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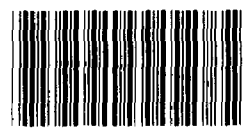
REPORT BY THE U.S.

General Accounting Office

Organized Crime Figures And Major Drug Traffickers: Parole Decisions And Sentences Served

In 1982, GAO reported that probation officers, judges, and prosecutors frequently did not furnish complete information to the Parole Commission for its use in making parole release decisions. However, GAO's current study showed that the Parole Commission and the Administrative Office of the U.S. Courts have acted to improve the completeness of the information available for parole release decisionmaking.

Parole and good time (time off the sentence for good behavior) have reduced the period of imprisonment for most federal offenders. GAO found that the Parole Commission made parole decisions for 676 of the 1,044 organized crime figures and major drug traffickers sentenced between January 1962 and July 1983 in 37 selected judicial districts. The median sentence imposed by the courts for the 390 offenders granted parole by the Parole Commission was 120 months, while the median time served or to be served was 50 months. For the 286 offenders denied parole, the median sentence imposed by the courts was 60 months, while the median time served or to be served was 44 months.



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UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

GENERAL GOVERNMENT
DIVISION

B-133223

The Honorable Sam Nunn
Ranking Minority Member
Permanent Subcommittee on
Investigations
Committee on Governmental Affairs
United States Senate

Dear Senator Nunn:

Our July 1982 report¹ to you on the operations of the United States Parole Commission pointed out that improvements were needed in the Commission and components of the judicial and executive branches of government that provide parole information to the Commission. Subsequently, your office requested that we determine (1) how the Commission makes parole release decisions in cases involving organized crime figures and major drug traffickers, (2) the completeness of the information supplied to the Commission for its use in making parole release decisions in those cases, and (3) what impact parole and good time--time off the sentence for good behavior--have on reducing the period of imprisonment served by organized crime figures and major drug traffickers. Subsequent to the completion of our work, the Comprehensive Crime Control Act of 1984 (Public Law 98-473) was enacted on October 12, 1984. This law, which made a number of changes to criminal laws and procedures, abolishes the Parole Commission 5 years after the establishment of sentencing guidelines; eliminates the possibility of release on parole for offenders sentenced after November 1, 1986; and reduces the amount of good time that offenders sentenced after that date can earn. The results of our work are summarized below and presented in detail in appendix I.

To determine how the Commission makes parole release decisions for organized crime figures and major drug traffickers and the completeness of the information supplied to the Commission for making these decisions, we examined 227 offender cases identified by Parole Commission and Justice Department officials that were considered organized crime figures and major drug traffickers. To determine the impact parole and good time

¹Federal Parole Practices: Better Management and Legislative Changes Are Needed (GAO/GGD-82-1 July 16, 1982).

have on reducing the period of imprisonment served by organized crime figures and major drug traffickers, officials from the Justice Department and the Administrative Office of the U.S. Courts identified 37 judicial districts where the greatest number of these offenders had been sentenced. Agency officials from components within the Justice Department, the Parole Commission, and the 37 judicial district courts identified 1,044 offender cases (organized crime figures and major drug traffickers) which we examined.

We found that the Commission generally follows the same procedures in making parole release decisions for all cases, including those that involve organized crime figures and major drug traffickers. With respect to the information supplied to the Commission, our 1982 report pointed out that probation officers, judges, and prosecutors frequently did not furnish complete information to the Commission for its use in making parole release decisions. These same problems were found in the organized crime and major drug trafficking cases we examined. However, in response to our 1982 recommendations, the Parole Commission, the Department of Justice, the Administrative Office of the U.S. Courts, and the Judicial Conference of the United States--the policymaking body of the judiciary--have taken various actions to improve the completeness of the information available to the Commission for parole decisionmaking. These improvements included the issuance of new guidelines by the Administrative Office for probation officers to use when preparing presentence reports and requirements that supervisors review the reports before they are given to the judges. We believe that the actions taken will help to reduce the problem of incomplete information and address the recommendations made in our 1982 report.

We also found that parole and good time reduce the period of imprisonment for most federal offenders. Parole is defined as the conditional return of an institutionalized offender to the community before completion of the original term of imprisonment. In general, the portion of the sentence that offenders serve is determined by the parole release date or, if denied or ineligible for parole, the good time earned.

We also determined that the 1,044 organized crime figures and/or major drug traffickers were sentenced between January 1962 and July 1983 in the selected judicial districts. We found that the Parole Commission made parole decisions for 676 of the 1,044 organized crime and/or major drug trafficker cases examined, granting parole to 390 offenders and denying parole to 286 offenders. For the remaining 368 offenders, no decision had

been made by the Commission for 193 offenders, and 175 offenders were ineligible for parole consideration.

The median sentence imposed by the courts for the 390 offenders (66 organized crime figures, 314 major drug traffickers, and 10 offenders who fit into both categories) granted parole was 120 months, while the median time served or to be served was 50 months. Excluding the one offender sentenced to life but granted parole, the offenders served or will serve a median of 42 percent of their imposed sentences. For the 286 offenders (76 organized crime figures, 200 major drug traffickers, and 10 offenders who fit into both categories) denied parole, the median sentence imposed by the courts was 60 months, while the median time served or to be served was 44 months. Overall, these offenders served or will serve a median of 74 percent of their imposed sentences.

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In commenting on a draft of this report, neither the Administrative Office nor the Justice Department noted any problems with the information presented in the report. (See app. III and IV.)

We trust the information provided will be useful to your continuing oversight efforts. As arranged with your office, unless you publicly announce the contents of the report earlier, we plan no further distribution until 30 days from the date of the report. At that time we will send copies to interested parties and make copies available to others upon request.

Sincerely yours,



William J. Anderson
Director



PAROLE RELEASE DECISIONMAKING AND
TIME SERVED FOR ORGANIZED CRIME
FIGURES AND MAJOR DRUG TRAFFICKERS

OBJECTIVES, SCOPE, AND METHODOLOGY

After the issuance of our report on federal parole practices,¹ which you requested, you asked that we determine for organized crime figures and major drug traffickers (1) how the Commission makes parole release decisions, (2) the completeness of the information supplied to the Commission for its use in making parole release decisions, and (3) what impact parole and good time--time off the sentence for good behavior--have on reducing the period of imprisonment.

We conducted our review at the headquarters offices of the United States Parole Commission; the Probation Division within the Administrative Office of the U.S. Courts; and the Department of Justice's Federal Prison System, Organized Crime and Racketeering Section, Narcotics and Dangerous Drugs Section, and Executive Office for United States Attorneys. In addition, we examined case files at the five regional offices of the United States Parole Commission--Atlanta, Georgia; Burlingame, California; Dallas, Texas; Kansas City, Missouri; and Philadelphia, Pennsylvania. Our review was performed in accordance with generally accepted government auditing standards. We performed our audit work from March 1983 to April 1984.

Selection of cases for analyzing
parole release decisions

To analyze how the Commission makes parole release decisions for organized crime figures and major drug traffickers and the completeness of information supplied to the Commission for its use in making decisions, we examined parole release decisions as of April 1984 for 227 offenders (89 organized crime figures, 116 major drug traffickers, and 22 offenders who fit into both categories). These 227 offenders were selected from a composite list of 370 organized crime figures and major drug traffickers prepared for us by officials of the Parole Commission and Department of Justice. The remaining 143 offender cases were not examined because they (1) were not eligible for parole consideration; (2) had not started serving their sentences or had not received a parole decision; or (3) had been released from prison prior to enactment of the Parole Commission and Reorganization Act of 1976 (Public Law 94-233, March 15, 1976).

¹Federal Parole Practices: Better Management and Legislative Changes Are Needed (GAO/GGD-82-1 July 16, 1982).

To determine the procedures followed in making parole release decisions for organized crime figures and major drug traffickers as well as the completeness of the information supplied to the Commission by probation officers, judges, and prosecutors, we examined policies and procedures, interviewed agency officials, reviewed the Parole Commission and Reorganization Act of 1976 and its legislative history, and examined case files for the 227 selected offenders for whom parole release decisions had been made.

Selection of cases for determining effect of parole and good time on the period of imprisonment served

Officials from the Department of Justice and the Administrative Office of the U.S. Courts identified 37 judicial districts where the greatest number of organized crime figures and major drug traffickers had been sentenced. Because no comprehensive list of organized crime figures and major drug traffickers existed, we asked officials from (1) various components within the Department of Justice, (2) the United States Parole Commission, and (3) federal district courts to identify high-level criminals in both categories. As a result of our discussions with agency officials, a total of 1,044 organized crime figures² and major drug traffickers³ were identified as being sentenced in the 37 selected judicial districts. The offenders were sentenced between 1962 and July 1983. However, only 13 offenders were sentenced prior to 1970.

The 1,044 offenders were identified in case files or by agency officials as major drug traffickers (759), organized crime figures (247), and offenders who fit into both categories (38). Even though we had no way of knowing whether the 1,044 offender cases we examined were all inclusive of those organized crime figures and major drug traffickers sentenced in the 37 judicial districts, agency officials told us that the cases we examined in these districts constituted the universe of major

²The term organized crime figures, as used in this report to analyze the effect of parole and good time, refers to those individuals identified by Justice Department officials as members or leaders of La Cosa Nostra, sometimes referred to as "the syndicate" or "the mob."

³The term major drug traffickers, as used in this report to analyze the effect of parole and good time, refers to those drug violators classified by the Drug Enforcement Administration as Class I violators. The agency classifies violators by the amount of drugs they handle and the position they hold in the drug trafficking network; thus, Class I violators represent the highest level traffickers.

drug traffickers and organized crime figures who were sentenced there. We did not discuss the cases reviewed with the sentencing judges or federal prosecutors.

To determine what impact parole or good time had or potentially will have on reducing the period of imprisonment, we examined case files maintained by the 37 selected judicial districts, the Federal Prison System, and United States Parole Commission for the 1,044 offenders. For the 390 offenders who were given parole release dates, we calculated the amount of time these offenders served or will have served at release on the basis of records furnished by the Parole Commission. For the 286 offenders who were denied parole, we calculated the amount of time these offenders served or will have served at release on the basis of good time earned according to sentence computation records provided by the Federal Prison System. We made the assumption that no good time was taken away from offenders for misbehavior while in prison. Our calculations did not include extra good time that may have been earned by the offenders. Therefore, our estimates of the actual time served or to be served for the 286 offenders denied parole may be slightly overstated.

We did not analyze the remaining 368 offender cases because a parole decision had not been made or the offenders were ineligible for parole: (1) 93 offenders received sentences of less than 1 year and 1 day and thus were not eligible for parole consideration; (2) 82 offenders were convicted under a statute that prohibits release on parole; (3) 70 offenders had not started serving their sentences; and (4) a parole decision had not been made for 123 offenders as of December 1983, the date we completed our detailed analysis of the 1,044 cases.

PAROLE DECISIONMAKING IN THE FEDERAL CRIMINAL JUSTICE SYSTEM

The federal parole system was established by the 61st Congress in 1910. The 71st Congress enacted legislation in 1930 (Act of May 13, 1930, Chapter 255, 46 Stat. 272) which created the United States Board of Parole. The Parole Commission and Reorganization Act of 1976 (Public Law 94-233, March 15, 1976, 18 U.S.C. §4201 et seq.) retitled the United States Board of Parole as the United States Parole Commission and established it as an independent agency in the Department of Justice with broad discretionary powers. The Commission has parole jurisdiction over all eligible federal prisoners, wherever confined, and continuing jurisdiction over those who are released under parole supervision. Recently, Public Law 98-473 was enacted on October 12, 1984. This law abolishes the Parole Commission 5 years after the establishment of sentencing guidelines; eliminates the possibility of release on parole for offenders sentenced after

November 1, 1986; and reduces the amount of good time that offenders sentenced after that date can earn.

The Commission is comprised of nine members who are appointed by the President for 6-year terms with the advice and consent of the Senate. One member is designated by the President as the chairman. The chairman is responsible for designating the members who are to serve as regional commissioners or on the National Appeals Board, supervising the Commission staff, convening and presiding at Commission meetings, and serving as a spokesperson for the Commission. The National Appeals Board is responsible for hearing and deciding appeals of Commission actions.

The five members who are designated as regional commissioners are responsible for making parole decisions in the cases of those federal prisoners who are eligible for parole and incarcerated in correctional institutions within the boundaries of their respective regions. The three remaining members, who are located in Washington, D.C., and the chairman comprise the National Appeals Board.

The Parole Commission and Reorganization Act of 1976 requires that the Commission establish at least five regional offices. Each of the Commission's five regional offices has a corps of hearing examiners. These examiners travel to each of the federal correctional institutions in the region on a bi-monthly schedule to conduct hearings with federal prisoners who are eligible and apply for parole consideration. As a matter of policy, the Commission attempts to undertake its first consideration of every prisoner, except those with a minimum term of 10 years or more, within 120 days of imprisonment and establish a release date for offenders at that time.

The Commission has established parole release guidelines as required by 18 U.S.C. §4203(a)(1) which indicate the customary range of time to be served before release from prison for various combinations of offense severity and offender characteristics. The guidelines used by the Commission's hearing examiners to formulate recommendations to the regional commissioners consist of two parts--offense severity and parole prognosis. (See app. II.)

For parole decisionmaking purposes, the severity of the offense is broken down into eight categories. Parole prognosis (salient factor score) includes four categories which range from poor to very good. The salient factor score is composed of offender characteristics found on the offender's prior criminal record and the offender's level of narcotic dependence. The salient factor score can range from 0 to 10. A poor parole prognosis for an offender is indicated by a score of 0 to 3, while a very good parole prognosis is indicated by a score of

8 to 10. The greater the offense severity and the lower the salient factor score, the more time the offender will normally be expected to serve before release.

The above described procedures apply to all federal offenders including organized crime figures and major drug traffickers. With respect to the completeness of the information supplied to the Commission for making parole release decisions, our July 1982 report on federal parole practices pointed out that probation officers, judges, and prosecutors frequently did not furnish complete information to the Commission. These same problems were found in the cases involving organized crime figures and major drug traffickers that we examined in this review.

However, in response to our recommendations the Parole Commission, the Department of Justice, the Administrative Office of the U.S. Courts, and the Judicial Conference of the United States have improved and are continuing to improve the completeness of the information available to the Commission for making parole release decisions. These improvements included the issuance of new guidelines by the Administrative Office for probation officers to use when preparing presentence reports and requirements that supervisors review the reports before they are given to the judges. The guidelines also require that the information in the reports be more succinct and germane in order to assist judges in their sentencing decision process. We believe that the actions taken will help to reduce the problem of incomplete information and thus address the recommendations made in our 1982 report.

PROCEDURES USED TO MAKE PAROLE RELEASE DECISIONS

The Parole Commission has developed standard procedures for making parole release decisions. Panels consisting of two hearing examiners, operating under the guidelines issued by the full Commission, conduct parole hearings with offenders at federal correctional institutions who are eligible and apply for parole consideration. At the conclusion of the hearing, the hearing examiner makes a recommendation to the regional commissioner and personally advises the offender of this recommendation.

The responsibility for making initial parole release decisions is vested in the five regional commissioners. The recommendations of the hearing examiners must be affirmed, modified, or reversed by regional commissioners before becoming final. If parole is initially disapproved, a tentative release date is considered to be unsatisfactory, or the initial action is otherwise considered adverse, the offender has 30 days from the date of the decision to file an appeal to the National Appeals Board. The Board has 60 days from receipt of the appeal to either affirm, modify, or reverse the prior decision.

The Commission's rules have established a mechanism whereby the responsibility for rendering parole release decisions in certain cases may be shared by a quorum of the nine parole commissioners. The Commission's rules provide that a regional commissioner may designate certain cases for original jurisdiction, thereby sharing the decision with other commissioners. Appeals of original jurisdiction cases are heard by the Commission. A quorum of six commissioners shall be required and decisions shall be by a majority vote. The Commission's rules provide that only those prisoners who meet the following criteria can have their cases designated for original jurisdiction.

--Prisoners who have committed serious crimes against the security of the Nation.

--Prisoners whose offense behavior involved an unusual degree of sophistication or planning or was part of a large scale criminal conspiracy or a continuing criminal enterprise.

--Prisoners who have received national or unusual attention because of the nature of the crime, arrest, trial, or prisoner status, or because of the community status of the offender or the victim.

--Prisoners sentenced to a maximum term of 45 years or more or prisoners serving life sentences.

Of the 227 organized crime figures and major drug traffickers cases we examined, regional commissioners designated the cases of 140 offenders for decision by a quorum of all 9 parole commissioners; that is, these cases were designated as original jurisdiction cases. Parole release decisions in the remaining 87 cases were made by regional commissioners. Parole was granted to 71 and denied to 69 of the 140 original jurisdiction offenders. In addition, parole was granted to 64 and denied to 23 of the remaining 87 offenders whose decisions were made by a regional commissioner.

The following table illustrates that for the 135 offenders granted parole, 54 of 71 offenders designated as original jurisdiction cases were released above the parole guideline range (the customary total time to be served before release including jail time) more frequently than those offenders (19 of 64) whose cases were decided by a regional commissioner. In contrast, the table shows that 4 of the 71 offenders designated for original jurisdiction were released below the guideline range, whereas 11 of the 64 offenders were released below the guideline range when a regional commissioner made the decision.

<u>Decision made by</u>	<u>Parole guideline range</u>			<u>Total</u>
	<u>Above</u>	<u>Within</u>	<u>Below</u>	
Original jurisdiction	54	13	4	71
Regional commissioner	<u>19</u>	<u>34</u>	<u>11</u>	<u>64</u>
Total	<u>73</u>	<u>47</u>	<u>15</u>	<u>135</u>

For those 92 offenders for whom parole was denied, the following table compares for illustrative purposes the time served or to be served in relationship to the parole guideline range. The table shows that offenders (49 of 69) designated for original jurisdiction were released above the parole guideline range more frequently than those offenders (8 of 23) whose cases were decided by a regional commissioner. The table also shows that 13 of the 69 offenders designated for original jurisdiction were released below the guideline range, whereas 8 of 23 were released below the guideline range when a regional commissioner made the decision.

<u>Decision made by</u>	<u>Parole guideline range</u>			<u>Total</u>
	<u>Above</u>	<u>Within</u>	<u>Below</u>	
Original jurisdiction	49	7	13	69
Regional commissioner	<u>8</u>	<u>7</u>	<u>8</u>	<u>23</u>
Total	<u>57</u>	<u>14</u>	<u>21</u>	<u>92</u>

In commenting on a draft of this report, the Justice Department said that the Parole Commission's 1983 Annual Report showed that for all offenders only 8 percent of all parole release decisions at initial hearings were above the Commission's guideline ranges. Justice further said that since GAO's study showed that in 57 percent of the cases (130 of 227) the parole release decisions were above the Commission's guideline ranges, this indicates the seriousness with which the Commission views large scale offenders when making such decisions.

EFFECT OF PAROLE AND GOOD TIME ON THE PERIOD OF IMPRISONMENT

Effect of parole on period of imprisonment

The Parole Commission established parole release dates for 390 offenders--66 organized crime figures, 314 major drug traffickers, and 10 offenders who fit into both categories. The median sentence imposed by the courts for the 390 offenders was 120 months, while the median time served or to be served was 50 months. Excluding the one offender sentenced to life but

granted parole, the offenders served or will serve a median of 42 percent of their imposed sentences. A comparison of this information for organized crime figures, major drug traffickers, and offenders who fit into both categories is summarized in the following table.

	<u>Organized crime figures</u>	<u>Major drug traffickers</u>	<u>Both</u>	<u>All offenders</u>
Number of offenders	66	314	10	390
Median sentence imposed (in months)	73	120	186	120
Median time served or to be served at parole release (in months)	36	52	93	50

Effect of good time on
imprisonment for offenders
denied parole

Good time is provided for by statute as an incentive for cooperative behavior by offenders while they are confined in correctional institutions. Statutory good time is awarded to federal prisoners for faithful observance of institutional rules; however, it may be taken away for serious misconduct. If an offender has been denied parole or is ineligible for parole consideration because of the statute used in sentencing, release is at expiration of the sentence, less good time earned by the offender. The amount of statutory good time awarded to offenders under 18 U.S.C. §4161 is determined by the length of the sentence imposed by the court, except good time does not apply to life sentences. The amount of good time awarded is depicted in the following table.

Length of sentence <u>imposed</u>	Good time awarded <u>per month</u> (days)
6 months but not more than 1 year	5
More than 1 year but less than 3 years	6
3 years but less than 5 years	7
5 years but less than 10 years	8
10 years or more	10

Offenders may also earn time off their sentences for extra good time under 18 U.S.C. §4162 at a rate of 3 days for each month of actual employment in an industry or camp for the first year of imprisonment and 5 days per month for subsequent years. The statute also provides for awarding extra good time on a discretionary basis for exceptionally meritorious service or for performing duties of outstanding importance in connection with institutional operations. Federal Prison System regulations (28 C.F.R. 523.12, 523.13, 523.14, and 523.15) have extended extra good time to employment in Federal Prison Industries, participation in work/study release programs and community treatment centers, and assignment to a camp or farm. The regulations provide that extra good time be awarded automatically, except in the case of meritorious good time, which is awarded on the basis of recommendations by prison staff.

Public Law 98-473 reduces good time for offenders sentenced to imprisonment after November 1, 1986. This law eliminates extra good time and provides that offenders sentenced to a term of imprisonment in excess of 1 year after that date will earn 54 days of good time per year at the end of each year of imprisonment. Current good time provisions will apply to offenders sentenced prior to November 1, 1986.

The Parole Commission denied parole for 286 offenders--76 organized crime figures, 200 major drug traffickers, and 10 offenders who fit into both categories. The median sentence imposed by the courts on the 286 offenders was 60 months, while the median time served or to be served was 44 months. Overall, offenders served or will serve a median of 74 percent of their imposed sentences. The impact of good time on the period of

imprisonment served or to be served by organized crime figures, major drug traffickers, and offenders who fit into both categories is summarized in the following table.

	<u>Organized crime figures</u>	<u>Major drug traffickers</u>	<u>Both</u>	<u>All offenders</u>
Number of offenders	76	200	10	286
Median sentence imposed (in months)	60	60	84	60
Median time served or to be served when good time is considered (in months) ^a	44	44	62	44

^aMedian time served may be slightly overstated because it does not include extra good time awarded to the offenders. This information was not readily available.

**GUIDELINES FOR PAROLE
DECISIONMAKING**

GUIDELINES FOR DECISION-MAKING
[Guidelines for Decision-Making, Customary Total Time to be Served before Release (including jail time)]

OFFENSE CHARACTERISTICS: Severity of Offense-Behavior	OFFENDER CHARACTERISTICS: Parole Prognosis (Salient Factor Score 1981)			
	Very Good (10-8)	Good (7-6)	Fair (5-4)	Poor (3-0)
Category One [formerly 'low severity']	<=8 months	Adult Range 6-9 months	9-12 months	12-16 months
	(<=8) months	(Youth Range) (6-9) months	(9-12) months	(12-16) months
Category Two [formerly 'low moderate severity']	<=8 months	Adult Range 8-12 months	12-16 months	16-22 months
	(<=8) months	(Youth Range) (8-12) months	(12-16) months	(16-20) months
Category Three [formerly 'moderate severity']	10-14 months	Adult Range 14-18 months	18-24 months	24-32 months
	(8-12) months	(Youth Range) (12-16) months	(16-20) months	(20-26) months
Category Four [formerly 'high severity']	14-20 months	Adult Range 20-26 months	26-34 months	34-44 months
	(12-16) months	(Youth Range) (16-20) months	(20-26) months	(26-32) months
Category Five [formerly 'very high severity']	24-36 months	Adult Range 36-48 months	48-60 months	60-72 months
	(20-26) months	(Youth Range) (26-32) months	(32-40) months	(40-48) months

10/01/83

SOURCE: U.S. Parole Commission,

OFFENSE CHARACTERISTICS: Severity of Offense Behavior	OFFENDER CHARACTERISTICS: Parole Prognosis (Salient Factor Score 1981)			
	Very Good (10-8)	Good (7-6)	Fair (5-4)	Poor (3-0)
Category Six [formerly 'Greatest I severity']	40-52 months	Adult Range 52-64 months		64-78 months
	(30-40) months	(Youth Range) (40-50) months		(50-60) months
Category Seven [formerly included in 'Greatest II severity']	52-80 months	Adult Range 64-92 months		78-110 months
	(40-64) months	(Youth Range) (50-74) months		(60-86) months
Category Eight* [formerly included in 'Greatest II severity']	100+ months	Adult Range 120+ months		150+ months
	(80+) months	(Youth Range) (100+) months		(120+) months

*Note: For Category Eight, no upper limits are specified due to the extreme variability of the cases within this category. For decisions exceeding the lower limit of the applicable guideline category BY MORE THAN 48 MONTHS, the pertinent aggravating case factors considered are to be specified in the reasons given (e.g., that a homicide was premeditated or committed during the course of another felony; or that extreme cruelty or brutality was demonstrated).

SALIENT FACTOR SCORE (SFS 81)

Item A: PRIOR CONVICTIONS/ADJUDICATIONS (ADULT OR JUVENILE)

- None = 3
- One = 2
- Two or Three = 1
- Four or more = 0

Item B: PRIOR COMMITMENT(S) OF MORE THAN THIRTY DAYS
(ADULT OR JUVENILE)

- None = 2
- One or two = 1
- Three or more = 0

Item C: AGE AT CURRENT OFFENSE/PRIOR COMMITMENTS

- Age at commencement of current offense
- 26 years of age or more = 2
- 20-25 years of age = 1
- 19 years of age or less = 0

***Exception: If five or more prior commitments of more than thirty days (adult or juvenile), place an "X" here _____ and score this item = 0

Item D: RECENT COMMITMENT FREE PERIOD (THREE YEARS),

- No prior commitment of more than thirty days (adult or juvenile) or released to the community from last such commitment at least three years prior to the commencement of the current offense = 1
- Otherwise = 0

Item E: PROBATION/PAROLE/CONFINEMENT/ESCAPE STATUS
VIOLATOR THIS TIME

- Neither on probation, parole, confinement, or escape status at the time of the current offense; nor committed as a probation, parole, confinement, or escape status violator this time = 1
- Otherwise = 0

Item F: HEROIN/OPIATE DEPENDENCE

- No history of heroin/opiate dependence ... = 1
- Otherwise = 0

TOTAL SCORE

Note: For purposes of the Salient Factor Score, an instance of criminal behavior resulting in a judicial determination of guilt or an admission of guilt before a judicial body shall be treated as a conviction, even if a conviction is not formally entered.

**ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS**

WASHINGTON, D.C. 20544

WILLIAM E. FOLEY
DIRECTOR

December 11, 1984

JOSEPH F. SPANIOL, JR.
DEPUTY DIRECTOR

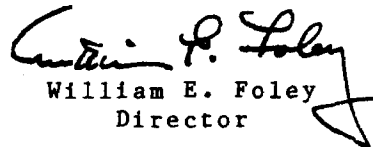
Mr. William J. Anderson
Director, General Accounting Office
General Government Division
Washington, D. C. 20548

Dear Mr. Anderson:

I write concerning the draft report, "Organized Crime Figures and Major Drug Traffickers: Parole Decisions and Sentences Served." The report contains no recommendations for the judiciary. I do note that the report quotes a previous 1982 report which found that probation officers, judges, and prosecutors frequently did not furnish complete information to the U. S. Parole Commission for its use in making parole release decisions. The current report notes that the Administrative Office has issued new guidelines for probation officers to use when preparing presentence investigation reports and requirements that supervisors conduct quality control reviews of the reports before they are given to the judges. The report concludes that these actions have improved the completeness of the information available to the Commission for parole decisionmaking.

Thank you for taking recognition of our efforts and for giving us an opportunity to comment on the report.

Sincerely,


William E. Foley
Director

cc: Honorable Gerald Bard Tjoflat



U.S. Department of Justice

Washington, D.C. 20530

February 8, 1985

Mr. William J. Anderson
Director
General Government Division
United States General Accounting Office
Washington, D.C. 20548

Dear Mr. Anderson:

This letter responds to your request to the Attorney General for the comments of the Department of Justice (Department) on your draft report entitled "Organized Crime Figures and Major Drug Traffickers: Parole Decisions and Sentences Served." The report discusses how the U. S. Parole Commission makes parole release decisions in cases involving organized crime figures and major drug traffickers, and what impact parole and good time -- time off the sentence for good behavior -- have on reducing the period of imprisonment served by these offenders.

The subject of this report is of considerable interest to the Department because, as both the Congress and the General Accounting Office (GAO) know, the Department has always been concerned about the nature and duration of sentences imposed on organized crime figures and major drug traffickers. We expect that many of the deficiencies within the criminal justice system concerning the sentencing and imprisonment of organized crime figures and major drug traffickers have the potential of being alleviated with the creation of the newly enacted Sentencing Commission, as provided in Public Law 98-473, enacted October 12, 1984. The Department looks forward to working with the Sentencing Commission to establish sentencing guidelines which will assure that major drug traffickers receive sentences that will serve as a deterrent to others as well as be adequate punishment for the violators. We are particularly pleased with the provision in the law which requires a judge who imposes a sentence outside the guidelines to set forth his or her reasons for such deviation in writing. Additionally, we believe that the ability of the Federal Government to appeal the imposition of a sentence more lenient than the guidelines and the corresponding ability of the defendant to appeal a sentence harsher than the guidelines will serve to render the sentencing process both consistent and fair.

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The report deals primarily with statistics on sentences imposed and parole decisions made for organized crime figures and major drug traffickers. Although we are unable to verify the accuracy of the statistics presented, we have no reason to doubt their validity. However, there is one statistical observation we believe should be highlighted in the report. In comparing actual parole release decisions with parole release guidelines, the U.S. Parole Commission's Annual Report for 1983 shows that eight percent of all decisions at initial hearings were above the guidelines. For cases identified in the GAO report relating solely to "organized crime figures" or "major drug traffickers," the proportion of parole release decisions above the parole release guidelines was considerably higher as shown by the statistics on pages 6 and 7 of the GAO report (130 out of 227, or 57% of the cases, had release decisions above the guidelines). In our opinion, these statistics indicate the seriousness with which the U.S. Parole Commission views large scale offenders. Moreover, we consider these comparative statistics to be of such significance as to warrant being highlighted in the report to indicate the higher proportion of parole release decisions made above the guidelines for large scale offenders as compared to the "typical" offender. (See GAO note.)

We appreciate the opportunity to respond to the report while in draft form. Should you have any questions, please feel free to contact me.

Sincerely,


Anthony C. Liotta
Assistant Attorney General
for Administration

GAO Note: These comments have been incorporated in the body of the report. (See p. 7.)

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