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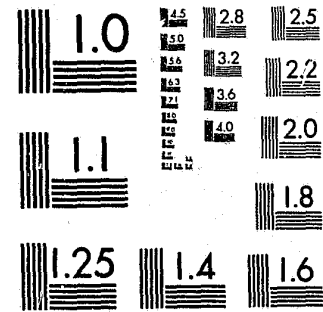
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National Institute of Justice

Sentencing Guidelines: Structuring Judicial Discretion

Volume III

Establishing a Sentencing Guidelines System

a publication of the **National Institute of Justice**

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James L. Underwood
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Sentencing Guidelines: Structuring Judicial Discretion

Volume III
Establishing a Sentencing Guidelines System

Arthur M. Gelman
Jack M. Kress
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January 1982

U.S. Department of Justice
National Institute of Justice

ABSTRACT

This is one of a series of reports dealing with the
development and implementation of sentencing guidelines. This
volume is intended for those in the research community who may be,
or who expect to become, involved in the actual design and
establishment of a locally operational sentencing guidelines
system. It is therefore assumed that the reader has a basic
understanding of and experience with social science methodology
and statistical analysis. This report deals with the techniques
to be employed in practice and recommends ways of applying them
in various jurisdictions. Drawing upon over four years of
research on this subject, the present volume sets forth a
detailed plan for constructing a sentencing guidelines system.
The plan is developed in a step-by-step fashion intended to be
adaptable for use in any American jurisdiction.

PREFACE AND ACKNOWLEDGEMENTS

The overall aim of the Sentencing Guidelines: Structuring
Judicial Discretion research project was the testing, development,
demonstration and use of sentencing guidelines as a tool to aid
trial court judges throughout the nation in achieving equity in
the imposition of sentence.

In July 1974, the research team began a two-year study of
the feasibility of applying the concept of decisionmaking
guidelines to the sentencing of criminal offenders. At the close
of that study, it was concluded that sentencing
guidelines were indeed a useful tool whereby judges might enhance
equity in sentencing, i.e., the reduction of unwarranted
variation, while still retaining their discretion to individualize
sentences. Then, in July 1976, a second phase of the project was
initiated to test the development and implementation of an
operational system of sentencing guidelines. This effort has led
to the establishment of sentencing guidelines in the Denver
District Court (Denver, Colorado), the Cook County Circuit Court
(Chicago, Illinois), the Essex County and Superior Courts
(Newark, New Jersey), and the Maricopa County Superior Court
(Phoenix, Arizona). In addition, the research staff of the
sentencing guidelines project has assisted personnel in the
Philadelphia (Pennsylvania) Court of Common Pleas to develop
guidelines for that jurisdiction.

The feasibility phase of our effort was codirected by Don M.
Gottfredson, Dean of the Rutgers University School of Criminal

Justice, and Jack M. Kress and Leslie T. Wilkins, each of whom teach at the Graduate School of Criminal Justice, State University of New York at Albany. The implementation phase of the project was directed exclusively by Professor Kress. The project directors provided overall supervision to their respective phases of the project.

Full-time command of the research lay in the hands of the project coordinator, Arthur M. Gelman, and the senior research analyst, Joseph C. Calpin. They saw to the day-to-day management and technical requirements of the project, and were in charge of a full-time and part-time staff which, including coders and research assistants, numbered over thirty.

Project staff were primarily divided into jurisdictional teams consisting of a full-time on-site court liaison and a half-time research analyst. As we saw our role to be fully collaborative with the local judiciary, the court liaisons supervised on-site data collection and also ensured that the judges were aware of and agreed with all of our site efforts. The research analysts were in charge of cleaning and analyzing all data collected and of ensuring research coordination between site and base.

During the feasibility phase, our Denver court liaison was John Clancy, succeeded by Jeffrey Bellows who remained there through the implementation phase. Our feasibility work involved site activity in Vermont and David Orrick performed those tasks. Richard Rosen and Sherwood E. Zimmerman were our feasibility research analysts, with Carol Werblin as research analyst for Denver during the implementation phase.

Our Cook County team consisted of Helen Bloch as court liaison and Marilyn Chandler as research analyst. Our Essex County team was John Keough, court liaison, with Mona Margarita and Barbara A. Broderick as successive research analysts. The comparable Maricopa team was Jane Wylen, court liaison, and Susan Mitchell-Herzfeld, research analyst.

The staff relied on the computer programming skills of Donald Articolo during the feasibility study and those of Steven Greenstein during the implementation phase of our research. Secretarial assistance was provided full-time by Suzette E. Geary, and was supplemented by Shirley K. Hein and Harriet Spector.

The sentencing guidelines research project was designed as the collaborative effort of academic researchers and judicial practitioners. For that reason, policy direction was provided by a Steering and Policy Committee made up primarily of sitting State court trial judges. In addition to senior research staff, the permanent members of the Steering and Policy Committee were as follows:

Hon. Robert Broomfield

Hon. Warren Chan

Hon. Anthony M. Critelli, Chair

Hon. Richard Fitzgerald

Hon. James C. Flanigan

Hon. Benjamin Mackoff

Cheryl Martorana

Hon. John A. Marzulli

Hon. Russell Morss

Hon. Lewis Springer, Jr.

Hon. Roger Strand

Hon. Leo Yanoff

The members of the Steering and Policy Committee provided not only guidance at their quarterly meetings, but on-site guidance continually to court liaisons, and often by telephone to base staff. A number of other judges and consultants helped in their individual capacities, and also as representatives of the National Judicial College and the National Center for State Courts, by serving in a temporary capacity on our Steering and Policy Committee. They were:

Michael Altier

Hon. Edward Bradley

Paul Brantingham

Patricia Brantingham

Saundra DiIlio

Hon. Donald Ferland

Hon. John Lilly

Barry Mahoney

Hon. Joseph Mattina

Hon. Nicholas Scalerra

Felix Stumpf

Ernst John Watts

The results of the Sentencing Guidelines: Structuring Judicial Discretion research project are reported in three separate volumes, although the authors see these as linked in many ways. All project work, including writing, was collaborative and all staff and consultants share in some way blame or credit for the results, but primary responsibility of course lies only with the listed authors.

The first volume in the series is Sentencing Guidelines: Structuring Judicial Discretion - Report on the Feasibility Study, by Leslie T. Wilkins, Jack M. Kress, Don M. Gottfredson, Joseph C. Calpin and Arthur M. Gelman. It covers all of our work during the feasibility phase, both technical and non-technical. Site work detailed includes that in Vermont and in Denver.

The second volume of the series is The Analytical Basis for the Formulation of Sentencing Policy, by Joseph C. Calpin, Jack M. Kress, Susan Mitchell-Herzfeld, Marilyn A. Chandler, Arthur M. Gelman and Barbara A. Broderick. This volume is intended for a technical audience and explains in some detail our work during the implementation phase in Cook, Essex and Maricopa Counties.

The third volume of the series is Establishing A Sentencing Guidelines System: A Methods Manual, by Arthur M. Gelman, Jack M. Kress and Joseph C. Calpin. This volume too is intended for those in the research community and sets forth a detailed plan for the construction of a sentencing guidelines system, which plan draws upon the lessons we have learned in our years of research, and which should prove adaptable to any jurisdiction.

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INTRODUCTION

    Sentencing guidelines may be thought of as a representation of the general policy of a given court system -- a policy which may then be equitably applied to individual cases coming before the court. Guidelines provide the judge with information as to what his or her colleagues would do with a similar crime committed by a similar offender. Sentencing guidelines, however, are not mandatory. It is expected that in a small percentage of cases a particular fact situation may necessitate a sentence which differs from the proffered norm. In such cases, the judge is required to give specific reasons why the guideline sentence is inappropriate. These reasons provide the feedback mechanism by which the guidelines can be modified to reflect changing court policy.

    Sentencing guidelines can be developed for a county, as has been demonstrated in the pilot implementation phase, or for a region within a state, or on a statewide level. The selection of a specific jurisdiction must be made by those with the authority to make such a decision. In making that determination, it should be realized that the costs of establishing one set of guidelines for an entire state will result in a considerable financial savings over a county or a regional approach to a statewide system.

    This manual has been written as a working document to assist individuals in the actual, step-by-step development of a sentencing guidelines system. It is not a primer in social science research, but rather one of a series of reports dealing with the development and implementation of sentencing guidelines.

Indeed, it is assumed that the reader has a basic understanding and experience with social science methodology and statistical analysis. This particular report will deal with the "what" and "how" questions -- what techniques are to be used and how they should be applied in a particular jurisdiction in order to develop sentencing guidelines. The reasoning behind, and our experience in employing, the various techniques utilized in establishing sentencing guidelines are described in Report Number two of this series, The Analytical Basis for the Formulation of Sentencing Policy. It is recommended that researchers read that report in conjunction with this one.

It must be stressed that methods reported herein represent one, and not necessarily the only, approach to the development of sentencing guidelines. Although this manual reflects the experiences of a research team which has developed sentencing guidelines in four highly differentiated jurisdictions, there are various procedures which may be used that will result in a similar product, and researchers should not feel constrained by the techniques described herein.

What is vitally important is that researchers work very closely with the judiciary to develop sentencing guidelines. If guidelines are to be accepted as a policy tool of the court, it is essential that the work be carried out in full collaboration with all the judges in the jurisdiction. Since it may be difficult to involve every judge in many of the larger jurisdictions, a subcommittee of 4-8 judges might be formed as an advisory body to guide the researchers. Steps should be

taken, however, to insure that all judges are kept informed of the progress and direction of the research.

Determining the Information Base

The first step in developing sentencing guidelines is to determine what information the sentencing judge possessed at the time the sentencing decision was made. Since sentencing guidelines are based on information about individuals, the researcher requires sufficiently similar information to that possessed by the judge at the time of sentencing. The problem is to ascertain and then collect that information for later analysis.

It is important to review the jurisdiction's criminal code (both substantive and procedural) so as to outline for the researchers that statutory framework within which they must operate and the range of sentencing alternatives available to judges. Researchers should also meet with the judges and other court personnel, such as court administrators and probation officers, in order to become familiar with the actual sentencing practices of the jurisdiction. For example, relevant areas of questioning include the significance of minimum and maximum sentences, the granting of credit for jail time served while awaiting sentencing, and the use of split sentences.

In some areas, the identification of the data base will be a fairly simple process because the judges receive presentence reports in nearly all cases which provide the information upon which the sentencing decision is based. Therefore, in such jurisdictions, all one has to do is develop a coding instrument

for collecting the information. However, the process is not always that simple. In other jurisdictions, the judge receives information from a variety of different sources. Thus, in designing the coding instrument for these courts it may be useful to letter-key certain variables within that instrument to inform the coders as to where a particular piece of information may be located. One may also have to develop new sources of information. For example, in one jurisdiction in which judges receive a presentence investigation report in only 30 percent of the cases, much of the information about the offender and the crime committed is made known at the presentence or pre-pleading conference among the defense counsel, the prosecuting attorney, and the judge. Therefore, a system had to be developed to tap into this hearing as an information source. Consequently, the judges filled out a very brief information card describing, in a relatively objective format, the offense for which they were sentencing the offender (See Table 1).

Table 1

Offense Information Card

DEFENDANT'S NAME_____

IND/INF #_____

1. TYPE OF PROCEEDING:

   A. Plea.

   B. Bench trial.

   C. Jury trial.

Table 1

Offense Information Card (continued)

2. WAS THE VICTIM INJURED?

   A. The criminal behavior did not involve an offense against the person.

   B. No bodily harm occurred -- the criminal behavior, however, did involve an offense against the person.

   C. Bodily harm occurred -- the victim was injured, but the treatment of injuries did not require hospitalization overnight.

   D. Great bodily harm occurred -- the victim was injured and the treatment of injuries required hospitalization overnight.

   E. Death occurred.

3. WAS THE VICTIM KNOWN TO THE OFFENDER PRIOR TO THE COMMISSION OF THE OFFENSE?

   A. No.

   B. Yes.

   C. Not applicable, no identifiable victim.

4. APPROXIMATE THE VALUE OF ANY MONEY AND/OR PROPERTY TAKEN:
   _____

5. EXTENT OF USE OF WEAPON:

   A. No weapon involved.

   B. Weapon in offender's possession.

   C. Weapon used to threaten victim.

   D. Weapon used in attempt to injure victim.

   E. Weaspon used to injure victim.

6. IF A WEAPON WAS USED, PLEASE SPECIFY THE TYPE OF WEAPON:
   _____

Table 1

Offense Information Card (continued)

7. DID THE CRIMINAL BEHAVIOR INVOLVE A DRUG?

    A. No.

    B. Yes, possession.

    C. Yes, manufacture or delivery.

8. WHAT (IF ANY) DRUG WAS INVOLVED?_____

9. WHAT (IF ANY) WAS THE QUANTITY OF THE DRUG INVOLVED?

    _____

Designing the Coding Manual

Having determined the information base, the next step is to decide what particular items of information you need to collect in the initial, or construction, sample for the guideline models. While we are of necessity focusing on the data collection effort required to construct an operational sentencing guidelines system, researchers should bear in mind that their services may go well beyond this, particularly in jurisdictions where prior court research has been minimal. The type of data gathering effort described here provides an exceptional opportunity to amass a great deal of other useful information about the court system. Consequently, one might want to consider collecting some information purely for descriptive purposes, e.g., type of defense counsel or percentage of guilty pleas.

Must researchers collect every single piece of information that the judge has in front of him or her when the sentencing decision is made? In deciding just what items of information are

necessary to collect, there are, of course, the constraints of cost to the project in terms of time needed to collect, keypunch and analyze the data. Therefore, one must be cognizant of such vital pragmatic concerns in deciding just what information is needed.

During the feasibility study, 205 items of information were collected about the crime and the offender, ranging from height and weight of the criminal to the charges at several stages of the criminal justice process. We have since refined our data collection techniques and now rely on a base of approximately 100 items of information. Yet, one must be very careful in making some of these advance decisions about what information is needed or will be useful in the guidelines so as not to bias the end-product. Without question, the input of the judges in this regard is critical. One useful rule-of-thumb might be that when there is some significant doubt, the data collection instrument should be overinclusive on the construction sample, with some items excluded in the later test or validation sample.

Decision Rules

Having decided upon the items to be collected, one must develop two types of decision rules for use in coding that information. These decision rules become the coding manual -- an instructional tool to clarify the categorization of ambiguous or unclear information. The reader is referred to the sample coding manual found in Appendix A, which, with its set of decision rules, will explicate some of the examples delineated over the next several pages.

The first type of decision rules will be general, that is, they will apply to a large percentage of variables. Consistent application of these general rules throughout the data collection effort should simultaneously increase coding speed and reduce the chance for error.

Some specific illustrations should prove valuable. Suppose, for example, that we are dealing with the variable involving the value of property stolen and the coding instrument has space for only five columns, or a dollar amount up to the value of $99,999 if all five columns are used. There still may be an occasional case in which the dollar amount exceeds that figure. One advisable way to treat that particular variable--or, indeed, any similar variable-- would be to collapse the last column so that the value "99,996" would mean that particular dollar amount or more. This use of the key number "6" comes in very handy throughout the coding manual as the researcher deals with similar types of variables. Another example of this use of the key number "6" might be in the variable "Total Number of Probation Revocations." Although one could leave two columns for such a variable, we would suspect that it is highly unlikely that any defendant would have ten or more probation revocations. Therefore, one may save space and time by using only one column, "0," "1," "2," "3," "4," and "5" would represent that many probation revocations while the digit "6" would refer to "6 or more revocations." In terms of later data storage costs, this device would seem to allow for a far more efficient coding of this variable.

It is often useful to distinguish between those cases in which a characteristic or attribute is not present from those cases in which it could not be present. The digit "7" can be used throughout the coding instrument to designate "not applicable," i.e., the variable does not apply to the particular case at hand. For example, in the variable "Prior Convictions," a value of "0" would indicate previous arrests but no prior convictions, while a value of "7" would indicate "not applicable, no prior arrests."

Another general number which may be used throughout the coding manual is "8." This value can designate the category "other," meaning that a particular value is present which has not been listed in the coding instrument itself. In such cases, the coder is to write the number "8" on the coding sheet, and in the designated space briefly list the specific value which necessitates a value of "8." Eventually, these explanations must be reviewed and classified into appropriate categories.

The next "general" digit used throughout the coding instrument is the number "9." Nine's are to be coded when information is "missing" in the data base about a particular variable. However, one must carefully distinguish between "no information" and "missing information." For example, in dealing with the prior record of the offender, if the information file does not mention prior arrest(s), does that mean that such information is "missing" or does that mean that the offender had no prior arrest(s)? In those cases in which information is more likely to be absent, e.g., social stability information, explicit decision rules for individual variables should be listed. For example, in coding the mental health of the offender, there will be no information in most cases. Thus, researchers should have an instruction for the variable which would indicate that no mention of any mental health problem is to be interpreted as "normal."

The use of "6," "7," "8," and "9" in this fashion must be cued into the number of digits that are present in the variable. If there is a one-column variable, the sole number "6" through "9" is listed. However, if there is a two-column variable, the values are listed as "96," "97," "98," and "99." In designing that data collection instrument, the "6's," "7's," "8's," and "9's" should be included in every variable in which it is likely or possible that their use may be necessary. (See Table 2.) In addition, the general instructions to coders should state that values for "not applicable," "other," and "missing value" will not be specifically listed on the coding sheet for every variable. Although they are unlikely to occur in those variables for which they are not listed, an unusual set of circumstances may nevertheless necessitate their use.

Table 2

Example Variable

Number of Prior Adult Probation Revocations

0	= Previously placed on probation, but no prior revocations
1-5	= Number of revocations
6	= 6 or more revocations
7	= Not applicable, never place on probation
9	= Missing value

A second type of decision rule is needed for the coding of individual variables or sets of variables. For example, one series of decision rules must be used in determining the most serious offense, or the offense which is to be listed first on the coding sheet. This is very important because virtually all

analysis is based upon that particular offense. We have previously relied upon a system which initially looked to the statutory classification of the offense at conviction. Ties within the same felony or misdemeanor class were broken in favor of offenses against-the-person. In situations in which two or more offenses were still tied after the first two criteria, some informally applicable type of decision rules was utilized, e.g., higher statute number or higher master list number. (One note here about defining offenses against-the-person: Based on our discussions with judges in each of our sites, robbery appears to be better classified as an offense against-the-person, rather than an offense against property. However, this is a decision that should be made by the judges themselves in the jurisdiction in which you are working.)

Another set of decision rules is necessary to specifically identify a particular crime at various stages of the criminal justice system. For example, while it may appear to be a relatively simple procedure to code the crime which the offender was convicted of committing, in reality, it is not. In our data collection efforts, we have used a "master list" system of collecting offense data. The master list is a numerical listing of every criminal offense contained in the penal laws of the given jurisdiction. After a site has been selected, the State's criminal code is catalogued offense by offense, and a three-digit numerical number (which is the key, or master list, number) is assigned to each offense. Even though such a listing entails additional early effort, the master list system has proven to be

much more manageable and flexible than the use of statutory identification numbers owing to the complex nature of State criminal codes. Many State offenses, for example, have different numbers of official digits, i.e., some may utilize six digits in their offense statutory description (e.g., 18-4032), while others may utilize just four digits (e.g., 18-10). Still other crimes need paragraphs and/or subparagraphs or subsections in order to clearly identify the specific offense. Moreover, in many states, two or more distinct offenses may be designated by the same statute number, or even the same subparagraphs. One common example of this is the crime of theft. Some states have classified theft as a felony if the value of the property stolen is equal to or over a certain amount, say $200, and a misdemeanor if the value if under $200. Yet, the statute number and/or subparagraph may be identical. Therefore, a coder simply writing down the statute number for theft will not provide information specific enough about the offense at conviction for later analysis. By using a master list system, a different master number is assigned to each of those offenses. Master list number "112" may be theft equal to or over $200, and master number "113" may be theft under $200, although both have the identical statute number.

Recording the statutory classification of crimes on the master offense listing should also reduce coder error since a computer program can later be written to automatically complete that recording task on the data cards. The listing can be organized into different formats: e.g., by alphabetical offense title, by master list number, by statute number, by the

statutory classification of offenses (Felony 1, 2, 3; Misdemeanor 1, 2), and by any other desired offense classification, e.g., offenses against-the-person, property offenses, drug offenses, miscellaneous offenses. This has proven to be a convenient technique, providing researchers with a translator system which allows quick access to a specific crime or class of crimes when only one of any of the above pieces of information has been available. (See Table 3.)

Table 3
Illustrative Master List Items

Master List #	Statute #	Statutory Class	Offense Type	Title
43	18-3-302	3	1	Second Degree Kidnapping
69	18-5-103	3	2	Second Degree Forgery
147	18-4-502	4	2	First Degree Criminal Trespass
292	12-22-124	6	3	Obtaining Dangerous Drugs by Fraud and Deceit

Another concern we have had to face is the practical handling of inchoate crimes. The master number can be keyed for an "attempt" or "conspiracy" of a particular offense. For example, in one jurisdiction we found a tendency on the part of the probation office to cite the general attempt statute when an offender was convicted of an attempt to commit a certain offense. However, simply knowing that the offender was convicted of an "attempt" will not provide enough data for most types of analyses. As researchers, you need to know the particular offense that the offender was convicted of attempting to commit. By keying in an

extra digit in the master number, one will be able to ascertain whether the offender was convicted of the substantive offense or, instead, of only an attempt, conspiracy, or solicitation of that offense. For this digit, researchers might use "1" for attempt, "2" for conspiracy, "3" for solicitation, "4" for Sexual Offender, "5" for Habitual Offender, or "7" to connote "not applicable," e.g., a conviction for the substantive offense.

Another problem in dealing with offense at conviction variables concerns the number of counts at conviction. Rather than have a series of variables listing the same crime, e.g., first offense at conviction, second offense at conviction, etc., a separate digit can be keyed into the master number. This extra digit would signify the number of counts of the particular crime for which the offender was convicted, e.g., "1 = 1," "2 = 2," ... "6 = 6 or more" counts.

A second major problem area involves variables which deal with the actual sentence imposed in the case. Again, it would appear to be a very simple matter to record the sentence that the offender receives, but, in terms of quantifying this information -- due to the numerous sentencing alternatives available -- it becomes a very difficult task. We have adopted a system of coding the most severe sanction imposed in the "Type of Sentence" variable. Then, in a series of variables listing the various sentencing alternatives, we would record whether two or more sanctions were imposed simultaneously. For example, if an incarceration and a fine were both imposed under the "Type of Sentence" variable, "incarceration" would be coded. In addition,

values would be filled in for variables dealing with length of incarceration and amount of fine.

One should attempt to list all available sentencing alternatives in the data collection instrument. Pre-testing will help in discovering the various alternatives utilized in a particular jurisdiction. There also must be some distinction in terms of length of incarceration between minimum and maximum, definite and determinate, and consecutive and concurrent sentences. The reader is again referred to the coding manual in Appendix A for a sample set of decision rules for these variables.

Significant data collection issues should be consciously considered in relation to the variables concerning the offender's prior criminal history record. (See Appendix A for one method of coding this information.) One such issue involves the "decay," or phasing out, of the effects of prior criminal activity after a certain period of time. This effect did not appear to be significant in most sentencing decisions and discussions with judges have generally surfaced mixed reactions to its importance. Judicial members of the project's Steering and Policy Committee seemed to feel that decay was a function of two factors: how long ago the previous criminal behavior took place, and how serious the crime was. They were generally of the opinion that a serious crime such as murder might never decay, while a less serious crime such as theft may indeed decay over a period of years. In designing the coding instrument, local researchers have to decide whether or not to include dates of prior criminal behavior and/or whether to place an outside time limit on those offenses to be included in the data, e.g., ten years.

Another issue relates to the categorical breakdown of prior offenses. They can be coded into categories other than the ones found in Appendix A, although experience has indicated that the breakdowns used in our previous work, i.e., (1) "felony/misdemeanor" and (2) "violent," "property," "drugs," provides sufficient distinction to handle the judges' perceptions of the seriousness of the offender's prior record in the large majority of cases. Nevertheless, one should discuss the issue with local judges to find the most desirable approach in their jurisdiction. Another approach we have considered has been to separately code prior offenses "similar" in nature to the crime at conviction, reasoning, for instance, that someone presently convicted of sexual assault may be sentenced differently if previously convicted of property crimes rather than sexual offenses.

Consideration of the offender's juvenile record also raises several controversial issues. Should only those juvenile offenses that would be considered criminal if the offender were an adult be considered at sentencing? Although we have consistently excluded juvenile status offenses in our work to date, these are decision rules which should be made explicitly in conjunction with the judges in participating jurisdictions. Some courts may wish such offenses to be included in the data base as part of the variable, "Total Number of Juvenile Adjudications," while others may use another separate variable called, "Total Number of Juvenile Status Offense Adjudications."

A fourth major area involves the coding of variables pertaining to the offender's social stability. This is perhaps

the most difficult information to quantify; much of it exists only in subjective form. For example, looking at the variable, "Residential Stability," how do you determine who is and who is not a stable individual? We have used a decision rule which says that an offender having two or more address changes within the past year, unrelated to a change of job or school, is to be considered "residentially unstable." Certainly, this is not necessarily the "correct" rule, but it does serve as a consistent standard by which decisions are not left to the unstructured discretion of coders. Similar concerns hold true for variables relating to alcohol and/or drug use.

A potentially significant decision relates to the employment status of the offender. In previous coding instruments, we have coded employment status at the time of preparation of the presentence investigation report or at the time of sentencing. There are, however, valid arguments for having this type of information coded for the time of commission of the offense. Some judges would argue that many offenders obtain employment only to "con" judges into giving them a lighter sentence. Still other judges would argue that, while it is difficult to determine if an individual is serious about working, employment represents the first step on the road to rehabilitation even if the job is obtained by the defendant while awaiting the judge's sentencing decision.

These issues have been discussed at some length in the hope that the reader will recognize that there are numerous ways to design a coding manual and that the manual provided in Appendix A

is only an example. Regardless of the alternatives chosen, decision rules must be devised for every item of information that can be anticipated. In addition, one should assume that all possible out-of-the-ordinary situations cannot be foreseen and, therefore, the coder should have the opportunity to list "other" values. Although we do not want to encourage such listings because each must be reclassified by hand to facilitate analysis, a few are inevitable. Each coder should have a coding manual and, more importantly, should be carefully trained to use it. If it is well written, it should answer most of the questions that will arise during coding. This in turn will free the coding supervisor from having to answer dozens of unnecessary questions and should help increase coder reliability.

Designing the Coding Sheet

In designing the coding sheet, the first thing to do is determine the order of the information contained in the case file. In order to save coding time, it is advisable that the coding sheet follow the flow of that information as closely as possible. The coding sheet should be divided into 80 column sections which will facilitate key punching. Each card should have a four-digit identification number (assuming researchers expect to code between one and ten thousand cases) and a fifth digit to signify the card number for that particular case. For example, "12172" would represent case identification number "1217" and card number "2."

The next step is to decide how the data should be coded, i.e., whether it is preferable to use separate coding sheets for each individual case, or whether one coding sheet should be made available as a "model" with the coder actually recording the values directly on key punch sheets. The advantage of coding by the latter approach is that it saves the cost of having to print up coding sheets which -- depending upon the size of the sample -- might amount to several thousand cases at 4-8 different sheets per case. Although this is not a tremendously large expense in relation to the overall cost of the project, it is still a potential area for savings and researchers must be cost-conscious at all times. One the other hand, by providing coders with individual coding sheets for each case, there are likely to be fewer coding mistakes than there would be if there were direct transformation of the information from the case file to a key punch sheet. In addition, coders can work at a faster rate when they have the specified values for each variable in front of them rather than having to look at them, memorize the values, and then go to a key punch sheet to record them.

The actual physical layout of the coding sheet can include boxes for each number to be coded or a blank line with slashes to separate the different columns. We found the later method to be easier to prepare and just as effective. Some cost savings can be achieved by using legal-sized paper and having the coding sheets reduced in size before final printing, enabling more variables to be fitted on to each page.

Construction Sample

Once the design of the coding manual and the coding sheet has been completed, the next step is to pretest the instrument. There is no set rule for how large a pretest is necessary since it depends in part upon how many problems are encountered. Nevertheless, we would suggest that a minimum of 25 can be randomly drawn from the sample frame. During the coding of these cases, the researcher should be especially cognizant of variables for which decision rules are lacking. The pretest will help identify such variables and provide an opportunity for revising the data collection instrument.

The first issue in drawing the construction sample is to decide how many cases to code. Even at the earliest stages, researchers should bear in mind the nature of eventual analysis and model building which will require subsequent division of data into at least two or three grids with perhaps 20-50 different cells in each grid. While a sample of at least 1,000 cases is required for analytic purposes, a relatively larger sample is needed to minimize the number of empty cells within each grid. In determining the sample size, the incarceration rate within the jurisdiction may be significant -- the lower the incarceration

rate, the fewer cases there will be in the cells for analysis of that stage of the sentencing decision. In such situations, one may have to consider stratifying the sample, that is, taking a higher percentage of cases that resulted in incarcerative sentences so there will be a sufficient number of "in" decisions when it comes time to do the analysis for the "how long" question. Moreover, even with best efforts, it is possible that any "how long" data collected will have to be treated solely as an "experience" measure rather than an appropriately derived predictor. Nevertheless, assuming the incarceration rates in the sites in which we have worked are not atypical of courts of general jurisdiction, i.e., rates ranging from 33 to 60 percent, then a sample of 1,000 to 4,000 sentencing decisions would appear to be adequate in most instances.

We should note, however, that we are using the term, "jurisdiction," in its legal as well as its geographical context; courts of a limited subject matter jurisdiction, for example, may manifest somewhat lower incarceration rates. The "how long" question will simply not be as pressing a problem in these courts. There, the principal value of guidelines will be as an aid in the decision whether or not to incarcerate at all.

The final decision about sample size will undoubtedly be influenced by considerations of time and cost. Approximately 60 minutes will be needed to code each individual case. The amount of time needed to collect the data will depend on the number of coders employed; at approximately the same cost, ten coders working for one week can code the same number of cases as one

coder working for ten weeks. Researchers planning statewide guideline systems may also have to consider the logistical elements of data collection. For example, if there is no central data collection system, coders may have to be physically located at different sites.

The time frame of the sample will also have to be determined. We generally prefer to stay as current as possible, yet we also want to minimize any abnormal variations that may occur as a result of seasonal effects, e.g., as arise over Christmas or judicial vacations. Therefore, whenever possible, it is preferable to sample cases over the most recent 12-month period. Unfortunately, in practice, researchers are likely to find that most recent cases are very difficult to trace down, for often the files are still "floating" in the system. It is also much more difficult to get an exact count of cases in the current calendar year. If, for example, you are physically collecting the data during the summer, you actually may be coding cases from the preceding calendar year.

Finally, in drawing the construction sample, researchers must decide exactly which sampling technique should be applied. Again, assuming the rate of incarceration of the site is somewhere between 33-60 percent, a random sample is best utilized. However, if the incarceration rate does not fall into that range, one might want to seriously consider stratifying the sample to enable all subcategories to be adequately represented in the data base.

Coding

Having designed and pretested the data collection instrument -- and having decided the sample size, frame, and technique -- one is ready to initiate data collection. First, however, coders have to be trained in the use of coding manual and coding sheet. During training, the coders should individually code the same 8-12 randomly drawn cases, after which they should meet to discuss discrepancies and/or problems that have been encountered. Certain variables are likely to be identified as causing most of the coding errors. Consequently, one may need to modify the coding manual to help clarify the instructions for those variables.

Once the data collectors have begun coding the construction sample, such checks as inter-coder reliability tests should continue at regular intervals throughout the collection of the data. Every third or fourth day, all the coders should code the same case so that the supervisor can continuously monitor coder reliability. Differences in the values coded should still be discussed with all coders to alert them to possible errors and thus help to minimize discrepancies in the data. In addition to inter-coder reliability tests, one should also periodically (every 35-50 cases) conduct intra-coder reliability checks, i.e., have the individual coder who is collecting data code the same case he or she has previously coded. Then the supervisor should review that case with the coder for discrepancies. Although there is no hard and fast rule for what is consistent inter- and intra-coder reliability, we recommend striving for at least ".9" as a reliability measure. If the figure should drop below that, one

should question seriously either the data collection instrument or the quality of the coding personnel.

"Cleaning" the Data

Having collected the sample, the data must be key punched and verified. Verification will help minimize, but not eliminate, key punch errors. The next step is known as "cleaning" the data, that is, searching the data for mistakes and correcting them before analysis. The first method used in cleaning the data is to obtain a listing of the images contained in the data element; this is a strict character reprint of each of the raw numbers as they appear on the keypunch card. The image listing allows the data to be checked in four ways: first, by visual inspection look for gaps in the data -- areas or columns where numbers should appear but do not; second, check to see that each card begins and ends in the "correct" place, normally column "1" at the beginning and column "80" at the end or very close to column "80," depending upon the last variable on the card; third, check the identification numbers to see that each card has an identification number and a card number; fourth, check to see that the total number of lines add up to what should be in the sample, e.g., if you have 2,000 cases at three cards per case, the image listing should show 6,000 lines or 6,000 cards.

The second method of cleaning the data is through the use of frequency distributions. In reviewing this preliminary distribution, one looks for values that should not appear, e.g., in the variable "Offender's Sex" (1 = male; 2 = female; 9 =

missing value), if you have a value of "3," "4," or "5," there is a mistake. Also it is important to examine the data to look for any gross deviations from what you would normally expect. If, for example, you estimate that 30-70 percent of your sample have a prior adult conviction and the data shows that 95 percent have a prior adult conviction, then you should be alerted to the possibility of an error in the computer input format statement or perhaps the fact that a keypunch card is out of place or missing.

The third method of data cleaning is by means of error statements. These are sets of short-hand crosstabulations designed to check the internal consistency of the data. If, for example, we are talking about "Total Number of Prior Adult Convictions," an error statement could be written to verify that the number of prior convictions within each of the subcategories (e.g., felonies, misdemeanors) adds up to the number recorded in the total number of convictions variable. There are literally hundreds of different error statements that can be set up to check the reliability of the data in this way: e.g., there must be arrests in order to have convictions; there must be incarcerations in order to have paroles; and there must be probations in order to have probation revocations; and so on. (See Appendix C for some further examples.) When doing these crosstabulation checks, or error statements, do not limit them to one particular dimension about the offender. Be sure that the tests cover the various dimensions for which data has been collected: social stability, prior criminal record, and current offense information.

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Statistical Analysis

Once the data have been cleaned, another set of frequency distributions should be developed. This new distribution will inform the researcher of the number of cases in which certain values appear or do not appear, thereby influencing later recodes which in turn will affect analytic results. After the frequency distributions have been reviewed, the next step is to apply crosstabular analysis to the data. At this stage of the analysis, the researcher is simply trying to get an overall picture of the data, i.e., to develop a "feel" for techniques that may later be tested. Virtually no variable involved in the crosstabulations should be recoded or collapsed into categories; rather, each should be left in its original form. After reviewing these initial crosstabulations, the researchers and the judges must make some preliminary decisions on the recoding of the dependent and independent variables.

The dependent variable is "type of sentence" and it is best classified in terms of "in" (a decision to incarcerate) or "out" (a decision not to incarcerate). Unfortunately, several types of sentences, e.g., work release, community corrections, or intermittent confinement, do not easily lend themselves to such a dichotomized classification. Moreover, the judges may indicate that a certain sentence is considered an "in" while the data indicates that it more closely resembles an "out" decision. Consequently, the judges will either have to make an early policy decision on how to classify certain sentences, or the analysis and model development will have to be done in duplicate with the dependent variable dichotomized in two or more different ways.

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In addition to recoding the dependent variable, the researchers must consider how to deal with the independent variables. Decisions must be made regarding the collapsing of outlying values as well as the reclassification of such categories as "not applicable" and "other." Since many of these decisions will impact not only on the results of analysis, but on the guidelines themselves, researchers are well advised to discuss these issues with the judges. For example, in dealing with criminal status at the time of the offense, should pending charges weigh against an offender? This category could be classified either way, perhaps with no change in predictive power.

Through the use of correlative coefficients such as Pearson's r, the researcher can now test for the direction, strength, and -- based upon the number of cases on which the coefficient is computed -- the significance of relationships. One can thereby begin to reduce the number of independent variables to a more manageable figure for purposes of multivariate analysis and model testing. Missing information should initially be handled through the use of pairwise deletion rather than listwise deletion which may result in the sample losing too many cases to allow for any meaningful interpretation of the results. Rough cutoff points for Peason's r are "±.2" at a ".005" significance level. Again, however, that standard may have to be adjusted in some jurisdictions. For theoretical reasons, you may also want to continue the testing of some variables which have not met these standards. Researchers will want to rerun these correlations

using listwise deletion so that any comparison can now be based on the same subsample of cases. In addition, one may also test other correlation coefficients such as Kendall's tau and Spearman's rho. Since much of the data will not meet the assumptions on which Pearson's r (a parametric statistic) is based, the use of the other two statistics (both nonparametric) will serve as an additional check.

The next phase of the research consists of multivariate techniques such as multiple regression and discriminant function analysis. These techniques are not used in a pure explanatory context, but rather in a predictive sense, as an additional check on the identification of factors to be incorporated in later guideline models. In applying multivariate analysis, you should use listwise deletion of cases for missing information. Although this will eliminate any case in which information is not present, it will help insure the validity of the technique employed.

One also needs to be sensitive to the problems of multicollinearity -- two highly correlated variables which explain nearly the same amount of variance in a dependent variable. This is most common in the area of prior criminal record, with one particular variable often not entering the equation because so much of the variance it accounts for is also explained by a companion variable. An example of this might be prior arrests and prior convictions. It is possible that arrests will enter the equation of prior conviction and that it will also delay the entering into the equation of prior convictions because these variables explain the same portion of the variance. Therefore,

it is often necessary to recheck the inter-correlation of variables and, when necessary, force certain variables into the regression equation ahead of others. In the example just explained, convictions could be entered into the equation before arrests.

Regression analysis will also provide an indication of the rate at which predictive power increases as additional variables are added to the equation. It is likely to demonstrate that a limited number of information items, perhaps even as few as four to eight, will account for nearly all the variance in the dependent variable (type of sentence) that can be explained by the data in the sample.

Discriminant function analysis is another multivariate technique which can be used to analyze sentencing decisions. It can be expected to produce results similar to those provided by multiple regression analysis when the dependent variable is dichotomized. In this sense, discriminant function analysis represents still another check on previously used analytical methods. Should the researcher have to distinguish between more than two groups, however (e.g., which correctional facility an offender might be sentenced to), then discriminant function analysis can be very useful.

Up to this point, the researcher has been dealing with a dependent variable that is solely concerned with whether an offender has been incarcerated. The same statistical analysis techniques may not be repeated with "length of incarceration" as the dependent variable.

While the results will not be used directly in the development of the sentencing grids, they will provide some additional insight into sentencing practices, and will form the basis of an experience table. Conceivably, certain variables may be identified whose effects on the sentencing decision are limited to the "how long" as opposed to the "in/out" question.

Model Choice

Having completed the correlation and multivariate analyses, the researcher should have a good idea of the 10 to 20 variables which seem to have the potential for most accurately predicting the sentencing decisions of the court. The next step is to start to generate some guideline models and determine what various combinations of these items most accurately predict criminal sentences. There are three principal types of models which can be generated. For purposes of classification simplicity, they will be referred to here as the class model, the generic model, and the crime-specific mode   (See Appendix E.)

The term "class model" will be used to designate that particular sentencing guidelines scheme in which one set of information items covers all crimes and each individual class of crimes is assigned its own separate grid. The major advantage of the class model over any of the other models is that it will probably be the simplest to calculate inasmuch as only one set of information items is used.

The second type of model has been referred to as "generic." This model classifies crimes by offense types, e.g., property, violent, drugs, and miscellaneous. Though it is conceivable that the generated information items will still be the same for each of these offense categories, it is not likely and one can expect some different items for each type. While the generic model has the potential advantage of being better able to identify different factors affecting different types of crimes, experience has shown that this will not necessarily guarantee a more accurate model in the predictive sense. In calculating sentences for generic models, the person doing the calculation would turn to the information set which is congruent with the type of offense (violent, property, drugs, etc.), calculate the sentence and then turn to the grid for that type of offense.

A third type of model is termed "crime-specific," i.e., it is designed for the particular offense that the offender was convicted of committing. This model has the potential for obtaining the highest predictive power of all models since guidelines are being developed for relatively limited fact situations. Yet, crime-specific models are time-consuming and costly -- costly in the sense that unless you sample an extremely large number of cases of each crime for which you are attempting to develop models, statistical analysis will not be valid. Moreover, the analysis must be done for each crime, thus multiplying computer costs. A second shortcoming of the crime-specific model is the time factor. Not only will it take more time in the analysis stage -- having to repeat the analysis

for each crime -- but, once the guidelines are developed, it will necessitate a separate calculation for each offense to determine the sentence. This will also increase chances for error since ten to fifteen different types of calculations may be required. These limitations will usually make it impracticable to develop crime-specific guidelines except for the most commonly occuring offenses within a jurisdiction. Even then, some other type of model, either general or generic, will have to be used in conjunction with the crime-specific model in order to encompass the entire range of offenses.

A variant of the above three models involves bifurcation. A bifurcated model has two stages, the first using a set of information items to determine whether or not to incarcerate the offender, while the second stage determines the time or length of the particular type of sanction. The major argument against a bifurcated model has been its complexity. That is, it requires a two-stage model to determine the guideline sentence, thus necessitating two separate calculations. On the other hand, it is conceivable that such a two-stage model would more accurately map reality than a one-stage model because items of information may be differently associated with the two stages of the sentencing decision. As an illustration, it is quite possible that the present employment of a given offender will prove a significant factor in convincing a judge not to incarcerate that offender. However, if the seriousness of the offense or some other factor does convince a judge to incarcerate the offender, then the judge has effectively decided to terminate the offender's current

employment and that factor may carry no weight in the judge's decision as to length of incarceration.

Model Development

The next step involves the process of incorporating the ten to twenty items into various combinations of sentencing guidelines models. Assuming that a two-dimensional model has been decided upon, two separate scales must be developed, one focusing on the crime or offense and the other on the offender. Different combinations of variables can be used to develop each scale. The range of scores on each scale determines the number of cells within a grid, although identical sentences in contiguous cells may eventually lead to a merging of columns or rows.

It is at this stage that one can also divide the data -- if it has not been done previously, and assuming that the judges have requested it -- and test crime-specific or generic models. The same procedures utilized during analysis must then be applied to each subsample: crosstabular analysis, Pearson's correlation coefficients, and multivariate analysis.

Within any of the models, one problem that must be resolved is how to handle seriousness of offense. As noted in volume one of this series, one of the findings of sentencing guidelines research has been that judges consider the "real offense" in deciding what sentence to impose. By the term, "real offense," we refer to judicial perceptions of the actual conduct of the offender in the commission of the crime as opposed to conduct consistent only with the offense at conviction, which may

represent a plea bargain. Many of the variables needed to provide an estimate of the seriousness of the offense have already been collected in the construction sample. The task now is to devise a systematic approach to the development of a crime score.

One method of handling seriousness information is to use an intra-class ranking system. What this system does is to take offenses within a given category and classify them by the perceived seriousness of the typical offense. The rankings are established by the judges themselves. A sample of the instruction sheet given to the judges when performing this task can be found in Appendix D. As can be seen, it is a fairly simple procedure in which the judges lay out cards in front of them and then group the cards in comparison to one another. After the rankings have been tabulated, the results are reported to the judges who, as a group, should resolve any disagreements or make any modifications. Having the rankings established in this manner has been found desirable as it blunts any charge of judicial legislation since the judges are working strictly within the offense classifications provided by the legislature. In our experience to date, judges have found no difficulty in making some determination as to the comparative seriousness of offenses within the same offense class. This may be viewed as their "fine tuning" of the gross legislative mandate which sets equal penalties for all crimes in a given class. For example, in one jurisdiction, voluntary manslaughter and forgery fall within the same felony class. The judges, however, have ranked manslaughter as the more serious crime.

A seriousness modifier may be needed for use in conjunction with, or in place of, a ranking system in order to obtain even finer distinctions as to the seriousness of the offense than would be provided by analysis of only the statutory charge at conviction. For example, information pertaining to the use of a weapon, injury to victim, quantity of drugs, dollar value of stolen property, etc., may help to more accurately reflect offense seriousness and thus help in developing a model with increased predictive power.

There are no set rules as to which variables are to be used in the development of guideline models or what specific weights are to be assigned to them. It is an iterative process of testing, modification, and retesting. However, the predictive ability of each individual variable as well as the predictive capacity of each model can be checked through a Mean Cost Rating or the Index of Predictive Efficiency.

Equal or unit weights are assigned after a re-examination of the crosstabulations to determine the degree to which the rate of incarceration for each category of an independent variable differs from every other category and from the base incarceration rate of the sample. It might help to explain this process by assuming a hypothetical jurisdiction in which the overall or base incarceration rate is 50 percent. Let us now look at the variable "Prior Convictions." Suppose offenders with zero prior convictions have a 35 percent incarceration rate, those with one prior conviction have a 55 percent incarceration rate, those with two prior convictions have a 75 percent incarceration rate,

and those with three or more prior convictions have a 78 percent incarceration rate. Although the categories or breaks would then be fairly obvious, given the base incarceration rate, the weights are not and must be tested. There are actually several different weighting combinations that may be utilized. For example, you might want to assign a weight of zero to offenders who have never been convicted, a weight of one for one conviction, and two points for two or more prior convictions. You might even further collapse categories and use zero and one only, or alternatively, show "credit" directly to an offender by assigning a weight of "-1" to no convictions, "0" to one conviction, and "+1" to two or more prior convictions.

The key to defining categories and assigning weights is to examine how many offenders are incorrectly identified. In the above example, you may assign one point to those offenders with one prior conviction because 55 percent of the individuals with that characteristic were incarcerated. On the other hand, 45 percent of the time you would be falsely classifying someone who, in fact, was not incarcerated. Therefore, look for at least a ten percent increase or decrease in the incarceration rate across categories of an independent variable as compared to the overall or base rate of incarceration of the sample or subsample. In addition, be sure to be consistent in the weights that are assigned; if you assign a "+1" for a ten percent variation from the base rate, you should assign a "+1" to any other category having a similar variation.

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Two words of caution in this area. First, it is expected that in a large number of jurisdictions, numerous prior criminal history variables will be associated with the sentencing decision. When it comes time to incorporate these similar items into a model, following the above rules, one runs the risk of excessively weighting a particular dimension, even though on an individual basis these items may indicate a significant relationship with the "in or out" decision. Second, avoid the temptation to place great weights on extreme values: e.g., on individuals with five or six convictions who have a 98 percent incarceration rate. There are likely to be only a small number of cases having those values; moreover, those offenders will have generally picked up additional points for other items and will probably have high scores in any event. Therefore, using a unit weighting system, it is most unlikely that points higher than "3" would ever have to be used.

Another justification for using low unit weights is computational ease and the consequent reduction of error. For similar reasons, it would seem desirable to avoid negative weights. Nonetheless, the judiciary may request such weightings to indicate more graphically that credit is given to an offender who is presently employed, pleads guilty, or has no prior convictions.

Having derived offense and offender scales, one must now apply these scales to the cases to find the corresponding scores that are obtained. The intersection of these scores are represented as the coordinates of a matrix whose dimensions are

the scales themselves. At each pair or coordinates (cell), the sentencing decision of cases falling within the cell are listed. See Appendix F for a sample FORTRAN program for testing a two dimensional model.

It is then necessary to develop an "in/out" line which separates decisions to incarcerate from decisions not to incarcerate. The choice as to what a particular cell is to be labelled is determined by the modal category of the sentences within that cell and by analysis of contiguous cells. The logic of the guidelines concept demands that, as the offense becomes more serious and/or the offender's unfavorable characteristics become more pronounced, the probability of incarceration and the length of that incarceration should increase. Consistent with this, the predictive line is drawn so as to minimize errors in predicting the "in/out" decision. Furthermore, researchers are likely to uncover a pattern reflecting the use of special sentences such as work release, split sentence, or community corrections. Where such sentences are the modal caregory within a given cell, that cell could then be so labelled. If those special sentences are not the modal sentence in a cell, but yet are clearly being used in a significant number of cases, then the cells could be starred (*) or otherwise designated so as to indicate the possible imposition of a special sentence. The deciding factor for choosing any of the various models becomes the highest predictive power with the only trade-off being computational and theoretical simplicity so that it can be best understood and used by those working within the criminal justice system.

The Validation Sample

Having completed initial model development and having ascertained the five to six "best" models in terms of their predictive power, the researcher is ready to test these alternatives against a second, or validation, sample. Sometime during the analysis stage of the construction sample, the research team should begin collection of a validation sample. This sample will contain nearly the same information items that were included in the first sample, although some items may be excluded because they were missing too frequently or because the item is not of interest for descriptive purposes, or because it did not prove to be useful in prediction.

Besides providing a test of accuracy of the various models, this validation sample will indicate whether there have been any significant changes in court policy since the collection of the construction sample. It is quite possible that, by this time, the construction sample cases would be at least six months old and they could be as much as two years old. Therefore, there is a real need to sample very recent cases to see if there have been changes in the court's sentencing practices. Consequently, in collecting the validation sample, it is best to code cases within the three or four months period closest to the projected implementation of sentencing guidelines. Thus, if you are in your analysis stage during April, May and June, you will want to collect a validation sample of cases where sentence was imposed during that period. Whether that can be done, however, depends upon the time it takes for the court system to generate cases

and how quickly the case files become available to the researcher. One may have to go to an earlier time period to obtain cases. Although a random sample would be desirable, it may not be possible over such a small time frame. Researchers may have to collect every case sentenced during the designated time period. Every effort must be made to determine if the cases collected are atypical for any reason.

The data collection instrument for the validation sample will closely resemble that used in the construction sample. Any modification in the decision rules found to be necessary during the coding of the construction sample should be incorporated into the validation data collection instrument. The coding manual and the coding sheet should be designed in a similar fashion to those used in coding the construction sample and there should again be a pretest against some 20-25 cases. As before, the primary purpose of this pretesting will be to check the instrument to ensure that there have been no changes in the format of pre-sentence reports or in the manner they were written since the collection of the construction sample.

The next step is to set the size of the sample. Time and cost factors will again influence sample size, but it should be at least one-third and hopefully one-half to two-thirds the size of the construction sample. Thus, if a 2,400 case construction sample was employed, then the validation sample size should be approximately 1,200 and 1,600 cases. A smaller validation sample will suffice since statistical tests do not have to be conducted on this second sample. The basic purpose of the validation

sample is simply to test the models; hence, the primary sampling concern is one of having enough cases in the cells to run a valid test of the original construction sample models.

Coders must be hired and, as before, the research supervisor must be sure to carefully train them and continue to test their reliability. If possible, use the experienced coders who collected the construction sample. Even so, check to see that they have not gone "stale" over the time lapse between the collection of the two samples or have not slipped into some bad habits which were not discovered during the construction sample. The cases should be reviewed by supervisory staff and then key-punched and verified.

Researchers should now prepare the data for the testing of the models. This is accomplished in much the same manner as followed during the cleaning of the construction sample. First, get an image listing and scan it to check identification numbers, card column end-points and blank columns. Next, run frequency distributions to look for obvious errors in the listed values and to examine whether any unusual values are present in the data or whether there are notable shifts from what was found in the construction sample. Lastly, run a series of error statements to identify "hidden" internal errors.

Having cleaned the data, one is now ready to test the models against the validation sample. Take the five or six best predictive models at this point and test them against the validation sample to see how much shrinkage there is in the model's ability to accurately predict the "in/out" sentencing

decision. In relation to the "how long" decision, one is liable to have found a fair degree of variation. Therefore, it is possible that the validation sample will have to be combined with the construction sample to form an experience table rather than a prediction tool. This experience table will eventually be used by the judges in making policy determinations regarding the length of incarceration. As to the type or length of "out" sentences, none of the courts in which we have worked have thought it necessary to have guidelines for those decisions. Such guidelines, however, could certainly be developed. In the meantime, for research and presentation purposes, one needs to use some measure of central tendency to specify the length of incarceration. We have generally used the median as that measure. We have also utilized a small range around the median, e.g., "±12.5%," within which a sentence would still be considered to be "inside" the guidelines. There has been general agreement that such a range is broad enough to provide judges scope for individualizing sentences within the suggested guidelines range, while not being so broad as to negate the significance of the guidelines themselves. The final decision as to the measure of central tendency and the use of a range must be made by the judges in their role as a policy body.

Presentation to the Judges

Having refined the models, one should be able to identify the two or three best predictive models. Researchers should now present these models to the judges sitting en banc as

a policy decisionmaking body. At this meeting with the judges, the entire work of the project to date should be reviewed, including some of the other models that were tested and discarded and the items of information that were included in those models.

The judges should be apprised of the fact that the models being presented are not necessarily to be thought of or accepted as the court's final guidelines. The models will, however, represent the product of many months of work, the empirical examination of thousands of sentencing decisions and the testing of dozens of models designed to map the decisionmaking process. The judges should also be informed that the models are the best predictive ones from which they, as a policy-making body, can select one, reject them all or change the information items to establish a synthesis sentencing guidelines model which they feel will more accurately reflect their policy.

Any "controversial" findings should be specifically and clearly noted as the researchers must make it clear that their role so far has been primarily empirical, that is, to describe the court's current sentencing practices. The judges should be made aware that the statistical analysis has been designed to provide them with the information necessary to explicitly formulate sentencing policy. They must now decide whether they approve of the sentencing practices described and, if not, what conscious changes they would like to make. If, for example, a decision is made that employment should not be included in the guidelines, the judges must recognize that this will not in any way preclude them from considering an offender's employment in the

individual case; in fact, in some situations, that factor may necessitate a decision outside the guidelines. What the judges are saying, in effect, is that, as a matter of court policy, employment is not an essential factor to be considered in every sentencing decision made by the court.

At this meeting, the judges should also be given the information needed to make certain policy decisions concerning the pattern of sentences in the grids. As we explained earlier, this information may include the data from the two samples combined into one instrument which will now serve as an experience table upon which to base such policy decisions. For example, in areas where the sentencing pattern which has emerged from the data is seemingly illogical (i.e., where it is not the rule that the "worse" the crime and/or the "worse" the offender, the more severe the sentence), the judges will have to come to grips with and resolve any such apparent discrepancies.

In making policy decisions, a unanimous vote by the judges as to any issue is of course desirable, though not always possible. Regardless, a substantial majority of the judges should support any decision which affects the guidelines. If a significant minority of the judges in the jurisdiction, or on the judicial advisory committee, feel that a certain factor should not be included in the guidelines, then it might better be left out. If guidelines are to be successful, cooperation among all the judges must be achieved. Therefore, it is certainly more desirable to have a product that is satisfactory to the overwhelming majority of judges within the jurisdiction, even if some slight loss of predictive power is the trade-off.

In the long run, that "loss" will be more than made up as judges more confidently adopt the system as their own.

Implementation

Having eventually reached the point where one guideline model has been decided upon and is ready for use by the judges, researchers must operationalize the day-to-day mechanics of getting such a system implemented. The first issue centers around who will be calculating the guideline sentence. Ideally, one person doing the calculation would allow for a much higher degree of quality control. However, criminal justice systems are far from ideal and cost/time trade-offs will generally be critical in the determination of who will calculate the guideline sentences.

In many jurisdictions, there is a central location within the probation department through which all presentence reports must pass before going on to the judges. In such a setting, the guideline sentences could be calculated at that location, attached to the presentence reports and then forwarded to the judges. This procedure would certainly provide the quality control mechanism that is desirable in the guidelines system. An alternative would be to have each individual investigatory probation officer calculate the guideline sentence and forward it to the judge along with the presentence report.

A somewhat different approach is necessary in those jurisdictions in which presentence reports are infrequent, perhaps written for only a small percentage of cases. In such

circumstances, possibly a law clerk or court recorder could do the calculations. Having the judge calculate the guideline sentence, however, is probably the most satisfactory solution in such a situation. It would help ensure the confidentiality and accuracy of the information being used.

Regardless of who actually calculates the guideline sentence, it is imperative that the judge have access to the guideline before sentence is formally imposed. Moreover, in most instances, it is preferable to have the guideline sentence available at the time the preliminary, or "paper," sentencing decision is being made.

The actual guidelines become part of a package which should be distributed to those individuals within the criminal justice system who may be affected by the enactment or use of sentencing guidelines by the judiciary. An example of this guideline package is contained in Appendix E. It includes a sentencing worksheet which is a listing of the information items included within the guidelines and their specific weights. The number of copies of the sentencing worksheet will vary from jurisdiction to jurisdiction with perhaps as many as five copies needed; one each for the judge, the probation department, the defense counsel, the prosecuting attorney, and the research team. Carbonless copy sheets might best be employed for this purpose. Accompanying the worksheet is a coding manual listing decision rules for computation of the guideline sentence. Although these decision rules should be as brief and as simple as possible, they are essential to resolving certain ambiguous situations in a uniform

manner. The third item within the guideline package will be the actual sentencing grids.

Finally, there must be some mechanism set up by which these guideline sentences can be picked up and distributed to interested parties. One copy must be returned to the research team who can then prepare for the semi-annual feedback and review session. Values on the worksheet should be filled in for all offenses and offenders, regardless of whether the offense is included within the guideline system. Eventually, such offenses may be added to the system.

Feedback and Review Session

Preparation for the feedback and review meeting with the judges begins with the implementation of guidelines. As noted above, one copy of each sentencing worksheet is given to the research team who will analyze this information and present it to the judges for their review and comments at the feedback meeting. The first step in preparing for this session is the development of a coding manual which will facilitate the transfer of the information from the sentencing sheet to a computerized data base in such a manner that analysis can be performed. The instrument is designed in much the same way that previous coding manuals were designed. Decision rules must be established so as to delineate clearly what sentences will be said to fall within the guidelines. Before designing the instrument, it is advisable to wait until about 100 cases have been sentenced under the guidelines. This will give the

research team time to be alerted to any problem areas and become familiar with how the implemented guidelines are working. A sample of this coding instrument can be found in Appendix G.

To prepare for the feedback and review session with the judges, several basic research tasks must be completed: the data must be cleaned, following the same process as applied earlier -- an image listing, a frequency distribution, and a series of error statements. The next step is descriptive, determining how many sentences fall within the guidelines. This is not as obvious as might seem at first glance because there are unusual sentences which appear to follow the "spirit," but not the "letter," of the guidelines.

The first 100 cases should give the staff a reasonable idea as to what sentences are being used, how often and how widely off the mark the guidelines are: the judges themselves can be consulted as to whether they feel a sentence is within the guidelines. One problem encountered in this area is the application of credit for time served. If the guidelines suggest 4 to 6 months incarceration and a judge gives 2 months, noting, however, that he or she took into account the offender's 2 months in jail awaiting sentencing, is that a "hit," i.e., a sentence falling within the guidelines, or a "miss," i.e., a sentence falling outside the guidelines? On the other hand, if in the same case the judge gives 4 months and says credit for 2 months, is that a "hit" or a "miss"? Must one consider only the actual sentence or should the practical effect be evaluated?

Once the descriptive problems have been resolved, the first aspect of the guidelines system to be reviewed is the set of reasons given for going outside the guidelines. These reasons should be analyszed to determine if the judges are indicating that a change in the guidelines is necessary. That change may be in relation to a specific item presently contained in the guidelines or in terms of adding one or more new items. Often, in examining proferred reasons, the researcher must look beyond what is said to what can be reasonably inferred. For example, if a judge, in giving a sentence less severe than that indicated by the guidelines (e.g., probation when incarceration is called for), cites as a reason that the offender had no prior criminal record, can it be assumed that in reality what the judge is saying is that the offense is not as serious as ranked because offenders committing this kind of offense would not normally be incarcerated unless they had some type of prior criminal record? Another example might occur with regard to the recommendation of the District Attorney. If the judge, in agreeing with the District Attorney's recommendation, goes outside the guidelines, that certainly may have been a valid reason for such action. However, a mere statement of "the District Attorney's recommendation" as the reason is insufficient for the purposes of the sentencing guidelines. What the judge may in fact mean to say is that the District Attorney's recommendation is based on certain factors such as the insufficiency of the evidence, which in turn necessitates a sentence outside the guidelines.

Researchers should then examine each individual cell within the matrices, looking for cells in which an adjustment in either the time or the type of sentence would result in more sentences falling within the guidelines. The weights assigned to offense and offender characteristics should also be examined to determine, for example, whether there has been a shift in the perceived seriousness of a specific offense. Where significant numbers of sentences fall outside the guidelines for a particular item of information, the researcher should recalculate offense and offender scores to test how a shift in weighting would affect the case's position on the matrix and in turn the guideline sentence.

At the meeting with the judges, a report on the previous six months' use of the guidelines should be given. At the very minimum, the report will inform the judges as to the percentage of sentencing decisions falling within the guidelines on the basis of the "in" or "out" decision and on the basis of the length of incarceration decision, as well as list the various reasons given by the judges in going outside the guidelines. In addition, the report must note those areas where the analysis has indicated that a modification in the guidelines must be appropriate. It is then the responsibility of the judges to decide if modifications in the guidelines are necessary to more accurately represent their current sentencing policy.

Conclusion

It must be stressed that sentencing guidelines are not a difficult tool per se to develop and implement within a given jurisdiction. What is difficult is the implementation of change. This is often a very difficult and/or delicate process and that is why we emphasize the necessity for close and open collaboration with the local judiciary. Without doubt, the cooperation of those within the criminal justice system is essential to a working guidelines system -- a system that works to promote equity in the sentencing of offenders.

APPENDIX A

Example of Construction Sample Coding Manual

GENERAL INSTRUCTIONS

1. Use of "6," "7," "8," and "9"

The number "6" may be coded when the facts about a particular variable are unclear or ambiguous or to designate six or more of a certain characteristic. If there are two boxes of columns representing a variable, "96" should be used; three boxes "996"; four boxes "9996"; five boxes "99996"; and so on. Instructions under each variable will usually describe the particular set of facts which would require the use of this number.

The number "7" may be coded when a variable is inapplicable for a particular case. If there are two boxes for a variable, "97" should be coded; three boxes, "997"; and so on, following the logic from above. Again, instructions under each variable will usually explain how this number is to be used.

The number "8" may be used when a case has a value for a variable other than those supplied by the coding sheet. Depending on the number of columns, use "8," "98," "998," "9998," "99998," and "999998" to represent "other." Always add a brief written explanation.

The number "9" may be coded when no information about a variable is provided in the presentence investigation report. Use "9," "99," "999," "9999," "99999," and "999999" as appropriate.

Values for "not applicable," "other," and "missing value" will not be specifically listed on the coding sheet for every variable. Although they are unlikely to occur in those variables for which they are not listed, an unusual set of circumstances may necessitate their use.

2. The identification number which is to be coded three times (for each card used) has space for five digits. The first four (left to right) are to be assigned consecutively, starting with "0001" for the first case. The fifth digit identifies the card being coded and will be either a "1," "2," or "3."

3. All date and time variables, unless otherwise noted, will be for the time of sentencing.

4. When there is no mention of the offender having any type of criminal history record, it is to be assumed that he does not have any. One can further assume that if no arrests are mentioned no convictions occurred. Such cases are not to be treated as instances of missing information. Whenever dealing with prior record history, present offense information is to be excluded. When coding number of prior arrests, convictions and incarcerations (both juvenile and adult), code only those offenses where the potential maximum statutory penalty is over 30 days incarceration. When priors are out-of-state or federal offenses and the class or type of the offense is not specified in the PSI, use the offense class or type that would apply under corresponding state statutes. If more than one offense is involved at a particular arrest or conviction, code only the most serious offense.

5. For the purposes of this coding, robbery is to be considered a crime against the person.

6. In coding those sets of variables which deal with more than one offense at a particular stage of the criminal justice system, the more serious offense is to be coded first. Use the statutory class system as the primary criterion of seriousness, e.g., a Felony One would be classified as the most serious offense if a defendant was charged with a Felony One, a Felony Two, and a Misdemeanor B. The Felony Two would be coded second and the Misdemeanor B last. If two or more crimes are of the same statutory class, the offense which is against the person is to be considered the most serious. If two or more offenses within the same statutory class are against the person (or not against the person), code the one with highest statutory number as the most serious.

7. When coding prior criminal history variables: If more than one offense is involved at a particular conviction, only the most serious offense is to be coded. Follow the above directions (General Instruction #6) in deciding the most serious offense.

8. Whenever dealing with prior criminal record, present offense information is to be excluded. For example, in Total Number of Prior Adult Convictions, it is possible to code a "97--never convicted" because it refers to prior record, which does not include the current offense.

9. If a determination cannot be made as to whether an out-of-state offense was a felony or a misdemeanor, assume it was a misdemeanor and code as such. If it cannot be determined if it was an offense against the person, assume it was not against the person. Thus, if an out-of-state offense was listed as theft, first check the master list (alphabetical listing) under misdemeanors to see if there is a corresponding statute. If so, code as a misdemeanor. If the "out-of-state" offense has no corresponding misdemeanor statute, check the felony master list and code as a felony. Applying the second test (against person, not against person) assume that the theft is not against the person. While a robbery is considered to be a crime against the person, theft is generally considered to be a property offense.

10. When coding an offense from the master list and the crime does not appear on the master list and does not fit the requirements for exclusion (e.g., minor traffic offenses or military offenses which have no civilian counterpart, e.g., AWOL), code as "998," and list the full statutory designation of the offense. It is expected that this will occur very infrequently. Those offenses should not be counted when calculating variables 03 and 07 [Number of Offenses: Original Charges, and Number of Present Offense(s) of Which Convicted--Final Charge(s)]. A determination to include or exclude will be made at a later time and if included, the appropriate variables will be adjusted accordingly.

CARD ONE

I.D. AND CARD NUMBER

(1-5)

Var 01   DATE OF SENTENCING
(6-11)
          In coding date of sentencing (Col. 6-11), code in six colums:
          month, day, year, e.g., January 3, 1976 would be coded "010376."

Var 02   INDICTMENT/INFORMATION NUMBER
(12-17)

Var 03   NUMBER OF OFFENSES--ORIGINAL CHARGE(S)
(18-19)
          01-25 = Number of charges
          99   = Missing value

          This variable describes the number of separate criminal offense(s) a
          defendant is charged with.

          Code the number of original charge(s) at this first point of
          charging, the point of contact with the Prosecutor (not the
          Police), which can be at indictment or information. Charges are
          to be distinguished from counts - charges may include one or more
          counts.

          The following instructions apply to Variables 04 through 10.

          OFFENSES AT CHARGE AND CONVICTION

          General instructions for coding of master list numbers:

               In the master list, each offense is represented by a three-
          digit number. The appropriate number can be found by using the
          alphabetical listing of offenses, the listing which is ordered by
          statute number, or the listing which is ordered by offense class.
          On the coding sheet, each master list number variable consists of
          five (5) boxes, or columns. The number for the offense from the
          master list should be placed in the first three (3) boxes. In the
          remaining boxes the following additional information about the
          offense should be coded.

Fourth digit:

1 = Conviction for attempt
2 = Conviction for conspiracy
3 = Conviction for solicitation
4 = Commitment under "Sexually Dangerous Person" statute
5 = Commitment under "Habitual Offender" statute
7 = Not applicable (none of the above)

Fifth digit:

1-7 = Number of counts
8   = 8 or more counts
9   = Missing value

     The fifth digit represents the number of counts of the offense
at charge or conviction. If there is no mention of any counts
in the file assume that there are none aside from the original
charge; code "9" only if there is an indication that there was
more than one count (charged or at final conviction), but a
specific number is not given.

Var 04   MASTER LIST NUMBER OF FIRST OFFENSE--ORIGINAL CHARGE
(20-24)
          99998 = Other (List: _____)
          99999 = Missing value

          Refer to the master list to code this variable.

          This variable refers to the instant offense charged in the
          indictment/information at the preliminary hearing.

          In those cases in which the defendant was charged with more than
          one offense, code the most serious offense first--see General
          Instruction #6.

          Continue using these criteria to code, according to seriousness,
          second and third offenses as required.

Var 05   MASTER LIST NUMBER OF SECOND CHARGE--ORIGINAL CHARGE
(25-29)
          99997 = Not applicable
          99998 = Other (List: _____)
          99999 = Missing value

          Refer to the master list to code this item. If a defendant was
          not charged with a second offense, code as "not applicable."

          For additional instructions, see MASTER LIST NUMBER OF FIRST
          OFFENSE--ORIGINAL CHARGE.

Var 06
(30-34)

MASTER LIST NUMBER OF THIRD OFFENSE--ORIGINAL CHARGE

99997 = Not applicable
99998 = Other (List: _____)
99999 = Missing value

Refer to the master list to code this item. If a defendant was not charged with a third offense, code as "not applicable."

For additional instructions, see MASTER LIST NUMBER OF FIRST OFFENSE--ORIGINAL CHARGE.

Var 07
(35-36)

NUMBER OF PRESENT OFFENSE(S) OF WHICH CONVICTED--FINAL CHARGE(S)

01-25 = Number of offenses
99   = Missing value

This variable refers to the current or instant offense(s) for which the defendant was convicted.

Var 08
(37-41)

MASTER LIST NUMBER OF FIRST OFFENSE AT CONVICTION--FINAL CHARGE

99998 = Other (List: _____)
99999 = Missing value

Use the master list to code this variable.

This variable refers to the first offense for which the defendant is currently or presently being sentenced, i.e., the first offense at present conviction (or court adjudication).

In those instances in which a defendant is being sentenced for more than one offense, code the most serious offense first.

See General Instruction #6.

Continue using these criteria to code, according to seriousness, second and third offenses.

Var 09
(42-46)

MASTER LIST NUMBER OF SECOND OFFENSE AT CONVICTION--FINAL CHARGE

99997 = Not applicable
99998 = Other (List: _____)
99999 = Missing value

Refer to the master list to code this item.

If a defendant was convicted of only one crime, code this variable as "not applicable." Otherwise, code this variable according to the offense listing.

For additional instructions see MASTER LIST NUMBER OF FIRST CONVICTION--FINAL CHARGE.

Var 10
(47-51)

MASTER LIST NUMBER OF THIRD OFFENSE AT CONVICTION--FINAL CHARGE

99997 = Not applicable
99998 = Other (List:_____)
99999 = Missing value

Refer to the master list to code this team.

If a defendant was convicted of only one crime, code this variable as "not applicable." Otherwise, code this variable according to the offense listing.

For additional instructions see MASTER LIST NUMBER OF FIRST OFFENSE AT CONVICTION--FINAL CHARGE.

Var 11
(52-53)

TYPE OF SENTENCE
00 = Deferred prosecution
01 = Conditional discharge
02 = Incarceration suspended
03 = Court costs imposed
04 = Restitution imposed
05 = Fine imposed
06 = Probation imposed
07 = Special sentence imposed (List: _____)
08 = Split sentence
09 = Incarceration imposed
98 = Other (List: _____)
99 = Missing value

Where a defendant receives more than one sanction in sentencing, the most severe sanction is to be coded. For example, if a defendant receives a sentence of incarceration and a fine, his

sentence will be coded "08--incarceration imposed." The fact
that he also received a fine will be reflected in variable 13
(Amount of Fine). In general, the higher the coding number,
the more severe the sanction.

Code "00" when a conviction has occurred but sentencing is
deferred contingent upon actions such as successful completion
in a drug abuse program. This does not include commitment under
the "sexually dangerous person" statute.

Code "01" when the defendant is sentenced to conditional
release without any probationary supervision. This may include
court imposed conditions.

Code "07" when the defendant receives a special sentence of non-
continuous confinement such as weekends in confinement or the
sentence of periodic imprisonment. Please list the nature of
the sentence on the coding sheet.

Code "98" for such dispositions as mental commitments. For
unique sentences not covered by the assigned, please list the
nature of such sentences briefly on the coding sheet.

Var 12
(54)

TERMS OF INCARCERATION

0 = Concurrent
1 = Consecutive
2 = Concurrent abd consecutive
7 = Not applicable
8 = Unclear from available information

Code this variable "0," "1," or "2" if the defendant is sentenced
on more than one charge or count <u>and</u> received more than one term
of incarceration. If the defendant is not sentenced to a period
of incarceration or is sentenced to only one period of incarcer-
ation, code "7." Unless it is specifically stated that multiple
terms of incarceration are to be consecutive, assume that they
are concurrent and code "0."

Var 13
(55-59)

AMOUNT OF FINE/COURT COSTS

00001-99994 = Amount of fine to $99,994
99995 = Fine of $99,995 or more
99996 = Fine imposed, amount to be determined
99997 = Not applicable, no fine imposed
99998 = Other (List: _____)
99999 = Missing value

Code the amount the offender was fined or court costs charged
regardless of whether it was the only sanction imposed or whether
it was imposed in conjunction with another sanction. If a fine
or court costs were imposed and suspended, code as "99998."

Var 14
(60-64)

AMOUNT OF RESTITUTION

00001-99994 = Amount of restitution to $99,994
99995 = Restitution of $99,995 or more
99996 = Restitution imposed, amount to be determined
99997 = Not applicable, no restitution imposed
99998 = Other (List: _____)

Code the amount of the restitution ordered regardless of whether
it was the only sanction imposed or whether it was imposed in
conjunction with another sanction.

Var 15
(65-66)

LENGTH OF PROBATION

01 = One month or less
02-94 = Length of probation (in months)
95 = 95 months or more
96 = Unspecified length of probation
97 = Not applicable, no probation imposed
98 = Probation imposed but suspended
99 = Missing value

Code the length of probation regardless of whether it was supervised
or unsupervised or whether it was the only sanction imposed or
whether it was imposed in conjunction with another sanction.

Var 16
(67-69)

LENGTH OF INCARCERATION--MINIMUM

000 = Indeterminate minimum sentence (one day minimum)
001 = One month or less
002-993 = Length of incarceration (in months)
994 = 994 months or more
995 = Life
996 = Death
997 = Not applicable, no incarceration imposed
998 = Incarceration imposed but suspended
999 = Missing value

Code the minimum length of incarceration, regardless of whether
it was the only sanction imposed or whether it was imposed in
conjunction with another sanction.

Code the length of a definite sentence in this item; include
death sanctions. "Life" is to be coded as a definite sentence.
If consecutive sentence were imposed, add the minimum sentences
(or definite sentences) to determine the minimum period of incar-
ceration. Consider any non-continuous (weekend) sentences to be
definite sentences for purposes of this variable and compute the
time to be incarcerated and code the appropriate value. In cases
of "partial suspension," code the length of the adjusted sentence
to actually be served.

Var 17
(70-72)

LENGTH OF INCARCERATION--MAXIMUM

000   = Definite sentence imposed
001   = One month or less
002-993 = Length of incarceration (in months)
994   = 994 months or more
995   = Life
996   = Death
997   = No incarceration imposed
998   = Incarceration imposed but suspended
999   = Missing value

Do not code length of a "definite" sentence here. Code that in
previous variable. When a defendant receives a maximum length
of incarceration, code this variable. Where the defendant has
received a minimum sentence of one year (12 months) and a maxi-
mum sentence of one year and a day--code the maximum length of
incarceration as one year (12 months). Code the maximum length
of incarceration, regardless of whether it was the only sanction
imposed or whether it was imposed in conjunction with another
sanction. If incarceration was imposed and suspended, code as
"998." If consecutive sentences were imposed, add the maximum
sentences to determine the maximum period of incarceration. If
concurrent sentences were imposed, code the longest maximum as
the maximum period of incarceration.

Var 18
(73)

STATUS OF SENTENCE DISPOSITION

0 = Concurrent with sentence currently being served
1 = Consecutive to sentence currently being served
2 = Concurrent and consecutive to sentence currently being served
6 = Unclear from available information
7 = Not applicable, no prior sentence currently being served
8 = Other (List: _____)
9 = Missing value

This variable refers to the relationship of the sentence presently
being imposed with one already in the process of being served.

Code "7" when no mention of this relationship is made; assume
there is no prior sentence currently being served.

Var 19
(74)

LIBERTY STATUS AT TIME OF SENTENCING

0 = Free, ROR
1 = Other release (bail, bond, etc.)
2 = Incarcerated
3 = Incarcerated: bail denied
4 = Incarcerated: adjusted status
8 = Other (List: _____)
9 = Missing value

Code "0" to indicate those offenders released on their own or
in another's recognizance.

Code "1" to indicate release on bail, bond, etc. Include here
offenders in a pre-trial program.

Code "2" includes those offenders who are offered bail but
were not able to raise it.

Code "3" includes those for whom bail was denied.

Code "4" refers to those who were originally released on bail,
bond, ROR, etc., but are now being detained as a result of a
breach of bail, commission of another offense, or a
technical violation. Persons detained as a result of a probation
or parole violation would be included as well as those who are
incarcerated for prior convictions.

Code "8" for statuses not included in codes above and list nature
of status briefly. Include here persons remanded to the Depart-
ment of Mental Hygiene due to incompetency.

Code "9" if the information on liberty status is missing.

Var 20
(75-77)

LENGTH OF DETENTION

001-995 = Number of months
996   = 996 months or more
997   = Not applicable
999   = Missing value

Code the number of months that the defendant was incarcerated
from the date of arrest through the date of sentencing. Sub-
tract the months on bail/bond from the total, if applicable.

Var 21
(78)

IF DEFENDANT WAS DETAINED PRIOR TO SENTENCING, DID HE RECEIVE CREDIT FOR TIME SERVED?

1 = Yes, full credit
2 = Yes, partial credit
3 = No
7 = Not applicable
8 = Other (List: _____)
9 = Missing value

This variable applies to offenders who were detained prior to sentencing.

Code "1" when all time served in detention is applied to length of the imposed sentence.

Code "2" when a portion of time served in detention is applied to length of the imposed sentence.

Code "3" when the offender was detained prior to sentencing and none of the time served is applied to length of the imposed sentence.

Code "7" if the offender was not detained prior to, or at time of sentencing, e.g., ROR, release on bail, bond, or if the offender did not receive a sentence of incarceration.

Code "8" for other. An example would be if an offender had been detained two years, yet received only a one year sentence. He was released because he received detention credit (one Year) equalling the length of his sentence, yet he had been detained longer than the one year and may have received more detention credit if he had received a longer sentence.

Code "9" if information on detention credit is not available.

CARD TWO

I.D. AND CARD NUMBER

(1-5)

Var 22
(6-8)

AMOUNT OF CREDIT GRANTED FOR TIME DETAINED

001-995 = Number of months
997   = Not applicable
999   = Missing value

Code the actual number of months the offender was held in custody from the time of arrest to the time of sentencing. Code the next or higher month if credit granted was over 15 days in a month.

Code "997" when offender was not detained prior to sentencing, e.g., ROR, bail, bond.

Code "999" when information on length of detention is not available.

Var 23
(9)

BASIS OF ADJUDICATION (PLEA)

1 = No contest
2 = Guilty plea
3 = Conviction after jury trial
4 = Conviction after bench trial
8 = Other (List: _____)

Codes "3" and "4" include cases for which guilty pleas were offered but not accepted by the court.

In the case of multiple adjudications to two or more offenses, code "3" if the defendant was convicted of at least one offense after trial; code "2" if he pleaded guilty to at least one offense and none of the other charges were adjudicated by trial; code "1" only if all the pleas were no contest.

Var 24
(10)

TYPE OF DEFENSE COUNSEL, PRESENT OFFENSE

1 = Public defender
2 = Assigned counsel
3 = Private counsel (retained)
6 = Represented, lawyer classification unknown
8 = Other (List: _____)
9 = Missing value

No assumption should be made of guaranteed representation. If there is no indication of representation, code "9."

Var 25
(11-12)

NUMBER OF SEPARATE EVENTS COVERED AT THIS SENTENCING

01-30 = Number of separate events

This variable is to reflect the total number of separate criminal events covered at this sentencing. For example, if the offense at conviction was burglary, but by reading the official description of the crime it is apparent that the offender burglarized three houses before apprehension, and the three burglaries were joined in one indictment/information, the number of separate events contained in the conviction would be coded as "03."

To ascertain the number of events in the conviction, use the official description of the crime at conviction. Also, the presence of more than one indictment/information for which the offender was convicted and sentenced at the same time would indicate that there were separate events leading to the conviction and sentence.

Separate events are considered those criminal offenses committed on different days, or if on the same day, at different addresses or different times. For example, if the official description noted that the offender committed a burglary at 10 Smith Street at 5:00 PM, and one at 11 Green Street at 8:00 PM, the number of separate events contained in the offense at conviction would be "2."

However, if during the course of one burglary, the offender also assaulted the returning homeowner, the number of separate events would be coded as "01." Although two separate crimes (burglary and assault) may result in two offenses at the final conviction, these two crimes were committed in the course of one time frame, and are to be considered as one criminal event.

Whenever there is a question as to how many separate events were contained in the final conviction, only code the number that you can clearly distinguish as separate events. Also, if there are multiple indictments/informations for which the offender is sentenced on the same day, total all the separate events that occurred in the offenses at conviction, e.g., two indictments, each containing three separate and distinguishable criminal events would equal six (6) separate events contained in the final conviction.

Var 26
(13-14)

NUMBER OF OFFENDERS INVOLVED IN THE SAME CRIMINAL ACTIVITY

01-96 = Number of accomplices
97   = Not applicable, no accomplices
98   = Other (List: _____)
99   = Missing value

This variable is designed to reflect whether the offender had any accomplices in any criminal event(s). This includes all accomplices, not only those charged, but also any referred to in the official description of the offense or the indictment/ information.

If there are several criminal events involved in the conviction (see Var 24 as to definition of event), code the number of accomplices involved in the most serious offense at conviction (see General Instruction #6).

Code "98" if the description or information/indictment mentions others involved but fails to specify an exact number, e.g., "John Doe and other members of his gang were involved in the theft."

Var 27
(15)

WEAPON USAGE

0 = No weapon involved
1 = Weapon used by co-defendant or accomplice
2 = Weapon in offender's possession, but not used
3 = Weapon used to threaten victim, bystander, or police
4 = Weapon used in attempt to injure victim
5 = Weapon used to injure victim
6 = Weapon use unclear
8 = Other (List: _____)
9 = Missing value

This variable refers to the "real offense" behavior. "Weapon" refers to any article or device which is capable of causing injury. This includes firearms, explosives, incendiaries, knives, pocket knives, and make-shift weapons such as tire irons, etc. "Weapon" does not include automobiles or parts of the body, i.e., hand or foot, unless the offender is a professional in some form of self-defense.

In the case of multiple offenses, code for the offense which involves the more serious or damaging use of a weapon. For example, if an offender uses a weapon to threaten in one crime and to injure in another, code "5."

Var 28
(16)

TYPE OF WEAPON INVOLVED: PRESENT OFFENSE

0 = Feigned weapon
1 = Blunt instrument
2 = Knife, sharp instrument
3 = Explosives
4 = Hand gun

5 = Long gun
6 = Unclear
7 = Not applicable
8 = Other (List: _____)
9 = Missing value

Code "1" for anything which may be used as a club or a weight device, not otherwise eligible as a gun or knife. Examples of a blunt instrument include: baseball bat, lead pipe, stick, etc.

Code "2" includes any weapon capable of inflicting a stab wound by itself.

Code "3" includes explosives and incendiaries, such as dynamite, bombs, etc.

For values "4" (hand gun) and "5" (long gun), it does not matter whether the gun was loaded or unloaded for purposes of this coding. Code "4" whenever the available information merely states "gun." Types of hand guns include: revolver, magnum, Saturday Night Special, 38, etc. Code "5" includes rifles, sawed-off shotguns, etc.

Code "6" if unable to ascertain type of weapon.

Code "7" if no weapon was involved in the offense. This would be used when variable 48 has been coded as "0" (no weapon involved).

Code "8" includes chemicals and poisons.

Var 29
(17)
NUMBER OF BUSINESS VICTIMS (OR INSTITUTIONS, SUCH AS SCHOOLS OR HOSPITALS)

1-4 = Number of businesses or institutions victimized
5   = Five or more businesses or institutions victimized
6   = Business victims noted, number unclear
7   = Not applicable, victim is the State or person
8   = Other (List: _____)
9   = Missing value

If a business is robbed, code a "1" in this variable and the number of personal victims (clerks, bystanders, customers, etc., threatened or injured) in the personal variable below. This variable refers to real offense behavior, as do the following victim variables.

Var 30
(18)
NUMBER OF PERSONAL VICTIMS

1-4 = Number of persons victimized
5   = Five or more persons
6   = Persons victimized, number unclear
7   = Not applicable, victim was State or business
8   = Other (List: _____)
9   = Missing value

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INSTRUCTIONS FOR CODING PERSONAL VICTIM VARIABLES

For each of the next seven (7) variables, there are three columns for coding information about three victims. All seven variables refer to "real offense" behavior. In instances where there are more than three victims, select those victims having some (or the most severe) degree of physical injury. When there is only one victim, place a seven in the columns representing victims #2 and #3 (the middle and far right columns); when there are two victims, code a "7" in the column representing victim #3 (far right column). When there are no personal victims code "7" in all columns. Information about the victims should be coded in the same order for each piece of information. For example, victim #1 should represent the same person and should always be coded in column one (columns one and two for variable 35) for each personal victim variable.

Var 31
(19-21)
PHYSICAL INJURY SUFFERED BY VICTIM(S)

0 = No injury
1 = Injury requiring nothing more than emergency treatment
2 = Injury requiring hospitalization but no permanent damage
3 = Permanent injury resulting in significant scarring or permanent impairment of bodily function
4 = Death
7 = Not applicable
8 = Other (List: _____)
9 = Missing value

Injury in relation to rape and other sexual crimes should be coded as "1" unless a more serious injury occurred.

Var 32
(22-24)

VICTIM PRECIPITATION

0 = No
1 = Yes
7 = Not applicable, no victim present at time of offense
8 = Other (List: _____)

Precipitation is possible in offenses such as domestic quarrels, street fights or barroom brawls, and in cases in which self-defense is claimed. If no specific mention is made of victim precipitation in the PSI, code as "0."

Var 33
(25-27)

VICTIM PARTICIPATION

0 = No
1 = Yes
7 = Not applicable, no victim present at time of offense
8 = Other (List: _____)

Victim participation differs from victim precipitation in that it implies criminal involvement on the part of the victim. Examples may be in some assaultive crimes such as barroom brawls and street fights. If no specific mention is made of victim participation, code as "0."

Var 34
(28-30)

VICTIM RELATIONSHIP TO OFFENDER

1 = Family
2 = Friend or acquaintance
3 = Stranger
4 = Police officer
5 = Employer/employee
6 = Unable to ascertain relationship
7 = Not applicable, no victim
8 = Other (List: _____)
9 = Missing value

Code "1" includes ex-spouse.

Code "2" indicates that there must have been some contact between offender and victim prior to the occasion of the offense; may include victim at a party or a bar.

Var 35
(31-36)

VICTIM'S AGE

01-80 = Age in number of years
81   = 81 years of older
82   = Less than 11 years old
83   = 11-20 years old
84   = 21-30 years old
85   = 31-50 years old
86   = 51-65 years old
87   = 66-80 years old
97   = Not applicable, no victim
98   = Other (List: _____)
99   = Missing value

Use Codes "82" - "87" when unable to ascertain exact age of victim.

Var 36
(37-39)

VICTIM'S SEX

1 = Male
2 = Female
7 = Not applicable, no victim
9 = Missing value

Var 37
(40-42)

VICTIM'S RACE

1 = White
2 = Black
3 = American Indian
4 = Spanish surname
5 = Oriental
7 = Not applicable, no victim
8 = Other (List: _____)
9 = Missing value

See instructions for variable 78 Offender's Race.

Var 38
(43-47)

VALUE OF PROPERTY INVOLVED IN OFFENSE

00000   = No financial loss
00001-99994 = Financial loss in dollars up to $99,994
99995   = Financial loss of $99,995 or more
99997   = Not applicable, i.e., the offense in question was one which by definition does not involve financial loss, e.g., victimless crimes, assaults, drug crimes
99999   = Missing value

NOTE: This variable refers to the "real offense" behavior. Code the value of any item taken by the offender and/or the amount of money stolen even if the item or amount was recovered in whole or in part or if restitution was made. Include damage to property, such as damage done to a home in the course of a break-

in. When a vehicle is stolen and not returned, use the automobile dealer's "blue book" to establish financial loss. When the offense in question is "joyriding" and the vehicle is returned <u>do not</u> code financial loss unless there is damage to the vehicle. Where there is damage, code the amount of damage in dollars (if provided). If the value of an item is not stated in the PSI, code its estimated retail worth using a moderate price range unless it is specifically stated to be of high or low value. For example, if a new portable color television was stolen, code the loss to be $400. <u>Do not</u> include hospital expenses incurred by victims or time lost on the job in terms of dollars.

Var 39
(48)

DID CRIMINAL BEHAVIOR INVOLVE "DISTRIBUTION" OF A DRUG?

0 = No
1 = Yes
6 = Unclear from offense description
7 = Not applicable (not a drug offense)
9 = Missing value

Code "0" if the offense involved drugs but no sale took place.

Code "1" if the offense description (official version, "real offense") indicated that the offender was the seller, dispenser of drugs, or conspirator, or in possession with intent to sell.

Code "6" if the offense is one which involved drugs, and it is unclear whether the offender was a seller.

Code "7" if the offense is not a drug offense (and assuming the official version of the crime does not mention a sale of drugs).

Code "9" if there is no available information.

NOTE: This variable only pertains to situations in which the real offense involved drugs. Other types of offenses where the offender was under the influence of drugs at the time of the offense are not to be coded here. Thus, if a heroin addict committed a burglary and was only charged with burglary, code as "1."

Var 40
(49-53)

VALUE OF DRUGS

00001-99994 = Value of drugs in dollars up to $99,994
99995   = Value of drugs $99,995 or more
99996   = Value unclear
99997   = Not applicable (not drug offense)
99999   = Missing value

Code the police arrest report or official version estimate of the value of the drugs involved both for the offenses of possession or sale. If the offense is one in which a sale of drugs took place, but the value of the drugs involved is unclear, code as "99996."

Var 41
(54)

DESCRIPTION OF DRUG INVOLVED

0 = Cannabis
1 = Drugs listed in Dangerous Drug Act (List: _____)
2 = Drugs listed in Uniform Narcotic Drug Act
    (List: _____)
6 = Unclear from offense description
7 = Not applicable, no drugs involved
9 = Missing value

Code according to "real offense" behavior, official version. When more than one category of drugs is involved, code the one with the higher penalty. For example, if the "real offense" involved possession of 10 grams of marijuana, and a sale of heroin, code "2." Whenever the information is available, list the name and amount of drug involved.

Var 42
(55)

USE OF ALCOHOL OR DRUGS: TIME OF OFFENSE

0 = Nothing used
1 = Alcohol used
2 = Drugs used
3 = Both drugs and alcohol used

The response to this variable should be determined independently of the classification of the type of offense. According to the PSI, was the offender considered "under the influence" (by arresting officer), or did he claim to be at the time of the offense? When no specific mention is made of the use of alcohol or drugs, assume nothing was used and code as "0."

Var 43
(56)

OFFENDER'S RELATIONSHIP TO THE CRIMINAL JUSTICE SYSTEM AT THE TIME OF THE COMMISSION OF THE PRESENT OFFENSE(S)

0 = Free
1 = Free, other criminal actions pending
2 = Juvenile supervised release (probation, deferred court actions)
3 = Adult supervised release (probation, deferred court actions)
4 = Juvenile parole
5 = Adult parole
6 = Incarcerated (pre-trial or post-conviction)

7 = Escapee, bond forfeiture warrant
8 = Other, e.g., hospitals
9 = Missing value

Code "0" if offender was not under any form of criminal justice control. Code here if in the military or voluntary hospitalization (e.g., not court ordered hospitalization).

Code "1" if the offender had other charges, adult or juvenile, which had not been disposed of. A charge includes any step in the process after the original charging point up to the time of conviction. This variable includes persons out on pre-trial release (bail, bond, ROR, etc.) as well as those individuals awaiting sentencing out on bail, bond, ROR, etc.

Code "2" includes probation, deferred court actions contingent upon successful completion of drug abuse program, or conditional release. Code only juvenile supervised release as a result of prior criminal actions. Code whether or not this probation or deferred action was revoked as a result of the present offense. Code here also individuals with outstanding probation violations.

Code "3" as above. Code here adult supervised release as a result of a previous adult adjudication. Code whether or not this release was revoked as a result of this present offense. Include here individuals with outstanding probation violations.

Code "4" if the offender was paroled from incarceration which was the result of a juvenile adjudication. Code here whether or not parole was revoked. Include outstanding parole violations.

Code "5" if the offender was on parole from incarceration for an adult criminal conviction. Code whether or not parole was revoked as a result of this present offense. Code here outstanding parole violations.

Code "6" if the present offense was committed when the offender was incarcerated. Include both pre-trial or post-conviction incarceration.

Code "7" if the present offense was committed when the offender had escaped from an incarceration, either adult or juvenile. Also code if outstanding arrest or bench warrants exist.

Code "8" if the offender was under some other type of state control, e.g., mandatory hospitalization for treatment, observation, diagnosis as a result of some civil or criminal action. Code here if the offender is in the military and under some type of special status, e.g., AWOL, escape from military confinement,

pending military action. If the offender is in the military and not under such special control, code "1."

Code "9" if no information is available.

TOTAL NUMBER OF PRIOR JUVENILE ARRESTS

Var 44
(57-58)

00-95 = Total number of arrests
96 = Arrests appear to have occurred, unable to ascertain number
99 = Missing value

Exclude present offense if the offender was originally arrested as a juvenile. Code only the total number of juvenile arrests for offenses which would be considered criminal if the offender had been arrested as an adult. Reference should be made to the master list. Exclude juvenile status offenses, e.g., PINS, Wayward Youth, Truancy. Do not code traffic arrests unless a corresponding crime is present in the master sheet. Do not count police station adjustment as arrests. Do not count probation or parole violations as "arrests" unless a new offense is charged. In general, where a definite number of arrests appears, code that number. Where one arrest leads to a multiple charge, code as a single arrest. Where a definite number of arrests is listed plus a general indication of other arrests (e.g., four prior arrests in this state and was arrested numerous times in Wyoming), code only the definite number listed.

NUMBER OF PRIOR JUVENILE ARRESTS FOR SIMILAR OFFENSE

Var 45
(59-60)

00 = No prior arrests for similar offense
01-25 = Number of prior similar offenses
96 = Unable to ascertain if similar
97 = Not applicable, never arrested
99 = Missing value

This variable refers to the "real offense" behavior. Include only juvenile arrests similar to the instant offense. A similar offense includes an offense possible as a lesser included offense, e.g., possession of stolen property is similar to theft of property, and burglary in the nighttime is similar to burglary in the daytime. Lesser classes or degrees of the same offense also apply. Along with burglaries and thefts, consider crimes within the following categories as similar: sex offenses, crimes against the person (not sex offenses), drug offenses, and crimes involving fraud, e.g., check offenses, forgery, confidence games, embezzlement, etc. This includes any noted arrest in same state, out-of-state, or on the federal level.

Var 46
(61-62)

AGE AT FIRST JUVENILE ARREST

05-21 = Age at first arrest
96   = Arrests appear to have occurred, unable to ascertain
         offender's age
97   = Not applicable, no arrests
99   = Missing value

Exclude present offense even if offender was originally arrested
as a juvenile.

For additional instructions, see TOTAL NUMBER OF JUVENILE ARRESTS,
Variable 44.

Var 47
(63-64)

TOTAL NUMBER OF PRIOR JUVENILE CONVICTIONS

00   = No prior convictions, i.e., arrested but not convicted
01-95 = Total number of convictions
96   = Conviction occurred, unable to ascertain number
97   = Not applicable, never arrested
99   = Missing value

Code only the total number of juvenile convictions or juvenile
court equivalents (e.g., informal adjustments) for offenses which
would be criminal if the offender had been arrested as an adult.
Reference should be made to the master list if in doubt.
Exclude juvenile "status" offenses, e.g., PINS, Wayward Youth,
Truancy, Neglected Youth. Do not code traffic convictions unless
a corresponding crime is present in the master list. Do not
count a probation or parole revocation as a "conviction" unless
an actual conviction for a new master list offense has taken place.
Convictions which are not clearly identified by statutory title
or code are to be counted for the purposes of this variable. For
example, if an offender is identified as having been convicted of
five offenses (with no further elaboration) he is credited with
five convictions. If convicted of multiple offenses at one
adjudication, code as one conviction.

Do not code adjourned dispositions as convictions.

Var 48
(65-66)

TOTAL NUMBER OF JUVENILE CONVICTIONS - CRIMES AGAINST PERSON

00   = Arrested but no prior convictions for crimes in this
         category
01-25 = Number of prior convictions in this category
96   = Prior convictions noted in this category, number not
         specified

97   = Not applicable, i.e., never arrested
99   = Missing value

Refer to master list for crimes in the "against-the-person"
category.

Var 49
(67-68)

NUMBER OF PRIOR JUVENILE CONVICTIONS FOR SIMILAR OFFENSES

00   = Arrested but no prior convictions for similar offenses
01-25 = Number of prior convictions for similar offenses
96   = Unable to ascertain if similar
97   = Not applicable, never arrested
99   = Missing value

This variable refers to the "real offense" behavior. A similar
offense includes lesser included offenses, e.g., possession of
stolen property is similar to theft of property. Consider crimes
within the following categories as similar: sex offenses; crimes
against-the-person (excluding sex crimes); crimes against property,
e.g., theft, burglaries, etc.; drug offenses; and crimes involving
fraud, e.g., check offenses, forgery, confidence games, embezzle-
ment, etc. This includes any noted convictions in the same state,
out-of-state, and on the federal level.

Var 50
(69-70)

AGE AT FIRST JUVENILE CONVICTION

00   = No prior convictions, i.e., arrested but not convicted
05-21 = Age at first conviction
96   = Conviction occurred, unable to ascertain offender's age
97   = Not applicable, never arrested as a juvenile
99   = Missing value

See instructions for TOTAL NUMBER OF JUVENILE CONVICTIONS, Variable
47.

Var 51
(71-72)

TOTAL NUMBER OF JUVENILE PROBATION TERMS RESULTING FROM A PRIOR CONVICTION

00   = Convicted, but never placed on probation
01-95 = Total number of times placed on probation
96   = Previously placed on probation, unable to ascertain number
97   = Not applicable, never convicted
99   = Missing value

Code only the total number of juvenile probation terms in which
the juvenile was actually placed on probation after a "conviction"
or a juvenile court equivalent (e.g., information adjustments) for

an offense which would have been criminal if the offender was an adult. Reference should be made to the master sheet listing if in doubt. Exclude convictions for juvenile status offenses, e.g. PINS, Wayward Youth, Truancy. Do not code for traffic convictions unless a corresponding crime is present in the master list. It should be assumed that the defendant was never placed on juvenile probation if no mention is made of the fact.

Var 52
(73)   <u>NUMBER OF PRIOR JUVENILE PROBATION REVOCATIONS</u>

0   = Previously placed on probation, but never revoked
1-5 = Number of revocations
6   = Six or more revocations
7   = Not applicable, never placed on probation
9   = Missing value

Code "0" if the offender has ever been on juvenile probation and has not been revoked.

Code "7" if the offender has never been on probation.

Assume that the offender successfully completed probation unless it is specifically noted that he/she was revoked. Do not consider a conviction for a new offense while the offender is on probation to have resulted in a revocation unless it is so stated.

Var 53
(74-75)   <u>TOTAL NUMBER OF PRIOR JUVENILE INCARCERATIONS</u>

00   = Never incarcerated (previously convicted but never served more than 30 days)
01-95 = Number of times incarcerated
96   = Previously incarcerated, unable to ascertain number
97   = Not applicable, never convicted
99   = Missing value

Code only the total number of juvenile incarcerations in which the juvenile was actually incarcerated or sent to a custodial facility after a "conviction" or a juvenile court equivalent (e.g., informal adjustments) for an offense which would be criminal if the offender was an adult. Reference should be made to the master sheet listing if in doubt. Exclude incarcerations after convictions for juvenile "status" offenses, e.g., PINS, Wayward Youth, Truancy, Neglected Youth. Do not code incarcerations

after a traffic conviction unless a corresponding crime is present in the master sheet. Do <u>not</u> count incarcerations of 30 days or less or one month or less.
NOTE: Reconfinement after escape or parole violation is <u>not</u> a new incarceration for this variable.

Code "00" if convicted of a juvenile "criminal" offense but was never sentenced to or actually incarcerated for a period of longer than 30 days (see above).

Code "01-95" to indicate the number of separate, actual incarcerations resulting from a new juvenile "criminal" conviction (see above).

Code "97" if the offender was never before convicted of a juvenile "criminal" offense. If "97" is coded here, it must be coded for the next variable also.

Var 54
(76-77)   <u>AGE AT FIRST JUVENILE INCARCERATION</u>

00   = No prior incarcerations--convicted but not incarcerated over 30 days
05-21 = Age at first juvenile incarceration
96   = Incarceration occurred, unable to ascertain offender's age
97   = Not applicable, never convicted
99   = Missing value

Var 55
(78)   <u>NUMBER OF PRIOR JUVENILE PAROLE REVOCATIONS</u>

0   = Previously placed on parole, but no prior revocations
1-5 = Number of revocations
6   = Six or more revocations
7   = Not applicable, never placed on parole or never incarcerated
9   = Missing value

Code "0" if the offender has been on juvenile parole but has not been revoked.

Code "7" if the offender has never been on parole.

Assume that the offender successfully completed parole unless it is specifically noted that he/she was revoked. Do not consider a conviction for a new offense while the offender is on parole to have resulted in a revocation unless it is so stated.

Var 56
(79-80)

TOTAL NUMBER OF PRIOR ADULT ARRESTS

00   = No prior arrests
01-95 = Total number of arrests
96   = Arrests noted, number not given
99   = Missing value

Exclude present offense(s). Code only offenses which appear on the master list. Exclude juvenile arrests, military, traffic, or civil arrests when there is no counterpart on the master sheet. Do not count contacts with criminal justice agencies which are not clearly identified as an arrest (e.g., don't count field investigations or pending warrants).

Code "01-95" for number of prior arrests. In general, where a definite number of arrests appears, code that number. Where one arrest leads to multiple charges, code as a single arrest. Where a definite number of arrests is listed plus a general indication of other arrests (e.g., four prior arrests in this state and was arrested numerous times in Wyoming), code only the definite number. If "01-95" is coded here, Variables 58, 59, 60, and 61 must add up the number coded in Variable 56.

Code "96" if only a general indication of prior adult arrests appears without any indication of number (e.g., has been arrested numerous times for drug offenses).

CARD THREE

ID NUMBER AND CARD NUMBER

(1-5)

Var 57
(6-7)

AGE AT FIRST ADULT ARREST

12-95 = Age at first arrest
96   = Arrest occurred, unable to determine age
97   = Not applicable, never arrested
99   = Missing value

Record the age at which the offender was first arrested as an adult. A first arrest may be clearly identified as such, e.g., the offender was first arrested at twenty years of age, or it may be established by examining the date(s) of arrest. There

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may be instances where, although a first arrest is clearly identified by date, e.g., he was arrested on October 31, 1970 for burglary, there are indications of "other" arrests which may or may not be prior to the arrest of October 31, 1970. In such instances, the clearly identified date should be considered the date of first arrest.

Var 58
(8-9)

TOTAL NUMBER OF PRIOR ADULT MISDEMEANOR ARRESTS--CRIMES-AGAINST PERSON

00   = Arrests occurred, but no prior arrests in this category
01-95 = Total number of arrests in this category
96   = Arrests noted in this category, number not given
97   = Not applicable, never arrested
99   = Missing value

Exclude present offense(s). Code according to master list classification of "misdemeanor." When in doubt as to felony/misdemeanor distinction, code as misdemeanor.

Refer to master list for crimes in "against-the-person" category. When unable to ascertain category, code as misdemeanor not-against-person.

Code "96" only when arrests occurred in this category. Code "99" when entire adult arrest record is missing or when arrests were noted, but it is unclear what category they fall in, and it is unclear how many occurred. If any mention is made of the extent of the prior record for this particular subcategory of offenses, make note of it.

Var 59
(10-11)

TOTAL NUMBER OF PRIOR ADULT MISDEMEANOR ARRESTS--CRIMES-NOT-AGAINST-PERSON

00   = No prior arrests in this category
01-95 = Total number of arrests in this category
96   = Arrests noted in this category, number not given
97   = Not applicable, never arrested
99   = Missing value

Exclude present offense(s). Code according to master list classification of "misdemeanor." When in doubt as to felony/misdemeanor distinction, code as misdemeanor.

Refer to master list for crimes in "not-against-person" category.

Code "96" only when arrests occurred in this category and it is

unclear how many there were. If any mention is made of the extent of the prior record for this particular subcategory make note of it.

Code "99" when arrests were noted and it is unclear what category they fall into.

Var 60
(12-13)

TOTAL NUMBER OF PRIOR ADULT FELONY ARRESTS--CRIMES-AGAINST-PERSON

00	= No arrests in this category
01-95	= Total number of arrests in this category
96	= Arrests noted in this category, number not given
97	= Not applicable, never arrested
99	= Missing value

Exclude present offense(s). Code according to master list classification of "felony." When in doubt as to felony/misdemeanor distinction, code as misdemeanor.

Refer to master list for crimes in "against-person" category. When unable to ascertain category, code as felony not-against-person in Variable 93.

Code "96" if arrests occurred in this category but it is unclear how many. If any mention is made of the extent of the prior record for this particular subcategory, make note of it.

Code "99" if there is a general indication of arrests and no mention of what category they fall into.

Var 61
(14-15)

TOTAL NUMBER OF FRIOR ADULT FELONY ARRESTS--CRIMES-NOT-AGAINST-PERSON

00	= No prior arrests in this category
01-95	= Total number of arrests in this category
96	= Arrests noted in this category, number not given
97	= Not applicable, never arrested
99	= Missing value

Exclude present offense(s). Code according to master list classification of "felony." When in doubt as to felony/misdemeanor distinction, code as misdemeanor not-against-person.

Refer to master list for crimes in "not-against-person" category.

Code "96" if arrests occurred in this category, but there is no indication of how many. If any mention is made of prior record for this subcategory make note of it.

Code "99" if arrests occurred but there is no mention of what category they fall into.

Var 62
(16-17)

NUMBER OF PRIOR ADULT ARRESTS FOR SIMILAR OFFENSE

00	= No prior arrests for similar offense
01-25	= Number of prior similars
96	= Unable to ascertain if similar
97	= Not applicable, never arrested
99	= Missing value

This variable refers to "real offense" behavior. Include only adult arrests similar to instant offense. A similar offense includes an offense possible as a lesser included offense, e.g., possession of stolen property is similar to theft of property, and burglary in the nighttime is similar to burglary in the daytime. Lesser classes or degrees of the same offense also apply. Along with burglaries and thefts, include as similar offenses crimes within the following categories: sex offenses, crimes against-the-person (not sex offenses), drug offenses, and crimes involving fraud, e.g., check forgery, confidence games, embezzlement, etc. This includes any noted arrests in same state, out-of-state, or on a federal level.

Var 63
(18-19)

TOTAL NUMBER OF PRIOR ADULT CONVICTIONS

00	= No prior convictions, i.e., arrested but not convicted
01-95	= Total number of convictions
96	= Prior convictions noted, number not given
97	= Not applicable, i.e., never arrested
99	= Missing value

Exclude present offense(s) and juvenile adjudications. Code only adult criminal offenses appearing on the master list and comparable offenses. Deferred judgments and deferred prosecutions are to be considered as convictions for this variable. Exclude traffic and military offenses for which there is no civilian counterpart in the master list, e.g., AWOL. Convictions which are not clearly identified by statutory title are to be counted for the purposes of this variable. For example, if an offender is identified as having been convicted of five offenses (with no

CONTINUED

1 OF 3

further elaboration) he is credited with five convictions. If convicted of multiple offenses at one adjudication code as one conviction.

A "00" means that while there were no prior convictions, arrests did occur.

If "96" is coded, and no information is given as to the class of prior offenses, code "99" in the subcategories, unless one can be sure no convictions fell within the particular subcategories.

A "97" indicates that there were no prior convictions or arrests.

Var 64   AGE AT FIRST ADULT CONVICTION
(20-21)

00   = No prior adult convictions, arrested but never convicted
12-95 = Age
96   = Convictions noted, age not specified
97   = Not applicable, i.e., never arrested
99   = Missing value

Exclude present offense(s). Record the age at which the offender was first convicted. A first conviction may be clearly identified as such, e.g., the offender was first convicted at 20 years of age, or it may be established by examining the date(s) of conviction. There may be instances where, although a first conviction is clearly identified by date, e.g., he was convicted on October 31, 1970 for burglary, there are indications of other convictions which may or may not be prior to the conviction of October 31, 1970. In such instances, the clearly identified date should be considered the date of first conviction.

Var 65   TOTAL NUMBER OF PRIOR ADULT MISDEMEANOR CONVICTIONS--CRIMES-
(22-23)   AGAINST-PERSON

00   = No prior convictions, arrested but never convicted for this type of crime
01-95 = Total number of convictions in this category
96   = Prior convictions noted in this category, number not specified
97   = Not applicable, i.e., never arrested for this type of crime
99   = Missing value

Exclude present offense(s) and juvenile adjudications. Code

82

according to master list classification of "misdemeanor." When in doubt as to felony/misdemeanor distinction code as misdemeanor.

Refer to master list for crimes in "against-person" category.

Code "96" if there definitely were convictions in this category, but you are unable to ascertain the number.

Code "99" if there were arrests in this category, the disposition of which were unknown.

Var 66   TOTAL NUMBER OF PRIOR ADULT MISDEMEANOR CONVICTIONS--PROPERTY
(24-25)   CRIMES

00   = No prior convictions, arrested but never convicted for this type of crime
01-95 = Total number of convictions in this category
96   = Prior convictions noted in this category, number not specified
97   = Not applicable, i.e., never arrested for this type of crime
99   = Missing value

Exclude present offense(s). Code according to master list classification of misdemeanor. When in doubt as to felony/ misdemeanor distinction, code as misdemeanor.

Refer to master list for crimes in "property" category.

Code "96" if there definitely were convictions in this category, but you are unable to ascertain the number.

Code "99" if there were arrests in this category, the disposition of which are unknown.

Var 67   TOTAL NUMBER OF PRIOR ADULT MISDEMEANOR CONVICTIONS--DRUG CRIMES
(26-27)

00   = No prior convictions, arrested but never convicted for this type of crime
01-95 = Total number of convictions in this category
96   = Prior convictions noted in this category, number not specified
97   = Not applicable, i.e., never arrested for this type of crime
99   = Missing value

Exclude present offense(s). Code according to master list classification of "misdemeanor." When in doubt as to felony/ misdemeanor distinction, code as misdemeanor.

83

Refer to master list for crimes in "drug" category.

Code "96" if there definitely were convictions in this category, but you are unable to ascertain the number.

Code "99" if there were arrests in this category, the disposition of which are unknown.

Var 68 | **TOTAL NUMBER OF PRIOR ADULT FELONY CONVICTIONS--CRIMES-AGAINST-**
(28-29) | **PERSON**

00   = No prior convictions, arrested but never convicted for this type of crime
01-95 = Total number of convictions in this category
96   = Prior convictions noted in this category, number not specified
97   = Not applicable
99   = Missing value

Exclude present offense(s). Code according to master list classification of felony. When in doubt as to felony/misdemeanor distinction, crime should be coded as misdemeanor.

Refer to master list for crime in "against-person" category.

Code "96" if there definitely were convictions in this category but you are unable to ascertain the number.

Code "99" if there were arrests for this category, the disposition of which are unknown.

Var 69 | **TOTAL NUMBER OF PRIOR ADULT FELONY CONVICTIONS--PROPERTY CRIMES**
(30-31)

00   = No prior convictions, arrested but never convicted for this type of crime
01-95 = Total number of convictions in this category
96   = Prior convictions noted in this category, number not specified
97   = Not applicable, i.e., never arrested for this type of crime
99   = Missing value

Exclude present offense(s). Code according to master list classification of "felony." When in doubt as to felony-misdemeanor distinction, the crime should be coded as misdemeanor.

Refer to master list for crimes in "property" category.

Code "96" if there definitely were convictions in this category but you are unable to ascertain the number.

Code "99" if there were arrests for this category, the disposition of which are unknown.

Var 70 | **TOTAL NUMBER OF PRIOR ADULT FELONY CONVICTIONS--DRUG CRIMES**
(32-33)

00   = No prior convictions, arrested but never convicted for this type of crime
01-95 = Total number of convictions in this category
96   = Prior convictions noted in this category, number not specified
97   = Not applicable, i.e., never arrested for this type of crime
99   = Missing value

Exclude present offense(s). Code according to master list classification of "felony." When in doubt as to felony/misdemeanor distinction, code as misdemeanor.

Refer to master list for crimes in "drug" category.

Code "96" if there definitely were convictions in this category, but you are unable to ascertain the number.

Code "99" if there were arrests in this category, the disposition of which are unknown.

Var 71 | **TOTAL NUMBER OF ADULT PROBATION TERMS RESULTING FROM A PRIOR**
(34-35) | **CONVICTION**

00   = Convicted but never placed on probation
01-95 = Number of times placed on probation
96   = Previously placed on probation, unable to ascertain number
97   = Not applicable, never convicted
99   = Missing value

If "00" or "97" in this variable, "7" must appear in the next variable.

If "99" is coded, "9" must be coded in the next variable.

It should be assumed that defendant was never placed on probation if no mention is made of this fact. Code "99" when entire

adult record or conviction record is missing.

This item refers to probation terms resulting from adult criminal convictions for offenses found on the master list.

Var 72
(36)

NUMBER OF PRIOR ADULT PROBATION REVOCATIONS

0 = Previously placed on probation but no prior revocations
1-5 = Number of revocations
6 = Six or more revocations
7 = Not applicable, never placed on probation
9 = Missing value

If the offender has ever been on adult probation and has not been revoked code as "0."

If the offender has never been on probation code as "7."

Assume that the offender successfully completed probation unless it is specifically noted that he/she was revoked. Do not consider a conviction for a new offense while the offender is on probation to have resulted in a revocation unless it is so stated.

Do not count a probation revocation that resulted from the current offense.

Var 73
(37-38)

TOTAL NUMBER OF PRIOR ADULT INCARCERATIONS RESULTING FROM A PRIOR CRIMINAL CONVICTION(S)

00   = Never incarcerated over 30 days (but was previously convicted)
01-95 = Number of times incarcerated
96   = Previously incarcerated, unable to ascertain number
97   = Not applicable, i.e., never convicted
99   = Missing value

This item refers to actual incarcerations resulting from adult criminal convictions for offenses listed on the master sheet. Do not count pre-trial or presentence detentions. Do not count incarcerations of 30 days or one month or less. NOTE: confinement after escape or parole violation is not a new incarceration; revocation of probation resulting in incarceration is a new incarceration for this item.

Var 74
(39-40)

AGE AT FIRST ADULT INCARCERATION

00   = No prior incarceration, convicted but not incarcerated for over 30 days or one month
12-95 = Age at first adult incarceration
96   = Incarceration occurred, unable to ascertain offender's age
97   = Not applicable, never convicted
99   = Missing value

This item refers to actual incarcerations resulting from adult criminal convictions for offenses listed on the master sheet. Do not count pre-trial or presentence detentions. Do not count incarcerations of 30 days or one month or less. NOTE: confinement after escape or parole violation is not a new incarceration; revocation of probation resulting in incarceration is a new incarceration for this item.

Var 75
(41)

NUMBER OF PRIOR ADULT PAROLE REVOCATIONS

0 = Previously placed on parole but no prior revocations
1-5 = Number of revocations
6 = Six or more revocations
7 = Not applicable, never incarcerated or placed on parole
9 = Missing value

If the offender has ever been on adult parole and has not been revoked code as "0."

If the offender has never been on parole code as "7."

Assume that the offender successfully completed parole unless it is specifically noted that he/she was revoked. Do not consider a conviction for a new offense while the offender is on parole to have resulted in a revocation unless it is so stated.

Var 76
(42-43)

OFFENDER'S YEAR OF BIRTH

99 = Missing value

Code in two columns, the year of the defendant's date of birth.

Var 77
(44)

OFFENDER'S SEX

1 = Male
2 = Female
9 = Missing value

There should not be any missing values in this variable.

Var 78
(45)

OFFENDER'S RACE

1 = White
2 = Black
3 = American Indian
4 = Spanish surname
5 = Oriental
6 = Mixed
8 = Other (List: _____)
9 = Missing value

"Spanish surname" will be used when a defendant is identified
as being Puerto Rican, Chicano, etc. It may be possible, however,
for the race of the defendant to be noted as white or black, even
though the last name is of Spanish origin. This would occur for
female offenders who have married and taken a Spanish surname.

Var 79
(46)

OFFENDER'S MARITAL STATUS

0 = Single
1 = Widow(er)
2 = Separated
3 = Divorced
4 = Cohabitation
5 = Common law marriage
6 = Married and living together
8 = Other (List: _____)
9 = Missing value

If there is no other mention of the spouse other than the name,
and no indication that they are living apart, it may be assumed
that they are still living together.

Cohabitation is to be coded when a couple is living together
and are not married or considered married by common law.

Var 80
(47-48)

OFFENDER'S TOTAL NUMBER OF DEPENDENTS

00   = None
01-30 = Number of dependents
98   = Other (List: _____)
99   = Missing value

Code "00" when there is no one who depends on the offender for
financial support. Do not count the offender as dependent for
himself/herself. Code "00" for out-of-wedlock children unless
specifically mentioned in PSI that they are dependent on
offender. Code only the number of dependents specifically
identified in the PSI. Code spouse and children living with
defendant as dependents.

Var 81
(49)

DOES OFFENDER SUPPORT DEPENDENTS?

0 = No
1 = Yes
7 = Not applicable, no dependents
8 = Other (List: _____)
9 = Missing value

If an offender is living with his dependents and is employed,
receiving unemployment, or on welfare, assume that he/she is
supporting them unless otherwise stated. If the offender and
the dependent(s) is (are) not living together consider the
dependent as being supported if it is stated in the PSI that
the offender is contributing money on a regular basis. If the
offender does not have any dependents, code as "7." If the
offender supports only some of the dependents code as "8."

Var 82
(50)

RESIDENTIAL STABILITY

0 = Stable
1 = Unstable
9 = Missing value

If the defendant has more than two address changes within the
past year which appear unrelated to job or school (that of self,
spouse, or family), code "1 = unstable."

If possible, check employment/school records to verify reason
for move. Do not consider prison or institution address when
coding for address changes.

If no specific mention is made of any moves, assume no moves have been made and code as "0 = stable."

Var 83
(51)

OFFENDER'S WORK STATUS

0 = Unemployed
1 = Employed less than full-time
2 = Employed full-time or more
3 = Offender incarcerated for prior offense
8 = Other (List: _____)
9 = Missing value

This variable is to be coded both for those offenders who were free at the time of the PSI and for those who were detained (i.e., no bail).

If offender was detained at any time prior to sentencing for the present offense, code status immediately prior to the initial detention. Detention refers to either pre- or post-conviction confinement. If offender was not detained before sentencing, code employment status at time of PSI.

Full-time work is at least 35 hours per week. If in the military service code "2."

Code "8" if not working for specific reasons (e.g., hospitalization, physically unable to work, housewife, retiree).

Var 84
(52-54)

LENGTH OF CONTINUOUS EMPLOYMENT

000   = Unemployed
001   = One month or less
002-994 = Number of months up to 994
995   = 995 months or more
996   = Incarcerated for prior offense
998   = Other (List: _____)
999   = Missing value

Code only the most recent period of employment prior to time PSI was written or prior to offender's pre- or post-trial detention. This variable describes a continuous period of employment, during which the offender may or may not have changed jobs. Continuous means either no description of a lapse of employment in PSI or a lapse of 30 days or less.

Code "998" if person was not working for specific reasons (housewife, physically disabled, retiree, etc.).

Var 85
(55-57)

LENGTH EMPLOYED AT MOST RECENT (CURRENT) JOB

000   = Unemployed
001   = One month or less
002-994 = Number of months up to 994
995   = 995 months or more
996   = Incarcerated for prior offense
998   = Other (List: _____)
999   = Missing value

This Variable describes the length of time the offender had been employed at the job he occupied (if any) at the time of the PSI prior or any pre- or post-trial detention.

Code "998" if person was not working for specific reason (housewife, physically disabled, retiree, etc.).

Var 86
(58)

SCHOOL STATUS

0 = Not in school
1 = In school less than full-time
2 = In school full-time or more
3 = Offender incarcerated for prior offense
6 = In school, not clear whether full or part-time
9 = Missing value

This variable is to be coded both for those offenders who were free at the time of PSI and for those who were detained (i.e., no bail.

If offender was detained at any time prior to sentencing for the present offense, code status immediately prior to the initial detention. Detention refers to either pre- or post-conviction confinement. If offender was not detained before sentencing, code school status at time of PSI.

School includes any type of academic or vocational training (e.g., college, secretarial school, broadcasting school, etc.). Full-time college is to be considered 12 credit hours per semester or quarter or four courses per semester. Full-time vocational training is considered to be the equivalent of a 35 hour work week. Do not count educational courses in prison or jail if offender was incarcerated at time of offense.

Var 87
(59)

TYPE OF SCHOOL ATTENDING

0 = Not in school
1 = Vocational training
2 = High school or high school equivalency program
3 = College or graduate school
6 = Unclear
8 = Other (List: _____)
9 = Missing value

Do not count educational or training programs in prison or jail
if offender was incarcerated at time of offense.

Var 88
(60)

OFFENDER'S HISTORY OF ALCOHOL USE

0 = None
1 = Light use
2 = Heavy use
3 = Alcoholic classification
6 = Unclear
8 = Other (List: _____)
9 = Missing value

This item is designed to reflect current alcohol use, i.e., use
during the period prior to the instant offense.

Code "0" to reflect no alcohol usage (teetotaler). This would
be rarely coded.

Code "1" reflects light social usage, not generally considered
debilitating in any way. Alcohol use did not inhibit work/school
performance, family relations, etc.

Code "2" (heavy use) indicates occasional problems, where alcohol
use had been known to impinge upon work, family obligations with
or without permanent harm, e.g., loss of job, separation from
family (voluntary or involuntary), arrest, official intervention,
suicidal or assaultive behavior while drunk.

Code "3" (alcoholic classification) offender is in a perpetual
state of craving for alcohol. Alcohol consumption is the central
factor in his life, cannot function without it. Offender had
been subject to voluntary (AA) or involuntary (court-directed)
attempts to cure.

Code "8" include in this category reformed alcoholics.

Code "9" if no information appears on alcohol use. Do not
count missing information as "0."

Code probation officer's assessment if there are conflicting
opinions.

Var 89
(61)

DRUG USE: DEGREE

0 = None
1 = Light use
2 = Heavy use, but not addicted
3 = Addiction--probation officer assessment
4 = Medically verified addiction
5 = Former addict
8 = Other (List: _____)
9 = Missing value

This item concerns current use of any drug. If there is conflict
in the PSI regarding the degree of use, code the official
(i.e., probation officer's assessment of the level of use).

"Light use" means any use, including occasional and/or one-time
experimentation.

One indication of "heavy use" of drugs might be intake of drugs
at least three times a week.

Code "3" if addicted to drugs. Addiction is a physical depen-
dence on the drug substance, the withdrawal of which causes
significant discomfort. Use without physical dependence, no
matter how heavy or frequent is not addiction.

Specific drugs which may be used by an offender include:
marijuana, hashish, cocaine, benzedrine, methedrine, LSD,
amphetamines (speed), amytal, barbital, luminal, nembutal,
pentothal, pheonobarbital, seconal ("goofballs," "yellow jackets,"
"red jackets," "blue angels," "pink ladies," "downers"), opium,
morphine, heroin, codeine, demerol, diluadid, methadone, metopon,
laudanum, pantopon, paregoric. Also included is "glue sniffing"
or the practice of inhaling various solvents, cleaners, paints,
and so forth.

Var 90
(62)

DRUG ABUSE: TYPE OF DRUG

1 = Marijuana
2 = Dangerous drug
3 = Narcotic drug
7 = Not applicable
8 = Other (List: _____)
9 = Missing value

This variable refers to drugs which formed the basis of the
classification in the previous variable. Use the legal code
classification for "type" of drugs.

If the offender uses more than one type of drug, code for the
drug used the majority of times.

Var 91
(63)

RECOMMENDATION OF PROBATION OFFICER

0 = Probation
1 = Probation and jail time
2 = Jail time (flat or weekends)
3 = Incarceration in State facility
8 = Other (List: _____)
9 = Missing value

APPENDIX B

Example of Construction Sample Coding Sheet

95

CARD ONE

ID/Card Number
(1-5)

/___/___/___/___/___/

01 Date of Sentencing
(6-11)

/___/___/___/___/___/___/

02 Indictment/Information Number
(12-17)

/___/___/___/___/___/___/

03 Number of Offenses--Original Charge(s)
(18-19)

/___/___/

01-25 = Number of charges
99   = Missing value

04 Master List Number of First Offense--
Original Charge
(20-24)

/___/___/___/___/___/

99998 = Other (List: _____)
99999 = Missing value

05 Master List Number of Second Charge--
Original Charge
(25-29)

/___/___/___/___/___/

99997 = Not applicable
99998 = Other (List: _____)
99999 = Missing value

06 Master List Number of Third Offense--
Original Charge
(30-34)

/___/___/___/___/___/

99997 = Not applicable
99998 = Other (List: _____)
99999 = Missing value

07 Number of Present Offense(s) of Which
Convicted--Final Charge(s)
(35-36)

/___/___/

01-25 = Number of offenses
99   = Missing value

08 Master List Number of First Offense at
Conviction--Final Charge
(37-41)

/___/___/___/___/___/

99998 = Other (List: _____)
99999 = Missing value

09 Master List Number of Second Offense at
Conviction--Final Charge
(42-46)

/___/___/___/___/___/

99997 = Not applicable
99998 = Other (List: _____)
99999 = Missing value

10 Master List Number of Third Offense at
Conviction--Final Charge
(47-51)

/___/___/___/___/___/

99997 = Not applicable
99998 = Other (List: _____)
99999 = Missing value

11 Type of Sentence
(52-53)

/___/___/

00 = Deferred prosecution
01 = Conditional discharge
02 = Incarceration suspended
03 = Court costs imposed
04 = Restitution imposed
05 = Fine imposed
06 = Probation imposed
07 = Special sentence imposed (List: _____)
08 = Split sentence
09 = Incarceration imposed
98 = Other (List: _____)
99 = Missing value

12 Terms of Incarceration
(54)

/___/

0 = Concurrent
1 = Consecutive
2 = Concurrent and consecutive
7 = Not applicable
8 = Unclear from available information

13 Amount of Fine/Court Costs
(55-59)

/___/___/___/___/___/

00001-99994 = Amount of fine to $99,994
99995   = Fine of $99,995 or more
99996   = Fine imposed, amount to be determined
99997   = Not applicable, no fine imposed
99998   = Other (List: _____)
99999   = Missing value

14 Amount of Restitution
(60-64)

/___/___/___/___/___/

00001-99994 = Amount of restitution to $99,994
99995   = Restitution of $99,995 or more
99996   = Restitution imposed, amount to be determined
99997   = Not applicable, no restitution imposed
99998   = Other (List: _____)

15 Length of Probation
(65-66)

/___/___/

01   = One month or less
02-94 = Length of probation (in months)
95   = 95 months or more
96   = Unspecified length of probation
97   = Not applicable, no probation imposed
98   = Probation imposed but suspended
99   = Missing value

16 Length of Incarceration--Minimum
(67-69)

/___/___/___/

000   = Indeterminate minimum sentence (one day minimum)
001   = One month or less
002-993 = Length of incarceration (in months)
994   = 994 months or more
995   = Life
996   = Death
997   = Not applicable, no incarceration imposed
998   = Incarceration imposed but suspended
999   = Missing value

17 Length of Incarceration--Maximum
(70-72)

/___/___/___/

000   = Definite sentence imposed
001   = One month or less
002-993 = Length of incarceration (in months)
994   = 994 months or more
995   = Life
996   = Death
997   = No incarceration imposed
998   = Incarceration imposed but suspended
999   = Missing value

18 Status of Sentence Disposition
(73)

/___/

0 = Concurrent with sentence currently being served
1 = Consecutive to sentence currently being served
2 = Concurrent and consecutive to sentence currently being served
6 = Unclear from available information
7 = Not applicable, no prior sentence currently being served
8 = Other (List: _____)
9 = Missing value

19 Liberty Status at Time of Sentencing
(74)

/___/

0 = Free, ROR
1 = Other release (bail, bond, etc.)
2 = Incarcerated
3 = Incarcerated: bail denied
4 = Incarcerated: adjusted status
8 = Other (List: _____)
9 = Missing value

20 Length of Detention
(75-77)

/___/___/___/

001-995 = Number of months
996   = 996 months or more
997   = Not applicable
999   = Missing value

21 If Defendant Was Detained Prior to Sentencing,
Did He Receive Credit for Time Served?
(78)

/___/

1 = Yes, full credit
2 = Yes, partial credit
3 = No
7 = Not applicable
8 = Other (List: _____)
9 = Missing value

CARD TWO

ID/Card Number)
(1-5)

/___/___/___/___/___/

22 Amount of Credit Granted for Time Detained
(6-8)

/___/___/___/

001-995 = Number of months
997   = Not applicable
999   = Missing value

23 Basis of Adjudication (Plea)
(9)

/___/

1 = No contest
2 = Guilty plea
3 = Conviction after jury trial
4 = Conviction after bench trial
8 = Other (List: _____)

24 Type of Defense Counsel, Present Offense
(10)

/___/

1 = Public defender
2 = Assigned counsel
3 = Private counsel (retained)
6 = Represented, lawyer classification
    unknown
8 = Other (List: _____)
9 = Missing value

25 Number of Separate Events Covered at
This Sentencing
(11-12)

/___/___/

01-30 = Number of separate events

26 Number of Offenders Involved in the Same
Criminal Activity
(13-14)

/___/___/

01-96 = Number of accomplices
97   = Not applicable, no accomplices
98   = Other (List: _____)
99   = Missing value

27 Weapon Usage
(15)

/___/

0 = No weapon involved
1 = Weapon used by co-defendant or accomplice
2 = Weapon in offender's possession, but
    not used
3 = Weapon used to threaten victim,
    bystander, or police
4 = Weapon used in attempt to injure victim
5 = Weapon used to injure victim
6 = Weapon use unclear
8 = Other (List: _____)
9 = Missing value

28 Type of Weapon Involved: Present Offense
(16)

/___/

0 = Feigned weapon
1 = Blunt instrument
2 = Knife, sharp instrument
3 = Explosives
4 = Hand gun
5 = Long gun
6 = Unclear
7 = Not applicable
8 = Other (List: _____)
9 = Missing value

29 Number of Business Victims (or Institutions,
Such as Schools or Hospitals)
(17)

/___/

1-4 = Number of businesses or institutions
      victimized
5   = Five or more businesses or institu-
      tions victimized
6   = Business victims noted, number unclear
7   = Not applicable, victim is State
      or person
8   = Other (List: _____)
9   = Missing value

30 Number of Personal Victims
(18)

/___/

1-4 = Number of persons victimized
5   = Five or more persons
6   = Persons victimized, number unclear
7   = Not applicable, victim was State
      or business
8   = Other (List: _____)
9   = Missing value

31 Physical Injury Suffered by Victim(s)
(19-21)

/___/___/___/

0 = No injury
1 = Injury requiring nothing more than
    emergency treatment
2 = Injury requiring hospitalization but
    no permanent damage
3 = Permanent injury resulting in significant
    scarring or permanent impairment of
    bodily function
4 = Death
7 = Not applicable
8 = Other (List: _____)
9 = Missing value

32 Victim Precipitation
(22-24)

/___/___/___/

0 = No
1 = Yes
7 = Not applicable, no victim present at
    time of offense
8 = Other (List: _____)

33 Victim Participation
(25-27)

/___/___/___/

0 = No
1 = Yes
7 = Not applicable, no victim present at
    time of offense
8 = Other (List: _____)

34 Victim Relationship to Offender
(28-30)

/___/___/___/

1 = Family
2 = Friend or acquaintance
3 = Stranger
4 = Police officer
5 = Employer/employee
6 = Unable to ascertain relationship
7 = Not applicable, no victim
8 = Other (List: _____)
9 = Missing value

35 Victim's Age
(31-36)

/___/___/___/___/___/___/

01-80 = Age in number of years
81   = 81 years or older
82   = Less than 11 years old
83   = 11-20 years old
84   = 21-30 years old
85   = 31-50 years old
86   = 51-65 years old
87   = 66-80 years old
97   = Not applicable, no victim
98   = Other (List: _____)
99   = Missing value

36 Victim's Sex
(37-39)

/___/___/___/

1 = Male
2 = Female
7 = Not applicable, no victim
9 = Missing value

37 Victim's Race
(40-42)

/___/___/___/

1 = White
2 = Black
3 = American Indian
4 = Spanish surname
5 = Oriental
7 = Not applicable, no victim
8 = Other (List: _____)
9 = Missing value

38 Value of Property Involved in Offense
(43-47)

/___/___/___/___/___/

00000   = No financial loss
00001-99994 = Financial loss in dollars
              up to $99,994
99995   = Financial loss of $99,995
              or more
99997   = Not applicable, i.e., the offense
              in question was one which by
              definition does not involve
              financial loss, e.g., victim-
              less crimes, assaults,
              drug crimes
99999   = Missing value

39 Did Criminal Behavior Involve "Distribution"
of a Drug?
(48)

/___/

0 = No
1 = Yes
6 = Unclear from offense description
7 = Not applicable (not a drug offense)
9 = Missing value

40 Value of Drugs
(49-53)

/___/___/___/___/___/

00001-99994 = Value of drugs in dollars
              up to $99,994
99995   = Value of drugs $99,995 or more
99996   = Value unclear
99997   = Not applicable (not drug offense)
99999   = Missing value

41 Description of Drug Involved
(54)

/___/

0 = Cannabis
1 = Drugs listed in Dangerous Drug Act
    (List: _____)
2 = Drugs listed in Uniform Narcotic Drug
    Act (List: _____)
6 = Unclear from offense description
7 = Not applicable, no drugs involved
9 = Missing value

42 Use of Alcohol or Drugs: Time of Offense
(55)

/___/

0 = Nothing used
1 = Alcohol used
2 = Drugs used
3 = Both drugs and alcohol used

43 Offender's Relationship to the Criminal
Justice System at the Time of Commission
of the Present Offense(s)
(56)

/___/

0 = Free
1 = Free, other criminal actions pending
2 = Juvenile supervised release (proba-
tion, deferred court actions)
3 = Adult supervised release (probation,
deferred court actions)
4 = Juvenile parole
5 = Adult parole
6 = Incarcerated (pre-trial or post-
conviction)
7 = Escapee, bond forfeiture warrant
8 = Other, e.g., hospitals
9 = Missing value

44 Total Number of Prior Juvenile Arrests
(57-58)

/___/___/

00-95 = Total number of arrests
96 = Arrests appear to have occurred,
unable to ascertain number
99 = Missing value

45 Number of Prior Juvenile Arrests for
Similar Offense
(59-60)

/___/___/

00 = No prior arrests for similar offense
01-25 = Number of prior similar offenses
95 = Unable to ascertain if similar
97 = Not applicable, never arrested
99 = Missing value

46 Age at First Juvenile Arrest
(61-62)

/___/___/

05-21 = Age at first arrest
96 = Arrests appear to have occurred,
unable to ascertain offender's age
97 = Not applicable, no arrests
99 = Missing value

47 Total Number of Prior Juvenile Convictions
(63-64)

/___/___/

00 = No prior convictions, i.e., arrested
but not convicted
01-95 = Total number of convictions
96 = Conviction occurred, unable to
ascertain number
97 = Not applicable, never arrested
99 = Missing value

48 Total Number of Juvenile Convictions--Crimes
Against Person
(65-66)

/___/___/

00 = Arrested but no prior convictions
for crimes in this category
01-25 = Number of prior convictions in
this category
96 = Prior convictions noted in this
category, number not specified
97 = Not applicable, i.e., never arrested
99 = Missing value

49 Number of Prior Juvenile Convictions for
Similar Offenses
(67-68)

/___/___/

00 = Arrested but no prior convictions
for similar offenses
01-25 = Number of prior convictions for
similar offenses
96 = Unable to ascertain if similar
97 = Not applicable, never arrested
99 = Missing value

50 Age at First Juvenile Conviction
(69-70)

/___/___/

00 = No prior convictions, i.e., arrested
but not convicted
05-21 = Age at first conviction
96 = Conviction occurred, unable to
ascertain offender's age
97 = Not applicable, never arrested as
a juvenile
99 = Missing value

51 Total Number of Juvenile Probation Terms
Resulting From a Prior Conviction
(71-72)

/___/___/

00 = Convicted, but never placed on
probation
01-95 = Total number of times placed on
probation
96 = Previously placed on probation, unable
to ascertain number
97 = Not applicable, never convicted
99 = Missing value

52 Number of Prior Juvenile Probation
Revocations
(73)

/___/

0 = Previously placed on probation,
never revoked
1-5 = Number of revocations
6 = Six or more revocations
7 = Not applicable, never placed
on probation
9 = Missing value

53 Total Number of Prior Juvenile Incarcera-
tions
(74-75)

/___/___/

00 = Never incarcerated (previously
convicted but never served more
than 30 days)
01-95 = Number of times incarcerated
96 = Previously incarcerated, unable
to ascertain number
97 = Not applicable, never convicted
99 = Missing value

54 Age at First Juvenile Incarceration
(76-77)

/___/___/

00 = No prior incarcerations--convicted
but not incarcerated over 30 days
05-21 = Age at first juvenile incarceration
96 = Incarceration occurred, unable to
ascertain offender's age
97 = Not applicable, never convicted
99 = Missing value

55 Number of Prior Juvenile Parole Revocations
(78)

/___/

0 = Previously placed on parole, but
no prior revocations
1-5 = Number of revocations
6 = Six or more revocations
7 = Not applicable, never placed on
parole or never incarcerated
9 = Missing value

56 Total Number of Prior Adult Arrests
(79-80)

/___/___/

00 = No prior arrests
01-95 = Total number of arrests
96 = Arrests noted, number not given
99 = Missing value

CARD THREE

ID/Card Number
(1-5)

/___/___/___/___/___/

57 Age at First Adult Arrest
(6-7)

/___/___/

12-95 = Age at first arrest
96 = Arrest occurred, unable to
determine age
97 = Not applicable, never arrested
99 = Missing value

58 Total Number of Prior Adult Misdemeanor
Arrests--Crimes-Against-Person
(8-9)

/___/___/

00 = Arrests occurred, but no prior
arrests in this category
01-95 = Total number of arrests in this
category
96 = Arrests noted in this category,
number not given
97 = Not applicable, never arrested
99 = Missing value

59 Total Number of Prior Adult Misdemeanor
Arrests--Crimes-Not-Against-Person
(10-11)

/___/___/

00 = No prior arrests in this category
01-95 = Total number of arrests in this
category
96 = Arrests noted in this category,
number not given
97 = Not applicable, never arrested
99 = Missing value

60 Total Number of Prior Adult Felony Arrests--
Crimes-Against-Person
(12-13)

/___/___/

00 = No arrests in this category
01-95 = Total number of arrests in this
category
96 = Arrests noted in this category,
number not given
97 = Not applicable, never arrested
99 = Missing value

61 Total Number of Prior Adult Felony Arrests--
Crimes-Not-Against-Person
(14-15)

/___/___/

00   = No prior arrests in this category
01-95 = Total number of arrests in this
        category
96   = Arrests noted in this category,
        number not given
97   = Not applicable, never arrested
99   = Missing value

62 Number of Prior Adult Arrests for Similar
Offense
(16-17)

/___/___/

00   = No prior arrests for similar offense
01-25 = Number of prior similars
96   = Unable to ascertain if similar
97   = Not applicable, never arrested
99   = Missing value

63 Total Number of Prior Adult Convictions
(18-19)

/___/___/

00   = No prior convictions, i.e., arrested
        but not convicted
01-95 = Total number of convictions
96   = Prior convictions noted, number
        not given
97   = Not applicable, i.e., never arrested
99   = Missing value

64 Age at First Adult Conviction
(20-21)

/___/___/

00   = No prior adult convictions, arrested
        but never convicted
12-95 = Age
96   = Convictions noted, age not specified
97   = Not applicable, i.e., never arrested
99   = Missing value

65 Total Number of Prior Adult Misdemeanor
Convictions--Crimes-Against-Person
(22-23)

/___/___/

00   = No prior convictions, arrested but
        never convicted for this type of
        crime
01-95 = Total number of convictions in this
        category
96   = Prior convictions noted in this
        category, number not specified
97   = Not applicable, i.e., never arrested
        for this type of crime
99   = Missing value

66 Total Number of Prior Adult Misdemeanor
Convictions--Property Crimes
(24-25)

/___/___/

00   = No prior convictions, arrested
        but never convicted for this type
        of crime
01-95 = Total number of convictions in
        this category
96   = Prior convictions noted in this
        category, number not specified
97   = Not applicable, never arrested for
        this type of crime
99   = Missing value

67 Total Number of Prior Adult Misdemeanor
Convictions--Drug Crimes
(26-27)

/___/___/

00   = No prior convictions, arrested but
        never convicted for this type of
        crime
01-95 = Total number of convictions in
        this category
96   = Prior convictions noted in this
        category, number not specified
97   = Not applicable, never arrested for
        this type of crime
99   = Missing value

68 Total Number of Prior Adult Felony Convic-
tions--Crimes-Against-Person
(28-29)

/___/___/

00   = No prior convictions, arrested but
        never convicted for this type of
        crime
01-95 = Total number of convictions in
        this category
96   = Prior convictions noted in this
        category, number not specified
97   = Not applicable
99   = Missing value

69 Total Number of Prior Adult Felony Convic-
tions--Property Crimes
(30-31)

/___/___/

00   = No prior convictions, arrested but
        never convicted for this type of
        crime
01-95 = Total number of convictions in
        this category
96   = Prior convictions noted in this
        category, number not specified
97   = Not applicable, i.e., never arrested
        for this type of crime
99   = Missing value

70 Total Number of Prior Adult Felony Convic-
tions--Drug Crimes
(32-33)

/___/___/

00   = No prior convictions, arrested but
        never convicted for this type
        of crime
01-95 = Total number of convictions in
        this category
96   = Prior convictions noted in this
        category, number not specified
97   = Not applicable, i.e., never arrested
        for this type of crime
99   = Missing value

71 Total Number of Adult Probation Terms
Resulting From a Prior Conviction
(34-35)

/___/___/

00   = Convicted but never placed on
        probation
01-95 = Number of times placed on
        probation
96   = Previously placed on probation,
        unable to ascertain number
97   = Not applicable, never convicted
99   = Missing value

72 Number of Prior Adult Probation Revocations -
(36)

/___/

0   = Previously placed on probation but
      no prior revocations
1-5 = Number of revocations
6   = Six or more revocations
7   = Not applicable, never placed on
      probation
9   = Missing value

73 Total Number of Prior Adult Incarcerations
Resulting From a Prior Criminal Convic-
tion(s)
(37-38)

/___/___/

00   = Never incarcerated over 30 days
        (but was previously convicted)
01-95 = Number of times incarcerated
96   = Previously incarcerated, unable
        to ascertain number
97   = Not applicable, i.e., never
        convicted
99   = Missing value

74 Age at First Adult Incarceration
(39-40)

/___/___/

00   = No prior incarceration, convicted
        but not incarcerated for over 30
        days or one month
12-95 = Age at first adult incarceration
96   = Incarceration occurred, unable to
        ascertain offender's age
97   = Not applicable, never convicted
99   = Missing value

75 Number of Prior Adult Parole Revocations
(41)

/___/

0   = Previously placed on parole but no
      prior revocations
1-5 = Number of revocations
6   = Six or more revocations
7   = Not applicable, never incarcerated
      or placed on parole
9   = Missing value

76 Offender's Year of Birth
(42-43)

/___/___/

99 = Missing value

77 Offender's Sex
(44)

/___/

1 = Male
2 = Female
9 = Missing value

78 Offender's Race
(45)

/___/

1 = White
2 = Black
3 = American Indian
4 = Spanish surname
5 = Oriental
6 = Mixed
8 = Other (List: _____)
9 = Missing value

79 Offender's Marital Status
(46)

/___/

0 = Single
1 = Widow(er)
2 = Separated
3 = Divorced
4 = Cohabitation
5 = Common law marriage
6 = Married and living together
8 = Other (List: _____)
9 = Missing value

80 Offender's Total Number of Dependents
(47-48)

/___/___/

00   = None
01-30 = Number of dependents
98   = Other (List: _____)
99   = Missing value

81 Does Offender Support Dependents?
(49)

/___/

0 = No
1 = Yes
7 = Not applicable, no dependents
8 = Other (List: _____)
9 = Missing value

82 Residential Stability
(50)

/___/

0 = Stable
1 = Unstable
9 = Missing value

83 Offender's Work Status
(51)

/___/

0 = Unemployed
1 = Employed less than full-time
2 = Employed full-time or more
3 = Offender incarcerated for prior offense
8 = Other (List: _____)
9 = Missing value

84 Length of Continuous Employment
(52-54)

/___/___/___/

000   = Unemployed
001   = One month or less
002-994 = Number of months up to 994
995   = 995 months or more
996   = Incarcerated for prior offense
998   = Other (List: _____)
999   = Missing value

85 Length Employed at Most Recent (Current) Job
(55-57)

/___/___/___/

000   = Unemployed
001   = One month or less
002-994 = Number of months up to 994
995   = 995 months or more
996   = Incarcerated for prior offense
998   = Other (List: _____)
999   = Missing value

86 School Status
(58)

/___/

0 = Not in school
1 = In school less than full-time
2 = In school full-time
3 = Offender incarcerated for prior offense
6 = In school, not clear whether full
    or part-time
9 = Missing value

87 Type of School Attending
(59)

/___/

0 = Not in school
1 = Vocational training
2 = High school or high school equivalency
    program
3 = College or graduate school
6 = Unclear
8 = Other (List: _____)
9 = Missing value

88 Offender's History of Alcohol Use
(60)

/___/

0 = None
1 = Light use
2 = Heavy use
3 = Alcoholic classification
6 = Unclear
8 = Other (List: _____)
9 = Missing value

89 Drug Use: Degree
(61)

/___/

0 = None
1 = Light use
2 = Heavy use, but not addicted
3 = Addiction--probation officer assessment
4 = Medically verified addiction
5 = Former addict
8 = Other (List: _____)
9 = Missing value

90 Drug Abuse: Type of Drug
(62)

/___/

1 = Marijuana
2 = Dangerous drug
3 = Narcotic drug
7 = Not applicable
8 = Other (List: _____)
9 = Missing value

91 Recommendation of Probation Officer
(63)

/___/

0 = Probation
1 = Probation and jail time
2 = Jail time (flat or weekends)
3 = Incarceration in State facility
8 = Other (List: _____)
9 = Missing value

APPENDIX C

Example "Error" Statements

1. If (length of incarceration minimum is greater than length of incarceration maximum, when both are a number of months)

   Typical Fortran error statement for error 1 above:

   ```
   IF (VAR(16). LT. 997. AND. VAR (17). LT. 997. AND.
   + VAR(16). GT. VAR(17)) WRITE (6,000)  ID, ERR (1), VAR(16)
   ```

2. If (number of victims indicates no victims and victim precipitation indicates some precipitation)

3. If (weapon usage indicates no weapon involved, and type of weapon indicates weapon used)

4. If (number of victims indicates no victims and physical injury suffered by victim indicates some injury)

5. If (no prior adult arrests and a number of prior adult probation revocations)

6. If (no prior adult arrests and a number of prior adult parole revocations)

7. If (status of sentence disposition indicates concurrent or consecutive to a prior sentence and the number of prior adult and juvenile convictions is zero)

8. If (number of offenses of which convicted is more than is indicated by the offenses coded)

9. If (total number of prior adult arrests not equal to the sum of adult misdemeanor arrests (not against person/against person) + sum of adult felony arrests (not against person/against person))

10. If (age at first adult conviction is less than age at first adult arrest)

11. If (never on probation [adult probation terms = 0] and number of probation revocations is indicated)

12. If (offender is unemployed and length of employment)

13. If (offender has no dependents, but does support them)

14. If (offender has no drug use but addicted to opiates)

15. If (number of offenses original charges is greater than number of offenses at conviction)

16. If (any victim variables are coded inconsistent to there being no victims)

17. If (age at first adult conviction (or any other age) is more than offender's current age)

18. If (conflict between types of sentence and the terms of sentence i.e. fine imposed is "type" and amount of fine indicates no fine imposed)

19. If (number of juvenile probation revocations exceeds number of juvenile convictions)

20. If (number of juvenile parole revocations exceeds number of juvenile incarcerations)

APPENDIX D

Offense Ranking Instructions for Judges

Enclosed are five packets of criminal offense index cards. Each packet contains cards specifying a number of criminal offenses which have been grouped on the basis of their statutory classification, e.g., felony three, misdemeanor one. Each card contains the statutory title of one criminal offense.

You will be working with the packets one at a time. When you begin working with a packet, please glance through it to become familiar with each card contained in that packet. Then, please place each card into one of the three or four categories designated for that particular packet.

A cover card for each packet will indicate the number of categories of offense seriousness for each packet. Four of the packets are to be sorted into three categories--one, into four categories. Your criterion for placing a card into one of the categories should be the seriousness of that particular offense at conviction as compared to the seriousness of all the other offenses at conviction which are contained in the packet with which you are currently working.

Please lay out the cards in each category as you would during a game of solitaire. The least serious category (Category 1) will be on your immediate left. The most serious category (Category 3 or 4) will be on your immediate right. Thus, you will be able to inspect each card in relation to the cards in the same category and in relation to all other cards in different categories for that same packet.

As mentioned previously, one of the packets will be divided into four categories. Since there are so many cards in that packet (over 20 offenses), you will be asked to sort half of them first and then you will be asked to place the remaining cards in the categories you feel appropriate.

At all times, please feel free to shift cards from one category to another within the same packet. Mark each card with the number of the category in which you finally place it.

APPENDIX E

Example of Instructional Booklets
for the Calculation of Guideline Sentences

General Model

Part I	Coding Instructions
Part II	Intra-Class Ranks
Part III	Computation of Guideline Sentences
Part IV	Guideline Sentence Worksheet
Part V	Sentencing Grids

Generic Models

Violent

Part I	Coding Instructions
Part II	Inter-Class Ranks
Part III	Computation of Violent Sentences
Part IV	Sentencing Sheet
Part V	Sentencing Grid

Property

Part I	Coding Instructions
Part II	Inter-Class Ranks
Part III	Computation of Property Sentences
Part IV	Sentencing Sheet
Part V	Sentencing Grid

Drugs

Part I	Coding Instructions
Part II	Inter-Class Ranks
Part III	Computation of Drugs Sentences
Part IV	Sentencing Sheet
Part V	Sentencing Grid

Class Model

Part I Coding Instructions

Date

Code the date of sentencing/deferred prosecution/deferred judgment.

Offense(s) Convicted Of (Title and Statute Number)

In those cases involving an attempt (18-2-101) or conspiracy (18-2-201) conviction, please do not list the title or statute number of those general sections but rather that of the specific offense for which the offender was convicted of attempting or conspiring to commit.

For example, a conviction for an attempt to commit second degree burglary should be written as "18-4-203--attempt to commit second degree burglary."

Offense Class (Most Serious Offense)

When coding the Offense Class, use an "F" to abbreviate Felony and an "M" to abbreviate Misdemeanor. For example a conviction for a Misdemeanor Two offense would be coded as "M2."

Use the statutory class as the criterion to decide seriousness, e.g., a Felony Two would be the more serious offense when a defendant was convicted of a Felony Two and a Felony Three.

Offense Score

A.   Intra-Class Rank:

Refer to Part II   for the intra-class rank. When an offender has been convicted of more than one offense, code the intra-class rank of the most serious offense (see instructions for offense class). If the offender has been convicted of two offenses of the same intra-class rank, select the offense which is against the person. Robbery (18-4-301), aggravated robbery (18-4-302) and theft from the person (18-4-401(5)) are considered offenses against the person for purposes of this item. If neither offense of the same class and rank is against the person or if they both are against the person, it does not matter which offense you focus on.

B.   Seriousness Modifier:

0 = No injury	0 = No weapon	0 = No sale of drugs
1 = Injury	1 = Weapon	1 = Sale of drugs
2 = Death		

The three factors that comprise this item are not additive and only the highest score of the three is to be coded. Therefore, it is impossible to code a "3" or "4" and the only way a "2" can be coded is if a death occurred. Base your assessment of seriousness on the official version of the offense section of the presentence investigation report.

The first modifier is that of physical injury. Value "1" includes both minor and serious injury.

The second modifier concerns weapon usage. "Weapon" refers to any article or device which is capable of causing injury. It does not include parts of the body, e.g., hand or foot, unless the offender is a professional in some form of self-defense. Value "1" includes the presence and/or use of a weapon. When unclear as to whether a weapon was present, e.g., hand in the pocket, score "0."

The third modifier concerns the distribution and/or manufacture of drugs. If the offender was the seller, dispenser, or manufacturer of drugs score as "1." If the offender had in his possession a drug with the intent to dispense that drug (see e.g., 12-22-412(3)), score as "1." If the offender was in possession of a drug, or if his role in a drug offense is unclear, code as "0."

C.   Victim Modifier:

    0 = Unknown victim or crime not against person
   -1 = Known victim

Since this item is only concerned with victims of a crime against the person, automatically code a "0" when the crime is not one against the person.

Robbery (18-4-301), aggravated robbery (18-4-302) and theft from the person (18-4-401(5)) are considered offenses against the person for purposes of this variable. A victim known to the offender would be a person with whom the offender had contact prior to the occasion of the offense, such as family, friends, acquaintances, or professional associates (e.g., employer/employee). Consider a bar fight victim as being known to the offender unless circumstances to the contrary are indicated. Where there is no information concerning the victim, code as "0."

Offender Score

A.   Current Legal Status:

    0 = Not on probation/parole, escape
    1 = On probation/parole, escape

116   117

Code "1" if, at the time the current offense was committed, the offender was on escape status, or on adult probation or parole as a result of an earlier adjudication. Consider supervision under a deferred prosecution or deferred judgment agreement as probation. All other situations, including pending charges, bail, ROR, are not probation or parole and therefore should be coded "0."

B. Prior Juvenile Convictions:

0 = No convictions
1 = 1-3 convictions
2 = 4 or more convictions

Count only juvenile convictions or juvenile court equivalents which are for offenses which would be criminal if the offender was processed as an adult. Exclude juvenile "status" offenses (e.g., PINS, Wayward Youth, Truancy, Neglected Youth) and traffic convictions. Do not count a probation or parole revocation as a "conviction" unless an actual conviction for a new criminal offense took place. Convictions which cannot be clearly identified as being "criminal" in nature should not be counted. Convictions for multiple offenses at one adjudication are to be counted as one conviction.

C. Prior Adult Misdemeanor Convictions:

0 = No convictions
1 = 1-3 convictions
2 = 4 or more convictions

Exclude present conviction. Prior deferred prosecution and deferred judgments which still appear in the offender's prior criminal history record are to be considered convictions for this variable. Exclude all traffic offenses except the two which are considered criminal-- vehicular homicide (18-3-106) and vehicular assault (18-3-205). However, note that both those are felonies and therefore would not be included in a misdemeanor count. Exclude military offenses for which there is no criminal counterpart, e.g., AWOL. Convictions which are not clearly identified by a statute number but which appear to be comparable to either a misdemeanor or a petty offense under the state statutes should not be counted. Offenses for which no information is given, just that a conviction was obtained, are also not to be counted. If convicted of multiple offenses at one adjudication, count as one conviction, and use the most serious offense (see Offense Class) for determining whether it was a misdemeanor or a felony.

D. Prior Adult Felony Convictions

0 = No convictions
1 = 1 conviction
2 = 2 or more convictions

Exclude present conviction. Prior deferred prosecution and deferred judgments which still appear in the offender's prior criminal history record are to be considered convictions for this variable. Exclude all traffic offenses except the two which are considered criminal-- vehicular homicide (18-3-106) and vehicular assault (18-3-205). Exclude military offenses for which there is no criminal counterpart, e.g., AWOL. Convictions which are not clearly identified by a statute number but which appear to be comparable to either a felony or misdemeanor under the state statutes are to be counted as misdemeanors. Offenses for which no information is given other than a conviction was obtained, are also not to be counted. If convicted of multiple offenses at one adjudication count as one conviction and use the most serious offense (see Offense Class) for determining whether it was a misdemeanor or felony.

E. Prior Adult Probation/Parole Revocations:

0 = None
2 = One or more revocations

This is a yes/no item which refers to any adult probation or parole revocation up to the time the presentence investigation report was written. Assume that the offender successfully completed any prior probation/parole unless it was specifically noted that he/she was revoked. Do not consider a conviction for a new offense while the offender was on probation/parole to have resulted in a revocation unless it was so stated.

F. Prior Adult Incarcerations (over 30 days)

0 = None
1 = 1 incarceration
2 = 2 or more incarcerations

This item refers to actual incarcerations resulting from adult criminal convictions. Do not count pre-trial or presentence detentions. Do not count incarcerations of 30 days or less or one month or less. Confinement after an escape or parole violation is not a new incarceration; revocation of probation resulting in an incarceration is a new incarceration for this item.

Part II   Intra-Class Ranks

FELONY TWO

Intra-Class Rank 1

18-4-202	First Degree Burglary
18-4-202(2)	Second Degree Burglary (if burglary is of a dwelling)

Intra-Class Rank 2

18-3-202	Assault in the First Degree
18-8-208(2)	Escapes (if escapee convicted of a felony other than a class one or two felony)

Intra-Class Rank 3

18-3-402	Sexual Assault in the First Degree
18-4-302	Aggravated Robbery

FELONY THREE

Intra-Class Rank 1

12-22-302(1)	Unlawful to Possess (1st offense) (narcotic drugs)
12-22-404	Unlawful Acts (dangerous drugs) (possession with intent to dispense)
12-22-412 (12d)	Cannabis (possession of more than one ounce) (2nd offense)
12-22-412(1-3)	Unlawful Acts (dangerous drugs) (dispense)
18-4-401(2)	Theft (if amount taken is $200 or more)
18-4-401(2)	Theft by Receiving ($200 or more)
18-4-501	Criminal Mischief (if damage amounts to $100 or more)
18-5-103	Second Degree Forgery

Intra-Class Rank 2

12-22-322(4)	Narcotic Drugs (theft from person authorized to administer) (1st offense)
12-22-412(12g)	Cannabis (transfer or dispense to person under 18)
18-3-106	Vehicular Homicide
18-4-203	Assault in the Second Degree
18-4-103(2)	Second Degree Arson (if damage amounts to $100 or more)
18-4-202	Conspiracy to Commit First Degree Burglary
18-4-203(2)	Second Degree Burglary
18-4-203(2)	Attempt to Commit Second Degree Burglary (if burglary is of a dwelling)

Intra-Class Rank 3

18-3-403	Sexual Assault in the Second Degree
18-3-403	Attempt to Commit Sexual Assault in the Second Degree (use of force, intimidation, or threat)
18-4-301	Robbery
18-4-302	Attempt to Commit Aggravated Robbery
18-4-302	Conspiracy to Commit Aggravated Robbery
18-8-502	Perjury in the First Degree
18-12-109(3)	Unlawful Possession or Use of Explosives or Incendiary Devices

Intra-Class Rank 4

18-3-104	Manslaughter
18-3-405	Sexual Assault on a Child

FELONY FOUR

Intra-Class Rank 1

12-22-302	Attempt to Possess Narcotic Drugs
12-22-404	Attempt to Commit Unlawful Acts (dangerous drugs) (dispense)
14-6-101	Non-support of Spouse and Children
18-4-203(2)	Attempt to Commit Second Degree Burglary
18-4-204	Third Degree Burglary
18-4-401(2)	Attempt to Commit Theft ($200 or more)
18-4-401(2)	Conspiracy to Commit Theft ($200 or more)
18-4-402(4)	Theft of Rental Property (if value is $200 or more)
18-4-402(4)	Attempt to Commit Theft of Rental Property (if value is $200 or more)
18-4-501	Attempt to Commit Criminal Mischief (if damage amounts to $100 or more)
18-4-502	First Degree Criminal Trespass
18-4-502	Attempt to Commit First Degree Criminal Trespass
18-5-102	Attempt to Commit First Degree Forgery
18-5-103	Attempt to Commit Second Degree Forgery
18-5-205(3c)	Fraud by Check ($200 or more)
18-7-206	Pimping
18-8-105(5)	Accessory to Crime (if person so helped commit a Class 3, 4, or 5 Felony)
26-2-130(1)	Fraudulent Acts ($500 or more)

Intra-Class Rank 2

12-22-319	Fraud or Deceit (narcotic drugs) (1st offense)
12-22-404	Conspiracy to Commit Unlawful Acts (dangerous drugs) (dispense)
18-3-203	Attempt to Commit Assault in the Second Degree
18-3-205	Vehicular Assault
18-3-206	Menacing (if deadly weapon employed)
18-4-203(2)	Conspiracy to Commit Second Degree Burglary
18-4-301	Attempt to Commit Robbery
18-4-401(5)	Conspiracy to Commit Theft (from the person) (if no force...)
18-4-401(5)	Attempt to Commit Theft (from the person) (if no force...)
18-4-409(4)	Joyriding (if person is in possession of a car for over 72 hours)
18-5-113	Criminal Impersonation
42-2-206	Driving After Judgment--Habitual Offender

18-3-405	Attempt to Commit Sexual Assault on a Child
18-4-301	Conspiracy to Commit Robbery
18-4-401(5)	Theft (from the person) (if no force...)
18-12-108	Possession of a Weapon by a Previous Offender

MISDEMEANOR ONE

Intra-Class Rank 1

18-4-505	First Degree Criminal Tampering
18-5-104	Third Degree Forgery
18-5-106	Criminal Possession of a Second Degree Forged Instrument

Intra-Class Rank 2

18-1-106	Criminal Intimidation
18-3-204	Assault in the Third Degree

Intra-Class Rank 3

18-3-105	Criminal Negligent Homicide
18-3-404	Sexual Assault in the Third Degree

MISDEMEANOR TWO

Intra-Class Rank 1

12-22-404(1d)	Unlawful Acts (dangerous drugs--except cannabis)
12-22-412(12d)	Cannabis (possession of more than one ounce) (1st offense)
18-3-204	Attempt to Commit Assault in the Third Degree
18-4-204	Criminal Possession of a Credit Device
18-4-402(3)	Theft of Rental Property (if value is $50 or more and less than $200)
18-4-409(2)	Joyriding
18-4-410(3)	Theft by Receiving ($50-$199)
18-4-501	Criminal Mischief (if damage amounts to less than $100)
18-4-506	Second Degree Criminal Tampering
18-5-107	Criminal Possession of Third Degree Forged Instrument
18-5-202	Fraudulent Use of a Credit Device (if value amounts to less than $100)
18-12-105	Unlawfully Carrying a Concealed Weapon

Intra-Class Rank 2

18-3-303	False Imprisonment
18-4-401(3)	Theft (if value is $50 or more and less than $200)
18-5-205(3b)	Fraud by Check ($50-$199)
18-8-103	Resisting Arrest

Intra-Class Rank 3

18-4-103(3)	Second Degree Arson (if damage amounts to less than $100)
18-6-401	Child Abuse
18-12-106	Prohibited Use of Weapons

Part III Computation of Guideline Sentences

The guideline sentence is computed by adding weights assigned to items of information relating to pertinent characteristics of both the crime and the criminal. The weights are then totaled into a separate score for the offense (Offense Score) and the offender (Offender Score). Those scores are then located on a two-dimensional sentencing grid. There is a different grid for each statutory class of offense. The Offense Score is located on the Y, or vertical, axis and the Offender Score on the X, or horizontal, axis. By plotting the two scores against each other (much as one plots mileage figures on a road map), one is directed to the cell in the grid which indicates the suggested length and/or type of sentence.

Three items of information comprise the Offense Score. First, is the intra-class rank which will either be a "1," "2," or "3" for all classes except Felony Three in which a rank of "4" is possible. Second, is the seriousness modifier. As was noted in the coding manual (see seriousness modifier, page 2), the three factors which make up this item (injury, weapon usage, drug sale) are not additive and only the highest score of the three is to be included in the computations. Therefore, it is impossible to add a "3" or "4" for this factor and the only way a "2" can be added is if a death occurred. Third, is the victim modifier. Although it is being added in a purely mathematical sense, note that it can only be a zero or a negative one and thus the overall score will either not change or be reduced by one. Add the three coded values to obtain an Offense Score which will range from one to five for a Felony Two, Felony Four and Misdemeanor One or Two, and from one to six for a Felony Three.

Six items of information comprise the Offender Score: current legal status, prior juvenile convictions, prior adult misdemeanor convictions, prior adult felony convictions, prior adult probation/parole revocations, and prior adult incarcerations (over 30 days). Add the six coded values to get an Offender Score which will range from zero to 11.

Part IV Guideline Sentence Worksheet

OFFENDER_____ DOCKET NUMBER_____

JUDGE_____ DATE_____

OFFENSE(S) CONVICTED OF: _____
_____
_____

OFFENSE CLASS (MOST SERIOUS OFFENSE)

```
┌─────────────┐
│             │
└─────────────┘
 OFFENSE CLASS
```

OFFENSE SCORE

   A. Intra-Class Rank   ____ +
   B. Seriousness Modifier   ____ +
       0 = No injury   0 = No Weapon   0 = No sale of drugs
       1 = Injury   1 = Weapon   1 = Sale of deugs
       2 = Death
   C. Victim Modifier (Crime Against Person)   ____ =
       0 = Unknown victim
      -1 = Known victim

```
┌─────────────┐
│             │
└─────────────┘
 OFFENSE SCORE
```

OFFENDER SCORE

   A. Current Legal Status   ____ +

       0 = Not on probation, parole, escape
       1 = On probation/parole, escape

   B. Prior Juvenile Convictions   ____ +

       0 = No convictions
       1 = 1-3 convictions
       2 = 4 or more convictions

   C. Prior Adult Misdemeanor Convictions   ____ +

       0 = No convictions
       1 = 1-3 convictions
       2 = 4 or more convictions

   D. Prior Adult Felony Convictions   ____ +

       0 = No convictions
       1 = 1 conviction
       2 = 2 or more convictions

   E. Prior Adult Probation/Parole Revocations ____ +

       0 = None
       2 = One or more revocations

   F. Prior Adult Incarcerations (Over 30 Days) ____ =

       0 = None
       1 = 1 incarceration
       2 = 2 or more incarcerations

```
┌─────────────┐
│             │
└─────────────┘
 OFFENDER SCORE
```

GUIDELINE SENTENCE_____

ACTUAL SENTENCE_____

REASONS (If actual sentence does not fall within guideline range):

Part V Sentencing Grids

FELONY TWO

Offender Score

Offense Score	0-1	2	3	4	5-8	9-10	11-13
4-5	5-7 yrs. minimum / 8-10 yrs. maximum	7-9 yrs. minimum / 12-15 yrs. maximum	10-12 yrs. minimum / 15-20 yrs. maximum	12-15 yrs. minimum / 15-20 yrs. maximum	12-15 yrs. minimum / 15-20 yrs. maximum	17-22 yrs. minimum / 35-40 yrs. maximum	17-22 yrs. minimum / 35-40 yrs. maximum
3	OUT	7-9 yrs. minimum / 12-15 yrs. maximum	7-9 yrs. minimum / 12-15 yrs. maximum	7-9 yrs. minimum / 12-15 yrs. maximum	8-10 yrs. minimum / 15-20 yrs. maximum	17-22 yrs. minimum / 35-40 yrs. maximum	17-22 yrs. minimum / 35-40 yrs. maximum
2	OUT	5-7 yrs. minimum / 12-15 yrs. maximum	5-7 yrs. minimum / 12-15 yrs. maximum	5-7 yrs. minimum / 12-15 yrs. maximum	8-10 yrs. minimum / 12-15 yrs. maximum	17-22 yrs. minimum / 35-40 yrs. maximum	17-22 yrs. minimum / 35-40 yrs. maximum
1	OUT	OUT	OUT	5-7 yrs. minimum / 12-15 yrs. maximum	5-7 yrs. minimum / 12-15 yrs. maximum	8-10 yrs. minimum / 12-15 yrs. maximum	8-10 yrs. minimum / 15-20 yrs. maximum

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FELONY THREE

Offender Score

Offense Score		0-1	2	3	4-5	6-7	8	9-11
4-6	minimum	2-3 yrs.	2-3 yrs.	3-4 yrs.	3-4 yrs.	3-4 yrs.	3-4 yrs.	4-5 yrs.
	maximum	8-10 yrs.	8-10 yrs.	8-10 yrs.	8-10 yrs.	8-10 yrs.	8-10 yrs.	8-10 yrs.
3	minimum	OUT*	1-2 yrs.	1-2 yrs.	2-3 yrs.	2-3 yrs.	3-4 yrs.	3-4 yrs.
	maximum		3-5 yrs.	3-5 yrs.	3-5 yrs.	5-7 yrs.	8-10 yrs.	8-10 yrs.
2	minimum	OUT	OUT*	1-1½ yrs.	1-2 yrs.	1-2 yrs.	2-3 yrs.	2-3 yrs.
	maximum			3-5 yrs.	3-5 yrs.	5-7 yrs.	8-10 yrs.	8-10 yrs.
1	minimum	OUT	OUT	OUT*	1-1½ yrs.	1-1½ yrs.	1-2 yrs.	2-3 yrs.
	maximum				3-5 yrs.	3-5 yrs.	3-5 yrs.	5-7 yrs.

*Potential candidate for work project or community corrections.

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FELONY FOUR

Offender Score

Offense Score	0-1	2	3	4-5	6-8	9-11
4-5	1½-2½ yrs. minimum 4-5 yrs. maximum	2-3 yrs. minimum 4-5 yrs. maximum	2-3 yrs. minimum 4-5 yrs. maximum	2-3 yrs. minimum 4-5 yrs. maximum	2½-3½ yrs. minimum 4-5 yrs. maximum	2½-3½ yrs. minimum 4-5 yrs. maximum
3	OUT	OUT*	1½-2½ yrs. minimum 4-5 yrs. maximum	1½-2½ yrs. minimum 4-5 yrs. maximum	2-3 yrs. minimum 4-5 yrs. maximum	2-3 yrs. minimum 4-5 yrs. maximum
2	OUT	OUT	OUT	1-1½ yrs. minimum 4-5 yrs. maximum	1½-2 yrs. minimum 4-5 yrs. maximum	1½-2½ yrs. minimum 4-5 yrs. maximum
1	OUT	OUT	OUT	1-1½ yrs. minimum 3-4 yrs. maximum	1-1½ yrs. minimum 3-4 yrs. maximum	1-2 yrs. minimum 4-5 yrs. maximum

*Potential candidate for work project, split sentence, or community corrections.

MISDEMEANOR ONE

Offender Score

	0-1	2-3	4-5	6-7	8-11	12-13
4-5	20-24 mo.	20-24 mo.	20-24 mo.	20-24 mo.	20-24 mo.	20-24 mo.
3	OUT*	9-12 mo.	12-16 mo.	16-20 mo.	20-24 mo.	20-24 mo.
2	OUT	OUT	12-14 mo.	14-18 mo.	16-20 mo.	20-24 mo.
1	OUT	OUT	OUT	9-12 mo.	14-18 mo.	16-20 mo.

Offense Score

*Work project or Community Correction Center.

MISDEMEANOR TWO

Offender Score

Offense Score	0	1	2	3-4	5-7	8-13
4-5	9-12 mo.	9-12 mo.	9-12 mo.	9-12 mo.	9-12 mo.	9-12 mo.
3	OUT*	6-9 mo.	9-12 mo.	9-12 mo.	9-12 mo.	9-12 mo.
2	OUT	OUT	OUT	4-7 mo.	5-8 mo.	9-12 mo.
1	OUT	OUT	OUT	OUT	3-5 mo.	6-9 mo.

*Work project or Community Correction Center.

Generic Models

Part I   Coding Instructions

This is one of three different manuals that will be used in the evaluation of guideline sentences. These manuals have been divided into the following offense types: Violent, Property and Drugs. In determining which offense and offense type is to be used in calculating the guideline sentence, the following rules will apply:

1. <u>One Offense at Conviction</u>

   When there is one offense at conviction, use the manual whose offense type is the same as the offense at conviction.

   Before coding, check to see that the offense is listed in Part II   of the particular manual being used. If the offense <u>is not</u> listed, check Part II   of each of the other two manuals. If the offense is not listed in any of the Appendices use the manual whose offense type is the same as the offense at conviction.

2. <u>Multiple Offenses at Conviction--Same Offense Type</u>

   (a) When there are two or more offenses at conviction, all of which are of the same offense type, the crime with the highest inter-class rank is to be considered the most serious. Refer to Part II   for the inter-class rank.

   (b) When there are two or more offenses at conviction, all of which are of the same offense type and have the same inter-class rank, any of the offenses can be considered the most serious.

   (c) When there are two or more offenses at conviction, all of which are of the same offense type, and one or more of the offenses has not been listed in the Appendices, determine the inter-class ranks of those offenses (See page 3, inter-class rank). The offense with the highest inter-class rank is to be considered the most serious.

3. <u>Multiple Offenses at Conviction--Different Offense Types</u>

   (a) When there are two or more offenses at conviction, of different offense types, the offense which would receive the more severe guideline sentence is to be considered the most serious offense. Refer to   Part III for instructions on how to calculate the guideline sentences.

(b) When there are two or more offenses at conviction, and one or more of the offenses has not been listed in the Appendices, determine the inter-class rank and type of that offense (See page 3, inter-class rank). The offense whose guideline sentence is the most severe is to be considered the most serious. Refer to Part III for instructions on how to calculate the guideline sentences.

Offense Score

Inter-Class Rank

Refer to Part II for a listing of inter-class ranks. When there are two or more offenses at conviction of the same offense type, code the highest inter-class rank. If one or more of the offenses at conviction has not been ranked in Part II, apply the following rules to determine the offense's inter-class rank.

Inter 1: This category contains those crimes which by statutory definition can receive a maximum sentence of up to one year.

Inter 2: Within this category you will find those crimes as defined by statute which can receive a possible maximum sentence of three years.

Inter 3: Within this category crimes may receive a maximum sentence of seven years.

Inter 4: Within this category crimes may receive those sentences with a maximum range from ten to seventeen years.

Inter 5: This category contains those crimes which by statute should receive a sentence of eighteen years or higher.

Offender Score

A. Legal Status at Time of Offense

0 = Free
1 = Not Free

Code "0" if the offender was not under any form of criminal justice control. Include here if in military or voluntary hospitalization (e.g., not court ordered hospitalization).

Code "1" if at the time the offense was committed the offender was under any form of state control as a result of some civil or criminal action (e.g., AWOL, sex offender). This includes the offender with any charges, adult or juvenile, which had not yet been disposed of, including those persons on pre-trial release or awaiting sentencing on bail, bond, ROR, or in jail. Code "1" includes persons on deferred prosecutions, deferred judgment, conditional release, adult or juvenile probation, adult or juvenile parole and those with out-standing warrants. It also includes those offenders incarcerated at the time of the offense and those on escape status.

B. Prior Juvenile Delinquency Petitions Sustained

0 = None or one
1 = Two or more

Do not code adjourned delinquency dispositions. Exclude present offense when there is no record of prior delinquency petition sustained.

Code "0" of there have been none or one juvenile delinquency petitions sustained.

Code "1" if there have been two or more juvenile delinquency petitions sustained or juvenile court equivalents (e.g., informal adjustments) for offenses which would be criminal if the offender were arrested as an adult. Exclude juvenile status offenses (e.g., PINS, Wayward Youth, Truancy, Neglected Youth). Do not count a probation or parole revocation as a sustained juvenile delinquency petition unless such a petition has actually been sustained for a new crime. Sustained juvenile delinquency petitions which are not clearly identified by statutory title or code are to be counted for the purposes of this variable. For example, if the record shows that a delinquency petition has been sustained as to five offenses (without further elaboration) code as "1."

C. Prior Adult Incarcerations

0 = None
1 = One or more incarcerations

This item refers to actual incarcerations resulting from adult criminal convictions. Do not count pre-trial or presentence detentions. Do not count incarcerations of 30 days or less or one month or less. NOTE: Confinement after escape or parole violation is not a new incarceration; revocation of probation resulting in incarceration is a new incarceration for this item.

D. Drug Addictions

0 = No use/not addicted
1 = Addicted

This item refers to drug addiction only. Addiction is a physical dependence on the drug substance, the withdrawal of which causes significant discomfort. Use without physical dependence, no matter how heavy or frequent is to be coded under "0." Also code "0" if there is no mention of drug use. If there is conflict in the PSI regarding the level of use, code the official (i.e., the probation

officer's) assessment of the level of use.

E.   Offender Status

-1 = Part/full-time employment/school
 0 = Unemployed/not in school

This variable is to be coded for those offenders who were free at
the time of the PSI and for those who were detained (i.e., no bail).

If detained at any time prior to sentencing for the present offense
what was the offender's status immediately prior to the initial
detention. If the offender was not detained, e.g., ROR, code work/
school status at time of presentence investigation. Detention refers
to pre- or post-trial confinement e.g., not bailed). If more than
one period of detention as a result of the present offense, consider
the first substantial detention only in coding this time. Detention
does not refer to detention upon arrest while awaiting initial
appearance for bail setting. As a rule-of-thumb, consider detentions
only if longer than 48 hours in coding this item.

Code "-1" if the offender was in school or employed full or part-
time. Include here those in the military service.

Code "0" for those offenders who were unemployed or incarcerated,
for a prior offense (regardless of any prison employment).

Part II Inter-Class Ranks

VIOLENT

Inter-Class Rank 1: Maximum Sentence up to One Year (least serious)

2A-170-26	Assault--Assault and Battery
2A-170-27	Fighting

Inter-Class Rank 2: Maximum Sentence of Three Years

2A-90-3	Attempt to Assault With Dangerous Weapon, or Demand of Money, etc., by Menace or Force, With Intent to Rob
2A-90-2	Attempt to Assault With Intent to Kill, Commit Burglary, Kidnapping, Rape, Robbery, Sodomy or Carnal Abuse
2A-143-1	Attempt to Commit Sodomy
2A-113-5	Attempted Manslaughter
2A-138-1	Attempted Rape and Carnal Abuse
2A-141-1	Attempted Robbery
2A-90-2	Conspiracy to Assault With Intent to Kill, Commit Burglary, Kidnapping, Rape, Robbery, Sodomy or Carnal Abuse
9-6-3	Cruelty to or Neglect of a Child
2A-113-9	Killing by Driving Vehicle Carelessly and Heedlessly

Inter-Class Rank 3: Maximum Sentence up to Seven Years

2A-90-4	Assault and Battery Upon Police
2A-90-3	Assault With Dangerous Weapon
2A-90-1	Atrocious Assault and Battery
2A-125-1	Mayhem
2A-151-60	Possession or Carrying of Explosives With Intent to Use Unlawfully

Inter-Class Rank 4: Range of Maximum Sentence is Ten Years to Seventeen Years

2A-113-8	Advocating Death or Threatening to Take Life
2A-90-2	Assault With Intent to Kill, Commit Burglary, Kidnapping, Rape, Robbery, Sodomy or Carnal Abuse
2A-151-5	Attempt to Commit Armed Robbery
2A-141-1	Conspiracy to Commit Armed Robbery
2A-113-5	Manslaughter
2A-138-1	Rape and Carnal Abuse with a Woman-Child 12-16 by Person Over 16
2A-141-1	Robbery
2A-151-66	Unlawful Use of Dangerous Weapon

Inter-Class Rank 5: Range of Maximum Sentence is Eighteen Years to Life (most serious)

2A-151-5	Armed Assault With Intent to Kill
2A-151-5	Armed Robbery
2A-94-2	Explosive Breaking and Entering
2A-119A-2	Force and Fear in Connection With Loan
2A-118-1	Kidnapping
2A-113-4	Murder First Degree
2A-113-4	Murder Second Degree
2A-113-3	Murder (Plea of Guilty Not to be Received--Plea of Non-Guilt or Nolo)
2A-138-1	Rape and Carnal Abuse
2A-138-1	Rape and Carnal Abuse Woman-Child Under 12 With or Without Consent by Person Over 16
2A-143-2	Sodomy With Child Under 16
2A-143-1	Sodomy

Part III   Computation of Violent Sentences

The guideline sentence is computed by adding weights assigned to items of information relating to pertinent characteristics of both the crime and the criminal. The weights are then totaled into a separate score for the offense (Offense Score) and the offender (Offender Score). Those scores are then located on a two-dimensional sentencing grid. There is a different grid for each offense type. The Offense Score is located on the Y, or vertical, axis and the Offender Score on the X, or horizontal axis. By plotting the two scores against each other (much as one plots mileage figures on a road map), one is directed to the cell in the grid which indicates the guideline length and/or type of sentence.

The Offense Score for Violent Offenses has one item of information, the inter-class rank which will either be a "1," "2," "3," "4," or "5."

Five items of information comprise the Offender Score: Legal Status at Time of Offense, Prior Juvenile Delinquency Petitions Sustained, Prior Adult Incarcerations (over 30 days), Drug Addiction and Offender Status. Add the five coded values to get an Offender Score which will range from -1 to 4.

Part IV Sentencing Sheet

SENTENCING SHEET--VIOLENT

OFFENDER_____ PROBATION DEPT. CASE NO._____

JUDGE_____ DATE OF SENTENCING_____

OFFENSE(S) CONVICTED OF: _____
(TITLE AND STATUTE NUMBER) _____
                            _____
                            _____

OFFENSE TYPE (MOST SERIOUS OFFENSE)

                                                    | VIOLENT |
OFFENSE SCORE   OFFENSE TYPE

    Inter-Class Rank   ____ . |_____|
                                                    OFFENSE SCORE

OFFENDER SCORE

    A. Legal Status at Time of Offense   ____ +

        0 = Free
        1 = Not Free

    B. Prior Juvenile Delinquency Petition(s)   ____ +
        Sustained

        0 = None or one
        1 = Two or more

    C. Prior Adult Incarcerations   ____ +

        0 = None
        1 = One or more incarcerations

    D. Drug Addiction   . ____ +

        0 = No use/not addicted
        1 = Addicted

    E. Offender Status   ____ .

        -1 = Part/full-time employment/school |_____|
         0 = Unemployed/not in school   OFFENDER SCORE

GUIDELINE SENTENCE_____

ACTUAL SENTENCE_____

REASONS (if actual sentence does not fall within guideline range):

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Part V Sentencing Grid

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VIOLENT

Offender Score

Offense Score		-1	0	1	2	3	4
5		2-3 yrs. minimum	3-4 yrs. minimum	4-5 yrs. minimum	5-6 yrs. minimum	6-8 yrs. minimum	10-12 yrs. minimum
		6-8 yrs. maximum	8-10 yrs. maximum	12-16 yrs. maximum	14-18 yrs. maximum	18-22 yrs. maximum	20-25 yrs. maximum
4	OUT		2-3 yrs. minimum	3-4 yrs. minimum	4-5 yrs. minimum	5-6 yrs. minimum	6-8 yrs. minimum
			6-8 yrs. maximum	8-10 yrs. maximum	8-10 yrs. maximum	10-12 yrs. maximum	12-16 yrs. maximum
3	OUT	OUT		2-3 yrs. minimum	3-4 yrs. minimum	3-4 yrs. minimum	4-5 yrs. minimum
				5-6 yrs. maximum	6-7 yrs. maximum	6-7 yrs. maximum	6-7 yrs. maximum
2	OUT	OUT		1-1½ yrs. minimum	1-1½ yrs. minimum	1-1½ yrs. minimum	2-3 yrs. minimum
				3-5 yrs. maximum	3-5 yrs. maximum	3-5 yrs. maximum	3-5 yrs. maximum
1	OUT	OUT	OUT	OUT	OUT	OUT

Property

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Part I Coding Instructions

This is one of three different manuals that will be used in the evaluation of the guideline sentences. These manuals have been divided into the following offense types: Violent, Property and Drugs. In determining which offense and offense type is to be used in calculating the guideline sentence, the following rules will apply:

1. <u>One Offense at Conviction</u>

   When there is one offense at conviction, use the manual whose offense type is the same as the offense at conviction.

   Before coding, check to see that the offense is listed in Part II of the particular manual being used. If the offense is <u>not</u> listed, check Part II of each of the other two manuals. If the offense is not listed in any of the Appendices, use the manual whose offense type is the same as the offense at conviction.

2. <u>Multiple Offenses at Conviction--Same Offense Type</u>

   (a) When there are two or more offenses at conviction, all of which are of the same offense type, the crime with the highest inter-class rank is to be considered the most serious. Refer to Part II for the inter-class rank.

   (b) When there are two or more offenses at conivction, all of which are of the same offense type and have the same inter-class rank, any of the offenses can be considered the most serious.

   (c) When there are two or more offenses at conviction, all of which are of the same offense type, and one or more of the offenses has not been listed in the Appendices, determine the inter-class ranks of those offenses (See page 3, inter-class rank). The offense with the highest inter-class rank is to be considered the most serious.

3. <u>Multiple Offenses at Conviction--Different Offense Types</u>

   (a) When there are two or more offenses at conviction, of different offense types, the offense which would receive the more severe guideline sentenceis to be considered the most serious offense. Refer to Part III for instructions on how to calculate the guideline sentences.

   (b) When there are two or more offenses at conviction, and one or more of the offenses has not been listed in the Appendices, determine the inter-class rank and type of that offense (See page 3, inter-class rank). The offense whose guideline sentence is the most severe is to be considered the most serious. Refer to Part III for instructions on how to calculate the guideline sentence.

Offense Score

A. Inter-Class Rank

Refer to Part II for a listing of inter-class ranks. When there are two or more offenses at conviction of the same offense type, code the highest inter-class rank. If one or more of the offenses at conviction has not been ranked in Part II, apply the following rules to determine the offense's inter-class rank.

Inter 1: This category contains those crimes which by statutory definition can receive a maximum sentence of up to one year.

Inter 2: Within this category you will find those crimes as defined by statute which can receive a possible maximum sentence of three years.

Inter 3: Within this category crimes may receive a maximum sentence of over three years.

B. Victim Classification

0 = Business/State
1 = Citizen/Officer

Code "0" includes business, banks, and corporations. The State is to be considered the victim in crimes without identifiable victims: e.g., weapon offenses, gambling, consensual sex offenses, drug offenses, bail-probation-parole violations, non-support, tax evasion.

Code "1" includes personal victimizations with or without violence, as well as crimes against a residence or household. It also includes police, probation and parole officers, prison guards, and any other official law enforcement officer.

Offender Score

A. Legal Status at Time of Offense

0 = Free
1 = Not Free

Code "0" if the offender was not under any form of criminal justice control. Include here if in the military or voluntary hospitalization (e.g., not court ordered hospitalization).

Code "1" if at the time the offense was committed the offender was under any form of state control as a result of some civil or criminal action (e.g., AWOL, sex offender). This includes the offender with any charges, adult or juvenile, which had not yet been disposed of, including those persons on pre-trial release or awaiting sentencing on bail, bond, ROR, or in jail. Code "1" includes persons on deferred prosecutions, deferred judgment, conditional release, adult or juvenile probation, adult or juvenile parole and those with outstanding warrants. It also includes those offenders incarcerated at the time of the offense and those on escape status.

B. Prior Juvenile Delinquency Petition(s) Sustained

0 = None
1 = One or more

Do not code adjourned delinquency dispositions. Exclude present offense when there is no record of prior delinquency petition sustained.

Code "1" if there have been one or more juvenile delinquency petitions sustained or juvenile court equivalents (e.g., informal adjustments) for offenses which would be criminal if the offender were arrested as an adult. Exclude juvenile status offenses (e.g., PINS, Wayward Youth, Truancy, Neglected Youth). Do not count traffic convictions unless a corresponding crime is present. Do not count a probation or parole revocation as a sustained juvenile delinquency petition unless such a petition has actually been sustained for a new crime. Sustained juvenile delinquency petitions which are not clearly identified by statutory title or code are to be counted for the purposes of this variable. For example, if the record shows that a delinquency petition has been sustained as to five offenses, without further elaboration, code as "1."

C. Prior Adult Convictions

0 = None or one conviction
1 = Two or more convictions

Code "0" when there has been none or one prior adult conviction.

Code "1" when there have been two or more convictions.

Exclude present offense(s) and juvenile adjudications. A conditional release is not to be counted as a conviction. Exclude traffic and military convictions for which there is no civilian counterpart (e.g., AWOL). Convictions which are not clearly identified by statutory title or code are to be counted for the purposes of this variable. For example, if an offender is identified as having been

convicted of five offenses (with no further elaboration) code as "1."

D.   Prior Adult Incarcerations (Over 30 Days)

0 = None
1 = One or more incarcerations

This item refers to actual incarcerations resulting from adult
criminal convictions. Do not count pre-trial or presentence
detentions. Do not count incarcerations of 30 days or less or one
month or less. NOTE: Confinement after escape or parole violations
is not a new incarceration; revocation of probation resulting in
incarceration is a new incarceration for this item.

E.   Drug Addiction

0 = No use/not addicted
1 = Addicted

This item refers to drug addiction only. Addiction is a physical
dependence on the drug substance, the withdrawal of which causes
significant discomfort. Use without physical dependence, no matter
how heavy or frequent is to be coded under "0." Also code "0" if
there is no mention of drug use. If there is conflict in the PSI
regarding the level of use, code the official (i.e., the probation
officer's) assessment of the level of use.

F.   Offender Status

-1 = Part/full-time employment/school
 0 = Unemployed/not in school

This variable is to be coded for those offenders who were free at
the time of the PSI and for those who were detained (i.e., no bail).

If detained at any time prior to sentencing for the present offense
code for the offender's status immediately prior to the initial
detention. If the offender was not detained, e.g., ROR, code work/
school status at time of presentence investigation. Detention refers
to pre- or post-trial confinement (e.g., not bailed). If more than
one period of detention as a result of the present offense, consider
the first substantial detention only in coding this item. Detention
does not refer to detention upon arrest while awaiting initial
appearance for bail setting. As a rule-of-thumb, consider detentions
only if longer than 48 hours in coding this item.

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Code "-1" if the offender was in school or employed full or part-time.
Include here those in the military service.

Code "0" for those offenders who were unemployed or incarcerated,
for a prior offense (regardless of any prison employment).

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Part II Inter-Class Ranks

PROPERTY

Inter-Class Rank 1: Sentence up to One Year (least serious)

2A-170-41.1	Buying/Receiving Stolen Property Valued Under $200
2A-170-2	Common Thieves, Burglars and Pickpockets
2A-170-36	Malicious Injury to Property (Damage Less Than or Equaling $200)
2A-170-43	Obtaining Valuables From State, Charitable Organization by False Statement
2A-111-15	Overdrawing Credit or Checking Account (Check of $200 or More)
2A-170-30.1	Stealing Money, Chattels, Other Property (Value Less Than or Equaling $200)
2A-170-31	Trespassing
2A-170-38	Unlawful Taking or Using Means of Conveyance

Inter-Class Rank 2: Maximum Sentence of Three Years

2A-94-1	Attempted Breaking and Entering or Entering
2A-139-1	Attempt to Buy or Receive Stolen Property--Harboring Thief--Possession as Sufficient Evidence to Convict (Less Than $500)
2A-89-4	Attempting to Destroy Buildings or Contents of Buildings With Fire or Explosives
2A-109-1	Attempt to Forge or Utter Forged Records, Instruments, Writings, Etc.
2A-119-1	Attempted Larceny From the Person
2A-111-1	Attempt to Obtain Money, Property, etc., by False Pretense
2A-119-2	Attempt to Steal Money, Chattels, and Other Articles, Property and Things (If Value is Greater Than or Equal to $500)
2A-139-1	Buying or Receiving Stolen Property--Harboring a Thief or Possession of Property as Sufficient Evidence to Convict (When Value is Greater Than $200, Less Than $500)
2A-94-1	Conspiracy to Break and Enter, or Enter
2A-89-1	Conspiracy to Commit Arson
2A-119-2	Conspiracy to Steal Money, Chattels, and Other Articles, Property and Things (If Value is Greater Than or Equal to $500)
2A-111-1	Conspiracy to Obtain Money, Property, etc., by False Pretense

2A-111-42	Credit Card Theft
2A-122-10	Defacing, Destroying or Damaging Building Used for Religious, Charitable or Educational Purposes
2A-102-5	Embezzlement by Employees, Agents, Consignee, Factor, Bailee, Lodger or Tenant
2A-111-43	Intent of Card Holder to Defraud More Than $500 in Any Six Month Period
2A-111-44	Intent to Defraud by Authorized Person to Furnish Money, Goods or Services
2A-122-1	Malicious Destruction of or Damage to Property
2A-111-1	Obtaining Money, Property, etc., by False Pretense
2A-111-34	Renting Motor Vehicle With Intent to Defraud-- Evidence of Intent
2A-119-2	Stealing Money, Chattels, and Other Articles, Property and Things (If Value is Greater Than $200 and Less Than $500)

Inter-Class Rank 3: Maximum Sentence Over Three Years (most serious)

2A-89-1	Arson
2A-94-1	Breaking and Entering or Entering
2A-139-1	Buying/Receiving Stolen Property (Value Greater Than or Equaling $500)
2A-111-42	Credit Card Theft, in Violation of 2A-111-41(E) or (F)
2A-149A-1	Entry to Commit Indictable Offenses in Educational Buildings
2A-109-1	Forgery or Uttering Forged Records, Instruments, Etc.
2A-111-43	Intent of Cardholder to Defraud (Amount Greater Than $500 in Any Six Month Period)
2A-119-1	Larceny From the Person
2A-109-2	Selling/Possession Counterfeit Promissory Notes or Clearinghouse Certificates
2A-89-3	Setting Fire to/Burning Property to Defraud
2A-119-2	Stealing Money, Chattels, Etc., (Amount Greater Than or Equaling $500)
2A-139-3	Purchasing or Receiving Stolen Motor Vehicles

Part III   Computation of Property Sentences

The guideline sentence is computed by adding weights assigned to items of information relating to pertinent characteristics of both the crime and the criminal. The weights are then totaled into a separate score for the offense (Offense Score) and the offender (Offender Score). Those scores are then located on a two-dimensional sentencing grid. There is a different grid for each offense type. The Offense Score is located on the Y, or vertical, axis and the Offender Score is the X, or horizontal axis. By plotting the two scores against each other (much as one plots mileage figures on a road map), one is directed to the cell in the grid which indicates the guideline length and/or type of sentence.

The Offense Score for Property Offenses has two items of information. First, is the inter-class rank which will either be a "1," "2," or "3." Second, is the victim classification which will either be a "0" or "1." Add the two coded values to obtain an Offense Score which will range from one to four.

Six items of information comprise the Offender Score: Legal Status at Time of Offense, Prior Juvenile Delinquency Petitions Sustained, Prior Adult Convictions, Prior Adult Incarcerations (over 30 days), Drug Addiction and Offender Status. Add the six coded values to get an Offender Score which will range from -1 to 5.

Part IV   Sentencing Sheet

SENTENCING SHEET--PROPERTY

OFFENDER_____ PROBATION DEPT. CASE NO._____

JUDGE_____ DATE OF SENTENCING_____

OFFENSE(S) CONVICTED OF: _____
(TITLE AND STATUTE NUMBER)   _____
                               _____

OFFENSE TYPE (MOST SERIOUS OFFENSE):

| PROPERTY |
| OFFENSE TYPE |

OFFENSE SCORE

    A. Inter-Class Rank   ____ +
    B. Victim Classification   ____ =
        0 = Business/State
        1 = Citizen/Officer

| |
| OFFENSE SCORE |

OFFENDER SCORE

    A. Legal Status at Time of Offense   ____ +

        0 = Free
        1 = Not Free

    B. Prior Juvenile Delinquency Petition(s)   ____ +
        Sustained
        0 = None
        1 = One or more

    C. Prior Adult Convictions   ____ +

        0 = None or one conviction
        1 = Two or more convictions

    D. Prior Adult Incarcerations (Over 30 days)   ____ +

        0 = None
        1 = One or more incarcerations

    E. Drug Addiction   ____ +

        0 = No use/not addicted
        1 = Addicted

    F. Offender's Status   ____ =

        -1 = Part/full-time employment/school
        0 = Unemployed/not in school

| |
| OFFENDER SCORE |

GUIDELINE SENTENCE_____

ACTUAL SENTENCE_____

REASONS (if actual sentence does not fall within guideline range):

Part V Sentencing Grid

PROPERTY

Offender Score

Offense Score	-1	0	1	2	3	4	5
4	OUT	OUT	1-1½ yrs. minimum 3-4 yrs. maximum	2-3 yrs. minimum 4-5 yrs. maximum	2-3 yrs. minimum 4-5 yrs. maximum	3-4 yrs. minimum 6-8 yrs. maximum	3-4 yrs. minimum 9-10 yrs. maximum
3	OUT	OUT	OUT	16-20 mo.	1-1½ yrs. minimum 3-4 yrs. maximum	2-3 yrs. minimum 4-5 yrs. maximum	2-3 yrs. minimum 5-7 yrs. maximum
2	OUT	OUT	OUT	OUT	9-12 mo.	1-1½ yrs. minimum 3-4 yrs. maximum	2-3 yrs. minimum 4-5 yrs. maximum
1	OUT	OUT	OUT	OUT	OUT	OUT	OUT

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Drugs

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Part I   Coding Instructions

This is one of three different manuals that will be used in the calculation of guideline sentences. These manuals have been divided into the following offense types: Violent, Property, Drugs. In determining which offense and offense type is to be used in calculating the guideline sentence, the following rules will apply:

1. One Offense at Conviction

   When there is one offense at conviction, use the manual whose offense type is the same as the offense at conviction.

   Before coding, check to see that the offense is listed in Part II   of the particular manual being used. If the offense is not listed, check Part II   of each of the other two manuals. If the offense is not listed in any of the Appendices use the manual whose offense type is the same as the offense at conviction.

2. Multiple Offenses at Conviction--Same Offense Type

   (a) When there are two or more offenses at conviction, all of which are of the same offense type, the crime with the highest inter-class rank is to be considered the most serious. Refer to Part II   for the inter-class ranks.

   (b) When there are two or more offenses at conviction, all of which are of the same offense type and have the same inter-class rank, any of the offenses can be considered the most serious.

   (c) When there are two or more offenses at conviction, all of which are of the same offense type, and one or more of the offenses has not been listed in the Appendices, determine the inter-class ranks of those offenses (See page 3, inter-class rank). The offense with the highest inter-class rank is to be considered the most serious.

3. Multiple Offenses at Conviction--Different Offense Types

   (a) When there are two or more offenses at conviction, of different offense types, the offense which would receive the more severe guideline sentence is to be considered the most serious offense. Refer to Part III for instructions on how to calculate the guideline sentences.

(b) When there are two or more offenses at conviction, and one or more of the offenses has not been listed in the Appendices, determine the inter-class rank and type of that offense (See page 3, inter-class rank). The offense whose guideline sentence is the most severe is to be considered the most serious. Refer to Part III for instructions on how to calculate the guideline sentence.

Offense Score

Inter-Class Rank

Refer to Part II for a listing of inter-class ranks. When there are two or more offenses at conviction of the same offense type, code the highest inter-class rank. If one or more of the offenses at conviction has not been ranked in Part II apply the following rules to determine the offense's inter-class rank.

Inter 1: This category contains those crimes which by statutory definition can receive a maximum sentence of up to one year.

Inter 2: Within this category you will find those crimes as defined by statute which can receive a possible maximum sentence of three years.

Inter 3: Within this category crimes may receive a maximum sentence of seven years.

Inter 4: Within this category crimes may receive those sentences with a maximum range from ten to life.

Offender Score

A. Legal Status at Time of Offense

0 = Free
1 = Not Free

Code "1" if at the time of the offense was committed the offender was under any form of state control, as a result of some civil or criminal action (e.g., AWOL, sex offender). This includes the offender with any charges, adult or juvenile, which had not yet been disposed of, including those persons on pre-trial release or awaiting sentencing on bail, bond, ROR, or in jail. Code "1" includes persons on deferred prosecution, adult or juvenile parole and those with out-standing warrants. It also includes those offenders incarcerated at the time of the offense and those on escape status.

B. Prior Juvenile Incarcerations

0 = No incarcerations
1 = One or more incarcerations

Code only total number of juvenile incarcerations in which the juvenile was actually incarcerated after a "conviction" or a juvenile court equivalent (e.g., informal adjustments) for an offense which

would be criminal if the offender was an adult. Exclude incarcer-
ations after convictions for juvenile "status" offenses, e.g., PINS,
Wayward Youth, Truancy, Neglected Youth. Do not code incarcerations
after a traffic conviction unless a corresponding crime is present in
the case file sheet. Do not count incarcerations of 30 days or less
or one month or less. NOTE: Reconfinement after escape or parole
violation is not a new incarceration: revocation of probation
resulting in incarceration is a new incarceration for this variable.

C. Prior Adult Convictions

0 = No convictions
1 = One or more convictions

Exclude present offense(s) and juvenile adjudications. A conditional
release is not to be counted as a conviction. Exclude traffic and
military offenses for which there is no civilian counterpart, e.g.,
AWOL. Convictions which are not clearly identified by statutory title
or code are to be counted for the purpose of this variable. For
example, if an offender is identified as having been convicted of five
offenses (with no further elaboration) code as "1."

D. Prior Adult Incarcerations

0 = No incarcerations
1 = One or more incarcerations

This item refers to actual incarcerations resulting from adult
criminal convictions. Do not count incarcerations of 30 days or less
or one month or less. Do not count pre-trial or presentence
detentions. NOTE: Confinement after escape or parole violation is
not a new incarceration; revocation of probation resulting in incar-
ceration is a new incarceration for this item.

E. Drug Addiction

0 = No use/not addicted
1 = Addicted

This item refers to drug addiction only. Addiction is a physical
dependence on the drug substance, the withdrawal of which causes
significant discomfort. Use without physical dependence, no matter
how heavy or frequent is to be coded under "0." Also code "0" if
there is no mention of drug use. If there is conflict in the PSI
regarding the level of use, code the official (i.e., the probation
officer's) assessment of the level of use.

Part II Inter-Class Ranks

DRUGS

__Inter-Class Rank 1:__   __Sentence up to One Year__ (least serious)

24-21-19	Conspiracy to Manufacture/Distribute Controlled Substances (Schedule 5)
24-21-20	Possession Controlled Dangerous Substances (Schedule 5)

__Inter-Class Rank 2:__   __Maximum Sentence up to Three Years__

24-21-21	Conspiracy, Records and Registered Manufacturers and Distributors, Penalties for Violation of Section Where Knowingly and Intentionally
24-21-22	Fraud in Acquiring and Other Acts

__Inter-Class Rank 3:__   __Maximum Sentence up to Seven Years__

24-21-19	Attempt to Manufacture, Distribute, or Dispense or Possess with such Intent Controlled Dangerous Substances (or Other Substances--Schedules 1, 2, 3, 4) (other than narcotic drugs) Five years
24-21-19	Manufacturing, Distributing, or Possession with such Intent, Controlled Dangerous Substances (Other Substances 1, 2, 3, 4) (Other than narcotic drugs) Five years
24-21-20	Possession of Controlled Dangerous Substance (Schedule 1 or 2 Narcotics or Other Substances-- Schedule 1, 2, 3, 4) Five Years (Schedules 1 and 2, more than one ounce) Seven Years

__Inter-Class Rank 4:__   __Maximum Sentence Over Ten Years__ (most serious)

24-21-24	Conspiracy, Same Penalty as Substantive Violation
24-21-26	Distribution to Persons under 18, by One Over 18, where Distributee is Three Years Junior to Distributor, Double Penalty
24-21-19	Manufacture, Distributing or Dispensing or Possession with such Intent Controlled Dangerous Substances (Schedule 1 or 2 Narcotics), Twelve Years (less than one ounce), Life (more than one ounce)
2A-119-8.1	Stealing Narcotic Drugs--Breaking or Entering with Intent to Steal, Fifteen years

NOTE: 24-21-19, as amended and effective May 1, 1975, provides for up to life imprisonment if amount of drugs exceeds one ounce. No sentences under this provision have appeared as yet.

Part III Computation of Drugs Sentences

The guideline sentence is computed by adding weights assigned to items of information relating to pertinent characteristics of both the crime and the criminal. The weights are then totaled into a separate score for the offense (Offense Score) and the offender (Offender Score). Those scores are then located on a two-dimensional sentencing grid. There is a different grid for each offense type. The Offense Score is located on the Y, or vertical, axis and the Offender Score on the X, or horizontal, axis. By plotting the two scores against each other (much as one plots mileage figures on a road map), one is directed to the cell in the grid which indicates the guideline length and/or type of sentence.

The Offense Score for Drug Offenses has one item of information, the inter-class rank which will either be a "1," "2," "3," or "4."

Five items of information comprise the Offender Score: Legal Status at Time of Offense, Prior Juvenile Incarcerations, Prior Adult Convictions, Prior Adult Incarcerations (over 30 days), and Drug Addiction. Add the five coded values to get an Offender Score which will range from zero to five.

Part IV Sentencing Sheet

SENTENCING SHEET--DRUGS

OFFENDER_____ PROBATION DEPT. CASE NO. _____

JUDGE_____ DATE OF SENTENCING_____

OFFENSE(S) CONVICTED OF: _____
(TITLE AND STATUTE NUMBER)
_____
_____

OFFENSE TYPE (MOST SERIOUS OFFENSE):

| DRUGS |
| OFFENSE TYPE |

OFFENSE SCORE

   Inter-Class Rank   ____ =

| |
| OFFENSE SCORE |

OFFENDER SCORE

   A. Legal Status at Time of Offense   ____ +

       0 = Free
       1 = Not free

   B. Prior Juvenile Incarcerations   ____ +

       0 = No incarcerations
       1 = One or more incarcerations

   C. Prior Adult Convictions   ____ +

       0 = No convictions
       1 = One or more convictions

   D. Prior Adult Incarcerations (Over 30 Days)   ____ +

       0 = No incarcerations
       1 = One or more incarcerations

   E. Drug Addiction   ____ =

       0 = No use/not addicted
       1 = Addicted

| |
| OFFENDER SCORE |

GUIDELINE SENTENCE_____

ACTUAL SENTENCE_____

REASONS (if actual sentence does not fall within guideline range):

Part V Sentencing Grid

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DRUGS

Offender Score

	0	1	2	3	4	5
4	OUT	OUT	2-3 yrs. minimum 5-7 yrs. maximum	2-3 yrs. minimum 5-7 yrs. maximum	3-4 yrs. minimum 7-10 yrs. maximum	4-5 yrs. minimum 12-16 yrs. maximum
3	OUT	OUT	OUT	OUT	1½-2 yrs. minimum 4-5 yrs. maximum	2-3 yrs. minimum 5-7 yrs. maximum
2	OUT	OUT	OUT	OUT	OUT	OUT
1	OUT	OUT	OUT	OUT	OUT	OUT

Offense Score

APPENDIX F

Model Testing Materials

Part I Computer Program

```
CRJ*SENT(1).COOKIMPTABLE
 1              INTEGER MED1(100),MED2(100),KEY,KEY6,MYCNT
 2              REAL SX(10),SXZ(10),SY,SYZ,SXY(10),CORR(10)
 3            +  ,SLX(10),SLXZ(10),SLXY(10),SLY,SLYZ
 4            +  ,SMY(10),SMXZ(10),SMXY(10),SMY,SMYZ
 5            +  ,DISTAB(10), DISMIN
 6              INTEGER ISORT(1300,2),ITEMP,PAR(6,500),SPCNT,ACTSEN,
 7            + P1,P2,P3,P4,P5,P6,TABLE,IOVAR
 8            +,INMAT(10,20,20),OTMMAT(10,20,20),OUTMAT(10,20,20),IVO,IV(1000),
 9            +IMAX,JMAX,MINI,MAXI,NOTAB,IBIAS,JBIAS,ITAP,LAB(10,5),
10            +SMIN,SMAX,MLNO,ISAVE(1300,12),CCO(10,20),CRO(10,20),
11            +IVAL,JVAL,ZTAB(10),CRM(10,20),CPM(10,20),CCM(10,20),CCM(10,20),
12            +JEX(10,2),IFX(10,2),TIN(10),TOUT(10),TOTH(10),CMGCNT
13     C DOCUMENT THE MODEL THAT IS TO BE RUN
14     C THE NUMBER OF TABLES, MAXIMUM UPPER VALUE OF VARIABLE USED CURRENTLY IS 10
15     C THE MINIMUM VALUE THAT THE ACROSS, OFFENDER SCORE CAN TAKE ON
16     C THE MAXIMUM VALUE THAT THE ACROSS, OFFENDER SCORE CAN TAKE ON
17     C THE MINIMUM VALUE THAT THE UP AND DOWN OFFENSE SCORE CAN TAKE ON
18     C THE MAXIMUM VALUE THAT THE UP AND DOWN OFFENSE SCORE CAN TAKE ON
19              IVO=0
20              IV(0) = 0
21              IV(199) = 999999999
22              IV(198) = -999999999
23     900 FORMAT ( )
24              READ (5,900) NOTAB,MINI,MAXI,MINJ,MAXJ
25              WRITE (6,901) NOTAB,MINI,MAXI,MINJ,MAXJ
26     901 FORMAT (1H1," THE MAXIMUM VALUE OF THE VARIABLE UPON WHICH THE",
27            + " NUMBER OF TABLES IS BASED, PROGRAM ALLOWS UP TO 10", I5/
28            + 1X," THE MINIMUM ACROSS VALUABLE OBTAINABLE AFTER RECODES", I5/
29            + 1X," THE MAXIMUM ACROSS VALUE OBTAINABLE AFTER RECODES",I5/
30            + 1X," AN ERROR IF MAX - MIN + 1 IS GREATER THAN 20"/
31            + 1X," THE MINIMUM UP-DOWN VALUE OBTAINABLE AFTER RECODES", I5/
32            + 1X," THE MAXIMUM UP-DOWN VALUE OBTAINABLE AFTER RECODES",I5/
33            + 1X," AN ERROR IF MAX - MIN + 1 IS GREATER THAN 20"//)
34              IMAX = MAXI - MINI + 1
35              JMAX = MAXJ - MINJ + 1
36              READ (5,900) TABLE,IOVAR,SMIN,SMAX,LIMOPT
37              WRITE(6,902) TABLE,IOVAR,SMIN,SMAX
38     902 FORMAT (/,1X," THE VARIABLE UPON WHICH TABLES ARE CREATED",I3/
39            + 1X," THE IN-OUT VARIABLE, WHICH WILL BE RECODED SO THAT 0 IS AN",
40            + 1X," OUT DECISION AND 1 IS IN DECISION ,OTHERS ARE OTHER ",I3/
41            +1X," THE VARIABLE OF SENTENCE MINIMUM IS ",I3/
42            + 1X," THE VARIABLE OF SENTENCE MAXIMUM IS ",I3//)
43              IF(LIMOPT .EQ. 0) WRITE(6,903)
44     903 FORMAT(1X," FULL OUTPUT WILL BE PROVIDED")
45              IF(LIMOPT .NE. 0) WRITE(6,903)
46     903 FORMAT (1X," LIMITED OUTPUT OPTION IS IN EFFECT - NO LISTING"
47            + " OF CASES OF EACH CELL, CELL MEDIANS ,AND CORRELATIONS")
48     C IBIAS IS USED TO ADJUST START POINT OF ARRAY TO 1
49     C JBIAS IS USED TO ADJUST START POINT OF ARRAY TO 1
50              IBIAS = -MINI + 1
51              JBIAS = -MINJ + 1
52              SPCNT = 1
53     50 READ (5,900,END=45) (PAR(IS,SPCNT),IS=1,6)
54     49 FORMAT (A6,5I5)
55              IF (PAR(1,SPCNT) .EQ. 1)
56            + WRITE(6,51) (PAR(IS,SPCNT), IS= 2,6)
```

```
57     51 FORMAT (1X,"RECODE",T30," IF VAR ",I3," HAS A VALUE FROM",
58            + I8," TO ",I5," RECODE VAR ",I3," TO ", I8)
59              IF (PAR(1,SPCNT) .EQ. 2)
60            + WRITE(6,52) (PAR(IS,SPCNT), IS= 2,3)
61     52 FORMAT(1X," MISSING VALUES",T30," IF VAR ",I3," HAS A VALUE OF ",I8,
62            + " THE CASE IS OMITTED FROM MODEL")
63              IF (PAR(1,SPCNT) .EQ. 3)
64            + WRITE(6,57) (PAR(IS,SPCNT), IS= 2,6)
65     53 FORMAT (1X," TOTAL OF VARS",T30," VAR ",I3," IS SUM OF VAR",
66            + I3,3(3X," VAR ",I3) )
67              IF (PAR(1,SPCNT) .EQ. 5)
68            + WRITE(6,54) (PAR(IS,SPCNT), IS= 2,4)
69     54 FORMAT (1X," MULTIPLY",T30," VAR ",I3," IS COMPUTED AS THE PRODUCT"
70            + " OF VAR ",I3," AND VAR ",I3)
71              IF (PAR(1,SPCNT) .EQ. 4)
72            + WRITE(6,55) (PAR(IS,SPCNT), IS= 2,6)
73     55 FORMAT (1X," MAXIMUM OF VARIABLES",T30," VAR ",I3," IS THE "
74            + " MAXIMUM OF ",4(3X," VAR ",I3) )
75              IF (PAR(1,SPCNT) .EQ. 6)
76            + WRITE(6,59) (PAR(IS,SPCNT), IS= 2,6)
77     59 FORMAT (1X," MINIMUM OF VARIABLES",T30," VAR ",I3," IS THE "
78            + " MINIMUM OF ",4(3X," VAR ",I3) )
79              IF (PAR(1,SPCNT) .LE. 0 .OR. PAR(1,SPCNT) .GE. 7)
80            + WRITE(6,56) (PAR(IS,SPCNT),IS=1,6)
81     56 FORMAT (1X," UNRECOGNIZED CODED FUNCTION ",I5," VALUES", 5I6)
82              IF (PAR(1,SPCNT) .LE.0.OR. PAR(1,SPCNT) .GE.7)GO TO 50
83              SPCNT = SPCNT + 1
84              GO TO 50
85     45 SPCNT = SPCNT - 1
86              WRITE (6,57) SPCNT
87     57 FORMAT (1X,//1X," THE TOTAL NUMBER OF THE ABOVE SPSS TYPE",
88            + " STATEMENTS IS ",I5)
89     905 FORMAT (15I3)
90     C
91     C THE VARIABLES THAT WILL GO INTO COMPUTING OFFENDER SCORE ARE
92     C OBTAINED AND LISTED. IF VARIABLE ZERO IS ADDED IT WILL HAVE
93     C NO EFFECT SINCE IV(0) IS INITIALIZED TO ZERO.
94              READ (5,905) I1,I2,I3,I4,I5,I6,I7,I8,I9,I10,I11,I12,I13,I14,I15
95              WRITE (6,904) I1,I2,I3,I4,I5,I6,I7,I8,I9,I10,I11,I12,I13,I14,I15
96     904 FORMAT (1X," THE ACROSS VALUE, OFFENDER SCORE IS COMPUTED AS"/
97            + 3X,15("VAR ",I3," +") )
98              READ (5,905) J1,J2,J3,J4,J5,J6,J7,J8,J9,J10,J11,J12,J13,J14,J15
99              WRITE (6,906) J1,J2,J3,J4,J5,J6,J7,J8,J9,J10,J11,J12,J13,J14,J15
100    906 FORMAT (1X," THE UP-DOWN VALUE, OFFENSE SCORE IS COMPUTED AS"/
101           + 3X,15("VAR ",I3," +")//)
102             MINUS = -
103             READ (5,9) ((LAB(LB1,LB2),LB2=1,5),LB1=1,NOTAB)
104      9 FORMAT(5A6)
105             DO 850 LCO = 1,NOTAB
106    850 ZTAB(LCO) = 0
107             DO 100 K=1,NOTAB
108             IEX(K,1) = 100
109             JEX(K,1) = 100
110             IFX(K,2) = -100
111             JFX(K,2) = -100
112             DO 100 J=1,JMAX
113             DO 100 I= 1,IMAX
```

```
114              INMAT (K,J,I) =0
115              OUTMAT (K,J,I) =0
116              OTHMAT (K,J,I) =0
117      100 CONTINUE
118          NREC = 0
119   C THE TABLES HAVE ALL BEEN ZEROED OUT AND READY TO READ CASES
120       10 FORMAT (I4,1X,2I6,I2,3I5,I2,3I5,5I2,I1,2I5,
121        + I2,2I3/I5,7I1,2I3,I2,2I1,I2,2I1,I3,3I1,
122        + 10I2,7I1,I5,10I1)
123        1 READ (5,10,END=99) ID,IV(101),IV(102),
124        + (IV(I),I= 1,10),IV(111),IV(112),IV(110),(IV(I),I=12,17),
125        + IV(103),(IV(I),I=18,60)
126          ACTSEN = IV(IOVAR)
127          MLNO = IV(6)/10
128          MLNO2 = IV(7)/10
129   C
130   C
131          DO 60 ISP = 1,SPCNT
132          P1 = PAR(1,ISP)
133          P2 = PAR(2,ISP)
134          P3 = PAR(3,ISP)
135          P4 = PAR(4,ISP)
136          P5 = PAR(5,ISP)
137          P6 = PAR(6,ISP)
138          IF (P1 .NE. 1) GO TO 61
139          IF (IV(P2) .GE. P3 .AND. IV(P2) .LE. P4)IV(P5) = P6
140       61 IF (P1 .NE. 2) GO TO 62
141          IF (IV(P2) .EQ. P3) GO TO 1
142       62 IF (P1 .NE. 3) GO TO 63
143          IV(P2) = IV(P3) + IV(P4) + IV(P5) + IV(P6)
144       63 IF ( IP1 .NE. 5) GO TO 64
145          IV(P2) = IV(P3) * IV(P4)
146       64 IF (P1 .NE. 4) GO TO 65
147          IV(P2) = IV(P3)
148          IF (IV(P2) .LT. IV(P4) ) IV(P2) = IV(P4)
149          IF (IV(P2) .LT. IV(P5) ) IV(P2) = IV(P5)
150          IF (IV(P2) .LT. IV(P6) ) IV(P2) = IV(P6)
151       65 IF (P1 .NE. 6) GO TO 60
152          IV(P2) = IV(P3)
153          IF (IV(P2) .GT. IV(P4) ) IV(P2) = IV(P4)
154          IF (IV(P2) .GT. IV(P5) ) IV(P2) = IV(P5)
155          IF (IV(P2) .GT. IV(P6) ) IV(P2) = IV(P6)
156       60 CONTINUE
157          ITAB = IV(TABLE)
158          ICLASS = IV(58)
159          ITERMS = IV(12)
160          ICRED = IV(20)
161          ICRDDT = IV(21)
162          IDET = IV(22)
163          IF (ITAB .GT. NOTAB .OR. ITAB .LT. 1) WRITE(6,110) ID,ITAB
164      110 FORMAT (1X," ON ID = ",I5," AN ILLEGAL TABLE OF ",I5)
165          IF (ITAB .GT. NOTAB .OR. ITAB .LT. 1) GO TO 1
166   C
167   C COMPUTE OFFENDER SCORE = X-AXIS = IVAL
168   C COMPUTE OFFENSE SCORE = Y-AXIS = JVAL
169   C
170   C
```

```
171   C DETERMINE WHETHER IT IS AN IN OR OUT DECISION
172   C INCREMENT IN COUNT IF  APPROPRIATE
173   C INCREMENT OUT COUNT IF APPROPRIATE
174   C DETERMINE DECISION AS IN OR OUT
175   C DETERMINE WHETHER IVAL = OFFENDER SCORE IS OUTSIDE BOUNDS
176   C DETERMINE WHETHER JVAL = OFFENSE SCORE IS OUTSIDE BOUNDS
177   C
178          IVAL = IV(I1)+IV(I2)+IV(I3)+IV(I4)+IV(I5)+IV(I6)+IV(I7)+
179        + IV(I8)+IV(I9)+IV(I10)+IV(I11)+IV(I12)+IV(I13)+IV(I14)+IV(I15)
180          JVAL = IV(J1)+IV(J2)+IV(J3)+IV(J4)+IV(J5)+IV(J6)+IV(J7)+
181        + IV(J8)+IV(J9)+IV(J10)+IV(J11)+IV(J12)+IV(J13)+IV(J14)+IV(J15)
182   C
183          IF (IVAL .LT. MINI .OR. IVAL .GT. MAXI) WRITE (6,112) ID, IVAL,
184        +I1,IV(I1),I2,IV(I2),I3,IV(I3),I4,IV(I4),I5,IV(I5),I6,IV(I6),
185        +I7,IV(I7),I8,IV(I8),I9,IV(I9),I10,IV(I10),I11,IV(I11),I12,IV(I12),
186        + I13,IV(I13),I14,IV(I14),I15,IV(I15)
187          IF (JVAL .LT. MINJ .OR. JVAL .GT. MAXJ) WRITE (6,113) ID, JVAL,
188        +J1,IV(J1),J2,IV(J2),J3,IV(J3),J4,IV(J4),J5,IV(J5),J6,IV(J6),
189        +J7,IV(J7),J8,IV(J8),J9,IV(J9),J10,IV(J10),J11,IV(J11),J12,IV(J12),
190        + J13,IV(J13),J14,IV(J14),J15,IV(J15)
191          IF (IVAL .LT. MINI .OR. IVAL .GT. MAXI) GO TO 1
192          IF (JVAL .LT. MINJ .OR. JVAL .GT. MAXJ) GO TO 1
193      112 FORMAT (1X," ON ID NUMBER ",I5," IVAL = ",I2, 3X,15(I2,"=",I2) )
194      113 FORMAT (1X," ON ID NUMBER ",I5," JVAL = ",I2, 3X,15(I2,"=",I2) )
195          NREC = NREC + 1
196          ILOC = IVAL + IBIAS
197          JLOC = JVAL + JBIAS
198          IF(IV(IOVAR).EQ.0)OUTMAT(ITAB,JLOC,ILOC)=OUTMAT(ITAB,JLOC,ILOC)+1
199          IF(IV(IOVAR).EQ.1)INMAT(ITAB,JLOC,ILOC)=INMAT(ITAB,JLOC,ILOC)+1
200          IF (IV(IOVAR) .NE. 0 .AND. IV(IOVAR) .NE. 1)
201        + OTHMAT(ITAB,JLOC,ILOC)=OTHMAT(ITAB,JLOC,ILOC)+1
202          ZTAB(ITAB) = ZTAB(ITAB) + 1
203          IF (IVAL .LT. IEX(ITAB,1) )IEX(ITAB,1) = IVAL
204          IF (IVAL .GT. IEX(ITAB,2) )IEX(ITAB,2) = IVAL
205          IF (JVAL .LT. JEX(ITAB,1) )JEX(ITAB,1) = JVAL
206          IF (JVAL .GT. JEX(ITAB,2) )JEX(ITAB,2) = JVAL
207          IF(LIMOPT .NE. 0) GO TO 1
208          ISORT(NREC,1) =MLNO +10000*ILOC +1000000*JLOC +100000000*ITAB
209          ISORT(NREC,2) = NREC
210          ISAVE(NREC,1) = ICLASS
211          ISAVE(NREC,2) = ACTSEN
212          ISAVE(NREC,3) = ITERMS
213          ISAVE(NREC,4) = IV(SMIN)
214          ISAVE(NREC,5) = IV(SMAX)
215          ISAVE(NREC,6) = ICRED
216          ISAVE(NREC,7) = ICRDDT
217          ISAVE(NREC,8) = IDET
218          ISAVE(NREC,9) = MLNO2
219          ISAVE(NREC,10) = ID
220          ISAVE(NREC,11) = IV(IOVAR)
221   C
222   C
223          IF (IV(SMIN) .GT. 996) IV(SMIN) = 0
224          IF (IV(SMAX) .GT. 996) IV(SMAX) = 0
225          IF(IV(SMAX) .LT. IV(SMIN) ) IV(SMAX) = IV(SMIN)
226          IF(IV(IOVAR) .GT. 1) IV(IOVAR) = 0
227          SXY(1) = SXY(1) + IVAL * IV(IOVAR)
```

```
228          SXY(2) = SXY(2) + JVAL + IV(IOVAR)
229          SXY(3) = SXY(3) + (IVAL +JVAL) + IV(IOVAR)
230          SXY(4) = SXY(4) + (IVAL + 2*JVAL) + IV(IOVAR)
231          SX2(1) = SX2(1) + IVAL**2
232          SX2(2) = SX2(2) + JVAL**2
233          SX2(3) = SX2(3) + (IVAL +JVAL)**2
234          SX2(4) = SX2(4) + (IVAL + 2*JVAL)**2
235          SY2= SY2 + IV(IOVAR)**2
236          SX(1) = SX(1) + IVAL
237          SX(2) = SX(2) + JVAL
238          SX(3) = SX(3) + (IVAL +JVAL)
239          SX(4) = SX(4) + (IVAL + 2*JVAL)
240          SY= SY + IV(IOVAR)
241          SLXY(1) = SLXY(1) + IVAL + IV(SMIN)
242          SLXY(2) = SLXY(2) + JVAL + IV(SMIN)
243          SLXY(3) = SLXY(3) + (IVAL +JVAL) + IV(SMIN)
244          SLXY(4) = SLXY(4) + (IVAL + 2*JVAL) + IV(SMIN)
245          SLX2(1) = SLX2(1) + IVAL**2
246          SLX2(2) = SLX2(2) + JVAL**2
247          SLX2(3) = SLX2(3) + (IVAL +JVAL)**2
248          SLX2(4) = SLX2(4) + (IVAL + 2*JVAL)**2
249          SLY2= SLY2 + IV(SMIN)**2
250          SLX(1) = SLX(1) + IVAL
251          SLX(2) = SLX(2) + JVAL
252          SLX(3) = SLX(3) + (IVAL +JVAL)
253          SLX(4) = SLX(4) + (IVAL + 2*JVAL)
254          SLY= SLY + IV(SMIN)
255          SMXY(1) = SMXY(1) + IVAL + IV(SMAX)
256          SMXY(2) = SMXY(2) + JVAL + IV(SMAX)
257          SMXY(3) = SMXY(3) + (IVAL +JVAL) + IV(SMAX)
258          SMXY(4) = SMXY(4) + (IVAL + 2*JVAL) + IV(SMAX)
259          SMX2(1) = SMX2(1) + IVAL**2
260          SMX2(2) = SMX2(2) + JVAL**2
261          SMX2(3) = SMX2(3) + (IVAL +JVAL)**2
262          SMX2(4) = SMX2(4) + (IVAL + 2*JVAL)**2
263          SMY2= SMY2 + IV(SMAX)**2
264          SMX(1) = SMX(1) + IVAL
265          SMX(2) = SMX(2) + JVAL
266          SMX(3) = SMX(3) + (IVAL +JVAL)
267          SMX(4) = SMX(4) + (IVAL + 2*JVAL)
268          SMY= SMY + IV(SMAX)
269          GO TO 1
270       99 CONTINUE
271          NRECM1 = NREC - 1
272          IF(LIMOPT .NE. 0) GO TO 301
273      299 CHGCNT = 0
274          DO 300 LMN = 1, NRECM1
275          IF (ISORT(LMN,1) .LE. ISORT(LMN + 1,1) ) GO TO 300
276          ITEMP = ISORT(LMN,1)
277          ISORT(LMN,1) = ISORT(LMN + 1,1)
278          ISORT(LMN + 1,1) = ITEMP
279          ITEMP = ISORT(LMN,2)
280          ISORT(LMN,2) = ISORT(LMN + 1,2)
281          ISORT(LMN + 1,2) = ITEMP
282          CHGCNT = CHGCNT + 1
283      300 CONTINUE
284          IF (CHGCNT .NE. 0) GO TO 299
```

```
285      301 DO 500 IJK = 1, NOTAB
286          IF (ZTAB(IJK) .EQ. 0) GO TO 500
287          DO 501 ICOL = 1, JMAX
288          CCH( IJK,ICOL) = 0
289          CCM ( IJK,ICOL) = 0
290          CCO ( IJK,ICOL) = 0
291          DO 502 IROW = 1, IMAX
292          CCH(IJK,ICOL) = INMAT (IJK,ICOL,IROW) + CCH(IJK,ICOL)
293          CCM(IJK,ICOL) = OUTMAT (IJK,ICOL,IROW) + CCM(IJK,ICOL)
294          CCO(IJK,ICOL) = OTHMAT (IJK,ICOL,IROW) + CCO(IJK,ICOL)
295      502 CONTINUE
296      501 CONTINUE
297      500 CONTINUE
298          DO 600 IJK = 1,NOTAB
299          IF (ZTAB (IJK) .EQ. 0) GO TO 600
300          DO 601 IROW = 1, IMAX
301          CRH(IJK,IROW) = 0
302          CRM (IJK,IROW) = 0
303          CRO (IJK,IROW) = 0
304          DO 602 ICOL = 1, JMAX
305          CRH(IJK,IROW) = INMAT (IJK,ICOL,IROW) + CRH(IJK,IROW)
306          CRM(IJK,IROW) = OUTMAT (IJK,ICOL,IROW) + CRM(IJK,IROW)
307          CRO(IJK,IROW) = OTHMAT (IJK,ICOL,IROW) + CRO(IJK,IROW)
308      602 CONTINUE
309      601 CONTINUE
310      600 CONTINUE
311          DO 681 IJK = 1, NOTAB
312          DO 680 ICOL = 1, JMAX
313          DO 680 IROW = 1, IMAX
314          TIN(IJK) = TIN(IJK) + INMAT(IJK,ICOL,IROW)
315          TOUT(IJK) = TOUT(IJK) + OUTMAT(IJK,ICOL,IROW)
316          TOTH(IJK) = TOTH(IJK) + OTHMAT(IJK,ICOL,IROW)
317          IF (INMAT(IJK,ICOL,IROW) .EQ. 0 .OR.
318        + OUTMAT(IJK,ICOL,IROW) .EQ. 0) GO TO 680
319          DISMIN = OUTMAT(IJK,ICOL,IROW)
320          IF(INMAT(IJK,ICOL,IROW) .LT. DISMIN) DISMIN=INMAT(IJK,ICOL,IROW)
321          DISTAR(IJK) = DISTAR(IJK) + DISMIN
322      680 CONTINUE
323      681 CONTINUE
324          IF(LIMOPT .NE. 0) GO TO 302
325          LREC = 1
326          LREC1 = LREC + 1
327          LOCREC = ISORT(LREC,2)
328          LIST1 = ISORT(LREC,1)/ 100000000
329          LIST2= MOD (ISORT(LREC,1),100000000)
330          LIST2 = LIST2/1000000 - JBIAS
331          LIST3 = MOD(ISORT(LREC,1),1000000)
332          LIST3 = LIST3/10000 - IPIAS
333          LIST4 = MOD(ISORT(LREC,1),10000)
334          LIST20 =LIST2
335          LIST30 =LIST3
336          MYCNT = 0
337          KEYO = IFIX(ISORT(LREC,1)/10000)
338          KEY = KEYO
339          CALL MEDIAN (MYCNT,MED1,MED2,KEYO,KEY,
340        + ISAVE(LOCREC,4),ISAVE(LOCREC,5),ISAVE(LOCREC,11))
341      302 DO 210 ITAB =1, NOTAB
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342         IF (ZTAB(ITAB) .EQ. 0) GO TO 219
343         MINI = IEX(ITAB,1)
344         MAXI = IEX(ITAB,2)
345         DISTAB(ITAB) = DISTAB(ITAB)/ ZTAB(ITAB)
346         DO 219 IFIRST = MINI,MAXI,8
347         WRITE (6,201) ITAB,(LAB(ITAB,LB2),LB2 = 1,5),
348       + ZTAB(ITAB),DISTAB(ITAB),TIN(ITAB),TOUT(ITAB),TOTH(ITAB)
349   201 FORMAT (1H1,3X,"TABLE NUMBER ",I5,5X,5A6/
350       + 4X,"TOTAL CASES THIS TABLE = ",I5/
351       + 4X,"MINIMUM PERCENTAGE OF CASES, THIS TABLE, WHICH WILL BE",
352       +   " CUTED BY ALL DECISION RULES ",F8.4/
353       + 4X,"TOTAL CASES - IN DECISIONS, THIS TABLE", I5/
354       + 4X,"TOTAL CASES - OUT DECISIONS, THIS TABLE", I5/
355       + 4X,"TOTAL CASES - OTHER - UNCLEAR DECISIONS, THIS TABLE", I5/
356       + 10X,"OFFENSE SCORE,OFFENDER SCORE"/
357       + 10X,"IN DECISION TOTAL"/
358       + 10X,"OUT DECISION TOTAL"/
359       + 10X,"OTHER - UNCLEAR DECISION TOTAL"//)
360   710 FORMAT ( 1X,10(3X,I6,4X) )
361         ILAST = IFIRST + 7
362         LINE = 17
363         IF(ILAST .GT. MAXI) LINE = 3 + 2*(MAXI-IFIRST)
364         IF (ILAST .GT. MAXI) ILAST= MAXI
365         IFB = IFIRST + IBIAS
366         ILB = ILAST + IBIAS
367         JMAX = JEX(ITAB,2) + JBIAS
368         JMIN = JEX(ITAB,1) + JBIAS
369         DO 220 J=JMAX,JMIN,-1
370         JB = J - JBIAS
371         WRITE (6,202) (MINUS, M= 1,LINE)
372   202 FORMAT (1X,21A6 )
373         WRITE (6,203) ( (JB,I),I=IFIRST,ILAST)
374   203 FORMAT (1X,10("!",3X,I2,",",I2,4X),"!" )
375         WRITE (6,204) (INMAT(ITAB,J,I), I=IFB,ILB),
376       + CCH(ITAB,J)
377   204 FORMAT (1X, 10("!",4X,I4,4X),"!" )
378         WRITE (6,204) (OUTMAT(ITAB,J,I), I =IFB,ILB),
379       + CCM(ITAB,J)
380         WRITE (6,204) (OTHMAT(ITAB,J,I), I =IFB,ILB),
381       + CCO(ITAB,J)
382   220 CONTINUE
383         WRITE (6,202) (MINUS, M= 1,LINE)
384         WRITE (6,720)
385   720 FORMAT (1X,/)
386         WRITE (6,710) ( CRH (ITAB,ICOL), ICOL = IFB,ILB)
387         WRITE (6,710) ( CRM (ITAB,ICOL), ICOL = IFB,ILB)
388         WRITE (6,710) ( CRO (ITAB,ICOL), ICOL = IFB,ILB)
389   219 CONTINUE
390         IF(LIMOPT .NE. 0) GO TO 303
391         WRITE (6,800) ITAB
392   800 FORMAT (1H1,"SORTED LISTING OF CASES OCCURRING IN TABLE",I5,/
393       + 1X," SORTED ON OFFENSE SCORE THEN WITHIN ON OFFENDER SCORE THEN",
394       + " WITHIN ON MASTER LIST NUMBER"/)
395         WRITE(6,801)
396   801 FORMAT (//1X,T2,"OFFENSE",T12,"OFFENDER",T22,"MASTER",
397       + T32," INTRA",T42,"ACTUAL",T52,"TERMS OF",T62,"MINIMUM",
398       + T72,"MAXIMUM",T82,"CREDIT",T92,"AMOUNT",T102,"LENGTH",
399       + T112,"SECOND",T122,"ID NO."/T22,"LIST NO.",T32,"RANKING",
400       + T42,"SENTENCE",T62,"SENTENCE",T72,"SENTENCE",
401       + T2,"VALUE",T12,"VALUE",T52,"INCARC.",T112,"M.LIST #",
402       + T82,"GRANTED",T92,"GRANTED",T102,"DETAINED")
403         WRITE(6,805) LIST2,LIST3,LIST4,(ISAVE(LOCREC,NML),NML=1,10)
404         DO 802 LREC = LREC1, NREC
405         LOCREC = ISORT(LREC,2)
406         LIST1 = ISORT(LREC,1)/ 100000000
407         LIST2= MOD (ISORT(LREC,1),100000000)
408         LIST2 = LIST2/1000000 - JBIAS
409         LIST3 = MOD(ISORT(LREC,1),1000000)
410         LIST3 = LIST3/10000 - IBIAS
411         LIST4 = MOD(ISORT(LREC,1),10000)
412         KEY = IFIX(ISORT(LREC,1)/10000)
413         CALL MEDIAN (MYCNT,MED1,MED2,KEYO,KEY,
414       + ISAVE(LOCREC,4),ISAVE(LOCREC,5),ISAVE(LOCREC,11))
415         IF (LIST1 .NE. ITAB) GO TO 810
416         IF (LIST2 .NE. LIST20 .OR. LIST3 .NE. LIST30) WRITE(6,801)
417   804 FORMAT(1X,/)
418         WRITE(6,805) LIST2,LIST3,LIST4,(ISAVE(LOCREC,NML),NML=1,10)
419   805 FORMAT ( 1X,12(I5,5X),I5 )
420         LIST20 = LIST2
421         LIST30 = LIST3
422   802 CONTINUE
423   810 LREC1= LREC + 1
424         LIST20 = LIST2
425         LIST30 = LIST3
426   210 CONTINUE
427   303 CONTINUE
428         IF(LIMOPT .NE. 0) STOP RUN
429         KEY = -999999
430         CALL MEDIAN (MYCNT,MED1,MED2,KEYO,KEY,
431       + ISAVE(LOCREC,4),ISAVE(LOCREC,5),ISAVE(LOCREC,11))
432         NCORR = 4
433         DO 774 I = 1,NCORR
434         RNUM = SXY(I) - SX(I) * SY /NREC
435         RDEN1 = SX2(I) - SX(I)**2/NREC
436         RDEN2 = SY2 - SY**2/NREC
437         CORR(I) = RNUM/SQRT ( RDEN1*RDEN2)
438         WRITE(6,776) I,CORR(I)
439         RNUM = SLXY(I) - SLX(I) * SLY /NREC
440         RDEN1 = SLX2(I) - SLX(I)**2/NREC
441         RDEN2 = SLY2 - SLY**2/NREC
442         CORR(I) = RNUM/SQRT ( RDEN1*RDEN2)
443         WRITE(6,776) I,CORR(I)
444         RNUM = SMXY(I) - SMX(I) * SMY /NREC
445         RDEN1 = SMX2(I) - SMX(I)**2/NREC
446         RDEN2 = SMY2 - SMY**2/NREC
447         CORR(I) = RNUM/SQRT ( RDEN1*RDEN2)
448         WRITE(6,776) I,CORR(I)
449   776 FORMAT (/" CORRELATION NUMBER ",I2," VALUE ",F8.5/)
450   774 CONTINUE
451         STOP
452         END

@PRT,S CRJ*SENT.MEDIANS
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CRJ*SENT(1).MEDIANS
    1            SUBROUTINE MEDIAN (MYCNT,MED1,MED2,KEYOLD,KEY,MIN,MAX,INOUT)
    2            INTEGER MED1(100),MED2(100)
    3            MIN1 = MIN
    4            MAX1 = MAX
    5            IF (MAX1 .EQ. 0) MAX1 = MIN1
    6            IF (MAX1 .EQ. 997) MAX1 = 0
    7            IF (MIN1 .EQ. 997) MIN1 = 0
    8            IF(KEYOLD .NE. KEY) GO TO 50
    9            IF(INOUT .NE. 1 ) RETURN
   10            MYCNT = MYCNT + 1
   11            MED1(MYCNT) = MIN1
   12            MED2(MYCNT) = MAX1
   13            RETURN
   14         50 KEYOLD = KEY
   15            IF (MYCNT .LE. 2) GO TO 150
   16            MYCHF = MYCNT/2
   17            MYCM1 = MYCNT - 1
   18            DO 10 I = 1, MYCM1
   19            DO 20 J = I, MYCNT
   20            IF(MED1(I) .LE. MED1(J) ) GO TO 20
   21            ITEMP = MED1(I)
   22            MED1(I) = MED1(J)
   23            MED1(J) = ITEMP
   24         20 CONTINUE
   25         10 CONTINUE
   26            DO 30 I = 1, MYCM1
   27            DO 40 J = I,MYCNT
   28            IF(MED2(I) .LE. MED2(J)) GO TO 40
   29            ITEMP = MED2(I)
   30            MED2(I) = MED2(J)
   31            MED2(J) = ITEMP
   32         40 CONTINUE
   33         30 CONTINUE
   34            XMEAN1 = 0.
   35            XMEAN2 = 0.
   36            DO 70 I = 2,MYCM1
   37            XMEAN1= XMEAN1 + MED1(I)
   38            XMEAN2= XMEAN2 + MED2(I)
   39         70 CONTINUE
   40            XMEAN1 = XMEAN1/FLOAT(MYCNT -2)
   41            XMEAN2= XMEAN2/FLOAT(MYCNT -2)
   42            XMED1 = MED1(MYCHF +1)
   43            XMED2 = MED2(MYCHF +1)
   44            IF(MOD(MYCNT,2) .EQ.0)XMED1=(MED1(MYCHF)+MED1(MYCHF+1)) * 0.5
   45            IF(MOD(MYCNT,2) .EQ.0)XMED2=(MED2(MYCHF)+MED2(MYCHF+1)) * 0.5
   46            X1MP12 = XMED1* 1.125
   47            X1ML12 = XMED1 * 0.875
   48            X2MP12 = XMED2* 1.125
   49            X2ML12 = XMED2 * 0.875
   50            WRITE(6,45) MYCNT,XMED1,XMED2
   51         45 FORMAT (/,' THE NUMBER OF CASES, IN DECISIONS,  ABOVE CELL',I5
   52            + ,/,' THE MEDIAN VALUE FOR SENTENCE MINIMUM, ABOVE CELL'
   53            +,' IN DECISIONS', F8.2,/, ' THE MEDIAN VALUE FOR THE SENTENCE',
   54            + ' MAXIMUM, ABOVE CELL IN DECISIONS',F8.2,)
   55            WRITE (6,77) X1ML12,X1MP12,X2ML12,X2MP12
   56         77 FORMAT (1X,' AN INTERVAL PLUS-MINUS 12.5 % AROUND  MINIMUM '
   57            + ,'MEDIAN IS    ',F6.2,F8.2/,1X,' AN INTERVAL PLUS-MINUS 12.5 %',
   58            + ' AROUND THE MAXIMUM MEDIAN IS     ',F6.2,2X,F6.2)
   59            WRITE(6,46) XMEAN1,XMEAN2
   60         46 FORMAT (1X,'THE MEAN VALUE OF SENTENCE MINIMUMS,ALL IN'
   61            +,' DECISIONS, ABOVE CELL',F8.2/,' THE MEAN VALUE OF SENTENCE',
   62            +,' MAXIMUMS, ALL IN DECISIONS, ABOVE CELL',F8.2/)
   63            MYCNT = 0
   64            IF(INOUT .NE. 1) RETURN
   65            MYCNT = 1
   66            MED1(MYCNT) = MIN1
   67            MED2(MYCNT) = MAX1
   68            RETURN
   69        150 CONTINUE
   70            WRITE(6,55)
   71         55 FORMAT (/,' SENSELESS TO COMPUTE MEDIANS WITH CENSORED EXTR',
   72            + 'EMES, FOR THIS CELL'/)
   73            MYCNT = 0
   74            IF(INOUT .NE. 1) RETURN
   75            MYCNT = 1
   76            MED1(MYCNT) = MIN1
   77            MED2(MYCNT) = MAX1
   78            RETURN
   79            END

@PRT,S CRJ*SENT.DENTABLEJEFF
```

Part II Supplemental Instructions

Inputs

1. Number of tables, across min, across max, up-down min, up-down max.
2. Table Var #, In-out var #, sentence min Var #, sentence max Var #, output type.
3. Code #, Var #, value 1, value 2, value 3, value 4.
   "   "   "   "   "   "
   "   "   "   "   "   "
4. End of file marker
5. Var A1   Var A2........Var A15
6. Var U1   Var U2........Var U15
7. Label   (1)
   Label   (2)
   "
   "
   Label (number of tables)
8. Data
   "
   "
   "
9. End of file marker

1. A card containing 5 values in free format (i.e. #, #,....., #)
   a. Number of tables that will be produced. This will correspond to the number of different values that "table Var #" of card 2 will take on.
   b. The minimum value that the across (offender) score can take on after all recodes (The sum of the minimums possible for Var A1, Var A2, ..., Var A15).
   c. The maximum value that the across (offender) score can take on after all recodes (The sum of the maximums possible for Var A1, Var A2, ..., Var A15).
   d. The minimum value that the up-down (offense) score can take on after all recodes (The sum of the minimums possible for Var U1, Var U2, ..., Var U15)
   e. The maximum value that the up-down (offense) score can take on after all recodes (The sum of the maximums possible for Var U1, Var U2, ..., Var U15)

Note: These values must be consistent (smaller or equal) to the specifications made on the dimension statements within the program. The program was designed with what was felt to be reasonable limits on the sizes that may arise for scores and tables used, and are currently 10 Tables, 20 x 20.

2. A card containing 5 Values in free format.
   a. The variable number, upon which the tables will be based. Typically, this variable is explicitly coded on the data (possibly a statutory class of offense). It may, however, be a vari-

ble which is computed on the basis of some other variables (possibly a means of regrouping certain offenses onto a single table regardless of statutory class).
   b. The variable number upon which the in-out decision is based. A recode (see card 3) must be performed so that all "in" decisions are recoded to "1," while all "out" decisions are recoded to "0." Decisions that are not "in" and not "out," will be grouped together as "other."
   c. The variable number for the minimum incarceration variable.
   d. The variable number for the maximum incarceration variable.
   e. A switch to limit the amount of output provided. If this switch is non-zero sorted listing and tables are omitted.

3. Any number of (up to current maximum of 500) data transformations, with 6 values in free format. The "meaning" of the data transformation, and the interpretation of the fields are dependent upon the first value (code) on card.

   a. Recodes
      code = "1"
      Var # = variable to be checked
      Value 1 = min value
      Value 2 = max value
      Value 3 = variable to be recoded
      Value 4 = recoded value

This construction may be considered as: If Var "var #" has a value greater or equal to "value 1" and less or equal to "value 2" recode Var "value 3" to become a value of "value 4".

   b. Missing values
      code = "2"
      Var # = variable to be checked
      Value 1 = value to be considered missing
      Value 2, Value 3, Value 4 = unused arguments but should be included as 0'S.

This construction may be considered as: If Var "var #" has a value of "value 1", the case is assumed "missing".

   c. Compute sum of variables
      code = "3"
      Var # = variable to be computed as sum
      Value 1 = first argument of sum
      Value 2 = second argument of sum
      Value 3 = third argument of sum
      Value 4 = fourth argument of sum

This construction may be considered as: Compute Var "var #" = Var "value 1" + Var "value 2" + Var "value 3" + Var "value 4".

      Note: If the sum of less than 4 variables is sought, include variables which have been given a value of zero (i.e., Var "0" = 0).

d. Compute maximum of variables
   Code = "4"
   Var # = variable to be computed as maximum of others
   Value 1 = first argument of maximum
   Value 2 = second argument of maximum
   Value 3 = third argument of maximum
   Value 4 = fourth argument of maximum

This construction may be considered as: Compute Var "Var #" = maximum
(Var "value 1", Var "value 2", Var "value 3", Var "value 4")

   Note: If the maximum of less than 4 variables is sought include
   variables which have been given a very small value (i.e., large
   negative value) such as Var 198 = -999999.

   e. Compute product of variables
      Code # = 5
      Var # = variable to be computed as product
      Value 1 = first argument of product
      Value 2 = second argument of product
      Value 3, value 4 = unused arguments, but must be included

This construction may be considered as;
Compute Var "var #" = Var "value 1" times Var "value 2".

   f. Compute minimum of variables.

This construction is similar to maximum. Note that if less than 4
variables are examined for minimum value, the remaining variables should
be those assigned a large value (i.e., Var "199" = 99999).

   Note: All data transformations are processed sequentially.

4. An end-of-file marker. The last data transformation is specified by
   occurrence of the end-of-file. Note that at least 1 data transforma-
   tion is required.

5. A card with 15, 3 digit, right-justified, numeric fields. Each of
   these fields indicate the variables that are included in computing an
   offender score. Typical models have indicated that 15 variables are
   ample in most situations. If more are necessary, this can be simulated
   by data transformations, i.e., a sum, and including this computed vari-
   able in the model. Note that the offender score is computed as a sum.
   Should a subtraction   be required it must be handled by a data
   transformation (i.e., multiplication by a variable having a value of
   unary minus (such as Var 197 = -1)

This construction is similar to offender score = Var "var A1" + Var
"var A2"..... + Var "var A15". For example _ _ 7 _ 2 3 1 3 3 _ 1 7 ....
....................leads to the construction offender score = Var 7 +
Var 23 + Var 133 + Var 17 + Var 0 + Var 0 +.....+ Var 0.

6. A card of 15, 3 digit, right justified, numeric fields. Similar to that
   of "5" above, but used for computing the offense score. The construct-
   ion is similar to offense score = Var "var U1" + Var "var U2" + ...
   + Var "var U15".

7. Labels which will be used on the output tables. Note that the program
   expects 1 card for each of the tables that will be produced (as in-
   dicated by field 1 of card 1). The label serves as documentation for
   the tables.

8. The data set on which models are to be run.

9. An end-of-file marker. - Used to indicate that the last data case has
   been read. Note that the number of valid cases (after all data trans-
   formations and validity checking on limits) must be consistent (smaller
   or equal) with the specifications on the dimension statements within
   the program.

   Outputs

      1. A list of all model specification statements which were
         operant when run was made. These correspond to inputs
         1, 2, 3, 5, 6.

      2. A list of all case ids which were excluded for run-time
         error conditions. These conditions are
         a. illegal offense score
         b. illegal offender score
         c. illegal table

         Enough information is provided to pinpoint the cause of
         error and verify reason (i.e., omission of recode, faulty
         model specification)

      3. The grids (tables)

      4. A listing of cases that occurred in each cell, with relevant
         information that includes, typically:

         a. "cell" values (offender-offense score intersection)
         b. master list number
         c. in-out decision (unrecoded)
         d. length of time min sentence
         e. length of time max sentence
         f. credit for time served
         g. length of time detained
         h. case id
         i. master list number, second offense

This listing also contains a computation of median and mean values of times served for cases, each cell, with an incarcerative disposition. Note that the means computed were after exclusion of the 2 cases with greatest or least sentences (outliers).

5. Correlations between values of offense score, offender score, offense score + offender score, offender score + 2*offense score, and the in-out decision, the minimum incarcerative sentence, the maximum incarcerative sentence. It was felt, that in models having similar predictive capabilities, these correlations might prove helpful in deciding between them. A high correlation is hoped for between these joint measures of offender-offense seriousness (characteristics) and sentence severity (length of incarceration).

Program Flow

1. The model is specified by the number of tables, limits on offender and offense score, data transformations, and score compositions.

2. A case is read
       All data transformations are applied sequentially
       Error checks for illegal table or scores
       Update count of in-out-other in appropriate cell
       Store relevant data
       Accumulate sums for correlations.

3. Repeat 2 until all data has been processed

4. Sort the "relevant data" according to table, cell, master list #, for listings.

5. Output a table and a listing
       a. print the grid
       b. print the listings - with median/mean calculations

6. Repeat 5 until all tables and listings are done

7. Output correlations.

8. Finish.

Program modifications for implementation

The program is reasonably data independent, that is to say there are few explicit mentions of variables not determined by the inputs. Thus, basically one would need change only the formats with which the data base is read, and the few explicit mentions of variables (i.e., master list variable). The sorted listings might be changed to accomodate certain specific issues of concern. Thus, a variable based on the age of offender might be displayed if it was felt that this would be of some instructional value in determining policy (i.e., young offenders might be treated differently in some crimes). Beyond these minor, if you will "cosmetic", changes, implementation on other systems will require other revisions. This program has been run on a Univac 1100 series computer. At load-time, all locations are set to zero, and thus have not been explicitly done within the program. Thus, the arrays CCO, CRO, CCH, CRH, CCM, CRM, TIN, TOUT, IV, SX, SY2, SXY, SMX, SMX2, SLX, SLX2, CORR should be initialized. Also, the use of the zero element in an array (IV(o)) may not be legal with some compilers. Thus, it may be necessary to set aside a variable and use this variable when no change (as in a sum) is desired.

Change #	Line #	Suggested changes
1	19	Remove if zero addressing illegal
2	20	Remove if zero addressing illegal
3	21	Any arbitrary large value for a chosen, unused, variable #.
4	22	Any arbitrary small value for a chosen, unused, variable #.
5	120-125	Replace with appropriate format and read statement
6	126-128	Replace or omit for change in listing
7	158-162	Replace or omit for change in listing
8	210-220	Replace or omit for change in listing
9	223-224	Dependent upon coding of these variables, we assumed that 997, 998, 999, were not designators of length of time.
10	339-340 413-414 430-431	The last 3 arguments of this subroutine call correspond to sentence minimum value, sentence maximum value, recoded in-out value of the case being considered. A change at lines 210-220 of any of these variables should be reflected here.
11	396-402	A change of any of the fields at lines 210-220 should be reflected by a change in the headings of the listing.

Part III Testing of Hypothetical Model
Using Part I Program

To run the following sample model based on the data collected under the coding instrument found in Appendix A, the inter-class ranks (based on the statutory class of the offense) should have been obtained and put into the data set as an additional variable. Intra-class rankings (based on judicial rankings within statutory classes) should have also been obtained. These "new" variables could be variable 92 and variable 93 respectively. The model to be constructed is the same as the general model in Appendix E and consists of the following variables:

Offender score = current legal status (Var 43:range 0, 1) +
　　　　　　　　prior juvenile convictions (Var 47:range 0, 1, 2) +
　　　　　　　　prior adult misdemeanor convictions (Var 65 + Var 66
　　　　　　　　　+ Var 67:range 0,1, 2)+
　　　　　　　　prior adult felony convictions (Var 68 + Var 69 + Var
　　　　　　　　　70:range 0, 1, 2)+
　　　　　　　　prior adult probation/parole revocations (Var 72 + Var
　　　　　　　　　75:range 0, 1, 2) +
　　　　　　　　prior adult incarcerations (Var 73:range 0, 1, 2)

Offense score = intra-class ranking (Var 93:range 1, 2, 3, 4)+
　　　　　　　　victim precipitation (Var 34:range 0, -1)+
　　　　　　　　seriousness modifier, based on injury, weapon, drugs
　　　　　　　　　(max (Var 31, Var 34, Var 27):range 0, 1, 2)

Tables will be based on inter-class (statutory) ranking with values 1 thru 8, and 9 for cases (and offenses) with unknown statutory classes

1. 8, 0, 11, 0, 6　　　　8 tables, offender score (0,11), offense score (0, 6)

2. 92, 11, 16, 17, 0　　tables based on Var 92, in-out based on Var 11, min sentence based on Var 16 max sentence on Var 17, full output

3. 2, 92, 9, 0, 0, 0　　other necessary missing value statements of Vars 43, 47, 65, 66, 67, 68, 69, 70, 72, 75, 73, 93, 34, 31, 39, 27, 11. Note that for some data sets, with large numbers of cases having missing values on important variables, it may be necessary to develop a policy for treating missing information.

　　　1, 11, 0, 7, 11, 0
　　　1, 11, 8, 9, 11, 1
　　　1, 11, 98, 98, 11, 98

Note: The in-out variable is recoded to a dichotomy "0" representing an "out" decision "1" representing an "in" decision

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Note: Other recodes to bring Vars 43 and 47 into the particular range indicated. The researcher should verify that each value that was obtained on a variable has been accounted for, either in a missing value statement or a recode as below:

　　1, 47, 97, 97, 47, 0
　　1, 47, 1, 3, 47, 1
　　1, 47, 4, 95, 47, 2
　　1, 47, 96, 96, 47, 1

Note: Caution should be exercised in the order of placement of recodes since they are processed sequentially. Thus, reversing the order of the previous four cards leads to the erroneous or un-wanted construction: If Var 47 = 1 through 96, recode Var 47 to a value of 1. If Var 47 = 97, recode Var 47 to a value of zero. The reader should verify this and determine what the proper (or intended) construction is.

　　1, 65, 97, 97, 65, 0
　　1, 65, 96, 96, 65, 1
　　1, 66, 97, 97, 66, 0
　　1, 66, 96, 96, 66, 1
　　1, 67, 97, 97, 67, 0
　　1, 67, 96, 96, 67, 1
　　3, 165, 65, 66, 67, 0
　　1, 165, 1, 3, 165, 1
　　1, 165, 4, 195, 165, 2

Note: This set of transformations indicates the technique of computing a new variable as the sum of other, previously recoded vari-ables. A recode is performed on this variable after it is computed, and all possible values obtainable are accounted for (0 to 195).

Note: Other similar data transformations on Vars 68, 69, 70, yielding a new Var 168 should be included.
Similar data transformations on Vars 72 and 75 yielding a new Var 172 should be included.
Recodes on Var 73 should be included.

　　1, 34, 1, 2, 34, -1
　　1, 34, 5, 9, 34, -1
　　1, 34, 3, 4, 34, 0

Note: The method used above to obtain a variable whose effect is a re-duction of offense score, is by direct recode. Alternative methods are equally possible and effective.

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1, 31, 0, 0, 31, 0
1, 31, 1, 1, 31, 1

Note: The above two recodes have no real effect on changing values, but
are included as documentation.

1, 31, 2, 3, 31, 1
1, 31, 4, 4, 31, 2
1, 31, 7, 8, 31, 0
1, 39, 0, 0, 39, 0
1, 39, 1, 1, 39, 1
1, 39, 6, 6, 39, 0

Note: The above recode involves a subjective decision to be made by
the researcher and the judges as a matter of policy.

1, 39, 7, 7, 39, 0
1, 27, 0, 0, 27, 0
1, 27, 1, 8, 27, 1
4, 127, 27, 39, 31, 0

4. End-of-File marker. This marker is dependent on the system at which the
program will be implemented. See computer personnel for the correct
representation.

5. _ 4 3 _ 4 7 1 6 5 1 6 8 1 7 2 _ 7 3

6. _ 9 3 _ 3 4 1 2 7 _ _ _ _ _ _ _ _ _

7. Var 92 is value of 1
Var 92 is value of 2
Var 92 is value of 3
Var 92 is value of 4
Var 92 is value of 5
Var 92 is value of 6
Var 92 is value of 7
Var 92 is value of 8

8. The Data of Sentencing information

9. End-of File marker

APPENDIX G

Example of a Handbook
for Computer Implementation of Guideline Data Items

Part I   Coding Instructions
Part II   Guideline Sentence Worksheet
Part III   Reason(s) for Sentencing Outside Guidelines

Part I Coding Instructions

GENERAL INSTRUCTIONS

Unless otherwise indicated, all information can be found on the Guideline Sentence Worksheet, Part II.

1. Assume any uncoded variable on the Guideline Worksheet to have a value of "0", unless all variables are blank in which case code as "9."

CARD ONE

I.D. Number
(1-6)

The first five digits correspond to the case identification number and are to be assigned consecutively. The last digit corresponds to the card currently being coded, card "1."

Var 01
(7-8)

JUDGE'S CODE

01 = Smith
02 = Jones
03 = Roberts
04 = Davis
05 = Gold
06 = Black
07 = Powell
08 = Johnson
99 = Missing value

Var 02
(9-14)

INDICTMENT/INFORMATION NUMBER

The six digits correspond to the indictment information number listed on the guideline worksheet.

Var 03
(15-20)

DATE OF SENTENCING

999999 = missing value

The six digits correspond to the date listed on the guideline sentence worksheet.

Var 04
(21)

TOTAL NUMBER OF OFFENSES AT CONVICTION

1-7 = Number of offenses
8 = Eight or more offenses

Var 05
(22-26)

MASTER LIST NUMBER OF FIRST OFFENSE AT CONVICTION

99999 = Missing value

The first three digits of this variable refer to the Master List Number. Refer to the Master List to code this variable.

The fourth digit will identify the conviction as one for solicitation, conspiracy or attempt and are to be coded according to the following list:

0 = Solicitation conviction
1 = Conspiracy conviction
2 = Attempt conviction
3 = Commitment under the "Sexually Dangerous Person" Statute
4 = Conviction under the Habitual Offender Act
7 = Not applicable, sentencing not for solicitation, attempt, conspiracy, etc.

The final digit (5) will reflect the number of counts of the particular offense charged at final conviction. Fifth digit coding values are:

1 = Only one count on the offense at conviction
2-7 = Up to seven counts on the same offense at conviction
8 = Eight counts or more on the same offense at conviction
9 = Missing value

Assume there is only one count of the offense at conviction if another number is not explicitly indicated on the record, and code the final digit on this variable "1."

In those instances in which a defendant is being sentenced for more than one offense, code the most serious offense first. Use the statutory class system as the primary criterion of seriousness, i.e., a Felony 2 would be classified as the first offense where the defendant was sentenced for both a Felony 2 and Felony 3 offense on the same day. Even if the Felony 2 offense is a new offense appearing in the sample and is unranked, (i.e., no intra-class rank) code its Master List Number as the first offense at conviction.

Where felonies are of the same class, use the intra-class rank (found in the second column of the master list) as the next criterion to judge offense seriousness. The higher the intra-class rank, the more serious the offense is within one felony class. If the offenses are both of the same statutory class, but one is unranked, code the ranked offense (i.e., one with intra-class rank) before the unranked offense. If both are new offenses to the sample (i.e., unranked), apply the following rules with regards to against person/not against person crimes. If both the Felony Class and the intra-class rank are the same, code crimes against the person (including robbery, armed robbery, and theft from the person) before property crimes. If the offenses are the same with regard to person/property criterion, code the crime with the higher statutory number as the more serious (i.e., first).

(NOTE: Conviction for an attempt, solicitation or conspiracy drops the statutory class to the next lower class. Thus, a conviction for attempted armed robbery, is a conviction for a Felony 3 offense, not for a Felony 2 offense).

Var 06
(27-31)

MASTER LIST NUMBER OF SECOND OFFENSE AT CONVICTION

99997 = Not applicable
99999 = Missing value

See instructions for Variable 05.

Var 07
(32-36)

MASTER LIST NUMBER OF THIRD OFFENSE AT CONVICTION

99997 = Not applicable
99999 = Missing value

See instructions for Variable 05.

Var 08
(37)

STATUTORY CLASS AT CONVICTION (MOST SERIOUS OFFENSE)

2-4 = Felony (2-4)
5-6 = Misdemeanor (1-2)

Code Felony 2 as "2," Felony 3 as "3," and Felony 4 as "4,"

Code Misdemeanor as "5," and Misdemeanor 2 as "6."

Var 09
(38)

INTRA-CLASS RANK (JUDGE'S RANKINGS)

1-4 = Intra-class rank
9   = Missing value

Code "9" if the offense is a new one in the sample, and has not yet been ranked by the judges.

Var 10
(39)

SERIOUSNESS MODIFIER SCORE

0-2 = Seriousness modifier
9   = Missing value

Var 11
(40-42)

SERIOUSNESS MODIFIER

0 = No injury	0 = No weapon	0 = No sale of drugs
1 = Injury	1 = Weapon	1 = Sale of drugs
2 = Death		
999 = Missing value		

In the first column of this variable, code the injury modifier that was circled on the Guideline Worksheet.

In the second column of this variable code the weapon usage modifier that was circled on the Guideline Worksheet.

In the third column of this variable, code the drug modifier that was circled on the Guideline Worksheet.

If there is a score of "1" or "2" for Variable 08 and none of the modifiers have been circled, code each column as a "9." If there is a score of "1" or "2" in Variable 08 and at least one column has a circled modifier, assume the value of any columns with an uncircled modifier to be a "0."

Var 12
(43)

VICTIM MODIFIER (CRIME AGAINST PERSON)

0   = Unknown victim or not crime against person
(-)1 = Known victim

Code the value of "1" (not -1) for a known victim.

Var 13
(44)

OFFENSE SCORE

0-6 = Offense score
9   = Missing value

Var 14
(45)

CURRENT LEGAL STATUS

0 = Not on probation/parole, escape
1 = On probation/parole, escape

Var 15
(46)

PRIOR JUVENILE CONVICTIONS

0 = No convictions
1 = 1-3 convictions
2 = 4 or more convictions

Var 16
(47)

PRIOR ADULT MISDEMEANOR CONVICTIONS

0 = No convictions
1 = 1-3 convictions
2 = 4 or more convictions

Var 17
(48)

PRIOR ADULT FELONY CONVICTIONS

0 = No convictions
1 = 1 conviction
2 = 2 or more convictions

Var 18
(49)

PRIOR ADULT PROBATION/PAROLE REVOCATIONS

0 = None
2 = 1 or more revocation(s)

Var 19
(50)

PRIOR ADULT INCARCERATIONS (OVER 30 DAYS)

0 = None
1 = 1 incarceration
2 = 2 or more incarcerations

Var 20
(51-52)

OFFENDER SCORE

00-11 = Offender score

Var 21
(53)

GUIDELINE SENTENCE (TYPE)

1 = Out
2 = In
9 = Missing value

Code "1," an "OUT" guideline sentence, includes such dispositions
as: deferred prosecution, conditional discharge, community
corrections, incarceration suspended, fine imposed, court costs
imposed, restitution imposed or probation imposed. Code "1"
also includes sentences and partial sentences of incarceration
when the incarcerative sentence is totally served due to the
application of jail time credit.

Code "2," an "IN" guideline sentence, includes such dispositions
as: incarceration imposed, or a split or special sentence
(e.g., probation preceded by some special incarcerative
sentence such as work release).

Var 22
(54)

GUIDELINE SENTENCE: ALTERNATIVE/SPECIAL SENTENCE PERMITTED

1 = No
2 = Yes

An alternative/special sentence will be indicated on the
guideline sentencing sheet by an asterick next to the suggested
incarcerative term.

Var 23
(55-57)

GUIDELINE SENTENCE (LENGTH OF INCARCERATION-MINIMUM/MINIMUM)

001-996 = Number of months
997   = Not applicable, an "out" cell

The suggested guideline sentences are given in ranges for
both minimum and maximum sentences. Therefore, in this variable
only the suggested lower range of the minimum sentence should
be coded. All misdemeanor offenses (unless otherwise indicated
on the guideline worksheet) are given flat sentences whose
length should be coded in this variable.

Var 24
(58-60)

GUIDELINE SENTENCE (LENGTH OF INCARCERATION-MAXIMUM/MINIMUM)

001-996 = Number of months
997 = Not applicable, an "out" cell
998 = Not applicable, no range at the minimum

The upper range of the suggested minimum sentence should be coded here, including that for misdemeanors.

Var 25
(61-63)

GUIDELINE SENTENCE (LENGTH OF INCARCERATION-MINIMUM/MAXIMUM)

000 = "Definite" sentence imposed
001-996 = Number of months
997 = Not applicable, an "out" cell

The lower range of the suggested maximum guideline sentence should be coded here. Unless otherwise indicated on the guideline sentence worksheet, code all misdemeanors where the guideline called for an "In" sentence as "000."

Var 26
(64-66)

GUIDELINE SENTENCE (LENGTH OF INCARCERATION-MAXIMUM/MAXIMUM)

000 = "Definite" sentence imposed
001-996 = Number of months
997 = Not applicable, not incarcerated
999 = Missing value

The upper range of the maximum guideline sentence should be coded here. Unless otherwise indicated on the guideline sentence worksheet, code all misdemeanors where the guideline called for an "In" sentence as "000."

Var 27
(67-68)

ACTUAL SENTENCE (TYPE)

01 = Probation suspended
02 = Incarceration suspended
03 = Fine imposed
04 = Deferred prosecution
05 = Deferred judgment
06 = Probation imposed
07 = Work project
08 = Work project, probation to be considered
09 = Special sentence (alcohol program, etc)
10 = Community corrections center

11 = Split sentence (jail and probation)
12 = Incarceration--jail-work release
13 = Incarceration--jail
14 = Incarceration--reformatory
15 = Incarceration--penitentiary
16 = Incarceration--institution unspecified
98 = Other
99 = Missing value

When a defendant receives more than one sanction, the most severe sanction is to be recorded here. For purposes of coding, assume all incarcerative sentences as more severe than non-incarcerative sentences. In general, the higher the coding number, the more severe the sanction. Instances of multiple sanctions will be identified by Variables 28, 29, 30 and 31 (i.e., Amount of Fine/Court Costs, Amount of Restitution, Length of Probation and Length of Incarceration).

Var 28
(69)

TERMS OF INCARCERATION

0 = Concurrent
1 = Consecutive
6 = Concurrent or consecutive to prior sentence
7 = Not applicable
8 = Unclear from available information
9 = Missing value

Code this Variable "0," "1," "8," or "9" if the offender is sentenced on more than one count or charge at the time of sentencing and receives some form of incarceration on each. Unless it is stated on the worksheet that multiple terms of incarceration are to be consecutive, assume they are concurrent and code as "0."

Code "6" when the sentence imposed is to run concurrent or consecutive to another sentence imposed prior to the sentences imposed on this date, although the offender was convicted and sentenced for only one offense at current sentencing.

If the offender is only sentenced to one period of incarceration or to a non-incarcerative sanction, code as "7."

Var 29
(70-74)

AMOUNT OF FINE/COURT COSTS

00001-99995 = Amount of fine/court costs up to $99,995 or more
99997 = No fine/court costs imposed
99998 = Fine/court costs imposed but suspended
99999 = Missing value

Code the amount the offender was fined (or charged court costs), regardless of whether it was the only sanction imposed or whether it was imposed in conjunction with another sanction.

Var 30
(75-79)

AMOUNT OF RESTITUTION

00001-99995	= Amount of restitution up to $99,995
99996	= Restitution - amount to be determined
99997	= No restitution imposed
99998	= Restitution imposed but suspended
99999	= Missing value

Code the amount of restitution ordered, regardless of whether it was the only sanction imposed or whether it was imposed in conjunction with another sanction.

CARD TWO

I.D. AND
CARD NUMBER
(1-6)

The first five digits correspond to the case identification number and will be the same as coded on card "1." The last digit corresponds to the card currently being coded and will be a "2."

Var 31
(7-8)

LENGTH OF PROBATION

01-95	= Length of probation (in months)
96	= Unclear
97	= No probation imposed
98	= Probation imposed but suspended
99	= Missing value

Code the length of probation, regardless of whether it was the only sanction imposed or whether it was imposed in conjunction with another sanction.

If a defendant has received a sentence of probation and no time has been specified, code the time for a misdemeanor conviction as "24", and the time for a felony conviction as "60."

Var 32
(9-11)

LENGTH OF INCARCERATION - MINIMUM

001	= One month or less
002-993	= Length of incarceration (in months)
994	= 994 months or more
995	= Life
996	= Death
997	= No incarceration imposed
998	= Incarceration imposed but suspended
999	= Missing value

Code the minimum length of incarceration, regardless of whether it was the only sanction imposed, whether it was imposed in conjunction with another sanction, or whether part or all of the term had been served as a result of credit for time detained. The length of incarceration for an alternative/ special sentence should also be coded here. Code the length of a definite sentence in this variable, including life and death sentences.

If consecutive sentences were imposed, add the minimum sentences (or definite sentences) to determine the minimum period of incarceration. If concurrent sentences were imposed, code the longest minimum period of incarceration. In cases of "partial suspension," code the length of the adjusted sentence that will actually be served.

Var 33
(12-14)

LENGTH OF INCARCERATION - MAXIMUM

000	= Definite sentence imposed
001-993	= Length of incarceration (in months)
994	= 994 months or more
995	= Life
996	= Death
997	= No incarceration imposed
998	= Incarceration imposed but suspended
999	= Missing value

In cases when the defendant has received a minimum sentence of one year and a maximum sentence of one year and a day, code the maximum length of incarceration as one year (12 months).

If consecutive sentences were imposed, add the maximum sentences to determine the maximum period of incarceration. If concurrent sentences were imposed, code the longest maximum term as the maximum period of incarceration.

Var 34
(15-17)

CREDIT FOR TIME DETAINED (IN DAYS)

000 = Detained, credit not specified
001-995 = Number of days detained
996 = Detained 996 days or more
997 = Not applicable, not detained

Code credit for time detained only if specified. If credit
for time is not specified code as "000."

Var 35
(18)

HIT OR MISS: IN/OUT DECISION

1 = Hit
2 = Miss, no incarceration imposed (Guideline: Incarceration
   or alternative sentence)
3 = Miss, incarceration imposed (Guideline: No incarceration
   or alternative)
6 = Not applicable, no guideline sentence given
7 = Not applicable, some error made on guideline worksheet
8 = Unclear

Code "1" if the actual sentence given falls within the guide-
line sentence regarding only the in/out decision. For example,
if the actual sentence is incarcerative, as is the suggested
guideline sentence, disregard whether the actual sentence
falls within the specified time limits (minimum/maximum) of
the guideline sentence.

Code "2" or "3" if the actual sentence falls outside of the
in/out decision specified by the guideline.

Code "6" if the offense at conviction had not previously been
marked.

Code "7" when any error has been made on the guideline work-
sheet. This includes the following situations: the offense
has been categorized under the wrong statutory class; a
computational error has been made; or the suggested guildeine
sentence has been listed incorrectly on the guideline work-
sheet.

See instructions for Variable 21 as to what sentences are
considered "In" or "Out."

Var 36
(19-20)

HIT OR MISS: LENGTH OF INCARCERATION DECISION

01 = Hit - imposed sentence incarceration and falls within
   both (minimum and maximum) specified time limits
02 = Hit - imposed sentence falls within alternative sentence
   allowed
03 = Miss - minimum less severe than guidelines, maximum within
   guidelines
04 = Miss - minimum less severe than guidelines, maximum more
   severe than guidelines
05 = Miss - minimum more severe than guidelines, maximum within
   guidelines
06 = Miss - minimum more severe than guidelines, maximum less
   severe than guidelines
07 = Miss - minimum within guidelines, maximum less severe
   than guidelines
08 = Miss - minimum within guidelines, maximum more severe than
   guidelines
09 = Miss - both minimum and maximum less severe than guidelines
10 = Miss - both minimum and maximum more severe than guidelines
94 = Not applicable, no guideline sentence given
95 = Not applicable, an "Out" sentence imposed
97 = Not applicable, an "In" sentence imposed, guidelines call
   for an "Out" sentence
98 = Unclear
99 = Missing value

In considering those sentences where some mention of time
served is made, always consider time served in relation to the
minimum (or definite) sentence and apply the following rules
in determining "hit" or "miss": (1) when credit for time
served is explicitly given, consider the actual sentence to
be that which takes into account the credited time and then
make appropriate comparisons to the guideline sentence; (2)
when no credit for time served is explicitly given, but is
noted by the judge in going "outside" the guidelines, consider
the actual sentence to be that sentence imposed by the judge.
However, classify the reason according to whether it indicates
a sentence within the "spirit" of the guidelines (reason 755) or
whether it indicates a sentence outside the guidelines (reason
756).

Code "94" if the offense at conviction had not previously been
ranked.

Code "95" when any error has been made on the guideline work-
sheet. This includes the following situations: the offense
has been categorized under the wrong statutory class; a

computational error has been made; or the suggested guideline sentence has been listed incorrectly on the guideline worksheet.

Var 37
(21-23)

FIRST REASON GIVEN FOR GOING OUTSIDE OF GUIDELINES

995 = Not applicable, no suggested guideline sentence
996 = Not applicable, some error on guideline sheet
997 = Not applicable, actual sentence within guidelines
998 = Other (List: _____)
999 = Missing information, no reason given

Please refer to Part III to code the variable.

Code "995" if the offense at conviction had not previously been ranked.

Code "996" when any error has been made on the guideline worksheet. This includes the following situations: the offense has been categorized under the wrong statutory class; a computational error has been made; or the suggested guideline sentence has been listed incorrectly on the guideline worksheet.

If multiple reasons are given, code them in the order which they are given. If a reason does not appear in Part III, assign it a new number in the appropriate category and code it accordingly.

Code "999" when the actual sentence does not fall within the guidelines and no reason was indicated on the worksheet.

Var 38
(24-26)

SECOND REASON FOR GOING OUTSIDE OF GUIDELINES

994 = Not applicable, only one reason given
995 = Not applicable, no suggested guideline sentence
996 = Not applicable, some error on guideline sheet
997 = Not applicable, actual sentence within guidelines
998 = Other (List: _____)
999 = Missing information, no reason given

See instructions for Variable 37.

Var 39
(27-29)

THIRD REASON FOR GOING OUTSIDE OF GUIDELINES

994 = Not applicable, only one reason given
995 = Not applicable, no suggested guideline sentence
996 = Not applicable, some error on guideline sheet
997 = Not applicable, actual sentence within guidelines
998 = Other (List: _____)
999 = Missing information, no reason given

See instructions for Variable 37.

Var 40
(30-32)

FOURTH REASON FOR GOING OUTSIDE OF GUIDELINES

994 = Not applicable, only one reason given
995 = Not applicable, no suggested guideline sentence
996 = Not applicable, some error on guideline sheet
997 = Not applicable, actual sentence within guidelines
998 = Other (List: _____)
999 = Missing information, no reason given

See instructions for Variable 37.

Part II Guideline Sentence Worksheet

OFFENSE RELATED FACTORS

1   Aggravating factors proved by the State: threatened many lives
2   Domestic incident (spouse does not seek prison for mate)
3   Elderly victim
4   Execution style murder
5   Home invasion (less serious)
6   Home invasion (more serious)
7   Incestuous affair; family requested that State drop charges
8   Multiple charges
9   Multiple victims
10   Numerous counts
11   Offender involvement minimal
12   Offender caught while crime was in progress
13   Offense was of a heinous nature
14   Argument between relatives
15   Repeated offenses against victim
16   Statutory classification of offense is too broad to include the real offense behavior
17   Victim's age (young)
18   Victim precipitation
19   Weapon used was extremely dangerous
20   Weapon used was not dangerous
21   Injury substantial
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OFFENDER RELATED FACTORS

PRIOR CRIMINAL RECORD

301   Decay of prior record
302   No juvenile record
303   First arrest
304   On probation
305   On parole
306   Pending charges
307   Violence of prior offenses
308   Present conviction
309   Probation already tried
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OFFENDER RELATED FACTORS

SOCIAL STABILITY

501   Addict
502   Offender's age (old)
503   Offender's age (young)
504   Medical problem
505   Language problem
506   Employment
507   Supporting wife and/or children
508   Attending school
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MISCELLANEOUS

751   Plea agreement
752   Jury trial
753   Victim refused to testify
754   Recommendation of district attorney
755   Time served noted (case within "spirit" of guidelines)
756   Time served noted (case outside guidelines)
757   Guideline sentence too low
758   Guideline sentence too high
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993
994   Not applicable, only one reason given
995   Not applicable, no suggested guideline sentence
996   Not applicable, some error on guideline sheet
997   Not applicable, actual sentence within guidelines
998   Other (List _____)
999   Missing information, no reason given

APPENDIX H

Estimated Costs
of Developing and Maintaining
a Sentencing Guidelines System

In order to assist courts in attempting to operationalize sentencing guidelines, rough estimated budgets have been prepared for both developing and maintaining a guideline system. In each of the six jurisdictions in which we have worked (or assisted others) in establishing sentencing guidelines--Vermont, Denver, Chicago, Newark, Phoenix, and Philadelphia--unique local conditions have prevailed. It must, therefore, be emphasized that these budgets are only approximations intended to give "ballpark" figures for the cost of actually putting a sentencing guidelines system into practice.

A number of assumptions should be explained. First of all, the estimate given is for a statewide system, as this appears to be the most cost effective procedure; nevertheless, a county-wide system would generally entail a smaller caseload as well as a more compact jurisdiction, thus effecting some savings in coder time and intra-state travel, as well as in the telephone, computer, keypunching, and printing categories; Second, it should be noted that, in the largest states, additional time--more than twelve months--would be required for guideline development. Third, no overhead, or indirect, costs have been included as many states would include a sentencing guidelines project within their own presently existing court research structure. On the other hand, the award of a grant to an outside organization to develop the guidelines has many potential advantages--outside expertise may ensure a high quality product, short-term hiring and other administrative problems would be obviated, etc. Under such an approach, however, additional overhead costs would be incurred.

Average salary, fringe and other cost figures have been used. These figures would have to be adjusted downwards or upwards on the basis of caseload, cost of living and other local variations. Moreover, sentencing guidelines may well be integrated into an overall court improvement program; thus, at slight additional cost, the project staff would be able to provide a great deal of additional information to the local courts.

The separate budgets found on the next two pages highlight the differences between the development and maintenance costs of a sentencing guidelines system. As may be seen, most of the cost of establishing such a system is incurred in the initial development phase. Once in place, an operational guidelines system adds only an incremental amount to a court's budget.

Development Costs
(12 months)

Personnel

Project Director (100%)	$ 25,000
Research Analyst (100%)	$ 17,000
Computer Programmer (first 4 months @ 25%; next 8 months @ 100%)	$ 12,000
Secretary (100%)	$ 9,000
Coders (5,000 hours--5,000 cases--@ $3.00 per hour)	$ 15,000
Sub-total	$ 78,000

Fringe Benefits

17% of Personnel	Sub-total	$ 13,260

Travel

(1) Consultants to site (2 trips plus per diem)	$ 1,000
(2) Within state to collect data	$ 4,000
Sub-total	$ 5,000

Equipment

4 Desks (@ $200 each)	$ 800
1 Work table (@ $90)	$ 90
5 Chairs (@ $60 each)	$ 300
1 Calculator (@ $100)	$ 100
1 Filing cabinet (@ $120)	$ 120
1 Typewriter (@ $700)	$ 700
Sub-total	$ 2,110

Supplies

$120 per month	Sub-total	$ 1,440

Contractual

2 Consultants x 12 days x $150 per day	Sub-total	$ 3,600

Other

(1) Telephone (@ $150 per month)	$ 1,800
(2) Postage (@ $20 per month)	$ 240
(3) Reproduction (@ $.05 per copy)	$ 900
(4) Computer time (7 hours x $660 per hour)	$ 4,620
(5) Keypunching (5,000 cases x 3 cards per case ÷ 75 cards per hour x $6.00 per hour)	$ 1,200
(6) Printing of coding forms (5,000 cases x 6 pages per case x $.02 per page)	$ 600
Sub-total	$ 9,360
TOTAL	$112,770

System Maintenance Costs
Per Year

Personnel

1 Researcher for 2 weeks x twice a year		$ 1,308
Coders to transform sentencing sheet information to computer FORTRAN sheet (4,000 cases per year ÷ 25 cases per hour x $3.00 per hour)		$ 480
	Sub-total	$ 1,788

Fringe Benefits

17% of Personnel	Sub-total	$ 304

Travel

Not applicable		-

Equipment

Not applicable		-

Supplies

	Sub-total	$ 100

Contractual

2 Consultants x 4 days x $150 per day	Sub-total	$ 1,200

Other

(1) Postage (@ $10 per month)		$ 120
(2) Reproduction (@ $.05 per copy at 400 copies per month)		$ 240
(3) Computer time (2 hours x $660 per hour)		$ 1,320
(4) Keypunching (4,000 cases x 2 cards per case ÷ 75 cases per hour x $6.00 per hour)		$ 640
(5) Printing of Sentencing Sheets (4,000 cases x 5 pages per worksheet x $.02 per page)		$ 400
	Sub-total	$ 2,720

TOTAL		$ 6,112

APPENDIX I

Selected References

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