantial Portion of Income	
2T1.4	19	23	AIDING TAX FRAUD: \$2,000,001-5,000,000	Sophisticated	
2T1.4	19	23	AIDING TAX FRAUD: \$500,001-1,000,000	Derived Substantial Portion of Income	Def in Business of Preparing Tax Returns
2T1.4	19	23	AIDING TAX FRAUD: \$500,001-1,000,000	Derived Substantial Portion of Income	Sophisticated
2T1.4	19	23	AIDING TAX FRAUD: \$500,001-1,000,000	Sophisticated	Def in Business of Preparing Tax Returns
2T1.4	20	23	AIDING TAX FRAUD OVER \$5,000,000	Def in Business of Preparing Tax Returns	
2T1.4	20	23	AIDING TAX FRAUD: \$1,000,001-2,000,000	Derived Substantial Portion of Income	Def in Business of Preparing Tax Returns
2T1.4	20	23	AIDING TAX FRAUD: \$1,000,001-2,000,000	Derived Substantial Portion of Income	Sophisticated
2T1.4	20	23	AIDING TAX FRAUD: \$1,000,001-2,000,000	Sophisticated	Def in Business of Preparing Tax Returns
2T1.4	20	23	AIDING TAX FRAUD: OVER \$5,000,000	Derived Substantial Portion of Income	
2T1.4	20	23	AIDING TAX FRAUD: OVER \$5,000,000	Sophisticated	
2T1.4	21	23	AIDING TAX FRAUD: \$2,000,001-5,000,000	Derived Substantial Portion of Income	Def in Business of Preparing Tax Returns
2T1.4	21	23	AIDING TAX FRAUD: \$2,000,001-5,000,000	Derived Substantial Portion of Income	Sophisticated
2T1.4	21	23	AIDING TAX FRAUD: \$2,000,001-5,000,000	Sophisticated	Def in Business of Preparing Tax Returns
2T1.4	22	23	AIDING TAX FRAUD: OVER \$5,000,000	Derived Substantial Portion of Income	
2T1.4	22	23	AIDING TAX FRAUD: OVER \$5,000,000	Derived Substantial Portion of Income	Sophisticated
2T1.4	22	23	AIDING TAX FRAUD: OVER \$5,000,000	Sophisticated	Def in Business of Preparing Tax Returns
2T1.5	06	04	FRAUDULENT RETURNS, STATEMENTS, OR OTHER DOCUMENTS		
2T1.6	06	04	FAILING TO COLLECT/PAY OVER TAX: \$2,000/LESS		
2T1.6	07	06-09	FAILING TO COLLECT/PAY OVER TAX: \$2,000-5,000		
2T1.6	08	06-09	FAILING TO COLLECT/PAY OVER TAX: \$5,001-10,000		
2T1.6	09	06-09	FAILING TO COLLECT/PAY OVER TAX \$10,001-20,000		
2T1.6	10	14	FAILING TO COLLECT/PAY OVER TAX: \$20,001-40,000		
2T1.6	11	14	FAILING TO COLLECT/PAY OVER TAX: \$40,001-80,000		

Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2T1.6	12	14/18-20	FAILING TO COLLECT/PAY OVER TAX: \$80,001-150,000		
2T1.6	13	18-20	FAILING TO COLLECT/PAY OVER TAX: \$150,001-300,000		
2T1.6	14	18-20	FAILING TO COLLECT/PAY OVER TAX: \$300,001-500,000		
2T1.6	15	23	FAILING TO COLLECT/PAY OVER TAX: \$500,001-1,000,000		
2T1.6	16	23	FAILING TO COLLECT/PAY OVER TAX: \$1,000,001-2,000,000		
2T1.6	17	23	FAILING TO COLLECT/PAY OVER TAX: \$2,000,001-5,000,000		
2T1.6	18	23	FAILING TO COLLECT/PAY OVER TAX: OVER \$5,000,000		
2T1.7	04	-	FAILING TO DEPOSIT TAXES IN TRUST ACCOUNT: \$20,000/LESS		
2T1.7	05	-	FAILING TO DEPOSIT TAXES IN TRUST ACCOUNT: \$20,001-40,000		
2T1.7	06	-	FAILING TO DEPOSIT TAXES IN TRUST ACCOUNT: \$40,001-80,000		
2T1.7	07	-	FAILING TO DEPOSIT TAXES IN TRUST ACCOUNT: \$80,001-150,000		
2T1.7	08	-	FAILING TO DEPOSIT TAXES IN TRUST ACCOUNT: \$150,001-300,000		
2T1.7	09	-	FAILING TO DEPOSIT TAXES IN TRUST ACCOUNT: \$300,001-500,000		
2T1.7	10	-	FAILING TO DEPOSIT TAXES IN TRUST ACCOUNT: \$500,001-1,000,000		
2T1.7	11	-	FAILING TO DEPOSIT TAXES IN TRUST ACCOUNT: \$1,000,001-2,000,000		
2T1.7	12	-	FAILING TO DEPOSIT TAXES IN TRUST ACCOUNT: \$2,000,001-5,000,000		
2T1.8	04	-	OFFENSES RELATING TO WITHHOLDING STATEMENTS		
2T1.9	10	04/06-9/14	CONSPIRACY TO IMPEDE/DEFEAT TAX: \$40,000/LESS		
2T1.9	11	14	CONSPIRACY TO IMPEDE/DEFEAT TAX: \$40,001-80,000		
2T1.9	12	14/18-20	CONSPIRACY TO IMPEDE/DEFEAT TAX: \$80,001-150,000		
2T1.9	13	14	CONSPIRACY TO IMPEDE/DEFEAT TAX: \$40,001-80,000		Encouraged Persons to Violate IRS Tax Laws
2T1.9	13	18-20	CONSPIRACY TO IMPEDE/DEFEAT TAX: \$150,001-300,000		

Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2T1.9	14	04/06-9/14	CONSPIRACY TO IMPEDE/DEFEAT TAX: \$40,000/LESS	Planned/Threatened Violence	
2T1.9	14	14/18-20	CONSPIRACY TO IMPEDE/DEFEAT TAX: \$80,001-150,000	Encouraged Persons to Violate IRS Laws	
2T1.9	14	18-20	CONSPIRACY TO IMPEDE/DEFEAT TAX: \$300,001-500,000		
2T1.9	15	14	CONSPIRACY TO IMPEDE/DEFEAT TAX: \$40,001-80,000	Planned/Threatened Violence	
2T1.9	15	18-20	CONSPIRACY TO IMPEDE/DEFEAT TAX: \$150,001-300,000	Encouraged Persons to Violate IRS Laws	
2T1.9	15	23	CONSPIRACY TO IMPEDE/DEFEAT TAX: \$500,001-1,000,000		
2T1.9	16	04/06-9/14	CONSPIRACY TO IMPEDE/DEFEAT TAX: \$40,000/LESS	Planned/Threatened Violence	Encouraged Persons to Violate IRS Laws
2T1.9	16	14/18-20	CONSPIRACY TO IMPEDE/DEFEAT TAX: \$80,001-150,000	Planned/Threatened Violence	
2T1.9	16	18-20	CONSPIRACY TO IMPEDE/DEFEAT TAX: \$300,001-500,000	Encouraged Persons to Violate IRS Laws	
2T1.9	16	23	CONSPIRACY TO IMPEDE/DEFEAT TAX: \$1,000,001-2,000,000		
2T1.9	17	14	CONSPIRACY TO IMPEDE/DEFEAT TAX: \$40,001-80,000	Planned/Threatened Violence	Encouraged Persons to Violate IRS Laws
2T1.9	17	18-20	CONSPIRACY TO IMPEDE/DEFEAT TAX: \$150,001-300,000	Planned/Threatened Violence	
2T1.9	17	23	CONSPIRACY TO IMPEDE/DEFEAT TAX: \$2,000,001-5,000,000		
2T1.9	17	23	CONSPIRACY TO IMPEDE/DEFEAT TAX: \$500,001-1,000,000	Encouraged Persons to Violate IRS Laws	
2T1.9	18	14/18-20	CONSPIRACY TO IMPEDE/DEFEAT TAX: \$80,001-150,000	Planned/Threatened Violence	Encouraged Persons to Violate IRS Laws
2T1.9	18	18-20	CONSPIRACY TO IMPEDE/DEFEAT TAX: \$300,001-500,000	Planned/Threatened Violence	
2T1.9	18	23	CONSPIRACY TO IMPEDE/DEFEAT TAX: \$1,000,001-2,000,000	Encouraged Persons to Violate IRS Laws	
2T1.9	18	23	CONSPIRACY TO IMPEDE/DEFEAT TAX: OVER \$5,000,000		
2T1.9	19	18-20	CONSPIRACY TO IMPEDE/DEFEAT TAX: \$150,001-300,000	Planned/Threatened Violence	Encouraged Persons to Violate IRS Laws
2T1.9	19	23	CONSPIRACY TO IMPEDE/DEFEAT TAX: \$2,000,001-5,000,000	Encouraged Persons to Violate IRS Laws	
2T1.9	19	23	CONSPIRACY TO IMPEDE/DEFEAT TAX: \$500,001-1,000,000	Planned/Threatened Violence	
2T1.9	20	18-20	CONSPIRACY TO IMPEDE/DEFEAT TAX: \$300,001-500,000	Planned/Threatened Violence	Encouraged Persons to Violate IRS Laws
2T1.9	20	23	CONSPIRACY TO IMPEDE/DEFEAT TAX: \$1,000,001-2,000,000	Planned/Threatened Violence	
2T1.9	20	23	CONSPIRACY TO IMPEDE/DEFEAT TAX: OVER \$5,000,000	Encouraged Persons to Violate IRS Laws	
2T1.9	21	23	CONSPIRACY TO IMPEDE/DEFEAT TAX:	Planned/Threatened Violence	

Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2T1.9	22	23	\$2,000,001-5,000,000 CONSPIRACY TO IMPEDE/DEFEAT TAX: \$1,000,001-2,000,000	Planned/Threatened Violence	Encouraged Persons to Violate IRS Laws
2T1.9	22	23	CONSPIRACY TO IMPEDE/DEFEAT TAX: OVER \$5,000,000	Planned/Threatened Violence	
2T2.2	04	04	REGULATORY TAX OFFENSES		
2T3.1	06	04	SMUGGLING: \$2,000/LESS		
2T3.1	07	06-09	SMUGGLING: \$2,000-5,000		
2T3.1	08	06-09	SMUGGLING: \$5,001-10,000		
2T3.1	09	06-09	SMUGGLING: \$10,001-20,000		
2T3.1	10	14	SMUGGLING: \$20,001-40,000		
2T3.1	11	14	SMUGGLING: \$40,001-80,000		
2T3.1	12	14/18-20	SMUGGLING: \$80,001-150,000		
2T3.1	13	18-20	SMUGGLING: \$150,001-300,000		
2T3.1	14	18-20	SMUGGLING: \$300,001-500,000		
2T3.1	15	23	SMUGGLING: \$500,001-1,000,000		
2T3.1	16	23	SMUGGLING: \$1,000,001-2,000,000		
2T3.1	17	23	SMUGGLING: \$2,000,001-5,000,000		
2T3.1	18	23	SMUGGLING: OVER \$5,000,000		
2T3.2	06	04	TRAFFICKING IN SMUGGLED GOODS: \$2,000/LESS		
2T3.2	07	06-09	TRAFFICKING IN SMUGGLED GOODS: \$2,000-5,000		
2T3.2	08	06-09	TRAFFICKING IN SMUGGLED GOODS: \$5,001-10,000		
2T3.2	09	06-09	TRAFFICKING IN SMUGGLED GOODS: \$10,001-20,000		
2T3.2	10	14	TRAFFICKING IN SMUGGLED GOODS: \$20,001-40,000		
2T3.2	11	14	TRAFFICKING IN SMUGGLED GOODS: \$40,001-80,000		
2T3.2	12	14/18-20	TRAFFICKING IN SMUGGLED GOODS: \$80,001-150,000		
2T3.2	13	18-20	TRAFFICKING IN SMUGGLED GOODS: \$150,001-300,000		
2T3.2	14	18-20	TRAFFICKING IN SMUGGLED GOODS: \$300,001-500,000		
2T3.2	15	23	TRAFFICKING IN SMUGGLED GOODS: \$500,001-1,000,000		
2T3.2	16	23	TRAFFICKING IN SMUGGLED GOODS: \$1,000,001-2,000,000		

Comparison of Guideline Levels with U.S. Parole Commission Guideline Levels

G/L Section	G/L LEVEL	USPC	OFFENSE	OFFENSE CHARACTERISTIC #1	OFFENSE CHARACTERISTIC #2
2T3.2	17	23	TRAFFICKING IN SMUGGLED GOODS: \$2,000,001-5,000,000		
2T3.2	18	23	TRAFFICKING IN SMUGGLED GOODS: OVER \$5,000,000		

Notes

§2B2.2 If the burglary involves a confrontation, the comparable parole guideline offense level is 18-20.

§2B5.3 For copyright infringement offenses, the parole guideline offense levels are as follows:

Levels 18-20 Very large scale (*e.g.*, more than 100,000 sound recordings, or more than 10,000 audio visual works);

Level 14 Large scale (*e.g.*, 20,000 to 100,000 sound recordings, or 2,000 to 10,000 audio visual works);

Levels 06-09 Medium scale (*e.g.*, 2,000 - 19,999 sound recordings, or 200 - 1,999 audio visual works);

Level 06 Small scale (*e.g.*, less than 2,000 sound recordings, or less than 200 visual works);

§2D1.1 A comparison of the offense levels for heroin, cocaine, and marijuana offenses follows. These comparisons refer to base offense levels and do not contain any of the enhancements provided for under the new drug laws (*e.g.*, the enhancement for sale to a minor).

The sentencing guideline offense levels are based on the total weight of the drug involved, including adulterants. The parole guidelines grade heroin and cocaine offenses by the weight of the equivalent amount of pure heroin or cocaine involved. For example, if 10 grams of 10% pure heroin was seized, it would be treated as 1 gram of heroin; if it was 50% pure, it would be treated as 5 grams of heroin. To better illustrate the comparisons, the parole guideline offense level is given for each weight of the drug involved at 100% purity and 10% purity.

Heroin

Amounts	Sentencing Guideline Offense Level	Parole Guideline Offense Level	
		(100%)	(10%)
≥10kg	36	31-33	23
3-9.9	34	31-33	23
1-2.9	32	31-33	23
700-999g	30	25-27	23
400-699g	28	23	18-20/23
100-399	26	23	18-20
80-99g	24	23	18-20
60-79g	22	23	18-20
40-59g	20	18-20	14
20-39	18	18-20	14
10-19	16	18-20	14
5-9.9	14	18-20	14
<5g	12	14	14
Simple Possession	08	04	04

Cocaine

Amounts	Sentencing Guideline Offense Level	Parole Guideline Offense Level	
		(100%)	(10%)
≥50kg	36	31-33	25-27
15-49.9kg	34	25-27	23
5-14.9kg	32	23	18-20/23
3.5-4.9kg	30	23	18-20
2-3.4kg	28	23	18-20
.5-1.9kg	26	18-20/23	14/18-20
400-499g	24	18-20	14
300-399g	22	18-20	14
200-299g	20	18-20	14
100-199g	18	18-20	14
50-99g	16	14	14
25-49g	14	14	6/9
5-25g	12	14	6/6-9
1-4.9g	12	6-9	06
<1g	12	06	06
Simple Possession	06	04	04

Marijuana

Amounts	Sentencing Guideline Offense Level	Parole
		Guideline Offense Level
≥1000kg	32	18-20/23
700-999kg	30	14
400-699kg	28	14
100-399kg	26	14
80-99kg	24	6-9/14
60-79kg	22	6-9
40-59kg	20	6-9
20-39kg	18	6/6-9
10-19kg	16	06
05-09.9kg	14	06
2.5-4.9kg	12	04
1-2.4kg	10	04
250-999g	08	04
<250g	06	04
Simple Possession	04	04



§2E1.1- Both the sentencing and parole guidelines grade as the level of the underlying  
§2E1.3 offense, if the guideline for that offense results in a higher offense level.

§2E3.1- The parole guidelines grade gambling offenses as follows:  
§2E3.3

Level 14 Large scale (e.g., sports books [estimated daily gross more than \$15,000]; Horse books [estimated daily gross more than \$4,000]; numbers bankers [estimated daily gross more than \$2,000]; dice or card games [estimated daily 'house cut' more than \$1,000]; video gambling [eight or more machines])

Levels 06-09 Medium scale (e.g., sports books [estimated daily gross \$5,000 to \$15,000]; horse books [estimated daily gross \$1,500 to \$4,000]; numbers bankers [estimated daily gross \$750 to \$2,000]; dice or card games [estimated daily 'house cut' \$400 to \$1,000]; video gambling [four to seven machines])

Level 06 Small scale (e.g., sports books [estimated daily gross less than \$5,000]; horse books [estimated daily gross less than \$1,500]; numbers bankers [estimated daily gross less than \$750]; dice or card games [estimated daily 'house cut' less than \$400]; video gambling [three or fewer machines]).

Level 04 If it is established that the offender has no proprietary interest or managerial role.

§2H1.1- The sentencing guidelines grade the offense as two levels higher than the  
§2H1.5 underlying offense; the parole guidelines grade the offense as the same offense level as the underlying offense. The parole guidelines have a base offense level of 6 for all offenses under these sections.

§2J1.2- The parole guidelines grade accessory after the fact as two categories below  
§2J1.3 the underlying offense.

§2J1.4 If the purpose was to commit another offense, the parole guidelines grade as that offense if it results in a higher level.

§2P1.1- Offenses that occur in a prison or correctional facility are frequently  
§2P1.3 sanctioned by the Bureau of Prisons (through an Institutional Disciplinary Committee [IDC]) and the Parole Commission (through their rescission process) rather than by a new prosecution. The Bureau has the authority to impose various penalties including the assignment of extra work, disciplinary transfers to other institutions, and loss of good time. The Parole Commission may rescind a parole date in accordance with its rules (28 C.F.R. § 2.36).



**APPENDIX C - SENTENCE LENGTH AND PROJECTED TIME SERVED BY PAROLE  
GUIDELINE DETERMINANTS FOR DEFENDANTS GIVEN INITIAL PAROLE  
CONSIDERATION HEARINGS BETWEEN OCTOBER 1984 AND SEPTEMBER 1985**

The following table, prepared by the United States Parole Commission, provides information about the length of and variation in sentences and projected time served for defendants given initial parole consideration hearings between October 1, 1984 and September 30, 1985.

Although this table provides very useful information, it must be interpreted with caution. It does not display sentences or projected time served for all defendants, but only for defendants given initial parole consideration hearings.<sup>1</sup> Defendants with sentences of one year or less are excluded, as they are not eligible for parole. Furthermore, some defendants who are technically eligible for parole consideration but whose sentences are below the parole guidelines waive parole consideration and, thus, also are not included. Consequently, these statistics provide the upper bound for estimates of sentence length and projected time served<sup>2</sup> for most offenses.

The table is organized by offense and offender characteristics as found in the parole guidelines (28 C.F.R. § 2.20). Offense categories are listed on the vertical axis of the table beginning with "murder," offense code "201." The numerical designation following each offense may be used to locate the specific characteristics of that offense in the parole guidelines. Four categories of offender characteristics are listed in the columns of the table. These correspond to the four categories determined by application of the Parole Commission's Salient Factor Score. Each of these columns is broken down into two subcolumns, the first of which displays information relating to the sentences pronounced, and the second of which displays information relating to time served.

For each offense and subcolumn, six items of information are listed. These include the mean and median, the number of cases (N), and three measures of variability: the standard deviation (SD), the coefficient of variation (CV), and the width of the range containing the middle fifty percent of the cases (50 QTL). Where a cell contains fewer than 5 cases, it is left blank.

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<sup>1</sup> A defendant receiving an initial parole hearing during the period covered may have been sentenced during that period or at some earlier time.

<sup>2</sup> Projected time served is based upon the presumptive release date set at the initial parole hearing.



DISTRIBUTION PARAMETERS FOR SENTENCE LENGTH AND TIME SERVED  
 WITHIN OFFENSE BY SALIENT FACTOR SCORE RISK GROUP  
 FOR INITIAL HEARINGS \* ADULT CASES AND ADULT GUIDELINES  
 FROM OCTOBER 1, 1984 TO SEPTEMBER 30, 1985  
 EXCLUDING TENYR M CASES GIVEN TEN YEAR SET-OFFS  
 EXCLUDING OFFENSES WITH LESS THAN 5 CASES  
 SENTENCE = MAXIMUM SENTENCE

OFFENSE	STATISTIC	RISK											
		V GOOD	GOOD	FAIR	POOR	SENT/SERV	SENT/SERV	SENT/SERV	SENT/SERV	SAMPLE	SAMPLE	SAMPLE	SAMPLE
MURDER 201	CV	69.7	64.4	62.4	55.9	71.0	62.1	58.4	59.6				
	MEAN	151.0	94.7	201.5	117.2	136.1	87.8	209.9	140.8				
	MEDIAN	120.0	80.0	180.0	120.0	120.0	80.0	210.0	132.5				
	N	62.0	62.0	19.0	19.0	14.0	14.0	20.0	20.0				
	STD	105.3	61.0	125.7	65.5	96.6	54.6	122.6	84.0				
	50 QTL	162.0	94.8	264.0	101.0	127.0	88.3	262.5	168.0				
MANSLAUGHTER 202	CV	46.4	50.6										
	MEAN	125.3	72.6										
	MEDIAN	120.0	67.0										
	N	9.0	9.0										
	STD	58.2	36.7										
	50 QTL	54.0	29.5										
MANSLAUGHTER 203	CV	86.0	54.6										
	MEAN	46.0	25.3										
	MEDIAN	30.0	21.0										
	N	6.0	6.0										
	STD	39.6	13.8										
	50 QTL	57.0	24.0										

(CONTINUED)

DISTRIBUTION PARAMETERS FOR SENTENCE LENGTH AND TIME SERVED  
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 EXCLUDING OFFENSES WITH LESS THAN 5 CASES  
 SENTENCE = MAXIMUM SENTENCE

OFFENSE	STATISTIC	RISK											
		V GOOD			GOOD			FAIR			POOR		
		SENT/SERV	SENT/SERV	SENT/SERV	SENT/SERV	SENT/SERV	SENT/SERV	SENT/SERV	SENT/SERV	SENT/SERV	SENT/SERV	SENT/SERV	SENT/SERV
ASSAULT 211A	CV	30.4	35.2	106.8	62.2	69.5	53.6	45.5	39.4				
	MEAN	133.7	86.3	116.0	57.5	181.7	90.7	178.5	105.8				
	MEDIAN	120.0	81.0	72.0	48.0	180.0	96.0	180.0	105.0				
	N	7.0	7.0	6.0	6.0	7.0	7.0	8.0	8.0				
	STD	40.7	30.4	123.9	35.8	126.3	48.6	81.2	41.7				
	50 QTL	84.0	64.0	138.0	52.3	252.0	103.0	120.0	70.3				
ASSAULT 211B	CV	57.1	44.0	76.8	44.8	80.1	64.9	35.0	36.7				
	MEAN	122.0	52.0	111.0	56.3	111.4	59.7	168.8	94.8				
	MEDIAN	120.0	47.0	90.0	55.5	93.0	61.5	159.0	84.0				
	N	15.0	15.0	8.0	8.0	14.0	14.0	8.0	8.0				
	STD	69.7	22.9	85.3	25.2	89.3	38.7	59.0	34.8				
	50 QTL	120.0	28.0	84.0	36.5	154.5	55.0	102.0	22.0				
ASSAULT 212A	CV	67.1	52.6	110.2	95.3	113.7	65.2	122.2	108.2				
	MEAN	82.6	50.4	103.3	58.1	82.0	46.8	86.6	53.6				
	MEDIAN	60.0	40.0	43.0	33.5	51.0	36.0	45.0	30.0				
	N	29.0	29.0	14.0	14.0	12.0	12.0	5.0	5.0				
	STD	55.4	26.5	113.8	55.4	93.2	30.5	105.9	58.0				
	50 QTL	84.0	52.0	102.0	58.0	69.0	43.0	140.0	77.0				

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 EXCLUDING OFFENSES WITH LESS THAN 5 CASES  
 SENTENCE = MAXIMUM SENTENCE

OFFENSE	STATISTIC	RISK												
		V GOOD			GOOD			FAIR			POOR			
		SENT/SERV	SERV	SENT	SENT/SERV	SERV	SENT	SENT/SERV	SERV	SENT	SENT/SERV	SERV	SENT	SENT/SERV
		VALUE	VALUE	VALUE	VALUE	VALUE	VALUE	VALUE	VALUE	VALUE	VALUE	VALUE	VALUE	VALUE
ASSAULT 212B	CV	46.0	37.7	49.8	50.1	120.2	64.4	72.5	63.8					
	MEAN	46.3	31.1	26.4	21.0	75.3	40.8	53.5	38.3					
	MEDIAN	36.0	28.0	24.0	19.0	36.0	27.0	36.0	28.0					
	N	7.0	7.0	5.0	5.0	9.0	9.0	6.0	6.0					
	STD	21.3	11.8	13.1	10.5	90.6	26.3	38.8	24.5					
	50 QTL	48.0	25.0	18.0	15.0	63.0	31.5	66.8	41.0					
ASSAULT 212DA	CV	139.7	91.6											
	MEAN	103.2	48.6											
	MEDIAN	36.0	28.0											
	N	5.0	5.0											
	STD	144.1	44.5											
	50 QTL	180.0	60.5											
ASSAULT 212DB	CV	37.3	42.9											
	MEAN	57.6	34.8											
	MEDIAN	60.0	40.0											
	N	5.0	5.0											
	STD	21.5	14.9											
	50 QTL	42.0	27.0											

(CONTINUED)

DISTRIBUTION PARAMETERS FOR SENTENCE LENGTH AND TIME SERVED  
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 EXCLUDING OFFENSES WITH LESS THAN 5 CASES  
 SENTENCE = MAXIMUM SENTENCE

OFFENSE	STATISTIC	RISK									
		V GOOD		GOOD		FAIR		POOR			
		SENT/SERV	SERV	SENT/SERV	SERV	SENT/SERV	SERV	SENT/SERV	SERV	SENT/SERV	SERV
	SAMPLE	VALUE	VALUE	VALUE	VALUE	VALUE	VALUE	VALUE	VALUE	VALUE	VALUE
KIDNAPING 221A	CV	63.9	73.7	.	.	.	.	.	.	.	.
	MEAN	86.4	53.2	.	.	.	.	.	.	.	.
	MEDIAN	72.0	39.0	.	.	.	.	.	.	.	.
	N	5.0	5.0	.	.	.	.	.	.	.	.
	STD	55.3	39.2	.	.	.	.	.	.	.	.
	50 QTL	84.0	61.5	.	.	.	.	.	.	.	.
KIDNAPING 221B	CV	67.8	45.0	.	.	52.1	45.4	.	.	.	.
	MEAN	89.5	49.2	.	.	271.2	101.0	.	.	.	.
	MEDIAN	72.0	49.0	.	.	360.0	124.0	.	.	.	.
	N	13.0	13.0	.	.	5.0	5.0	.	.	.	.
	STD	60.7	22.1	.	.	141.4	45.8	.	.	.	.
	50 QTL	78.0	40.5	.	.	222.0	79.5	.	.	.	.
KIDNAPING 221D	CV	70.3	65.2	.	.	.	.	25.4	24.4	.	.
	MEAN	164.2	82.6	.	.	.	.	282.0	142.3	.	.
	MEDIAN	120.0	80.0	.	.	.	.	276.0	137.0	.	.
	N	9.0	9.0	.	.	.	.	6.0	6.0	.	.
	STD	115.4	53.8	.	.	.	.	71.5	34.7	.	.
	50 QTL	211.0	80.0	.	.	.	.	135.0	58.5	.	.

(CONTINUED)



DISTRIBUTION PARAMETERS FOR SENTENCE LENGTH AND TIME SERVED  
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 EXCLUDING OFFENSES WITH LESS THAN 5 CASES  
 SENTENCE = MAXIMUM SENTENCE

OFFENSE	STATISTIC	RISK									
		V GOOD	GOOD	FAIR	POOR	SENT/SERV	SENT/SERV	SENT/SERV	SENT/SERV	SAMPLE	SAMPLE
KIDNAPING 221E	CV	82.2	36.5	.	.	.	.	.	.	.	.
	MEAN	78.0	35.0	.	.	.	.	.	.	.	.
	MEDIAN	60.0	40.0	.	.	.	.	.	.	.	.
	N	8.0	8.0	.	.	.	.	.	.	.	.
	STD	64.1	12.8	.	.	.	.	.	.	.	.
RAPE 231A	50 QTL	69.0	15.3	.	.	.	.	.	.	.	.
	CV	77.3	50.8	68.0	53.2	73.0	53.8	88.9	65.3		
	MEAN	112.1	55.0	137.3	75.2	175.3	93.8	146.4	82.0		
	MEDIAN	84.0	52.0	110.0	68.0	120.0	80.0	84.0	56.0		
	N	25.0	25.0	12.0	12.0	9.0	9.0	5.0	5.0		
THREAT COMM 251	STD	86.7	27.9	93.3	40.0	128.0	50.4	130.2	53.5		
	50 QTL	144.0	51.5	153.0	67.0	258.0	86.0	216.0	100.0		
	CV	.	.	.	.	.	.	.	62.1	62.0	
	MEAN	.	.	.	.	.	.	.	74.7	49.2	
	MEDIAN	.	.	.	.	.	.	.	60.0	39.0	
THREAT COMM 251	N	.	.	.	.	.	.	.	9.0	9.0	
	STD	.	.	.	.	.	.	.	46.4	30.5	
	50 QTL	.	.	.	.	.	.	.	42.0	29.5	

(CONTINUED)

DISTRIBUTION PARAMETERS FOR SENTENCE LENGTH AND TIME SERVED  
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 EXCLUDING OFFENSES WITH LESS THAN 5 CASES  
 SENTENCE = MAXIMUM SENTENCE

OFFENSE	STATISTIC	RISK											
		V GOOD			GOOD			FAIR			POOR		
		SENT/SERV	SENT	SERV	SENT/SERV	SENT	SERV	SENT/SERV	SENT	SERV	SENT/SERV	SENT	SERV
		VALUE	VALUE	VALUE	VALUE	VALUE	VALUE	VALUE	VALUE	VALUE	VALUE	VALUE	VALUE
ARSON 301A	CV	85.8	49.8	76.7	46.8	.	.	.	.	.	.	.	.
	MEAN	91.5	52.9	70.0	41.9	.	.	.	.	.	.	.	.
	MEDIAN	66.0	46.5	54.0	39.0	.	.	.	.	.	.	.	.
	N	10.0	10.0	7.0	7.0	.	.	.	.	.	.	.	.
	STD	78.5	26.3	53.7	19.6	.	.	.	.	.	.	.	.
	50 QTL	45.0	28.8	60.0	34.0	.	.	.	.	.	.	.	.
ARSON 301B	CV	64.4	49.5	84.2	50.0	67.2	48.8	26.7	22.5				
	MEAN	59.7	34.9	54.3	34.4	75.4	45.7	60.0	41.4				
	MEDIAN	42.0	28.0	48.0	37.0	54.0	39.0	60.0	40.0				
	N	56.0	56.0	12.0	12.0	14.0	14.0	10.0	10.0				
	STD	38.4	17.3	45.7	17.2	50.7	22.3	16.0	9.3				
	50 QTL	54.0	22.3	48.8	29.3	84.0	42.3	15.0	5.0				
ARSON 301C	CV	99.7	36.1	.	.	34.5	28.6	.	.				
	MEAN	54.0	22.1	.	.	51.6	37.6	.	.				
	MEDIAN	36.0	20.0	.	.	60.0	44.0	.	.				
	N	9.0	9.0	.	.	5.0	5.0	.	.				
	STD	53.8	8.0	.	.	17.8	10.7	.	.				
	50 QTL	57.0	12.0	.	.	33.0	20.0	.	.				

(CONTINUED)

DISTRIBUTION PARAMETERS FOR SENTENCE LENGTH AND TIME SERVED  
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OFFENSE	STATISTIC	RISK									
		V GOOD		GOOD		FAIR		POOR			
		SENT/SERV	VALUE	SENT/SERV	VALUE	SENT/SERV	VALUE	SENT/SERV	VALUE	SENT/SERV	VALUE
PROP DESTR 303D	CV	18.8	20.7	.	.	.	.	.	.	.	.
	MEAN	32.0	19.4	.	.	.	.	.	.	.	.
	MEDIAN	36.0	20.0	.	.	.	.	.	.	.	.
	N	9.0	9.0	.	.	.	.	.	.	.	.
	STD	6.0	4.0	.	.	.	.	.	.	.	.
	50 QTL	12.0	4.5	.	.	.	.	.	.	.	.
BURGLARY 311B	CV	62.8	31.7	69.8	47.8	78.6	50.3	44.3	38.1		
	MEAN	65.1	35.4	63.0	30.0	64.9	38.0	73.2	48.7		
	MEDIAN	60.0	36.0	72.0	36.0	48.0	36.5	72.0	44.5		
	N	7.0	7.0	7.0	7.0	22.0	22.0	22.0	22.0		
	STD	40.9	11.2	44.0	14.4	51.0	19.1	32.4	18.6		
	50 QTL	48.0	21.0	72.0	23.0	43.5	22.3	53.3	29.0		
BURGLARY 311D	CV	.	.	.	.	66.1	50.0	.	.		
	MEAN	.	.	.	.	53.7	20.2	.	.		
	MEDIAN	.	.	.	.	48.0	16.5	.	.		
	N	.	.	.	.	6.0	6.0	.	.		
	STD	.	.	.	.	35.5	10.1	.	.		
	50 QTL	.	.	.	.	50.5	11.0	.	.		

(CONTINUED)

DISTRIBUTION PARAMETERS FOR SENTENCE LENGTH AND TIME SERVED  
 WITHIN-OFFENSE BY SALIENT FACTOR SCORE RISK GROUP  
 FOR INITIAL HEARINGS \* ADULT CASES AND ADULT GUIDELINES  
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 EXCLUDING OFFENSES WITH LESS THAN 5 CASES  
 SENTENCE = MAXIMUM SENTENCE

OFFENSE	STATISTIC	RISK									
		V GOOD		GOOD		FAIR		POOR			
		SENT/SERV	VALUE	SENT/SERV	VALUE	SENT/SERV	VALUE	SENT/SERV	VALUE	SENT/SERV	VALUE
ROBBERY 321A	CV	71.9	60.5	61.4	43.8	54.1	28.3	53.8	41.5		
	MEAN	93.8	35.1	130.5	51.2	131.4	55.3	149.6	71.0		
	MEDIAN	72.0	30.0	120.0	44.5	120.0	54.0	120.0	72.0		
	N	141.0	141.0	84.0	84.0	103.0	103.0	170.0	170.0		
	STD	67.5	21.3	80.2	22.4	71.1	15.7	80.4	29.5		
	50 QTL	84.0	16.0	120.0	23.0	120.0	22.0	120.0	24.0		
ROBBERY(3- 4)321A	CV	45.1	22.8	58.0	41.3	63.2	58.7	47.4	30.7		
	MEAN	91.5	43.9	193.8	77.9	157.1	75.0	188.6	91.6		
	MEDIAN	90.0	41.0	144.0	64.0	144.0	70.0	180.0	89.0		
	N	24.0	24.0	13.0	13.0	21.0	21.0	40.0	40.0		
	STD	41.2	10.0	112.3	32.2	99.3	44.0	89.5	28.2		
	50 QTL	72.0	15.0	204.0	50.5	156.0	32.5	120.0	20.0		
ROBBERY(5+) 321A	CV	51.7	33.2	63.9	35.1	46.3	33.8	50.1	43.4		
	MEAN	169.5	73.8	151.7	77.5	169.5	96.4	171.0	98.0		
	MEDIAN	138.0	65.0	120.0	80.0	144.0	96.0	180.0	96.0		
	N	16.0	16.0	14.0	14.0	16.0	16.0	25.0	25.0		
	STD	87.6	24.5	97.0	27.2	78.5	32.6	85.7	42.5		
	50 QTL	123.0	37.0	96.0	35.3	87.0	26.8	120.0	70.5		

(CONTINUED)

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 EXCLUDING OFFENSES WITH LESS THAN 5 CASES  
 SENTENCE = MAXIMUM SENTENCE

OFFENSE	STATISTIC	RISK												
		V GOOD			GOOD			FAIR			POOR			
		SENT/SERV	SERV	SENT	SENT/SERV	SERV	SENT	SENT/SERV	SERV	SENT	SENT/SERV	SERV	SENT	SENT/SERV
		VALUE	VALUE	VALUE	VALUE	VALUE	VALUE	VALUE	VALUE	VALUE	VALUE	VALUE	VALUE	VALUE
321A6	CV	34.3	28.6	.	52.7	13.9	34.9	30.1						
	MEAN	146.5	71.5	.	174.0	96.0	181.3	106.2						
	MEDIAN	144.0	64.5	.	144.0	96.0	180.0	108.0						
	N	6.0	6.0	.	6.0	6.0	9.0	9.0						
	STD	50.3	20.4	.	91.6	13.4	63.3	31.9						
	50 QTL	81.8	31.0	.	69.0	16.0	132.0	62.5						
	CV	67.7	37.9	39.3	20.6	87.5	54.9	.						
	MEAN	61.4	31.7	50.7	34.3	109.6	46.2	.						
	MEDIAN	60.0	35.5	48.0	37.0	72.0	47.0	.						
	N	22.0	22.0	9.0	9.0	5.0	5.0	.						
STD	41.5	12.0	19.9	7.1	95.9	25.4	.							
50 QTL	48.0	21.0	18.0	8.5	182.0	48.0	.							
THEFT 331A	CV	74.8	47.7	88.7	65.8	79.8	49.3	91.0	87.6					
	MEAN	55.4	33.2	74.9	45.0	84.0	49.0	122.2	80.0					
	MEDIAN	36.0	28.0	54.0	40.0	60.0	40.0	72.0	53.0					
	N	260.0	260.0	37.0	37.0	25.0	25.0	11.0	11.0					
	STD	41.4	15.8	66.5	29.6	67.0	24.1	111.1	70.1					
	50 QTL	48.0	20.0	57.0	24.5	64.0	40.5	204.0	97.0					

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 EXCLUDING OFFENSES WITH LESS THAN 5 CASES  
 SENTENCE = MAXIMUM SENTENCE

OFFENSE	STATISTIC	RISK							
		V GOOD	GOOD	FAIR	POOR				
		SENT/SERV	SENT/SERV	SENT/SERV	SENT/SERV	SENT/SERV	SENT/SERV		
		SENT	SERV	SENT	SERV	SENT	SERV		
		SAMPLE	SAMPLE	SAMPLE	SAMPLE	SAMPLE	SAMPLE		
		VALUE	VALUE	VALUE	VALUE	VALUE	VALUE		
THEFT 331B	CV	73.3	36.1	79.8	41.4	54.2	36.9	52.4	42.8
	MEAN	45.6	25.1	58.5	33.8	68.1	41.5	64.3	41.7
	MEDIAN	36.0	24.0	48.0	32.0	60.0	40.0	60.0	40.0
	N	283.0	283.0	61.0	61.0	63.0	63.0	39.0	39.0
	STD	33.4	9.1	46.7	14.0	36.9	15.3	33.7	17.8
	50 QTL	36.0	11.0	36.0	17.5	60.0	26.0	36.0	20.0
	CV	79.4	47.6	84.0	34.4	63.6	35.7	67.4	37.5
THEFT 331C	MEAN	42.3	18.6	57.5	25.2	57.5	32.1	64.0	37.7
	MEDIAN	36.0	17.0	48.0	24.0	48.0	30.0	57.0	37.0
	N	256.0	256.0	125.0	125.0	75.0	75.0	74.0	74.0
	STD	33.6	8.9	48.3	8.7	36.6	11.5	43.1	14.1
	50 QTL	30.0	6.0	48.0	6.0	24.0	8.0	36.0	16.0
	CV	57.7	37.7	58.0	32.5	56.4	29.4	54.1	32.0
	MEAN	33.5	13.8	39.8	18.5	43.6	23.7	55.1	30.2
THEFT 331D	MEDIAN	25.5	12.0	36.0	17.0	36.0	23.0	48.0	29.0
	N	174.0	174.0	130.0	130.0	117.0	117.0	130.0	130.0
	STD	19.3	5.2	23.1	6.0	24.6	7.0	29.8	9.7
	50 QTL	12.0	4.3	24.0	4.0	36.0	6.0	24.0	8.0

(CONTINUED)

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 SENTENCE = MAXIMUM SENTENCE

OFFENSE	STATISTIC	RISK											
		V GOOD			GOOD			FAIR			POOR		
		SENT/SERV	SENT	SERV	SENT/SERV	SENT	SERV	SENT/SERV	SENT	SERV	SENT/SERV	SENT	SERV
		VALUE	VALUE	VALUE	VALUE	VALUE	VALUE	VALUE	VALUE	VALUE	VALUE	VALUE	VALUE
THEFT 331E	CV	. . .	. . .	. . .	. . .	. . .	. . .	. . .	. . .	. . .	. . .	. . .	. . .
	MEAN	. . .	. . .	. . .	. . .	. . .	. . .	. . .	. . .	. . .	. . .	. . .	. . .
	MEDIAN	. . .	. . .	. . .	. . .	. . .	. . .	. . .	. . .	. . .	. . .	. . .	. . .
	N	. . .	. . .	. . .	. . .	. . .	. . .	. . .	. . .	. . .	. . .	. . .	. . .
	STD	. . .	. . .	. . .	. . .	. . .	. . .	. . .	. . .	. . .	. . .	. . .	. . .
	50 QTL	. . .	. . .	. . .	. . .	. . .	. . .	. . .	. . .	. . .	. . .	. . .	. . .
THEFT 331F1	CV	41.3	38.1	64.9	50.9	48.7	42.3	53.4	32.6				
	MEAN	26.7	10.6	39.9	15.6	39.7	18.1	41.2	22.7				
	MEDIAN	24.0	10.0	36.0	12.5	36.0	16.0	36.0	20.0				
	N	45.0	45.0	98.0	98.0	114.0	114.0	127.0	127.0				
	STD	11.0	4.0	25.9	8.0	19.3	7.7	22.0	7.4				
	50 QTL	18.0	4.5	24.0	8.0	24.0	5.0	36.0	6.0				
THEFT 331F2	CV	50.6	35.1	36.5	9.8	38.0	22.9	34.9	38.3				
	MEAN	38.4	15.3	38.4	18.0	39.5	22.7	54.7	31.3				
	MEDIAN	36.0	13.5	39.5	18.0	36.0	20.0	58.5	30.0				
	N	10.0	10.0	8.0	8.0	12.0	12.0	12.0	12.0				
	STD	19.4	5.4	14.0	1.8	15.0	5.2	19.1	12.0				
	50 QTL	36.0	9.5	22.5	3.3	33.0	4.8	30.0	11.3				

(CONTINUED)

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OFFENSE	STATISTIC	RISK									
		V GOOD		GOOD		FAIR		POOR		POOR	
		SENT/SERV	SENT/SERV	SENT/SERV	SENT/SERV	SENT/SERV	SENT/SERV	SENT/SERV	SENT/SERV	SENT/SERV	SENT/SERV
COUNTERFEIT 341A	CV	41.4	33.6	51.1	43.9	.	.	.	.	.	.
	MEAN	41.1	29.4	49.7	35.3	.	.	.	.	.	.
	MEDIAN	36.0	28.0	48.0	37.0	.	.	.	.	.	.
	N	20.0	20.0	7.0	7.0	.	.	.	.	.	.
	STD	17.0	9.9	25.4	15.5	.	.	.	.	.	.
	50 QTL	36.0	20.0	36.0	20.0	.	.	.	.	.	.
COUNTERFEIT 341B	CV	66.7	42.8	30.5	27.3	.	.	.	.	57.6	44.6
	MEAN	42.1	26.0	52.8	35.0	.	.	.	.	86.4	51.8
	MEDIAN	36.0	24.5	60.0	36.0	.	.	.	.	96.0	60.0
	N	18.0	18.0	5.0	5.0	.	.	.	.	5.0	5.0
	STD	28.1	11.1	16.1	9.5	.	.	.	.	49.8	23.1
	50 QTL	27.0	11.5	18.0	14.5	.	.	.	.	96.0	43.5
COUNTERFEIT 341C	CV	22.2	18.1	.	.	59.8	79.1	.	.	.	.
	MEAN	25.7	15.0	.	.	99.0	44.4	.	.	.	.
	MEDIAN	24.0	14.0	.	.	120.0	28.0	.	.	.	.
	N	7.0	7.0	.	.	5.0	5.0	.	.	.	.
	STD	5.7	2.7	.	.	59.2	35.1	.	.	.	.
	50 QTL	6.0	1.0	.	.	115.5	44.0	.	.	.	.

(CONTINUED)



DISTRIBUTION PARAMETERS FOR SENTENCE LENGTH AND TIME SERVED  
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OFFENSE	STATISTIC	RISK									
		V GOOD	GOOD	FAIR	POOR	SENT/SERV	SENT/SERV	SENT/SERV	SENT/SERV	SENT/SERV	SENT/SERV
COUNTERFEIT 341D	CV	54.2	28.6	59.8	47.0	76.5	34.9	51.9	44.8		
	MEAN	36.0	13.5	51.4	22.7	38.0	22.8	53.1	32.3		
	MEDIAN	27.0	12.5	36.0	16.0	27.0	19.5	36.0	28.0		
	N	8.0	8.0	7.0	7.0	6.0	6.0	7.0	7.0		
	STD	19.5	3.9	30.8	10.7	29.1	8.0	27.6	14.5		
	50 QTL	33.0	6.8	48.0	21.0	28.5	11.5	48.0	3.0		
COUNTERFEIT 341E	CV	36.9	48.5	61.7	47.3	28.3	21.0	82.7	38.0		
	MEAN	38.0	13.8	38.5	14.8	30.0	14.8	36.6	20.5		
	MEDIAN	36.0	12.5	30.0	12.0	36.0	14.0	27.0	19.0		
	N	6.0	6.0	11.0	11.0	5.0	5.0	10.0	10.0		
	STD	14.0	6.7	23.7	7.0	8.5	3.1	30.3	7.8		
	50 QTL	27.0	10.5	24.0	5.0	15.0	5.0	12.0	3.8		
COUNTERFEIT 342	CV	84.6	51.4	.	.	.	.	74.1	59.4		
	MEAN	62.3	28.1	.	.	.	.	49.5	34.7		
	MEDIAN	52.5	24.0	.	.	.	.	36.0	27.5		
	N	12.0	12.0	.	.	.	.	6.0	6.0		
	STD	52.7	14.4	.	.	.	.	36.7	20.6		
	50 QTL	59.3	14.5	.	.	.	.	39.8	26.3		

(CONTINUED)

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 SENTENCE = MAXIMUM SENTENCE

OFFENSE	STATISTIC	RISK									
		V GOOD	GOOD	FAIR	POOR	SENT/SERV	SENT/SERV	SENT/SERV	SENT/SERV	SENT/SERV	SENT/SERV
ILLEGL ALIEN 401	CV	26.2	29.1	28.2	21.2	15.4	15.0	31.6	29.3		
	MEAN	20.1	11.5	20.9	12.8	21.4	16.5	23.3	18.7		
	MEDIAN	24.0	11.0	18.0	12.0	24.0	16.0	24.0	19.0		
	N	16.0	16.0	21.0	21.0	27.0	27.0	27.0	27.0		
	STD	5.3	3.3	5.9	2.7	3.3	2.5	7.4	5.5		
SMUGGL ALIEN 402	50 QTL	9.0	3.5	6.0	3.0	6.0	5.0	6.0	5.0		
	CV	68.9	47.6	52.1	30.1	60.4	31.9	58.3	31.8		
	MEAN	35.3	15.6	36.5	18.8	41.0	23.7	36.4	24.4		
	MEDIAN	30.0	14.0	36.0	18.0	36.0	22.0	29.0	23.5		
	N	124.0	124.0	77.0	77.0	62.0	62.0	30.0	30.0		
PASSPORT 403B	STD	24.3	7.4	19.0	5.7	24.8	7.6	21.2	7.8		
	50 QTL	17.8	4.0	24.0	5.5	36.0	9.0	18.0	13.0		
	CV	64.5	55.0								
	MEAN	36.0	15.4								
	MEDIAN	24.0	12.0								
	N	9.0	9.0								
	STD	23.2	8.5								
	50 QTL	12.0	10.0								

(CONTINUED)

DISTRIBUTION PARAMETERS FOR SENTENCE LENGTH AND TIME SERVED  
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 EXCLUDING OFFENSES WITH LESS THAN 5 CASES  
 SENTENCE = MAXIMUM SENTENCE

OFFENSE	STATISTIC	RISK							
		V GOOD		GOOD		FAIR		POOR	
		SENT/SERV	VALUE	SENT/SERV	VALUE	SENT/SERV	VALUE	SENT/SERV	VALUE
CITIZENSHIP 404A	CV	62.4	26.8	.	.	.	.	.	.
	MEAN	36.0	16.6	.	.	.	.	.	.
	MEDIAN	24.0	19.0	.	.	.	.	.	.
	N	5.0	5.0	.	.	.	.	.	.
	STD	22.4	4.4	.	.	.	.	.	.
	50 QTL	42.0	8.0	.	.	.	.	.	.
TAX EVASION 501A	CV	113.5	57.4	.	.	.	.	.	.
	MEAN	60.4	36.0	.	.	.	.	.	.
	MEDIAN	48.0	37.0	.	.	.	.	.	.
	N	15.0	15.0	.	.	.	.	.	.
	STD	68.5	20.7	.	.	.	.	.	.
	50 QTL	24.0	13.0	.	.	.	.	.	.
TAX EVASION 501B	CV	65.9	41.8	120.4	65.4	.	.	.	.
	MEAN	33.1	19.6	70.0	35.0	.	.	.	.
	MEDIAN	24.0	19.0	36.0	27.5	.	.	.	.
	N	30.0	30.0	6.0	6.0	.	.	.	.
	STD	21.8	8.2	84.3	22.9	.	.	.	.
	50 QTL	33.0	12.8	81.0	27.3	.	.	.	.

(CONTINUED)

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 EXCLUDING OFFENSES WITH LESS THAN 5 CASES  
 SENTENCE = MAXIMUM SENTENCE

OFFENSE	STATISTIC	RISK											
		V	GOOD	GOOD	FAIR	FAIR	POOR	POOR	SENT/SERV	SENT/SERV	SENT/SERV	SENT/SERV	
TAX EVASION 501C	CV	77.1	41.7	36.0	27.7	18.0	16.2	86.9	50.1				
	MEAN	38.5	20.0	30.4	21.4	31.7	25.0	79.2	37.8				
	MEDIAN	28.5	17.5	31.5	23.0	36.0	28.0	48.0	37.0				
	N	44.0	44.0	8.0	8.0	7.0	7.0	5.0	5.0				
	STD	29.7	8.4	10.9	5.9	5.7	4.0	68.9	18.9				
	50 QTL	12.0	8.8	12.0	7.0	12.0	8.0	126.0	37.0				
TAX EVASION 501D	CV	59.2	23.9	63.1	45.4	50.3	35.9						
	MEAN	36.9	14.5	28.5	17.3	34.7	23.0						
	MEDIAN	36.0	14.0	24.0	14.5	24.0	20.0						
	N	26.0	26.0	6.0	6.0	9.0	9.0						
	STD	21.8	3.5	18.0	7.9	17.4	8.2						
	50 QTL	19.5	6.3	27.8	14.8	30.0	8.5						
PERJURY 611	CV	46.5	31.5					96.0	67.6				
	MEAN	36.0	13.8					140.4	37.0				
	MEDIAN	36.0	12.0					84.0	28.0				
	N	11.0	11.0					5.0	5.0				
	STD	16.8	4.4					134.8	25.0				
	50 QTL	18.0	3.0					255.0	35.5				

(CONTINUED)

DISTRIBUTION PARAMETERS FOR SENTENCE LENGTH AND TIME SERVED  
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 SENTENCE = MAXIMUM SENTENCE

OFFENSE	STATISTIC	RISK					
		V GOOD	GOOD	FAIR	POOR		
		SENT/SERV	SENT/SERV	SENT/SERV	SENT/SERV	SENT/SERV	SENT/SERV
		VALUE	VALUE	VALUE	VALUE	VALUE	VALUE
TMPR EVDNCE 613B	CV	22.0	14.6	.	.	.	.
	MEAN	22.8	14.8	.	.	.	.
	MEDIAN	24.0	15.0	.	.	.	.
	N	5.0	5.0	.	.	.	.
	STD	5.0	2.2	.	.	.	.
	50 QTL	9.0	3.5	.	.	.	.
	CV	217.8	158.7	.	.	.	.
BRIBERY 621A	MEAN	137.3	71.6	.	.	.	.
	MEDIAN	96.0	60.0	.	.	.	.
	N	39.0	39.0	.	.	.	.
	STD	103.4	41.5	.	.	.	.
	50 QTL	112.0	29.5	.	.	.	.
	CV	81.2	56.2	.	.	.	.
	MEAN	59.1	23.1	.	.	.	.
BRIBERY 621B	MEDIAN	36.0	20.0	.	.	.	.
	N	29.0	29.0	.	.	.	.
	STD	48.0	13.0	.	.	.	.
	50 QTL	48.0	13.5	.	.	.	.

(CONTINUED)

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OFFENSE	STATISTIC	RISK					
		V GOOD	GOOD	FAIR	POOR	SENT/SERV	SENT/SERV
EXPLOSIVES 801	CV	77.1	58.5	47.1	41.1	88.2	75.9
	MEAN	46.8	25.0	34.3	25.9	56.4	41.2
	MEDIAN	36.0	24.0	36.0	28.0	36.0	28.0
	N	5.0	5.0	7.0	7.0	5.0	5.0
	STD	36.1	14.6	16.1	10.6	49.8	31.3
	50 QTL	69.0	25.5	24.0	18.0	69.0	44.0
GUN EX-FELON 811	CV	51.6	32.7	82.3	51.4	112.5	83.7
	MEAN	32.5	13.8	37.4	19.6	39.6	23.7
	MEDIAN	24.0	13.0	25.0	18.0	24.0	19.0
	N	19.0	19.0	53.0	53.0	62.0	62.0
	STD	16.8	4.5	30.8	10.1	44.5	19.8
	50 QTL	14.0	5.0	36.0	7.5	24.0	6.3
SILENCER 812A	CV	71.6	48.3	75.4	54.8	.	.
	MEAN	63.7	36.2	47.1	31.6	.	.
	MEDIAN	39.0	30.5	36.0	28.0	.	.
	N	38.0	38.0	7.0	7.0	.	.
	STD	45.6	17.5	35.6	17.3	.	.
	50 QTL	66.0	22.5	42.0	25.0	.	.

(CONTINUED)

DISTRIBUTION PARAMETERS FOR SENTENCE LENGTH AND TIME SERVED  
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OFFENSE	STATISTIC	RISK											
		V GOOD			GOOD			FAIR			POOR		
		SENT/SERV	SERV	SENT	SENT/SERV	SERV	SENT	SENT/SERV	SERV	SENT	SENT/SERV	SERV	SENT
SAWED-OFF 812B	CV	94.6	59.4	50.1	39.5	61.7	43.2	48.1	39.6				
	MEAN	56.9	32.4	42.0	29.3	43.2	29.7	51.6	36.5				
	MEDIAN	48.0	27.5	36.0	28.0	36.0	28.0	48.0	36.0				
	N	30.0	30.0	20.0	20.0	15.0	15.0	11.0	11.0				
	STD	53.8	19.3	21.1	11.6	26.7	12.9	24.8	14.4				
	50 QTL	31.5	13.0	36.0	20.8	36.0	21.0	24.0	13.0				
GUN DISTRIB 813A	CV	31.8	25.7	31.3	21.5								
	MEAN	45.4	33.1	82.0	53.5								
	MEDIAN	42.0	32.0	78.0	56.5								
	N	14.0	14.0	6.0	6.0								
	STD	14.5	8.5	25.6	11.5								
	50 QTL	24.0	11.8	42.0	24.0								
GUN DISTRIB 813B	CV	56.2	31.3										
	MEAN	47.1	28.6										
	MEDIAN	48.0	29.0										
	N	7.0	7.0										
	STD	26.5	8.9										
	50 QTL	30.0	11.0										

(CONTINUED)

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OFFENSE	STATISTIC	RISK							
		V GOOD	GOOD	FAIR	POOR	SENT/SERV	SENT/SERV		
GUN DISTRIB 813C	CV	42.7	35.7	49.5	35.5	56.9	33.1	53.6	36.1
	MEAN	29.9	17.8	35.3	22.7	40.5	26.0	48.5	32.3
	MEDIAN	24.0	18.0	36.0	23.0	36.0	27.0	42.0	33.0
	N	27.0	27.0	17.0	17.0	29.0	29.0	19.0	19.0
	STD	12.7	6.3	17.5	8.1	23.0	8.6	26.0	11.7
	50 QTL	18.0	6.0	12.0	7.0	30.0	13.0	36.0	21.0
GUN DISTRIB 813D	CV	.	.	.	.	.	.	52.8	46.6
	MEAN	.	.	.	.	.	.	35.8	26.2
	MEDIAN	.	.	.	.	.	.	36.0	27.0
	N	.	.	.	.	.	.	5.0	5.0
	STD	.	.	.	.	.	.	18.9	12.2
	50 QTL	.	.	.	.	.	.	36.5	24.0
OPIATES 901A	CV	60.9	44.2	73.8	55.8	69.5	70.5	.	.
	MEAN	147.2	86.5	173.1	91.6	141.6	91.4	.	.
	MEDIAN	132.0	98.0	144.0	96.0	144.0	78.0	.	.
	N	26.0	26.0	7.0	7.0	5.0	5.0	.	.
	STD	89.7	38.2	127.7	51.1	98.4	64.4	.	.
	50 QTL	111.0	74.0	252.0	102.0	162.0	104.5	.	.

(CONTINUED)



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 EXCLUDING OFFENSES WITH LESS THAN 5 CASES  
 SENTENCE = MAXIMUM SENTENCE

OFFENSE	STATISTIC	RISK											
		V GOOD			GOOD			FAIR			POOR		
		SENT/SERV	SENT/SERV	SENT/SERV	SENT/SERV	SENT/SERV	SENT/SERV	SENT/SERV	SENT/SERV	SENT/SERV	SENT/SERV	SENT/SERV	SENT/SERV
		SAMPLE	SAMPLE	SAMPLE	SAMPLE	SAMPLE	SAMPLE	SAMPLE	SAMPLE	SAMPLE	SAMPLE	SAMPLE	SAMPLE
		VALUE	VALUE	VALUE	VALUE	VALUE	VALUE	VALUE	VALUE	VALUE	VALUE	VALUE	VALUE
OPIATES 901B	CV	67.3	51.6	54.5	37.6	77.0	61.0						
	MEAN	97.7	54.5	113.3	67.0	170.0	89.7						
	MEDIAN	72.0	48.0	120.0	79.0	126.0	84.0						
	N	42.0	42.0	9.0	9.0	6.0	6.0						
	STD	65.8	28.1	61.8	25.2	130.9	54.7						
	50 QTL	63.0	31.5	90.0	52.0	258.0	88.0						
OPIATES 901C	CV	60.7	38.4										
	MEAN	100.6	42.1										
	MEDIAN	96.0	40.0										
	N	18.0	18.0										
	STD	61.1	16.2										
	50 QTL	87.0	24.3										
OPIATES 901D	CV	66.9	34.7	63.5	35.2	65.2	50.1	65.4	37.8				
	MEAN	67.5	36.8	82.8	45.0	107.8	59.9	161.0	77.9				
	MEDIAN	60.0	39.0	72.0	45.0	96.0	64.0	129.0	71.5				
	N	147.0	147.0	24.0	24.0	17.0	17.0	12.0	12.0				
	STD	45.2	12.8	52.6	15.8	70.3	30.0	105.3	29.5				
	50 QTL	48.0	18.0	70.5	23.8	132.0	41.0	127.5	43.8				

(CONTINUED)

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 SENTENCE = MAXIMUM SENTENCE

OFFENSE	STATISTIC	RISK											
		V GOOD		GOOD		FAIR		POOR		SENT/SERV		SENT/SERV	
		VALUE	VALUE	VALUE	VALUE	VALUE	VALUE	VALUE	VALUE	VALUE	VALUE	VALUE	VALUE
OPIATES 901E	CV	34.7	18.3	.	.	.	.	.	.	.	.	.	.
	MEAN	43.3	25.9	.	.	.	.	.	.	.	.	.	.
	MEDIAN	36.0	27.0	.	.	.	.	.	.	.	.	.	.
	N	43.0	43.0	.	.	.	.	.	.	.	.	.	.
	STD	15.0	4.7	.	.	.	.	.	.	.	.	.	.
	50 QTL	24.0	4.0	.	.	.	.	.	.	.	.	.	.
OPIATES 901F	CV	83.1	45.4	58.9	31.6	68.1	35.5	92.1	58.4				
	MEAN	60.6	29.3	60.8	34.1	71.5	39.3	95.7	51.5				
	MEDIAN	36.0	28.0	51.0	37.0	60.0	39.5	78.0	49.5				
	N	88.0	88.0	28.0	28.0	24.0	24.0	14.0	14.0				
	STD	50.4	13.3	35.8	10.8	48.7	14.0	88.2	30.1				
	50 QTL	54.0	7.8	45.0	13.0	60.0	26.0	90.0	44.3				
OPIATES 901G	CV	91.9	71.1	67.2	39.5	67.1	33.3	51.5	35.1				
	MEAN	60.9	22.7	58.0	25.8	58.3	29.1	59.8	37.5				
	MEDIAN	36.0	18.0	48.0	24.0	48.0	28.0	48.0	37.5				
	N	64.0	64.0	29.0	29.0	30.0	30.0	24.0	24.0				
	STD	56.0	16.1	39.0	10.2	39.1	9.7	30.8	13.2				
	50 QTL	30.0	5.8	30.0	7.5	41.0	11.3	45.0	14.5				

(CONTINUED)

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OFFENSE	STATISTIC	RISK										
		V GOOD		FAIR		GOOD		FAIR		POOR		
		SENT/SERV	SENT	SENT/SERV	SENT	SENT/SERV	SENT	SENT/SERV	SENT	SENT/SERV	SENT	SENT/SERV
OPIATES 901H	CV	54.3	28.4	69.3	47.5	54.9	43.5	62.8	34.2			
	MEAN	31.7	13.9	48.4	20.7	63.1	28.0	72.9	34.0			
	MEDIAN	24.0	15.0	39.0	18.0	60.0	24.0	60.0	32.0			
	N	7.0	7.0	28.0	28.0	39.0	39.0	42.0	42.0			
	STD	17.2	3.9	33.6	9.8	34.6	12.2	45.8	11.6			
	50 QTL	30.0	6.0	35.0	4.0	54.0	12.0	55.5	13.3			
MARIHUANA 911A	CV	71.6	45.8	77.5	48.8	56.9	29.8					
	MEAN	86.9	44.0	124.8	49.8	82.7	44.1					
	MEDIAN	60.0	40.0	96.0	48.0	60.0	40.0					
	N	191.0	191.0	17.0	17.0	9.0	9.0					
	STD	62.3	20.2	96.7	24.3	47.0	13.2					
	50 QTL	78.0	20.0	162.0	36.0	66.0	14.5					
MARIHUANA 911B	CV	55.4	25.7	47.5	23.8	60.1	37.4					
	MEAN	43.9	25.8	51.9	33.9	56.0	36.5					
	MEDIAN	36.0	26.0	48.0	37.0	48.0	37.0					
	N	228.0	228.0	17.0	17.0	6.0	6.0					
	STD	24.3	6.6	24.6	8.1	33.7	13.7					
	50 QTL	30.0	4.0	24.0	12.5	42.0	19.3					

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OFFENSE	STATISTIC	RISK											
		V GOOD			GOOD			FAIR			POOR		
		VALUE	SAMPLE	SENT	VALUE	SAMPLE	SENT	VALUE	SAMPLE	SENT	VALUE	SAMPLE	SENT
MARIHUANA 911C	CV	67.3	35.0	64.3	29.9	34.2	13.5						
	MEAN	52.7	27.3	74.6	38.3	58.7	39.4						
	MEDIAN	38.0	26.0	60.0	37.0	54.0	40.0						
	N	297.0	297.0	35.0	35.0	9.0	9.0						
	STD	35.5	9.6	48.0	11.5	20.1	5.3						
	50 QTL	30.0	11.0	54.0	11.0	12.0	4.5						
MARIHUANA 911D	CV	67.1	42.3	53.2	25.2	41.6	26.8	56.0	38.8				
	MEAN	43.3	18.3	54.4	25.1	54.0	32.3	57.0	34.0				
	MEDIAN	36.0	17.0	48.0	24.0	54.0	32.0	54.0	35.5				
	N	229.0	229.0	44.0	44.0	15.0	15.0	8.0	8.0				
	STD	29.0	7.7	28.9	6.3	22.4	8.6	31.9	13.2				
	50 QTL	36.0	6.0	24.0	6.8	24.0	10.0	45.0	17.5				
MARIHUANA 911E	CV	55.3	39.6	48.0	35.3	71.6	18.7						
	MEAN	40.2	15.9	36.4	19.1	43.7	21.3						
	MEDIAN	36.0	14.0	30.0	18.0	30.0	20.0						
	N	56.0	56.0	16.0	16.0	7.0	7.0						
	STD	22.2	6.3	17.5	6.8	31.3	4.0						
	50 QTL	24.0	6.3	16.5	4.0	36.0	5.0						

(CONTINUED)

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 SENTENCE = MAXIMUM SENTENCE

OFFENSE	STATISTIC	RISK					
		V GOOD	GOOD	FAIR	POOR	SENT/SERV	SENT/SERV
MARIHUANA 911F	CV	63.4	49.0	52.8	27.9	56.1	26.4
	MEAN	40.8	13.1	36.4	12.1	43.3	17.2
	MEDIAN	30.0	11.0	33.0	11.5	36.0	16.5
	N	26.0	26.0	10.0	10.0	6.0	6.0
	STD	25.8	6.4	19.2	3.4	24.3	4.5
	50 QTL	36.0	12.0	19.5	5.8	17.0	7.0
COCAINE 921A	CV	62.2	52.1	49.7	47.2	39.9	38.7
	MEAN	99.7	63.7	99.6	67.2	109.5	73.4
	MEDIAN	96.0	58.5	84.0	56.0	120.0	80.0
	N	128.0	128.0	13.0	13.0	8.0	8.0
	STD	62.0	33.2	49.5	31.7	43.7	28.4
	50 QTL	60.0	41.0	93.0	58.5	45.0	30.0
COCAINE 921B	CV	53.3	37.6	29.4	25.8	.	.
	MEAN	82.9	49.6	72.8	49.4	.	.
	MEDIAN	72.0	48.0	72.0	47.5	.	.
	N	102.0	102.0	8.0	8.0	.	.
	STD	44.2	18.7	21.4	12.8	.	.
	50 QTL	72.0	25.3	33.0	20.8	.	.

(CONTINUED)

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 EXCLUDING TENVR M CASES GIVEN TEN YEAR SET-OFFS  
 EXCLUDING OFFENSES WITH LESS THAN 5 CASES  
 SENTENCE = MAXIMUM SENTENCE

OFFENSE	STATISTIC	RISK															
		V	GOOD	GOOD	FAIR	FAIR	POOR	POOR	SENT/SERV	SENT/SERV	SENT/SERV	SENT/SERV	SENT/SERV	SENT/SERV			
COCAINE 921C	CV	66.1	35.8	73.0	42.8												
	MEAN	64.8	33.6	66.2	39.3												
	MEDIAN	48.0	34.0	57.5	42.5												
	N	44.0	44.0	6.0	6.0												
	STD	42.8	12.0	48.3	16.8												
	50 QTL	48.0	17.0	61.5	28.8												
COCAINE 921D	CV	62.7	32.1	64.4	37.2	33.8	32.8	51.8	49.1								
	MEAN	71.7	39.0	87.9	48.9	74.0	49.6	81.0	54.9								
	MEDIAN	60.0	40.0	72.0	48.0	66.0	44.5	66.0	44.0								
	N	336.0	336.0	40.0	40.0	12.0	12.0	8.0	8.0								
	STD	44.9	12.5	56.6	18.2	25.0	16.3	41.9	27.0								
	50 QTL	60.0	18.0	69.0	23.3	24.0	16.0	69.0	43.0								
COCAINE 921E	CV	56.9	30.4	63.2	25.8												
	MEAN	48.2	25.7	60.2	35.5												
	MEDIAN	36.0	24.5	60.0	38.0												
	N	74.0	74.0	14.0	14.0												
	STD	27.4	7.8	38.0	9.2												
	50 QTL	37.3	10.0	27.0	12.0												

(CONTINUED)

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OFFENSE	STATISTIC	RISK									
		V GOOD		GOOD		FAIR		POOR		POOR	
		SENT/SERV	SENT/SERV	SENT/SERV	SENT/SERV	SENT/SERV	SENT/SERV	SENT/SERV	SENT/SERV	SENT/SERV	SENT/SERV
COCAINE 921F	VALUE	70.2	37.6	69.6	36.1	74.8	41.1	54.8	47.2		
	CV	56.2	28.1	70.4	35.5	110.8	51.6	90.0	56.0		
	MEAN	48.0	27.0	60.0	36.0	81.0	49.0	60.0	45.0		
	MEDIAN	521.0	521.0	96.0	96.0	24.0	24.0	14.0	14.0		
	N	39.5	10.6	49.0	12.8	82.8	21.2	49.3	26.4		
	50 QTL	42.0	8.0	60.0	15.0	96.0	23.0	96.0	34.3		
921G	CV	72.2	49.4	55.0	29.2	58.9	38.1	42.3	26.9		
	MEAN	49.9	19.9	55.4	24.8	79.8	34.2	69.0	39.4		
	MEDIAN	36.0	18.0	48.0	23.0	66.0	32.5	66.0	38.5		
	N	242.0	242.0	65.0	65.0	30.0	30.0	8.0	8.0		
	STD	36.1	9.8	30.4	7.2	47.0	13.0	29.2	10.6		
	50 QTL	36.0	6.0	36.0	8.0	64.5	12.5	39.0	11.0		
921H	CV	53.9	32.9	53.4	33.7	40.2	28.8				
	MEAN	33.0	13.2	47.6	18.7	48.9	22.2				
	MEDIAN	24.0	12.0	42.0	18.0	48.0	22.0				
	N	32.0	32.0	14.0	14.0	15.0	15.0				
	STD	17.8	4.3	25.4	6.3	19.7	6.4				
	50 QTL	12.0	3.8	39.0	7.0	24.0	4.0				

(CONTINUED)

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OFFENSE	STATISTIC	RISK									
		V GOOD		GOOD		FAIR		POOR		POOR	
		SENT/SERV	VALUE	SENT/SERV	VALUE	SENT/SERV	VALUE	SENT/SERV	VALUE	SENT/SERV	VALUE
921I	CV	49.7	39.5	.	63.6	43.3	44.5	27.5			
	MEAN	36.3	13.5	.	49.4	21.3	39.5	23.7			
	MEDIAN	36.0	12.0	.	51.0	20.0	36.0	22.0			
	N	11.0	11.0	.	11.0	11.0	15.0	15.0			
	STD	18.0	5.4	.	31.4	9.2	17.6	6.5			
	50 QTL	12.0	5.0	.	42.0	11.0	24.0	9.0			
DRUGS 931A	CV	74.7	41.7	44.6	34.0	62.3	40.4	37.5	36.7		
	MEAN	67.8	38.9	64.5	42.3	80.5	46.2	69.3	46.2		
	MEDIAN	60.0	37.0	60.0	41.0	69.0	46.0	60.0	40.0		
	N	70.0	70.0	19.0	19.0	12.0	12.0	9.0	9.0		
	STD	50.6	16.3	28.8	14.4	50.2	18.7	26.0	17.0		
	50 QTL	27.0	14.8	48.0	24.0	84.0	34.0	36.0	26.0		
DRUGS 931B	CV	70.4	37.3	61.3	44.4	.	.	.	.		
	MEAN	45.5	28.6	51.6	32.6	.	.	.	.		
	MEDIAN	36.0	29.0	60.0	40.0	.	.	.	.		
	N	11.0	11.0	5.0	5.0	.	.	.	.		
	STD	32.1	10.7	31.6	14.5	.	.	.	.		
	50 QTL	33.0	22.0	57.0	27.5	.	.	.	.		

(CONTINUED)



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 SENTENCE = MAXIMUM SENTENCE

OFFENSE	STATISTIC	RISK															
		V GOOD		GOOD		FAIR		POOR		V GOOD		GOOD		FAIR		POOR	
		SENT/SERV	VALUE	SENT/SERV	VALUE	SENT/SERV	VALUE	SENT/SERV	VALUE	SENT/SERV	VALUE	SENT/SERV	VALUE	SENT/SERV	VALUE	SENT/SERV	VALUE
DRUGS 931C	CV	76.3	40.3	85.6	53.0	66.3	37.0	50.6	39.6								
	MEAN	52.0	28.0	62.6	36.3	75.3	42.0	63.2	42.2								
	MEDIAN	36.0	28.0	60.0	36.0	60.0	40.0	60.0	40.0								
	N	97.0	97.0	49.0	49.0	35.0	35.0	17.0	17.0								
	STD	39.6	11.3	53.6	19.2	49.9	15.5	32.0	16.7								
	50 QTL	36.0	15.0	24.0	13.0	60.0	26.0	30.0	17.5								
DRUGS 931D	CV	51.0	28.3	75.4	37.3	76.0	19.6	52.5	44.2								
	MEAN	40.2	18.2	41.0	22.6	54.4	29.3	70.7	44.0								
	MEDIAN	36.0	17.5	36.0	21.0	36.0	28.0	60.0	40.0								
	N	46.0	46.0	23.0	23.0	15.0	15.0	7.0	7.0								
	STD	20.5	5.1	30.9	8.4	41.4	5.7	37.1	19.5								
	50 QTL	36.0	6.3	24.0	7.0	12.0	7.0	81.0	20.0								
DRUGS 931E	CV	60.8	29.3	50.2	54.2	.	.	.	.								
	MEAN	34.0	15.7	74.4	27.2	.	.	.	.								
	MEDIAN	36.0	17.0	60.0	20.0	.	.	.	.								
	N	6.0	6.0	5.0	5.0	.	.	.	.								
	STD	20.7	4.6	37.4	14.7	.	.	.	.								
	50 QTL	39.0	10.0	72.0	28.0	.	.	.	.								

(CONTINUED)

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OFFENSE	STATISTIC	RISK									
		V GOOD	GOOD	FAIR	POOR	SENT/SERV	SENT/SERV	SENT/SERV	SENT/SERV	SENT/SERV	SENT/SERV
DRUGS 931F	CV	50.4	38.6	36.8	18.9	60.0	25.6	43.1	33.5		
	MEAN	42.2	15.3	46.4	17.2	89.9	27.3	53.5	25.0		
	MEDIAN	36.0	12.0	54.0	17.5	69.0	24.5	60.0	22.0		
	N	9.0	9.0	10.0	10.0	10.0	10.0	10.0	12.0	12.0	
	STD	21.3	5.9	17.1	3.3	54.0	7.0	23.1	8.4		
	50 QTL	39.0	9.5	36.0	5.8	60.3	14.3	29.0	9.5		
RACKETEER 1101	CV	62.8	66.0								
	MEAN	117.9	48.2								
	MEDIAN	108.0	40.0								
	N	23.0	23.0								
	STD	74.0	31.8								
	50 QTL	120.0	36.0								
GAMBLING 1111A	CV	74.2	30.5								
	MEAN	42.0	17.6								
	MEDIAN	36.0	14.0								
	N	5.0	5.0								
	STD	31.2	5.4								
	50 QTL	45.0	9.0								

(CONTINUED)

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 SENTENCE = MAXIMUM SENTENCE

OFFENSE	STATISTIC	RISK					
		V GOOD	GOOD	FAIR	POOR		
1161A	CV	28.2	28.7	.	.	.	.
	MEAN	34.0	26.2	.	.	.	.
	MEDIAN	36.0	27.0	.	.	.	.
	N	5.0	5.0	.	.	.	.
	STD	9.6	7.5	.	.	.	.
	50 QTL	19.0	15.0	.	.	.	.

