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FEDERAL PAROLE GUIDELINES:

THREE YEARS OF EXPERIENCE

by

Peter B. Hoffman

UNITED STATES BOARD OF PAROLE RESEARCH UNIT

REPORT TEN

November, 1975

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One of the most troublesome issues in the administration of criminal justice involves the exercise of discretionary power. On one hand, the unguided and unfettered exercise of discretion can lead to arbitrary and capricious decision-making, decision inequity, and disparity. Such has been a major criticism of sentencing and parole practices.^{1/} On the other hand, the rigid application of fixed and mechanical rules (e.g. mandatory sentences) can lead to results as undesirable and unjust.^{2/}

In an effort to balance the above considerations and provide more rational, consistent, and equitable decision-making without removing individual case consideration, the United States Board of Parole has promulgated decision-making guidelines which articulate the major elements considered in parole selection and the weights customarily given to them.^{3/} Briefly, the guideline concept postulates that by articulating the major decision criteria and the customary decision policy associated with the various combinations of major elements, a decision framework can be created specific enough to guide and control discretion, yet flexible enough to allow deviation from customary policy when warranted by the circumstances of a particular case. Developed during the course of a collaborative three year study of decision-making conducted by the Research Center of the National Council on Crime and Delinquency under a grant from the Law Enforcement Assistance Administration,^{4/} the Board's decision guidelines consider three major elements: the nature (gravity) of the current offense, parole prognosis, and institutional behavior.

The Guideline Matrix

Table I displays the guidelines for decision-making presently used by the Board of Parole for Adult cases. Separate guidelines are utilized for Youth and NARA (Narcotic Addict Rehabilitation Act) cases.^{5/} On the vertical axis, the gravity (severity) of the applicant's present federal offense behavior is considered. Six offense severity categories are listed. For each category, the Board has specified a number of offense behavior examples. For instance, the offense behaviors of embezzlement (less than \$20,000), theft of motor vehicle, and theft/forgery/fraud (\$1,000- \$19,999) are placed in the moderate severity category. Robbery, extortion, and sale of "hard" drugs are placed in the very high severity category. It is noted that these are merely examples of typical offense behaviors. Board regulations provide that if a specific offense behavior is not listed on the guideline chart, the proper category is to be obtained by comparison with those offense behaviors that are listed.^{6/} Moreover, particularly aggravating or mitigating factors in a specific case may warrant a higher or lower severity rating (or a decision outside the guidelines) provided the reasons for this action are stated.^{7/}

[Insert Table I About Here]

On the horizontal axis, four categories of parole prognosis (likelihood of favorable parole outcome) are listed. As an aid in assessing an applicant's parole prognosis, the Board utilizes an actuarial device (experience table) termed a "salient factor score".

This device was developed as part of the Parole Decision-Making project cited above.^{8/} In brief, data was collected for a random sample of 2,483 cases released in 1970 by all forms of release (parole/mandatory release/expiration of sentence). For research purposes, the sample was divided into construction (n=902) and validation (n=1581) subsamples. Two year followup from date of release for each individual was obtained through the cooperation of the Federal Bureau of Investigation, which provided 'rap sheet' copies for the required study subjects. A criterion measure of favorable outcome (no new conviction resulting in a sentence of sixty days or more and no return to prison for parole violation within two years of date of release) was established. From the set of over sixty background variables collected, nine items found to be significantly related to parole outcome on the construction subsample were selected and combined to produce a device scoring from zero to eleven points (the higher the score, the more favorable the parole prognosis estimate). This device was then tested on the validation subsample.^{9/} Table II displays the nine items forming the salient factor score presently in use.^{10/}

[Insert Table II About Here]

Board regulations specify that this device is to be used as an actuarial aid.^{11/} Thus, when the circumstances warrant, the Board representatives hearing a case may use their clinical judgment

to override the salient factor score, provided they specify the basis for their action. In this manner, the Board has endeavored to combine the advantages of both clinical and actuarial methods in making parole prognosis determinations.

Given the severity rating and parole prognosis estimate, one may refer back to Table I to find the customary or policy range specified for the particular case. For example, the guideline range for an adult offender with a moderate offense severity rating (e.g., auto theft) and a salient factor score of 9-11 (very good parole prognosis) is 12-16 months. On the other hand, the guideline range for an applicant with a very high severity offense behavior (e.g., extortion) and a salient factor score of 0-3 (poor parole prognosis) is 55-65 months. There are no guideline ranges noted for offense behaviors listed in the greatest severity category. This is due to the small number of cases encountered and the extreme variations in severity possible within the category. Thus, for greatest severity cases, decisions must be based upon extrapolation from the time ranges provided in very high severity cases.

The above guidelines presume that the applicant will have maintained a satisfactory record of institutional conduct and program achievement (the third major dimension).^{12/} Applicants who have demonstrated exceptionally good institutional program achievement may be considered for release earlier than the specified guideline range. On the other hand, applicants whose institutional conduct or program achievement is rated as unsatisfactory are likely to be held longer than the range specified.^{13/}

Case Decision-Making

In actual case decision-making, a guideline evaluation worksheet listing the severity rating, salient factor score, and guideline range is completed at each initial parole selection hearing. The Board representatives hearing the case must then determine whether a decision within or outside the guideline range is appropriate. If the Board representatives feel that a decision outside the guideline range (either above or below) is warranted, they may render such a decision provided that their reasons for departure from customary policy are stated. Analysis of 5,993 initial Board hearings conducted during the first half of 1975 (January - June) indicates that 16.2 percent of decisions were outside the guidelines (8.7% below the guidelines and 7.5% above the guidelines). The remaining decisions (83.8%) were considered as within the guidelines. It is to be noted that the above figures consider only discretionary decisions as outside the guidelines. Since the Board may not parole a case below the judicially set minimum sentence (if any) nor may it hold a prisoner past his maximum sentence (mandatory release date), there are certain cases in which the Board's discretion is limited by the sentence structure (i.e., a minimum sentence longer than the guideline range, or a maximum sentence shorter than the guideline range). For purposes of this analysis, decisions controlled by the limits of the sentence were counted as within the guidelines.

Among the reasons cited for decisions below the guidelines were mitigating offense factors, exceptional institutional program achievement, clinical judgment that the applicant was a better parole risk than indicated by the salient factor score, credit for time spent in state custody on other (concurrent) charges, and serious medical problems. Reasons given for decisions above the guidelines included aggravating offense factors, unsatisfactory institutional conduct, failure to complete institutional programs, and clinical judgment that an applicant was a poorer parole risk than indicated by the predictive score.'

At an initial parole hearing, an applicant may either be granted parole, denied parole and scheduled for a review hearing during a specific month [subject to Board policy that no prisoner be continued without review for more than three years],^{14/} or denied parole and continued to the expiration of his term [provided no more than three years remain until his mandatory release date].^{15/} Given guideline usage at initial hearings, it is not surprising that a large majority of review hearings scheduled result in parole grants. During the first half of 1975, 3,290 regularly scheduled review considerations were conducted. Approximately eighty-one percent (81%) resulted in parole, eleven percent (11%) resulted in further continuances with disciplinary infractions cited, and eight percent (8%) resulted in further continuances for other reasons.

Provision of Written Reasons for Denial

During a parole consideration hearing, the applicant's severity rating, salient factor score, and guideline range will be discussed with him by the Board representatives in addition to the other elements considered.^{16/} Moreover, in each case in which parole is denied, the applicant will receive a brief written statement of reasons within fifteen working days from the date of the hearing.^{17/} Thus, an applicant who is denied parole receives a written statement containing his offense severity rating, an item by item breakdown of his salient factor score, the guideline range, and the Board's finding as to whether or not a departure from customary policy is warranted in his particular case. In addition, if the decision is outside of the guideline range, the basis for this decision is stated. Similarly, if the applicant's offense behavior is not clear from reference to the guideline chart, the basis for this rating will be provided. This may be seen from the following case examples.

Case 1 (Forgery - \$10,000)

Your offense behavior has been rated as moderate severity. You have a salient factor score of six (6) [a copy of the item by item breakdown is attached].

You have been in custody a total of 12 months. Guidelines established by the Board which consider the above factors indicate a range of 16-20 months to be served before release for Adult cases

with good institutional conduct and program achievement. After careful consideration of all relevant factors and information presented, it is found that a decision outside of the guidelines at this consideration is not warranted. Continue for review hearing in six months [12 months + 6 months = 18 months (within the 16-20 month range)].

Case 2 (Multiple Auto Theft)

Your offense behavior has been rated as high severity because your offense involved multiple auto thefts. You have a salient factor score of four (4) [a copy of the item by item breakdown is attached]. You have been in custody a total of 25 months. Guidelines established by the Board which consider the above factors indicate a range of 26-32 months to be served before release for Adult cases with good institutional conduct and program achievement. After careful consideration of all relevant factors and information presented, it is found that a decision above the guidelines is warranted because:

- a) Your offense was part of a large scale and ongoing criminal conspiracy.

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Your offense behavior has been rated as high severity because your offense involved multiple auto thefts. You have a salient factor score of four (4) [a copy of the item by item breakdown is attached]. You have been in custody a total of 25 months. Guidelines established by the Board which consider the above factors indicate a range of 26-32 months to be served before release for Adult cases with good institutional conduct and program achievement. After careful consideration of all relevant factors and information presented, it is found that a decision above the guidelines is warranted because:

- a) Your offense was part of a large scale and ongoing criminal conspiracy.

b) You have two recent and serious institutional disciplinary infractions.

The above format for the provision of written reasons has generally won acceptance in judicial review. In fact, one court has recently commented (Tougas v. Keohane):

This statement applying the published Parole Board guidelines to this petitioner is adequate notice of the reasons for denial of parole. A review of the published guidelines in light of notice given petitioner reveals with specificity why parole was denied. Petitioner could hardly ask for a more objective and informative evaluation of his parole suitability status.^{18/}

Guideline Revision

As a danger of rigidity may exist with guideline usage, just as the problem of disparity exists without it, Board policy provides that guideline usage is to be monitored and that the guidelines themselves are to be reviewed at regular intervals (every six months) to consider possible revision.^{19/} In this manner the Board may judge whether the degree to which the guidelines are being adhered to is appropriate as well as examine the sufficiency of the reasons given for departure from the guidelines. Moreover, the Board can consider whether any changes in the severity scale, salient factor score, or time ranges themselves are appropriate and, if so, accomplish the desired modifications.

Summary

Guideline usage began in October 1972, as part of a pilot project in what is now the Board's Northeastern Region, and was extended to all federal parole selection decisions at the end of 1973. In the three years since first established, the guideline system has withstood the test of various court challenges (see Battle v. Norton,^{20/} Silvern v. Sigler,^{21/} Wiley v. U.S. Board of Parole^{22/}) although it continues to be a lively subject for litigation. A guideline model has been specifically incorporated in a parole reform bill recently passed by the United States Senate.^{23/} The California Adult Authority (parole board) has adopted a somewhat similar system for structuring discretionary power^{24/} and an LEAA funded research project to investigate the appropriateness of the parole guideline concept for other state systems is presently underway.^{25/}

Obviously, the establishment of the Board's guidelines does not eliminate or even attempt to eliminate all discretion. Rather, it represents an attempt to achieve a balance between the evils of completely unstructured discretion and those of a totally fixed and mechanical approach. In relation to individual case decision-making, the guideline method is designed to promote more rational and consistent decisions while still allowing for individual case consideration. On a broader level, by articulating the primary decision criteria the guideline system is intended to promote openness and enable public assessment^{26/} of the rationality and appropriateness of the Board's general paroling policy.

FOOTNOTES

1. See generally: K.C. Davis, Discretionary Justice, (Baton Rouge: Louisiana State University Press, 1969); W. Gaylin, Partial Justice, (New York: Alfred A. Knopf, 1974); M.E. Frankel, Criminal Sentences: Law Without Order, (New York: Hill and Wang, 1973).
2. Davis, supra note 1, pp. 17-21; Gaylin, supra note 1, pp. 190-194, 219-221.
3. 28 C.F.R. §2.52, 38 Federal Register 222 (November 19, 1973) as amended. [Most recently published as 28 C.F.R. §2.20, 40 Federal Register 173 (September 5, 1975), pp. 41333-41337.] For related Board regulations, see 28 C.F.R. §§2.1-2.58.
4. Grant NI-72-071G. For an overall description of this project, see: D.M. Gottfredson, L.T. Wilkins, P.B. Hoffman, and S.M. Singer, "The Utilization of Experience in Parole Decision-Making: Summary Report," (Washington, D.C.: U.S. Government Printing Office, November, 1974: 2700-00277). See also: D.M. Gottfredson et. al., "Making Paroling Policy Explicit," Crime and Delinquency, Fall 1974, pp. 34-44.
5. See Appendices I and II.
6. 28 C.F.R. §2.20 (footnote 2), supra note 2, p. 41334.
7. 28 C.F.R. §2.20(c & d), supra note 2, p. 41333. [See also: Grattan v. Sigler, No. 75-2042 (C.A. 9, Aug. 1975); Lupo v. Norton, 371 F. Supp. 156 (D. Conn. 1974); Manos v. U.S.B.P., Civil Action No. 75-461 (M.D. Penn., June 19, 1975)].
8. P.B. Hoffman and J.L. Beck, "Parole Decision-Making: A Salient Factor Score," Journal of Criminal Justice, Fall, 1974, pp. 195-206.
9. The following table displays an example of the results obtained on the construction and validation subsamples:

Percent Favorable Outcome (1970 Sample)

Score Category	Construction Subsample (N=902)	Validation Subsample (N=1581)
0-3 (Poor)	49.8%	55.4%
4-5 (Fair)	60.8%	68.4%
6-8 (Good)	77.4%	79.1%
9-11 (Very Good)	93.0%	91.2%

10. Effective October 6, 1975, the slightly revised salient factor score shown was implemented. Prior to this date, Item F read "no history of heroin, cocaine, or barbiturate dependence".
11. 28 C.F.R. §2.20(e), supra note 2, p. 41333.
12. 28 C.F.R. §2.20(b), supra note 2, p. 41333.
13. 28 C.F.R. §2.20(c), supra note 2, p. 41333; see also p. 6 infra.
14. 28 C.F.R. §2.14(c), supra note 2, p. 41332.
15. Id.
16. 28 C.F.R. §2.13(a), supra note 2, p. 41332.
17. 28 C.F.R. §2.13(d), supra note 2, p. 41332.
18. Civil Action No. 75-86 (D. Ariz. June 11, 1975).
19. 28 C.F.R. §2.20(f), supra note 2, p. 41332.
20. 365 F. Supp. 925 (D. Conn. 1973).
21. Civil Action No. 74-391 (D. D.C. September 13, 1974).
22. 380 F. Supp. 1194 (M.D. Penn. 1974).
23. Senate Bill 1109, passed September 11, 1975.
24. Effective March 1, 1975.
25. This project is entitled "Classification for Parole Decision Policy," D.M. Gottfredson and L.T. Wilkins, codirectors (Grant 75NI-99-004).
26. The paroling policy guidelines are published for public comment under the provisions of the Administrative Procedure Act [5 U.S.C., §553(b)(3)].

ADULT
Guidelines for Decision-Making
Customary Total Time Served Before Release
(Including Jail Time)

OFFENSE CHARACTERISTICS: Severity of Offense Behavior (Examples)	OFFENDER CHARACTERISTICS: Parole Prognosis (Callant Factor Score)			
	Very Good (11-9)	Good (8-6)	Fair (5-4)	Poor (1-0)
LOW Immigration Law Violations Minor Theft (Includes larceny and simple possession of stolen property less than \$1,000) Walkaway	6-10 months	8-12 months	10-14 months	12-15 months
LOW-MODERATE Alcohol Law Violations Counterfeit Currency (Passing/Possession less than \$1,000) Drugs: Marijuana, Simple Possession (less than \$500) Forgery, Fraud (less than \$1,000) Income Tax Evasion (less than \$10,000) Selective Service Act Violations Theft From Mail (less than \$1,000)	8-12 months	12-16 months	16-20 months	20-25 months
Moderate Liberty of Public Officials Counterfeit Currency (Passing/Possession \$1,000 - \$19,999) Drugs: Marijuana, Possession With Intent to Distribute/Sale (less than \$5,000) "Soft Drugs", Possession with Intent to Distribute/Sale (less than \$500) Embezzlement (less than \$20,000) Explosives, Possession/Transportation Firearms Act, Possession/Purchase/Carry (single weapon - not sawed-off shotgun or machine gun) Income Tax Evasion (\$10,000 - \$50,000) Intermediate Transportation of Stolen/Forged Securities (less than \$20,000) Mailing Threatening Communications Misdemeanor of Felony Receiving Stolen Property With Intent to Resell (less than \$20,000) Smuggling/Transporting of Aliens Theft/Forgery/Fraud (\$1,000 - \$19,999) Theft of Motor Vehicle (Not Multiple Theft or Car Rental)	12-16 months	16-20 months	20-24 months	24-30 months
HIGH Burglary or Larceny (Other than Embezzlement) from Bank or Post Office Counterfeit Currency (Passing/Possession \$20,000 - \$100,000) Counterfeiting (Manufacturing) Drugs: Marijuana, Possession With Intent To Distribute/Sale (\$5,000 or more) "Soft Drugs", Possession with Intent to Distribute/Sale (\$500 - \$5,000) Embezzlement (\$20,000 - \$100,000) Firearms Act, Possession/Purchase/Sale (sawed-off shotgun(s), machine gun(s), or multiple weapons) Intermediate Transportation of Stolen/Forged Securities (\$20,000 - \$100,000) Bank Act (In Force - Commercial Purposes) Organized Vehicle Theft Receiving Stolen Property (\$20,000 - \$100,000) Theft/Forgery/Fraud (\$20,000 - \$100,000)	16-20 months	20-26 months	26-32 months	32-38 months
VERY HIGH Kidnapping (Weapon or Threat) Drugs: "Hard Drugs" Possession with Intent to Distribute/Sale (No Prior Conviction for Sale of "Hard Drugs") "Soft Drugs", Possession with Intent to Distribute/Sale (over \$5,000) Sexual Act Bank Act (Force) Sexual Act (Force)	26-36 months	36-45 months	45-55 months	55-65 months
SEVEREST Apparatus Felony (e.g., Robbery, Sexual Act/Aggravated Assault) - Weapon Fired or Personal Injury Aircraft Hijacking Drugs: "Hard Drugs" (Possession with Intent to Distribute/Sale for Profit) (Prior Conviction(s) for Sale of "Hard Drugs") Explosives (Detonation) Kidnapping Willful Homicide	(Greater than above - however, specific ranges are not given due to the limited number of cases and the extreme variations in severity possible within the category)			

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

TABLE II
SALIENT FACTOR SCORE

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

YOUTH

Form R-4 Guidelines for Decision-Making
 (Rev. 9/75) **Customary Total Time Served Before Release**
 (Including Jail Time)

OFFENSE CHARACTERISTICS: Severity of Offense Behavior (Examples)	OFFENDER CHARACTERISTICS: Parole Prognosis (Salient Factor Score)			
	Very Good (11-9)	Good (8-6)	Fair (5-4)	Poor (3-0)
LOW Immigration Law Violations Minor Theft (Includes larceny and simple possession of stolen property less than \$1,000) Walkaway	6-10 months	8-12 months	10-14 months	12-16 months
LOW MODERATE Alcohol Law Violations Counterfeit Currency (Passing/Possession less than \$1,000) Drugs: Marijuana, Simple Possession (less than \$500) Forgery/Fraud (less than \$1,000) Income Tax Evasion (less than \$10,000) Selective Service Act Violations Theft From Mail (less than \$1,000)	8-12 months	12-16 months	16-20 months	20-25 months
MODERATE Bribery of Public Officials Counterfeit Currency (Passing/Possession \$1,000 - \$19,999) Drugs: Marijuana, Possession With Intent to Distribute/Sale (less than \$5,000) "Soft Drugs", Possession with Intent to Distribute/Sale (less than \$500) Embezzlement (less than \$20,000) Explosives, Possession/Transportation Firearms Act, Possession/Purchase/Sale (single weapon - not sawed-off shotgun or machine gun) Income Tax Evasion (\$10,000 - \$50,000) Interstate Transportation of Stolen/Forged Securities (less than \$20,000) Mailing Threatening Communications Misprision of Felony Receiving Stolen Property With Intent to Resell (less than \$20,000) Smuggling/Transporting of Aliens Theft/Forgery/Fraud (\$1,000 - \$19,999) Theft of Motor Vehicle (Not Multiple Theft or for Resale)	9-13 months	13-17 months	17-21 months	21-26 months
HIGH Burglary or Larceny (Other than Embezzlement) from Bank or Post Office Counterfeit Currency (Passing/Possession \$20,000 - \$100,000) Counterfeiting (Manufacturing) Drugs: Marijuana, Possession With Intent To Distribute/Sale (\$5,000 or more) "Soft Drugs", Possession with Intent to Distribute/Sale (\$500 - \$5,000) Embezzlement (\$20,000 - \$100,000) Firearms Act, Possession/Purchase/Sale (sawed-off shotgun(s), machine gun(s), or multiple weapons) Interstate Transportation of Stolen/Forged Securities (\$20,000 - \$100,000) Mann Act (No Force - Commercial Purposes) Organized Vehicle Theft Receiving Stolen Property (\$20,000 - \$100,000) Theft/Forgery/Fraud (\$20,000 - \$100,000)	12-16 months	16-20 months	20-24 months	24-28 months
VERY HIGH Robbery (Weapon or Threat) Drugs: "Hard Drugs" Possession with Intent to Distribute/Sale (No Prior Conviction for Sale of "Hard Drugs") "Soft Drugs", Possession with Intent to Distribute/Sale (over \$5,000) Extortion Mann Act (Force) Sexual Act (Force)	20-27 months	27-32 months	32-36 months	36-42 months
GREATEST Aggravated Felony (e.g., Robbery, Sexual Act/Aggravated Assault) - Weapon Fired or Personal Injury Aircraft Hijacking Drugs: "Hard Drugs" (Possession with Intent to Distribute/Sale for Profit (Prior Conviction(s) for Sale of "Hard Drugs") Espionage Explosives (Detonation) Kidnapping Willful Homicide	(Greater than above - however, specific ranges are not given due to the limited number of cases and the extreme variations in severity possible within the category)			

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

APPENDIX II

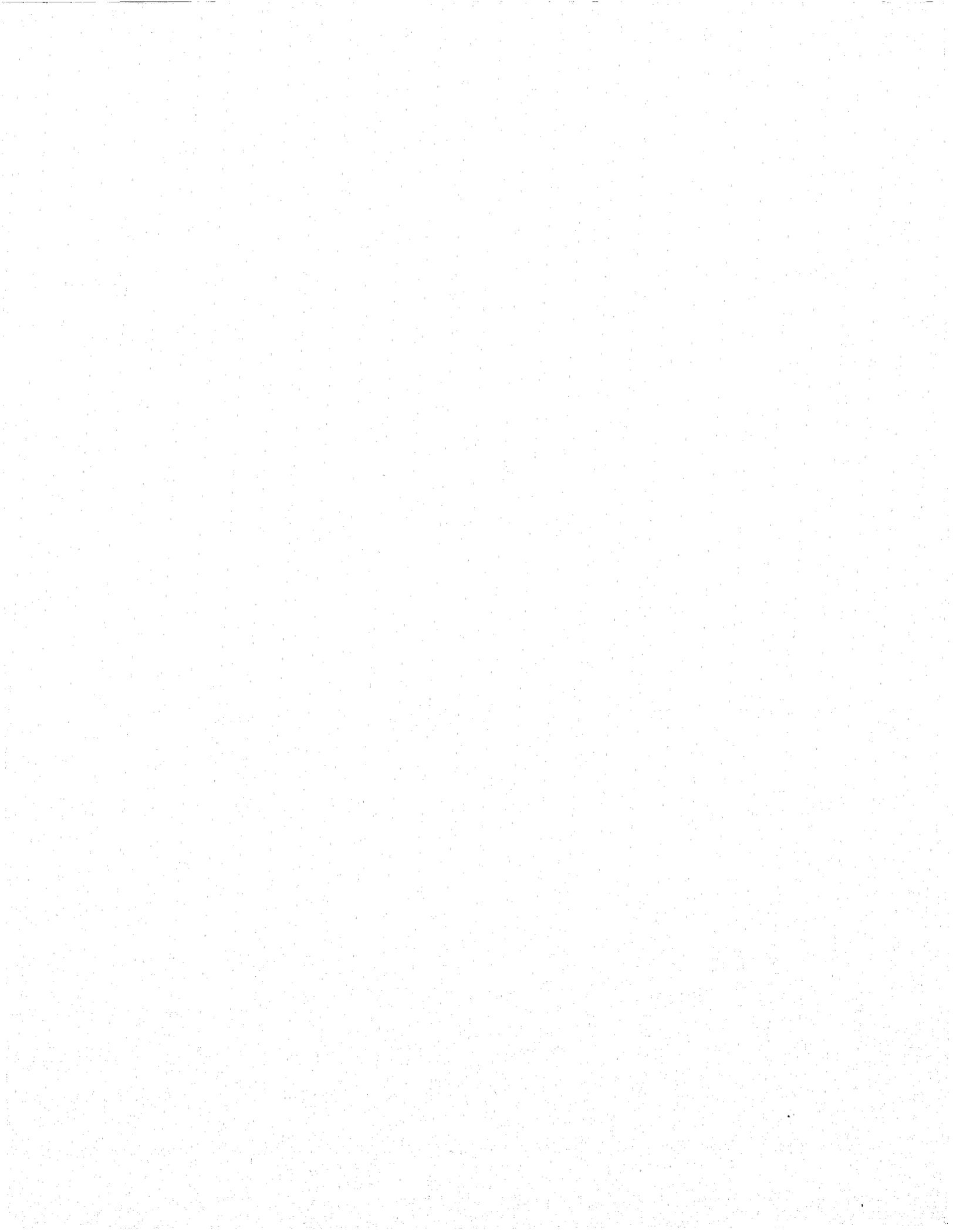
NARA

Form R--6
(Rev. 9/75)

**Guidelines for Decision-Making
Customary Total Time Served Before Release
(Including Jail Time)**

OFFENSE CHARACTERISTICS: Severity of Offense Behavior (Examples)	OFFENDER CHARACTERISTICS: Parole Prognosis (Salient Factor Score)			
	Very Good (11-9)	Good (8-6)	Fair (5-4)	Poor (3-0)
LOW Immigration Law Violations Minor Theft (Includes larceny and simple possession of stolen property less than \$1,000) Walkaway		6-12 months		12-18 months
LOW MODERATE Alcohol Law Violations Counterfeit Currency (Passing/Possession less than \$1,000) Drugs: Marijuana, Simple Possession (less than \$500) Forgery/Fraud (less than \$1,000) Income Tax Evasion (less than \$10,000) Selective Service Act Violations Theft From Mail (less than \$1,000)		6-12 months		12-18 months
MODERATE Bribery of Public Officials Counterfeit Currency (Passing/Possession \$1,000 - \$19,999) Drugs: Marijuana, Possession With Intent to Distribute/Sale (less than \$5,000) "Soft Drugs", Possession With Intent to Distribute/Sale (less than \$500) Embezzlement (less than \$20,000) Explosives, Possession/Transportation Firearms Act, Possession/Purchase/Sale (single weapon - not sawed-off shotgun or machine gun) Income Tax Evasion (\$10,000 - \$50,000) Interstate Transportation of Stolen/Forged Securities (less than \$20,000) Mailing Threatening Communications Misprision of Felony Receiving Stolen Property With Intent to Resell (less than \$20,000) Smuggling/Transporting of Aliens Theft/Forgery/Fraud (\$1,000 - \$19,999) Theft of Motor Vehicle (Not Multiple Theft or for Resale)		12-18 months		18-24 months
HIGH Burglary or Larceny (Other than Embezzlement) from Bank or Post Office Counterfeit Currency (Passing/Possession \$20,000 - \$100,000) Counterfeiting (Manufacturing) Drugs: Marijuana, Possession With Intent To Distribute/Sale (\$5,000 or more) "Soft Drugs", Possession with Intent to Distribute/Sale (\$500 - \$5,000) Embezzlement (\$20,000 - \$100,000) Firearms Act, Possession/Purchase/Sale (sawed-off shotgun(s), machine gun(s), or multiple weapons) Interstate Transportation of Stolen/Forged Securities (\$20,000 - \$100,000) Mann Act (No Force - Commercial Purposes) Organized Vehicle Theft Receiving Stolen Property (\$20,000 - \$100,000) Theft/Forgery/Fraud (\$20,000 - \$100,000)		12-18 months		18-24 months
VERY HIGH Robbery (Weapon or Threat) Drugs: "Hard Drugs" Possession with Intent to Distribute/Sale (No Prior Conviction for Sale of "Hard Drugs") "Soft Drugs", Possession with Intent to Distribute/Sale (less than \$5,000) Mann Act (Force) Sexual Act (Force)		20-26 months		26-32 months
GREATEST Aggravated Felony (e.g., Robbery, Sexual Act/Aggravated Assault) - Weapon Fired or Personal Injury Aircraft Hijacking Drugs: "Hard Drugs" (Possession with Intent to Distribute/Sale for Profit (Prior Conviction(s) for Sale of "Hard Drugs") Espionage Explosives (Detonation) Kidnapping Willful Homicide		(Greater than above - however, specific ranges are not given due to the limited number of cases and the extreme variations in severity possible within the category)		

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 3) If an offense behavior can be classified under more than one category, the most serious applicable category is to be used.
 4) If an offense behavior involved multiple separate offenses, the severity level may be increased. If a continuance is to be given, allow 30 days (1 month) for release program provision.
 5) "Hard Drugs" include heroin, cocaine, morphine or opiate derivatives, and synthetic opiate substitutes.



END