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Nature and Sanctioning of White Collar  
Crime, 1976-1978: Federal Judicial Districts

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115308

Stanton Wheeler,  
David Weisburd, and Nancy Bode

ICPSR 8989

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NATURE AND SANCTIONING OF WHITE COLLAR CRIME,  
1976-1978: FEDERAL JUDICIAL DISTRICTS

(ICPSR 8989)

Principal Investigators

Stanton Wheeler, David Weisburd  
and Nancy Bode

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Wheeler, Stanton, David Weisburd, and Nancy Bode  
NATURE AND SANCTIONING OF WHITE COLLAR CRIME, 1976-1978: FEDERAL  
JUDICIAL DISTRICTS (ICPSR 8989)

SUMMARY: This data collection, one of only a small number available on federal white collar crime, focuses on white collar criminals and the nature of their offenses. The data contain descriptive information about the defendant including age, sex, marital status, past criminal history, neighborhood environment, education, and employment history. Further information is provided on the source of conviction, offense category, number of counts in the indictment, maximum prison and maximum fine associated with the offense, the duration and geographic spread of the offense, number of participants, number of persons arrested, number of businesses indicted, and spouse's employment. The defendant's socioeconomic status is measured using the Duncan index. The data are limited to crimes committed solely by convicted individuals and do not include defendants that are organizations or groups. CLASS IV

UNIVERSE: Convicted white collar criminals in federal judicial districts representing metropolitan centers, specifically, Central California, Northern Georgia, Northern Illinois, Maryland, Southern New York, Northern Texas, and Western Washington.

SAMPLING: A random sample of federal crime offenders convicted of one of ten statutory offenses including securities fraud, antitrust violations, bribery, bank embezzlement, mail and wire fraud, tax fraud, false claims and statements, credit and lending institution fraud, postal theft, and postal forgery was drawn from seven judicial districts. All offenders convicted of securities fraud and antitrust cases in all of the federal districts during the three fiscal years were examined, thus yielding a sample containing a higher proportion of these offenders.

NOTE: The appendices mentioned in the documentation are not presently available. The data in columns 452-467 and 471-483 are undocumented. The FBI, PSI and Docket variables have been blanked for reasons of confidentiality.

EXTENT OF COLLECTION: 1 data file + SAS Control Cards

DATA FORMAT: Logical Record Length

FILE STRUCTURE: rectangular

CASES: 1,910

VARIABLES: 296

RECORD LENGTH: 483

RECORDS PER CASE: 1

RELATED PUBLICATIONS:

Weisburd, D., S. Wheeler, N. Bode, and E. Waring. THE NATURE AND SANCTIONING OF WHITE COLLAR CRIME, forthcoming.

Wheeler, S., and M.L. Rothmann. "The Organization as Weapon in White Collar Crime." MICHIGAN LAW REVIEW 80 (1982), 1403-1426.

Wheeler, S., D. Weisburd, and N. Bode. "Sentencing the White Collar Offender: Rhetoric and Reality." AMERICAN SOCIOLOGICAL REVIEW 47 (1982), 641-659.

ABSTRACT

8989  
SEP 01 1988

Stanton Wheeler, David Weisburd and Nancy Bode

Nature and Sanctioning of White Collar Crime

Yale Law School

78-NI-AX-0017

**Purpose of the Study**

The study sought to explore differences in the nature of the offense and the offender with regard to convicted white collar criminals.

**Methodology**

*Sources of information:*

Information about the offense, socio-economic indicators and offenders' views about the offense were extracted from presentence investigation reports (PSIs) for fiscal years 1976, 1977 and 1978. These data were obtained from the Administrative Office of the U.S. Courts.

*Sample:*

A random sample of federal crime offenders convicted of one of ten statutory offenses; namely, securities fraud, antitrust violations, bribery, bank embezzlement, mail and wire fraud, tax fraud, false claims and statements, credit and lending institution fraud, postal theft, and postal forgery was drawn from seven judicial districts. All offenders of securities fraud and antitrust cases in all of the federal districts during the three fiscal years were examined thus yielding a sample containing more of these offenders than the other offenses.

*Dates of data collection:*

1979-80

**Summary of Contents**

*Special characteristics of the study:*

This is a richly detailed data set and one of only a few available on federal white collar crime. The investigators obtained a Congressional waiver in order to extract study data from presentence investigation reports. The data are limited to crimes committed solely by convicted individuals and do not include defendants that are organizations or groups.

*Description of variables:*

Data contain descriptive information about defendant's age, sex, marital status, source of conviction, offense category for which convicted (based on U.S. Code) bail/bond amount, etc.; details about the nature of the offense (e.g., number of counts in the indictment, title/section of first, second, third offense(s), maximum prison and maximum fine associated with offense(s); official version of the offense; namely, description of the actual and charged offense, its duration and geographic spread, number of participants and number of persons arrested, number of corporations/businesses indicted; classification of the victim(s) involved; nature and amount of gain from the offense; information about discovery and/or coverup; defendant's past criminal history, family history, marital history, home and neighborhood environment, education, group/social memberships, and employment history. Information on spouses's employment and details on defendant's sentencing are also included. Socioeconomic status is measured using the Duncan index.

*Unit of observation:*

Convicted white-collar criminals

**Geographic Coverage**

Federal judicial districts representing metropolitan centers; specifically, Central California (Los Angeles); Northern Georgia (Atlanta); Northern Illinois (Chicago); Maryland (Baltimore); Southern New York (Manhattan and the Bronx); Northern Texas (Dallas); and Western Washington (Seattle).

**File Structure**

Data files:	1;
Unit:	convicted white collar crime offenders
Variables:	296
Cases:	1910

**Reports and Publications**

Weisburd, D., Wheeler, S., Bode, N., and Waring E. (forthcoming). *The Nature and Sanctioning of White Collar Crime*.

Wheeler, S. and Rothmann, M. L. (1982). The organization as weapon in white collar crime, *Michigan Law Review* 80, (June), 1403-1426.

Wheeler, S., Weisburd, D. and Bode, N. (1982). Sentencing the white collar offender: rhetoric and reality. *American Sociological Review* 47, (October), 641-659.

Wheeler, S., Weisburd, D., Waring, E., and Bode, N. (forthcoming). White collar crime and criminals. *American Criminal Law Review*.

Codebook for LEAA White Collar Crime  
Sentencing Study

Stanton Wheeler  
David Weisburd  
Nancy Bode

CODER INSTRUCTIONS BY VARIABLE FOR  
IDENTIFYING INFORMATION 7/20/79VariableInstruction

1 - 4

These questions are completed by your shift supervisor before you receive your coding sheets. to insure that you are coding the proper PSI, the supervisor will tell you the six-digit ID number of each PSI you receive. Also check that the docket number on the PSI corresponds to what the supervisor has coded in Q3. If the docket numbers do not agree, Q4 should be coded "0".

5 - 20

In general, refer to cover sheet, but use discretion to obtain "not stated" information from other sections of the PSI's unless specifically directed otherwise.

Once you have received your PSI, return to your coder station, and record the time on the timing log.



## Identifying Information

Supervisor codes 01 - 4: Information from our logs:

	<u>Columns</u>	<u>Variable</u>
ID	\$ 1-6	1. Six Digit Office PSI Number (Columns 1-6 have been blanked by ICPSR.)
V2	7-8	2. A.O. Offense Category
		00 nonsample
		01 Postal Larceny & Theft, 3200
		02 Forgery, 5710
		03 Bank Embezzlement, 4100
		04 Income Tax Evasion, 4510
		05 Income Tax - other Felony, 4520
		06 Income Tax - Failure to File, 4530
		07 Income Tax - other Misdemeanor, 4540
		08 Lending & Credit Institution Fraud, 4600
		09 Postal & Interstate Wire Fraud, 4700
		10 S.E.C. Violations, 4920
		11 False Claims & Statements Fraud, 4991
		12 Bribery, 7100
		13 Antitrust, 9200

Supervisor Instructions:

Check that docket number on log and on PSI agree:  
Code log docket number if disagreement(right justify).

		3. Docket Number (Columns 9-17 have been blanked by ICPSR.)
V3A	9-10	Docket number year
V3B	11-15	Docket sequence number
V3C	16-17	Defendant number
V4	18	4. Flag: Does the docket number on the log and on the PSI agree?
		0 no
		1 yes
		2 no PSI, log and other document disagree
		3 no PSI, log and other document agree
		4 no PSI, other document has no docket number
		9 N.R.

5

If in doubt, e.g. the city is listed and not the district, as a supervisor who will refer to November 1978 A.O. Codebook.

If you notice that the PSI which you are coding is from a district other than that which you have been coding, notify a supervisor so that we can check to see if the PSI is a duplicate of one received in another district.

6

If in custody, code legal address. Only if legal address is also in custody, code 96.

7

D's age should be on the cover sheet. If it is not there, compute his/her age from the birthdate. Ages can be computed by subtracting year from year. If the month and day of the earlier date is before the later date, subtract one. If you do not know month, subtract year from year only.

7/20/79

Coder Instructions:

Record time you began coding on timing log.

## Information from Cover Sheet:

- v5 19-20 5. District Code (for others, see Appendix A)
- 73 Central California
  - 32 Northern Georgia
  - 52 Northern Illinois
  - 16 Maryland
  - 08 Southern New York
  - 39 Northern Texas
  - 81 Western Washington
- v6 21-22 6. D's home residence, state at time PSI completed
- 00 transient
  - .
  - .
  - .
  - see Appendix B
  - 97 not stated
  - 99 N.R.
- v7 23-24 7. D's age at time PSI completed
- note exact age:
- 97 not stated
  - 99 N.R.
- v8 25 8. Sex of D
- 1 male
  - 2 female
  - 9 nonresn.
- v9 26 9. Race of D
- 0 other (MOC)
  - 1 Caucasian
  - 2 Negro
  - 3 American Indian
  - 4 Asian
  - 5 Hispanic
  - 7 not stated
  - 9 N.R.

- 11 Remember that we are interested in the number of years of education completed. Only refer to the degrees listed if the years of education is not available.
- 12 D's marital status is wanted here, not his/her living situation. Married takes priority over cohabitation.
- 13 Beware that you properly code five or more dependents because codes "5" and "6" are grouped values. Take number of dependent from cover sheet only. If no information on cover sheet, code not stated.

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√10 27

## 10. D's place of citizenship at time PSI completed

- 0 Caribbean, Central, South American (British West Indies, Jamaica, Haiti, British Honduras, Peru, El Salvador, Argentina, Dominican Republic)
- 1 USA (including naturalized)
- 2 Canada
- 3 Mexico
- 4 Middle East (Egypt, Iran, Israel)
- 5 European (England, German, West Germany, Greece, Denmark)
- 6 Far East (Phillipines, India, China, Korea)
- 7 Not Stated
- 9 N.R.

√11 28-29

11. Years of Education completed

- 00 none
- 01 one year
- 02 two years
- . .
- . .
- . .
- 12 twelve years (high school)
- 13 .
- 14 fourteen years (Associate Degree)
- 15 .
- 16 sixteen years (BA, BS)
- 17 seventeen years
- 18 eighteen years (MA, MS)
- 19 nineteen years (JD)
- 20 .
- . .
- . .
- . .
- 25 twenty-five or more years
- 96 GED
- 97 not stated
- 99 N.R.

√12 30

## 12. D's marital status at time PSI written

- 1 married
- 2 separated
- 3 divorced
- 4 widowed
- 5 common-law spouse, cohabitating
- 6 single
- 7 not stated
- 9 N.R.

√13 31

13. D's dependents - total number (not including self).  
(from cover sheet)

- 0 none
- 1 one
- 2 two
- 3 three
- 4 four
- 5 five-seven
- 6 eight or more
- 7 not stated

- 14 This number must be coded correctly because it will be used to obtain Bureau of Prison data on each D regarding actual time served.
- 15 More detailed information concerning detainers or charges pending will be coded in variables VIII-1134. Use cover sheet only to code Q15.
- 16 Use code 4, if jury and judge information is not given elsewhere in PSI.
- 17 Pre-trial release status: If the defendant is not in custody, indicate the condition of release, including amount of bond: (03) personal recognizance - the defendant is released upon personal or own recognizance without an unsecured appearance bond being ordered; (04) unsecured bond - the defendant is released on own recognizance with an unsecured bond being ordered; (05) 10 percent deposit - the defendant is required to execute an appearance bond in a specific amount and deposit said amount with the clerk of the court, in cash or other security as directed, of a sum not to exceed 10 per cent of the amount of the bond; (06) surety bond- requires the execution of bail bond by the deposit of cash; (07) collateral - requires the execution of bail bond, i.e., property of equal or greater to the bail set by the judicial officer; (08) third party custody - the court may place the person in the custody of a designated person or organization such as the pretrial services agency.

The following types of bonds are coded:

personal bond (PRB) = 04  
 summoned = 97  
 in lieu of \$XXX = 97, but code Q18 for amount  
 \$XXX own recognizance = 04  
 1 day bond = 09  
 ROR = 03  
 "none" = 97, but code Q19 as 0

114 32-40

14. FBI Number. (Columns 32-40 have been blanked by ICPSR.)

Right justify and fill preceeding  
blanks with zeros for each three-digit  
number or letter component.

997997997 not stated  
999999999 N.R.

115 41

15. Does D have any detainers or charges pending  
(from cover sheet)?

0 no  
1 yes  
9 N.R.

116 42

16. Source of conviction (Verdict).

0 other  
1 by jury  
2 by court, judge  
3 by plea  
4 by trial, can't determine if by judge or  
by jury  
7 not stated  
9 N.R.

117 43-44

17. Pretrial release status of D (Custody)

00 other (MOC)  
01 no bail set, D in custody (code inap. in  
col. 45-46)  
02 bail set, but D still in custody (D unable  
to meet bail) (code amount of bail set in  
col. 45-46)  
03 personal recognizance (ROR) (Code inap. in  
col. 45-47)  
04 unsecured bond  
05 ten-percent deposit bond  
06 surety bond  
07 collateral bail bond (i.e. property)  
08 third party custody (code inap. in col. 45-47)  
09 bond, not further specified  
10 "none" (code inap., in col. 45 - 46)  
11 D in custody but for offense other than  
instant offense. (Code 45-46, 47 as inap.)  
12 Bond set, but D in custody for other offense  
(code col. 47 as inap.)  
13 Where PSI states as custody - "not arrested"  
or "voluntary appearance" (Code col. 45-46  
as 98, Col. 47, 8)  
97 Not stated  
99 N.R.

- 18 Use code 96 if and only if Q17 is a collateral bail/bond and bond amount is not specified. Otherwise, code amount.
- 19 If Q17 = 04, 05, 06, 07, 09, i.e. if there is bail or bond stated, code Q19 as "0", unless a specific custody period is mentioned. For example, "1 day, bond" means one day of custody and then released on bail/bond. If Q17 = 01 or 02 i.e. D in custody, code Q19 according to amount of time stated. If time in custody is not stated, code Q19, as not stated. If Q17 = 03, 08, code Q19 as inap.
- 20 Remember to check on the judgment and commitment order if there is no indication of type of attorney on the cover sheet.



VIA 4546

## 18. Amount of bail/bond

- 00 \$1 - \$999
- 01 \$1,000 - \$1,999
- 02 \$2,000 - \$2,999
- 03 \$3,000 - \$3,999
- . .
- . .
- . .
- 74 \$74,000 - \$74,999
- 75 \$75,000 - \$99,999
- 76 \$100,000 - \$124,999
- 77 \$125,000 - \$149,999
- 78 \$150,000 - \$174,999
- 79 \$175,000 - \$199,999
- 80 \$200,000 - \$299,000
- 81 \$300,000 - \$399,000
- 82 \$400,000 - \$499,000
- 83 over \$500,000
- 96 Property, value cannot be determined
- 97 not stated
- 98 inap. (Q17 = 01, 03, 08 or 10)
- 99 N.R.

VIA 47

19. Time spent in custody prior to time  
PSI completed

- 0 "none" indicated on cover sheet or only  
bond given
- 1 1 - 7 days
- 2 8 - 30 days
- 3 31 days to 60 days
- 4 61 days to 90 days
- 5 91 to 120 days
- 6 more than 120 days
- 7 not stated, nothing stated on cover sheet  
regarding bond/custody
- 8 inap. (Q17 = 03 or 08)
- 9 N.R.

VIA 48

20. Type Counsel:  
(Check judgment and commitment order)

- 0 legal aid
- 1 self
- 2 waived
- 3 court appointed counsel
- 4 public defender (community defender)
- 5 private (retained)
- 6 attorney present, type not stated
- 7 not stated
- 9 N.R.

7/20/79

V2 49-50

21. Sentencing Judge's ID for seven sample districts

00 other, within seven sample districts (MOC)

.  
. :  
. :

see Appendix C

91  
92  
93  
94  
95  
96

97 not stated, within seven sample districts  
98 inap., not within seven sample districts  
99 N.R.



Coder Instructions By Variable for Deck 2,

<u>Variable</u>	<u>Nature of Offense</u> <u>Instruction</u>
24	A "true bill" should be coded 1.
25	Code total number of counts in charged indictment (whether applying to D or not)
26,33,40	If a title section number <u>clearly</u> does not mention or include D, do not code it. List title section numbers in the same order as they appear in the counts.  Column 14 is reserved for subsection numbers, and alphabetic characters which follow section numbers, e.g. 2113 (a) ( <u>capitalize the letters</u> ). If more than one alphabetic character follows the numeric section number, code only the first letter given. <u>If there are no alphabetic characters, nor subsection numbers, leave column 14 blank.</u>  When both 7512 and 7515 are stated, code 7512. When both 7206(a) and 7206(b) are stated, code 7206(a). If 18 USC 2 is mentioned along with another title section number, code the other title section number and omit 18 USC 2.
27,34,41	If some counts clearly do not mention or include D, do not count these.

Nature of Offense

Columns

Variables

V2F 56

24. Was this an indictment or an information:
- 0 Other (MOC)
  - 1 indictment
  - 2 information
  - 3 waiver of indictment/information (felony)
  - 4 superceding information
  - 5 superceding indictment
  - 6 multiple indictments, informations, docket numbers. (includes Rule 20 transfers)
  - 7 not stated
  - 9 N.R.

V2G 57-58

25. Total number of counts in indictment
- 01 one
  - 02 two
  - 03 three
  - .
  - .
  - .
  - 96 96 or more
  - 97 not stated
  - 99 N.R.

V2H 59-60

26. Title and Section of 1st Offense convicted

Title Number:

99. N.R.

Section Number (right justify):

Note: Column 65 should contain only an alphanumeric character or subsection number

9999\_ N.R.

V2I 61-64

V2J 65

27. Number of counts charged in indictment or information for 1st convicted offense

- 01 one count
- 02 two counts
- .
- .

- 94 94 counts or more
- 95 Unspecified, probably fewer than 10
- 96 Unspecified, probably 10 or more
- 97 Not stated
- 99 N.R.

V2K 66-67

7/20/79

29,36,43

If D went to trial, and the plea is not stated, code 7.

30,37,44

We expect mostly 7's for these variables, only code when information as to original plea is explicit.

31,32,38,  
39,45,46

Code 97 if there is a different maximum for felonies and misdemeanors and you can't determine under which D was sentenced.

68-69

✓28. Number of Counts convicted for 1st offense  
(coded in Q26)

01 one count  
02 two counts  
.  
.  
94 94 counts or more  
97 not stated  
99 N.R.

70

✓29 Final Plea for counts on which D was convicted

0 other (MOC)  
1 not guilty to all counts  
2 guilty to all counts  
3 guilty to at least one but not all counts  
4 nolo to all counts  
5 nolo to at least one but not all counts  
7 not stated  
9 N.R.

71

✓30. Original Plea for counts on which D was  
convicted

0 other (MOC)  
1 not guilty to all counts  
2 guilty to all counts  
3 guilty to at least one but not all counts  
4 nolo to all counts  
5 nolo to at least one but not all counts  
6 three and five  
7 not stated  
9 N.R.

72-73

✓31. Maximum Exposure to imprisonment for 1st  
convicted offense

00 no prison  
01 1 day - 1 year  
02 1 year and a day - 2 years  
03 2 years and a day - 3 years  
.  
.  
95 94 years and a day - life  
97 not stated  
99 N.R.

74-75

## √32. Maximum Exposure to fine for 1st convicted offense

00 no fine  
 01 \$50  
 02 \$100  
 03 \$200  
 04 \$500  
 05 \$1,000  
 06 \$2,000  
 07 \$3,000  
 08 \$4,000  
 09 \$5,000  
 10 \$10,000  
 11 \$20,000  
 12 \$50,000  
 13 \$75,000  
 14 \$100,000  
 15 \$150,000  
 16 \$200,000  
 17 \$250,000  
 18 \$300,000  
 19 \$500,000  
 20 \$750,000  
 21 \$1,000,000  
 91 \$25,000  
 96 other, show supervisor  
 97 not stated (maximum penalties not stated)  
 99 N.R.

76-77 V33A

## 33. Title and Section of 2nd offense convicted

Title Number

98 inap., no 2nd offense convicted (code inap. in col.

78-81 V33B

78-110 )  
99 N.R.

Section Number (right justify)

82 V33C

Note: Column 82 should contain only an alphabetic character or a subsection number

9998\_ inap.  
9999\_ N.R.

83-84

## V34. Number of Counts charged in indictment or information for 2nd convicted offense

01 one count  
 02 2 counts  
 .  
 .  
 94 94 counts or more  
 95 unspecified, probably fewer than 10  
 96 unspecified, probably 10 or more  
 97 not stated  
 98 inap. Q33 = 98  
 99 N.R.



85-86

√35. Number of counts convicted for 2nd offense (coded in Q33)

00 none (code inap in col 87-92)  
 01 one count  
 02 two counts  
 .  
 .  
 94 94 counts or more  
 97 not stated  
 98 inap., Q33 = 98  
 99 N.R.

87

√36. Final Plea for counts on which D was convicted

0 other  
 1 not guilty to all counts  
 2 guilty to all counts  
 3 guilty to at least one but not all counts  
 4 nolo to all counts  
 5 nolo to at least one but not all counts  
 6 three and five  
 7 not stated  
 8 inap., Q33 = 98  
 9 N.R.

88

√37. Original plea for counts on which D was convicted

0 other (MOC)  
 1 not guilty to all counts  
 2 guilty to all counts  
 3 guilty to at least one but not all counts  
 4 nolo to all counts  
 5 nolo to at least one but not all counts  
 6 three and five  
 7 not stated  
 8 inap., Q33 = 98  
 9 N.R.

89-90

√38. Maximum exposure to imprisonment for 2nd convicted offense

00 no prison  
 01 1 day - 1 year  
 02 1 year and a day - 2 years  
 03 2 years and a day - 3 years  
 .  
 .  
 95 94 years and a day - life  
 97 not stated  
 98 inap. (Q33=98)  
 99 N.R.

91-92

√39. Maximum exposure to fine for 2nd convicted offense

- 00 no fine
- 01 \$50
- 02 \$100
- 03 \$200
- 04 \$500
- 05 \$1,000
- 06 \$2,000
- 07 \$3,000
- 08 \$4,000
- 09 \$5,000
- 10 \$10,000
- 11 \$20,000
- 12 \$50,000
- 13 \$75,000
- 14 \$100,000
- 15 \$150,000
- 16 \$200,000
- 17 \$250,000
- 18 \$300,000
- 19 \$500,000
- 20 \$750,000
- 21 \$1,000,000
- 96 other, show supervisor
- 97 not stated
- 98 inap., (Q33=98)
- 99 N.R.

93-94

V40A

40. Title and Section of 3rd Offense convicted:

Title Number:

- 98 inap., no 3rd offense convicted, code inap.  
in col. 93-110 ; Q33=98
- 99 N.R.

V40B

95-98

Section number (right justify)

\$99

V40C

Note: column 99 should contain only an alphabetic character or a subsection number

- 9998\_ inap., or Q33=98
- 9999\_ N.R.

100-101

√41. Number of counts charged in indictment or information for 3rd convicted offense

- 01 one count
- 02 two counts
- .
- .
- .
- 94 94 counts or more
- 95 unspecified, probably fewer than 10
- 96 unspecified, probably 10 or more
- 97 not stated
- 98 inap., (Q40 = 98 , Q33=98)

102-103

√42. Number of counts convicted for 3rd offense (coded in Q 40)

01 one count  
 02 two counts  
 .  
 .  
 .  
 94 94 counts or more  
 97 not stated  
 98 inap., (Q33=98, Q 40 = 98)  
 99 N.R.

104

√43. Final Plea for counts on which D was convicted

0 other (MOC)  
 1 not guilty to all counts  
 2 guilty to all counts  
 3 guilty to at least one but not all counts  
 4 nolo to all counts  
 5 nolo to at least one but not all counts  
 6 three and five  
 7 not stated  
 8 inap., (Q33=98, Q40 = 98)  
 9 N.R.

105

√44. Original plea for counts on which D was convicted

0 other (MOC)  
 1 not guilty to all counts  
 2 guilty to all counts  
 3 guilty to at least one but not all counts  
 4 nolo to all counts  
 5 nolo to at least one but not all counts  
 6 three and five  
 7 not stated  
 8 inap., (Q33=98, Q40=98)  
 9 N.R.

106-107

√45. Maximum Exposure to Imprisonment for 3rd convicted offense

00 no prison  
 01 1 day - 1 year  
 02 1 year and a day - 2 years  
 03 2 years and a day - 3 years  
 .  
 .  
 .  
 95 94 years and a day - life  
 97 not stated  
 98 inap., (Q40=98, Q33=98)  
 99 N.R.

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47            Make sure to make out card of all 7 variables pertaining to additional convicted offenses.

48            Check carefully here for what portions of the charged offense D was found not guilty. Do not include dismissed charges here.

100-109

√46. Maximum Exposure to fine for 3rd convicted offense

00 no fine  
 01 \$50  
 02 \$100  
 03 \$200  
 04 \$500  
 05 \$1,000  
 06 \$2,000  
 07 \$3,000  
 08 \$4,000  
 09 \$5,000  
 10 \$10,000  
 11 \$20,000  
 12 \$50,000  
 13 \$75,000  
 14 \$100,000  
 15 \$150,000  
 16 \$200,000  
 17 \$250,000  
 18 \$300,000  
 19 \$500,000  
 20 \$750,000  
 21 \$1,000,000  
 96 other, show supervisor  
 97 not stated  
 98 inap., (Q40=98, Q33=98)  
 99 N.R.

110

√47. Were there more than 3 offenses for which D was convicted? (MOC, coding 7 variables for each conviction)

0 inap., if only one or two offenses resulted in convictions.  
 1 yes, there was 1 more offense resulting in conviction  
 2 yes, there were 2 more  
 3 yes, there were 3 more  
 4 yes, there were 4 more  
 5 yes, there were 5 more  
 6 yes, there were 6 or more  
 7 not stated  
 8 inap., Q33=98, Q40=98  
 9 N.R.

111

√48. Was D found not guilty of any counts of the convicted offenses?

0 no  
 1 yes  
 7 not stated  
 9 N.R.

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49

Use code 5 only if the title/sections of the original indictment are given.

50 - 52

Code only indictment date, if given. If not, code not stated in Q50 & Q51. If possible, code year of indictment in Q52.

112

✓49. Is it stated that there were additional title/section offenses charged which did not lead to conviction (dismissed, not guilty)?

- 0 no
- 1 yes, other dismissed
- 2 yes, other not guilty
- 3 yes; 1 & 2
- 4 yes, other title/section can't determine disposition
- 5 superceding indictment or information
- 7 not stated (no official version)
- 9 N.R.

113-114

✓50. Month D indicted

- 01 January
- .
- 12 December
- 21 unclear, rough estimate of January
- .
- .
- .
- 32 unclear, rough estimate of December
- 97 not stated
- 99 N.R.

115-116

✓51. Day D indicted

- 01 1st
- 02 2nd
- .
- .
- .
- 31 31st
- 97 not stated
- 99 N.R.

117-118

✓52. Year D indicted

- 70 Code last two digits
- .
- .
- .
- 78
- 97 not stated
- 99 N.R.

Differentiating "Actual Offense"

Total Offense = all illegal behavior surrounding instant offense whether or not actually engaged in by D.

Actual Offense = any illegal behavior engaged in by D. Includes planning, assisting, covering up, or even awareness of illegalities committed (passive involvement).

Charged Offense = offenses listed in indictment for prosecutor's case.

Before coding Deck 3, the coder must be aware of the offense trajectory i.e. total offense and the cutting-off points differentiate D's involvement. Most of the time, total offense equals actual offense. At other times, however, is only part of total offense. To make things even worse, the PO's sometimes shorten the offense trajectory by only addressing themselves to the offenses with which D is charged in the indictment. Unfortunately, there is no simple solution to this problem and ultimately it becomes a question of judgment on where to appropriately draw the lines demarcating D's involvement.

The following examples will hopefully clarify our approach toward differentiating "actual offense".

- E.G. 1      D inflates his 1972 tax return and is audited in 1974. At the audit he submits doctored receipts and when discovered tries to bribe IRS agent. D is charged with the bribe.  
A.O. = Code the whole thing
- E.G. 2      D operates a carting business while he is engaging in a series of rip-offs, involving insurance frauds on autos owned; kickbacks from drivers; bribing local policemen; paying some employers off the books; and not declaring or reporting corporate income tax. Charged with income tax evasion.  
A.O. = Code all previous illegalities that contribute to the income not being reported.
- E.G. 3      D joins an on-going check forging ring, with five or six affiliated individuals, who steal welfare checks, etc. from the mail and forge and cash them. D has committed the acts twenty-five times and during the most recent attempt is caught and charged with the latest offense.  
A.O. = Code the whole thing
- E.G. 4      D is originator of complex scheme to sell franchises in a fictitious business. He enlists four others to drum up business. One of the four starts embezzling. D, when scheme is unraveling, attempts to pay-off some of the victims who became aware of his scheme. D is charged with conspiracy to defraud.  
A.O. = Code everything but embezzlement



- E.G.<sub>5</sub> D is part of a credit-card fraud where numerous items are charged on other people's accounts. D is arrested for forgery.  
A.O. = Code whole fraud, including forgery if forgery is related to the fraud. (e.g. 5a)  
If forgery is a totally separate, unrelated activity while D is engaging in for pin-money, A.O. = Code forgery only. (e.g. 5b)
- E.G.<sub>6</sub> D is the middle man in a loan fraud scheme. He and three others have been obtaining duplicate loans on each car they have in their dealership; all three are salesmen for the same car dealership. D has personally only filed one loan application. D is arrested for false statements to federally insured bank (1 count).  
A.O. = Code the whole scheme.
- E.G.<sub>7</sub> D, a realtor, hasn't filed taxes for two years. D also is involved in the bribery of a public official to get favorable votes for an increase in realtor commissions. D is charged with bribery.  
A.O. = bribery only
- E.G.<sub>8</sub> D, a big-time gangster, has had a career in organized crime. He has used numerous aliases and has been known to forge checks, take out drivers licenses and charge accounts under assumed names, and is known to have policemen and local politicians in his hip pocket. D is charged with failure to file income tax forms.  
A.O. = code tax violation and any other illegal behavior that you can prove is related to the tax violation.

Coder Instructions by Variable, \_\_\_\_\_, Offense.General:USE OFFICIAL VERSION:

ONLY go elsewhere if you can find facts elsewhere. This excludes opinions, be they the PO's or D's. Don't use "D says...", but you may use "D did X, Y, and Z." DO NOT use D's version. We are treating it as self-serving material for Deck 3 purposes.

7 not stated -

When there is no further code description, use not stated when there is no official version and facts are not obvious elsewhere to answer the question.

55. This variable, along with variable 56, hopes to resolve some of the confusion that had arisen when differentiating "actual offense". (A.O.) There are four possible offense descriptions that can be included in the P.S.I. as actual offense. There is total offense—actual offense—charged offense—convicted offense. In order to sort out cases where more is described than that which one wishes to code as actual offense, we have added Q55. In the cases where D is charged with only part of his actual offense, we have added Q56. Both of these questions should help you focus on what you should be coding as actual offense throughout variables 1-8. Immediately prior to coding Q55 and Q56, one should write an offense description card: T.O. = total offense; A.O. = actual offense and C.O. = charged offense.

Code 1 see examples 2,5,6,7 above  
 Code 2 see example 1 above  
 Code 3 see example 5a, 6 above  
 Code 4 see example 3, 4 above  
 Code 5 see example 8 above

56. Relying again on examples above. Q56 would be coded:

Code 1 example 1,2,8  
 Code 2 example 5,6,7  
 Code 3 example 3,5a,6  
 Code 4 example 4

Official Version of OffenseColumnVariable

119

✓55. Which description comes closest to describing the "actual offense" in this case?

- 1 D's actual offense was only part of the total illegal behavior that was occurring; total illegal behavior was D's alone
- 2 D's actual offense comprised all of the total illegal behavior; total illegal behavior was D's alone
- 3 D's actual offense was only part of the total illegal behavior, total illegal behavior involved others besides D
- 4 D's actual offense comprised all of the total illegal behavior; total illegal behavior involved others besides D
- 5 D's actual offense did not equal total illegal behavior since D was in some way involved in totally illicit operations e.g., organized crime, drug traffic, pimping, etc.
- 9 N.R.

120

✓56. Which description comes closest to describing the charged offenses in this case?

- 1 D's charged offenses were only part of the actual offense; actual offense was D's alone
- 2 D's charged offenses comprised all of the actual offense; actual offense was D's alone
- 3 D's charged offenses were only part of the actual offense; actual offense involved others besides D
- 4 D's charged offenses comprised all of the actual offense; actual offense involved others besides D
- 9 N.R.

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Code 3: Public official involved in kickback scheme fails to report "kick-back" income on income tax; D is part of a check-forging ring; Realtor is engaged in land sale swindle. Note that if tax is inflated for a couple of years or tax is unreported for a number of years, or if a company fails to file a required form with the SEC (or even repeated failings to file required forms) Code 2 would be appropriate unless there is some indication that the failures to file are planned. E.g. Code 3: obtained "inflated" receipts and saved them to support tax claims; or D failed to file for the purpose of concealing an on-going con-game, fraud, kickback scheme, etc. Be very careful in handling our old friends, the bookie, the gun smuggler and the drug dealer.

Code 4: Price-fixing; anti-trust violations; conspiracy (by itself-no other offense completed).

57. By level of organization, the key feature is the resources that were used by D.

Code 1- D is using individual or personal resources to commit the offense. E.G. bank teller embezzling from cash box; loan officer writing fictitious loans to himself, IRS agent requests and receives a bribe.

Code 2- Combined individual or personal resources were used to commit the offense. E.g. D and friend embezzle, etc...

Code 3- Here D mobilized the resources of an organization so that, the organization will rarely also be the victim in Code 3. E.g. In-house counsel advises D how to commit an offense; sending an employee to unknowingly commit an offense for D; D is the head of a bank instructs a loan officer to grant loans to his/her friends; D, owner operator of realty co., engaged in land-swindle.

Note: Organized crime may be 1 or 3 depending upon whether D uses organizational resources (e.g. a strongman) to commit the offense.

58. Codes 3 and 4 include an accountant/attorney who has no way to discern the illegality. A bookkeeper is not an accountant. E.g. D asks accountant of way to avoid taxes, the answer involves quasi-legal methods which aids D in his/her offense = 2; D maintains two sets of books, accountant has no reason to know = 4; lawyer detects illegality and warns D but continues to work for D = 1. If one lawyer participated in the offense and another lawyer is only mentioned, code 1 (not 0 = combination).

59. This question hopes to distinguish continuing and related acts of illegal behavior from single acts or series of acts which are unrelated or haphazard. The natural break-off point in this question occurs between codes 2 and 3. Difficulties arise in deciding between codes 2 and 3. Only use code 3 if there is some indication that D's activities seem to be part of a plan or follow such regularity that you can assume an underlying plan or strategy.

Examples

Code 1 D's false income tax return (even if subsequently trying to forge receipts, etc., to substantial false claims).

Code 2 D forges several checks whenever D is in need of cash, D engages in sporadic pilfering of company supplies; note that the activities can be of the same kind or they may be of different kinds. E.g. forgery at one time, mail theft the next time.

Also note that individuals engaged in totally illicit operations, E.g. drug-dealing, book-making, gun-running and the like, may fall in this category since ancillary activities, such as income tax evasion, false identities, etc., may indeed be unrelated to each other since D's only overruling plan is to circumvent the law by any and all means.

121

✓57.

Which of the following comes closest to describing the level of organization of the actual offense?

- 0 other(MOC)
- 1 offense(s) conducted by a single individual
- 2 offense(s) conducted by 2 or more affiliated persons (a group)
- 3 offense(s) conducted through an organized association, business organization, partnership, family business
- 7 not stated
- 9 N.R.

122

✓58.

Did the official version mention a lawyer or an accountant? (exclude D)

- 0 other (MOC)
- 1 yes, lawyer(s) participated or facilitated actual offense
- 2 yes, accountant(s) participated or facilitated
- 3 yes, lawyer(s) mentioned
- 4 yes, accountant(s) mentioned
- 5 yes, lawyer(s) and accountant(s) participated or
- 6 yes, lawyer(s) and accountant(s) mentioned
- 7 no, not stated
- 9 N.R.

123

✓59.

Which of the following comes closest to describing the nature of the actual offense?

- 0 other (MOC)
- 1 illegal activity happens only once (may include cover-up)
- 2 illegal activity happens on a number of separate occasions, but not patterned, regular or related
- 3 illegal activity happens on a number of separate occasions, but seems to be part of an overarching plan.
- 4 illegal activity involves a number of activities (discrete or continuous) that have one cumulative effect
- 7 not stated
- 9 N.R.

60. Conspiracy (by itself) should be coded as 00; one price fixing scheme is coded 01; if several illegalities are performed to accomplish one scheme (series of facts), 01 should be coded, otherwise, code the number of times the illegality comprising the actual offense was completed. E.g. SBA loan scam, code number of loans applications; franchise scheme, code number of franchises sold. The illegal operation occurs in waves, each wave having numerous targets. Code only the number of waves. E.g. Mail-fraud-scheme in which fifty orders were sent out in two mailings and charged to other peoples' accounts. Code 02 and not 00.

61 - 62. The actual offense begins with the description of D's behavior or involvement in the official version. Importantly, this includes any planning needed to complete the offense e.g. beginning date in order to collect life insurance or obtaining "inflated" receipts in order to take later deductions on tax forms. If you have no idea when the actual offense began, code 97. Be faithful to the definition of actual offense coded in Q55.

Examples:

1. "On May 14th, 1976 D & 3 other real estate agents gathered together to discuss prices. On June 18th the first of these raised their prices. Within one month all prices had been raised."
  2. D is president of a large carpet company. His financial experts have been "doctoring" the books since February, 1970. D finds out about this "doctoring" of the books in March of the following year. He continues "doctoring" the books until they are corrected but then lies to SEC about the whole affair. Code 0371
  3. "D stole a social security check. On August 18, 1977, he tried to sell it to federal agents disguised as fences."
- Code: 9797



124-125

✓60. How many times was the act or series of acts completed

- 00 never (conspiracy only)
- 01 once
- 02 twice
- 03 three times
- .
- .
- 50 fifty or more times.
- 91 exact number uncertain, probably less than 5 times
- 92 exact number uncertain, probably 5 - 24 times
- 93 exact number uncertain, probably 25 - 49 times
- 94 exact number uncertain, probably 50 or more times
- 97 not stated, can't determine
- 99 N.R.

126-127

✓61. Month Actual Offense Began [Best Estimate]

- 01 January
- .
- .
- 12 December
- 21 Unclear, rough estimate of month January
- .
- .
- 32
- 97 not stated
- 99 N.R.

128-129

✓62. Year actual offense began [Best Estimate]

- 01 code last two digits
- .
- .
- 78 1978
- 97 not stated
- 99 N.R.

63. Duration of actual offense should include any planning and/or cover-up, regardless of the breaks in time between these events.

Examples:

1. "On May 1, 1976, D met with Nancy Smith in preparation for their theft of company credit cards. On September 18th they stole the credit cards. In October they began to send forged requests. Sometime in January, 77, the D paid off another co-worker to keep him quiet. The credit card scheme continued until D's arrest on February 12, 1977". Code: 09
2. D filed inflated tax returns in 1972 and lied to the IRS on two separate occasions on February 15 and April 1, 1973. Code: 03
3. D, owner of a machinery plant; failed to pay withholding taxes for each quarter of tax year 1973. The IRS warned D and set up a special bank account into which D is required to pay all taxes withheld. D paid into the account sporadically, bouncing a number of checks made to the IRS. The check was dated December, 1974. Code: 05

64. Who felt the direct impact of the actual offense? Where were they located? How far did impact of offense spread?

"1" federal government = an individual (D must file a form with them)

"2" e.g. bribery of a school board member to keep open a school that would otherwise be closed.

"3" e.g. D is awarded a state government contract by submitting a false bid, and PSI states that other businesses throughout the state lose bid.

"4" e.g. Big Arizona land swindle sells to northern retirement people; stock fraud on the New York Stock Exchange involving many investors.

Note: Code largest unit directly feeling impact if number of levels are involved.

65. You may need to refer to the employment section to find out what job D had if it is not stated in the official version.

Examples:

"0" D represents himself as a doctor to commit offense. D is not a doctor; most income tax cases.

"1" A bank teller takes money from his/her drawer; because D is an employer, he has legitimate access to employee withholding funds, as does a top union official to the pension fund; the theoretical abuse of trust situation where D, in a position of responsibility, uses that position to commit illegality; officer or director uses "insider" information to invest.

"2" A janitor uses our files to blackmail someone.

"3" D is owner-operator of auto dealership and secures multiple loans on the title of the same car to buy new cars for his business.

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--- Conclusion from examples in Q65

"4" D is a doctor and uses title to obtain gasoline when it is not his day, citing an emergency.

which in reality is a golf date; meat inspectors induce meat industries to pay bribes in order to pass inspections.

130-131

## ✓63. Duration of Actual Offense

- 00 1 day or less
- 01 2 days to 1 month
- 02 over 1 month - 6 months
- 03 over 6 months - 1 year
- 04 over 1 year - 2 years
- 05 over 2 years - 3 years
- 06 " 3 " - 4 "
- 07 " 4 " - 5 "
- 08 " 5 " - 6 "
- 09 " 6 " - 7 "
- 10 over 7 years
- 11 unspecified, probably less than 1 month.
- 12 unspecified, probably more than 1 month - 1 year
- 13 unspecified, probably more than 1 year, less than 3 years.
- 14 unspecified, probably more than 3 years.
- 97 not stated, can't tell
- 99 N.R.

30

132

## ✓64. Geographic spread of the illegality:

- 1 individual/business-affects only the immediate participants (tax)
- 2 local-spread over a local community—a series of individuals or businesses or local government affected
- 3 state or regional
- 4 national
- 5 international
- 7 not stated or unclear
- 9 N.R.

133

## ✓65. What role did D's occupational situation play in the offense

- 0 none
- 1 D had legitimate access to documents, information, etc. , which he/she used used in the commission of the offense.
- 2 D did not have legitimate access to documents, information, etc., which he/she used in the commission of the offense, but D's occupational position facilitated their procurement.
- 3 D used position of authority to involve the organization to victimize outside the organization.
- 4 D used his/her business-occupational identity to victimize outsiders.
- 5 combinations
- 6 other (MOC)
- 7 not stated
- 8 inap., D unemployed during actual offense, D involved in illicit business (e.g. organized crime)
- 9 N.R.

66. "2" This does not refer to credit ratings, but rather, it refers to the illegal use of a credit card or account number.
- "3" E.g. to commit a forgery, D cuts out the necessary signature, tapes it on the document, and xeroxes it.
67. Here we are trying to find out if D entered an on-going scheme. In "1", D entered in the planning stage, while in "2", D entered an already on-going action.
68. Exclude victims here unless they are participating "victims" e.g. bribes, kickbacks, etc. Participants are co-conspirators (indicted or unindicted), co-perpetrators, accomplices, etc.

- 134      ✓66.    Did actual offense involve use of modern technology?
- 0    no
  - 1    yes, computer
  - 2    yes, credit card
  - 3    yes, xerox or copying equipment
  - 4    yes, other (MOC)
  - 5    "blue box"
  - 7    not stated
  - 9    N.R.
- 135      ✓67.    D's entrance into the illegal activities surrounding the actual offense:
- 0    other (MOC)
  - 1    D involved from initial planning
  - 2    D entered during planning, before commission
  - 3    D entered during commission
  - 4    D entered in cover-up phase only
  - 7    not stated or unclear
  - 9    N.R.
- 136-137    ✓68.    Number of additional persons besides D participating in the actual offense(s): (exclude corporations)
- 00   none, (Code inap. in Q 69-72)
  - 01   yes, one person
  - 02   yes, two persons
  - 03   yes, three persons
  - .
  - .
  - 94   yes, ninety-four or more
  - 95   yes, exact number uncertain, probably less than five
  - 96   yes, exact number uncertain, probably more than five
  - 97   not stated
  - 99   N.R.
- 138-139    ✓69.    Number of persons, besides D arrested or indicted: (exclude corporations)
- 00   none
  - 01   yes, one person
  - 02   yes, two persons
  - .
  - .
  - 94   yes, ninety four or more
  - 95   yes, exact number uncertain, probably less than five
  - 96   yes, exact number uncertain, probably more than five
  - 97   not stated (no official version, cover sheet blank)
  - 98   inap. (Q 68=00)
  - 99   N.R.

71. "Business associates" is used loosely here. It involves anyone that D met through his/her work situation. Government is a business. If employees of same governmental agency are involved, code 2 (e.g. meat inspectors who conspire to force bribes from their clients). If different agencies are involved, code 3. Business associates may be co-workers. Again, victims are not included as participants.

72. If reference to culpability is given, use this as evidence of levels. If there are two or more illegalities within the actual offense, code the illegality that lasted the longest or seems more prominent.

If D was involved in both a two level and three level offense, code data for longest primary offense. If you can't tell what illegality lasted the longest or was more prominent, code the offense in which D was primary. A bribery is not necessarily a two level offense. E.g. meat inspectors decide to obtain bribes from their clients. They decide together with no particular meat inspector(s) taking charge. This would be coded 0. The levels come from the participants; victims are not included. There should be very few codes of "6". E.g. Secretary who only typed document, code 6.

- 140     70.    Number of corporations/businesses indicted:
- 0    none
  - 1    one
  - 2    2 - 5
  - 3    6 - 10
  - 4    11 - 15
  - 5    16 - 25
  - 6    26 or more
  - 7    not stated (no official version, cover sheet blank)
  - 8    inap., Q68=00
  - 9    N.R.

- 141     71.    Were one or more of the other participants:
- 0    other party (MOC)
  - 1    family members or relatives
  - 2    business associates in same firm or organization
  - 3    business associates in different organization(s)
  - 4    non-business associates or acquaintances
  - 5    any combination with 2 and/or 3
  - 6    any combination without 2 or 3
  - 7    not stated or unclear
  - 8    inap. (Q68=00)
  - 9    N.R.

- 142     72.    Which statement best describes D's role relative to others in actual offense?
- 0    no levels
  - 1    D was primary figure in a two level offense
  - 2    D was a subordinate figure in a two level offense
  - 3    D was primary figure in a three plus level of offense
  - 4    D was a middle level figure in a three plus level offense
  - 5    D was a subordinate figure in a three plus level offense
  - 6    D's role was truly marginal at any level
  - 7    not stated
  - 8    inap. (Q68=00)
  - 9    N.R.



73. The government is one victim, even if several agencies are involved. We will pick up the multiple agencies information in Q79. The victim is the loss sufferer. "Other loss" refers to property, etc. E.g. Stealing someone's check, the person to whom the check was written is the victim; stealing a government check made out to A-A is the victim, the government is not. Victims do not include people who only lost esteem or status. E.g. Misreporting on a 10K form which must be filed with the SEC: No victims unless investors act in reliance upon the information released from the SEC or upon the annual report.

In briberies, the person forced to pay a bribe requested by D is a victim. (E.g. meat inspectors request bribes from clients) A person who accepts or gives a bribe is not a victim since he/she suffered no loss. In bribery or kickback schemes, where everyone seems to be benefitting, code "00" and MOC. When using code 96, Q76 - 79 should be approached carefully. Code not stated, unless you have some specific information on one or two segments of victims.

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74. Variable 74 is only coded if variable 73 = 00. In all other victim questions, we are concerned with actual victims. Here, however, we want to know about the potential victims if D had been successful or had completed the offense. Therefore, continue coding the victim questions answering them for potential victims. If there is no intended victim either (as will happen in some kick-back cases), code inap in variables 75 - 79.

Victims

Coder Instruction: Is there a clear victim in this case?

YES—Positive evidence of specified persons, organizations or agencies who suffer economical or other loss as a result of D's actions.

NO— No victim(s). Code: Q73 as 00 (MOC); if potential victims, continue coding otherwise Q74-79 as inap., (MOC).

143-144 v73. Number of actual Victims in actual offense:

00 none (D unsuccessful, conspiracy only, or some bribery / kickback cases) (MOC)  
 01 one  
 02 two  
 .  
 .  
 .  
 87 eighty-seven  
 88 88-100  
 89 101-150  
 90 151-250  
 91 251-500  
 92 501-750  
 93 751-1000  
 94 over 1000  
 95 unspecified, probably small number discrete individuals / businesses  
 96 unspecified, very large group of victims (i.e. all potential investors, the general public)  
 97 not stated, victims never discussed  
 99 N.R.

145 v74. If D unsuccessful or conspiracy only, number of potential / intended victims.

0 other (MOC)  
 1 one  
 2 two  
 3 3 - 10  
 4 11 - 30  
 5 31 - 100  
 6 unspecified, very large group of victims (i.e. investors, public)  
 7 not stated, victims never discussed  
 8 inap., Q73=01 - 97 (MOC) or special bribery/kickback cases  
 9 N.R.

77. Codes 3 and 4 will allow some inference on your part. E.g. If you know that one victim was a doctor, code 5.
78. A partnership may be a "4" or a "5".  
A family business is a "5".  
Code 6 is available when you don't know how small a business is.

- 146 v75. Primary classification of victim(s):
- 0 government (code inap., in Q76,77,78)
  - 1 business or other non-governmental organizations (code inap., in Q75,77,79)
  - 2 individuals (code inap. in Q78,79)
  - 3 0 and 1 (code inap. in Q76,77)
  - 4 0 and 2 (code inap. in Q78)
  - 5 1 and 2 (code inap. in Q79)
  - 6 0 and 1 and 2
  - 7 not stated
  - 8 inap., (Q73=00)
  - 9 N.R.

- 147 v76. If individual victims are present, is there evidence that they are primarily:

- 0 family members or friends or relations of D
- 1 D's employer
- 2 other persons
- 3 0 and 1
- 4 0 and 2
- 5 1 and 2
- 6 0 and 1 and 2
- 7 not stated or unclear
- 8 inap. (Q73=00 or Q75=01, or 3)
- 9 N.R.

- 148 v77. If individual victim(s), indication of victim's economic status:

- 0 other combinations
- 1 persons of limited means
- 2 persons of substantial means
- 3 unspecified, probably of limited means
- 4 unspecified, probably of substantial means
- 5 1 and 3
- 6 2 and 4
- 7 not stated or unclear (e.g. can't determine economic status)
- 8 inap. (Q73=00, or Q75=0, 1, or 3)
- 9 N.R.

- 149 v78. If business organization, what type?

- 0 other (MOC)
- 1 bank, credit union or combination of bank & other victims
- 2 an insurance company
- 3 a major corporation
- 4 a medium sized corporation or business
- 5 small or local corporation
- 6 corporation can't determine size
- 7 not stated
- 8 inap., (Q73=00 or Q75=0 or 2 or 4)
- 9 N.R.

80.

If the entire offense is described, and there is no force mentioned, code 0. Harassment does not mean force unless threatening harm is specifically mentioned. If force or threats of force are committed during the planning of the offense, code 1.

150-151 ✓79.

If government: who was the victim?

- 00 other (MOC)
- 01 IRS
- 02 Post Office
- 03 Social Security Adm.
- 04 Small Business Adm.
- 05 HUD
- 06 HEW
- 08 other federal agency (MOC)
- 09 combination of government agencies
- 10 state or local agency
- 11 USDA
- 12 VA
- 97 not stated
- 98 inap. , (Q73=00 or Q75= 1 or 2 or 5)
- 99 N.R.

152

V80.

Is there any evidence in the PSI of the use of force or threat of force in this actual offense?

- 0 no (code inap., in Q81)
- 1 yes, in commission of offense
- 2 yes, in coverup activities
- 3 combination of 1 and 2
- 7 not stated
- 8 inap.
- 9 N.R.

153

V81.

Is arson involved in actual offense?

- 0 no
- 1 yes
- 7 not stated
- 8 inap., Q80=0
- 9 N.R.

154

✓82.

Does the PSI state that D had connections with organized crime?

- 0 no, but D involved in "illicit" activities, e.g. drug trade, gun running
- 1 yes
- 7 no, not stated
- 9 N.R.

83. If D claims to be someone else (a real person) or claims to be a fictitious person, code 1. If D uses an alias or fictitious name in the commission of the actual offense, code 1. If D gives a false occupation (e.g. claims to be a doctor when he/she is not) or exaggerates his/her occupational authority or occupational duties or responsibilities (e.g. D claims to have the authority to sign loans for his employer and he/she does not have such authority :), code 2. In code 2, D uses his/her real name. Reminder--Code 1 includes forgeries

84. Variable 84 refers to false claims other than misrepresentations of identity or occupation, and forgeries. In this question you may have to make some assumptions e.g. D makes false deductions on income tax, code 1. However, many times the official version will not give enough information to make a judgment (e.g. student loan collection agency case where D and his co-conspirators defraud schools of collected student loans, code 7 since it is unclear on the subject of D's interaction or lack thereof with the schools). Use code 7 when you suspect that there may have been a false claim(s), but the information to confirm your suspicions is missing. When you don't even suspect a false claim to be a part of the offense, code 0, no. Code 0 takes priority over code 7.

Definition of false statement: A statement which is made with the intent to deceive. Failure to state a material fact (a fact which, if communicated, would have caused the recipient to have acted differently) is a false statement. Therefore, an omission to inform (e.g. D receiving unemployment benefits fails to inform welfare department of a new job and continues to receive undeserved benefits) is a false claim or statement. Forgeries are not included, code as 0. An entry in accounting books which is intentionally made to represent something which is not true or does not exist, with intent to defraud, code 1. The explanation of when to use code 7 also applies to variables 88, 98 and 94.

85. Note that the emphasis in this question is on the word substantiate. We are interested in records, documents, etc., that were invented, manipulated, etc., to verify or back-up false claims originally made. Code 1 if you have evidence that this is so, otherwise, code 0. Remember, you can answer variable 84 as yes without answering variable 85 as yes, but not vice-versa.

Examples:

- 1.. Filling out a form falsely is not to be coded as 1 in Q85, although if is coded 1 in Q84. If however, you present a false birth certificate or altered tax receipts (or whatever) to verify the false statement, code Q85 as 1.
2. If you list a cousin's car as your own car for the sake of collateral, code Q84 as 1, but code Q85 as 0. If however, you produce a forged registration to prove ownership, Q84 = 1 and Q85 = 1.

Offense Specific Items

- 155    ✓83.    Did D misrepresent his/her identity or occupational position in actual offense?
- 0    no
  - 1    yes, identity
  - 2    yes, occupation
  - 3    yes, both 1 and 2
  - 7    not stated
  - 9    N.R.
- 156    ✓84.    Was a false claim or statement    part of the actual offense? (exclude check forgeries and misrepresentations)
- 0    no (code inap., in Q 85 - 87)
  - 1    yes
  - 7    not stated (other illegalities involved but not described)
  - 9    N.R.
- 157    ✓85.    Were documents, records, invoices, etc., invented or manipulated in order to substantiate this false statement.
- 0    no (code inap. in Q86)
  - 1    yes
  - 7    not stated (false claim not described)
  - 8    inap., (Q84=0)
  - 9    N.R.
- 158    ✓86.    If yes: When were the documents or records invented or manipulated?
- 1    along with or before the original false statement
  - 2    after the original false statement
  - 3    1 and 2
  - 7    not stated
  - 8    inap., (Q84=0 or Q85=0)
  - 9    N.R.



87. If false statements are made to an individual in his/her business capacity, code as 20 or 21, not 30.
88. A bribe is anything of value, a gift, an advantage, a prize, a reward, or a favor. A bribery is the offering, giving, receiving, or soliciting of anything of value to influence action. A commercial kickback is a bribe, whereby business advantage is the prize that is offered or requested in exchange for a certain percentage of business gained.
- An example of code 3 (other kickback) is SBA loan scheme where D received 10% of loans received by homeowner applicants to whom D had "advised" as to the amount of flood damage to be claimed.
89. Use code 1 for "wired" informants who help set up D even if informant temporarily accepts pay-off. To code 0, multiple bribes must be involved.

- 159-160    ✓87.    To whom were false claims or statements made?
- 00    other (MOC)
  - 01    IRS
  - 02    SEC
  - 03    Social Security Adm.
  - 04    Small Business Adm.
  - 05    HUD
  - 06    HEW
  - 08    other federal agencies
  - 09    multiple government agencies (combination of 01 - 10)
  - 10    state or local agencies
  - 11    courts, judicial system, grand jury
  - 20    large private organization (major corporation, insurance co., bank)
  - 21    small, local or medium sized corporation or business
  - 30    individual
  - 40    government agency (01 - 10) and a non-governmental entity (20 - 40)
  - 41    private organization (20 - 21) and individual (30)
  - 42    combination of large private organization (20) & small/local/medium size corp. (21)

- 161    ✓88.    Was a bribe or kickback part of this actual offense?
- 0    no, (code inap., in 89 - 92)
  - 1    yes, bribe
  - 2    yes, commercial kickback
  - 3    yes, other kickback
  - 4    yes, combination of 1 - 3
  - 5    yes, but only in effort to cover other earlier offense by D.
  - 7    not stated (other illegalities involved, not described)
  - 9    N.R.

- 162    ✓89.    What role did D take in bribe/kickback?
- 0    D offers and accepts bribes (MOC)
  - 1    offered by D, not accepted
  - 2    offered by D, accepted
  - 3    offered to D, accepted
  - 4    requested by D, given to D
  - 5    requested by D, not given to D
  - 6    "bag man" - intermediary agent of recipient or giver
  - 7    not stated
  - 8    inap., (Q88 = 0)
  - 9    N.R.

90. Codes 20 and 30 are often useful in kickback schemes.
91. Refer to cover sheet if nothing is indicated in the official version: if there is no mention of the other party to the bribe in the official version and no one else was indicted according to the coversheet, code 7. If the other party is mentioned in the official version but not noted on the cover sheet, code 1, unless the other party was "wired", then code 2.
92. Estimated magnitude expected to result from the bribe or kickback: What did briber hope to obtain from the bribe, e.g. what was the size of the contract D obtained as a result of the bribe? Estimate the value of what is to be obtained if possible, using codes 94, 95, 96 only as last resorts. If there is nonfinancial gain only, code 00.

163-164 v90.

Who was the other party in the bribe/kickback?

- 00 other (MOC)
- 01 Federal IRS Agent
- 02 other federal regulatory agent (MOC)
- 03 Federal Police Agent (FBI, Narcotics, etc.)
- 04 Federal Judge
- 05 Federal Congressman or Senator
- 06 Executive Branch, Federal Government
- 07 other Federal Official
- 10 State or Local Regulatory Agent
- 11 State or Local Police Agent
- 12 State or Local Judge
- 13 State or Local Congressman
- 14 State or Local members of executive branch
- 15 other state or local official
- 20 other individual , private citizen
- 30 other person in business role (kickback)
- 97 not stated
- 98 inap.(Q88=0)
- 99 N.R.

165 v91.

Is there evidence that other party was indicted?

- 1 no, other party not indicted
- 2 no, other party was informed and helped "set-up" the bribery/ kickback
- 3 yes
- 7 not stated
- 8 inap. (Q88=0)
- 9 N.R.

166-167 v92.

Estimated magnitude of gain to result from bribery/kickback:

- 00 none
- 01 \$100 or less
- 02 \$101 - \$500
- 03 \$501 - \$1,000
- 04 \$1,001 - \$2,500
- 05 \$2,501 - \$5,000
- 06 \$5,001 - \$10,000
- 07 \$10,001 - \$25,000
- 08 \$25,001 - \$100,000
- 09 \$100,001 - \$500,000
- 10 \$500,001 - \$1,000,000
- 11 \$1,000,001 - \$2,500,000
- 12 \$2,500,000 +
- 94 Future financial gain, value not specified
- 95 goods, value not specified
- 96 services, value not specified
- 97 not stated or unclear
- 98 inap. (Q88=0)
- 99 N.R.

93. An embezzlement is the fraudulent appropriation to his/her own use or benefit of property or money entrusted to him/her by another. It's the fraudulent appropriation of property by a person to whom it has been entrusted or to whose hands it has lawfully come. For our purposes, an embezzlement includes abstracting of funds and willful misapplication of funds (e.g. bank funds). The key feature of an embezzlement is that one has lawful control over money, etc., it is entrusted to your care, but that you abuse this trust by wrongfully converting it to your own use. Correctly coded as embezzlements are cases such as a teller stealing from his /her cash box; a loan officer writing loans to himself under pseudonyms; an administrator of an estate who uses estate monies to pay his/her own personal gambling debts; a lawyer using monies entrusted for a client's minor children for his/her own use; etc.

A negotiable instrument (code 2) is any written securities (e.g. bonds, notes, certificates of indebtedness, a pledge, mortgage, deposit, lien, etc.) which may be transferred by endorsement and/or delivery (e.g. legal title to document is changed by endorsement or delivery upon reaching maturity).

96. "Unpaid income" is in the question description for cases such as when D's check to IRS bounced.

Examples:

Code 1 - includes earned income and income from other sources such as gifts, stock dividends, rental income, etc.;

Code 2 - bookmaking profits or money gained through illegal operations and/or illegal schemes such as bribery or kickback schemes;

Code 3 - income from self-owned business refers only to independent contractors or free-lance people;

Code 5 - employee withholding taxes, social security taxes, sales taxes.

97. Code 0 must be fairly obvious from the PSI (e.g. gambling profits) before being used. Otherwise, code 7.

- 168 V93. Was an embezzlement a part of this actual offense?
- 0 no
  - 1 yes, cash or goods physically taken (theft)
  - 2 yes, theft of negotiable instruments
  - 3 yes, manipulation of bank accounts
  - 4 yes, manipulation of documents
  - 5 yes, type not specified
  - 7 not stated (other illegalities involved, not described)
  - 9 N.R.
- 169 V94. Were any tax violations a part of this actual offense?
- 0 no (code inap. in Q95 - 98)
  - 1 yes
  - 7 not stated (other illegalities involved, not described)
  - 9 N.R.
- 170 V95. What was tax violation main motivation?
- 0 other (MOC)
  - 1 motivated by desire not to report illegally gained income
  - 2 motivated by desire to reduce tax
  - 3 not question of motivation--simple incapacity to pay
  - 4 motivated by desire to obtain illegal refunds (fictitious for fraudulent filings tax protestors)
  - 5 tax protestors
  - 7 not stated or unclear
  - 8 inap., (Q94=0)
  - 9 N.R.
- 171 V96. Source of unreported or falsified income or unpaid income
- 0 other (MOC)
  - 1 personal income
  - 2 illegal profits
  - 3 income from a self-owned business
  - 4 business income, where the company's income tax (rather than an individual's personal income has been unreported or falsified)
  - 5 business regulatory taxes (other than income taxes)
  - 6 combination of above
  - 7 not stated or unclear
  - 8 inap. (Q94=0)
  - 9 N.R.
- 172 V97. Were there prior warnings or negotiations with IRS?
- 0 no
  - 1 yes
  - 7 not stated (tax violation not described)
  - 8 inap. (Q94=0)
  - 9 N.R.

98. Note that this will be the same as the duration of the actual offense question coded earlier for tax cases.
99. Include people who would have benefited if the offense had been successful. Code who primarily would benefit in cases of combinations -- if in doubt, code 0 and explain on a MOC. Remember that codes 1 - 5 take priority over code 6, and code 2 takes priority over code 1. Certain con-games and frauds are collusive, in which case, code 4 should be used. "Partner" means a partner in crime, not just a business associate. Code 2 if D is president, and the benefit is for his/her corporation.
101. For bribery, code the amount of the bribe or kickback. If the offense was unsuccessful, code the amount that would have been involved if successful. For larceny, theft or embezzlement, code the amount that was taken. For forgery, code the amount of the check or other item forged. For postal theft of a check, code the amount of the check. For income tax violations, code the amount owed. Do not add on interest or penalty charges. For lending and credit institution frauds, code the amount of the loan(s) that were applied for. For postal and interstate wire fraud, code the amount lost by the victim(s). For SEC violations, code the amount of loss to investors, brokers, etc. For false claims, code the amount that the successful claim would yield. For antitrust, you will probably need to code 97. You should have few if any 00 codes. Code 00 would be somehow totally nonfinancial.

173

√98. How many tax years were involved in violations?  
include years before statute of limitations expired)

- 1 one year
- 2 two years
- 3
- .
- .
- 6 six or more
- 7 not stated
- 8 inap., (Q94=0)
- 9 N.R.

Nature and Amount of Gain from Offense

174

√99.. Who stood to benefit from the actual offense?

- 0 other (MOC)
- 1 D or his/her family
- 2 D's own business
- 3 D's employer
- 4 D and partner if bribery or collusion
- 5 D's clients
- 6 D and Co-defendant (if co-defendant  
not included in 1 - 5 above)
- 7 not stated
- 8 inap., corp
- 9 N.R.

175

√100. Was D's actual gain primarily:

- 0 no known gain to D or financial loss to D
- 1 financial
- 2 nonfinancial
- 7 not stated
- 8 inap., corp
- 9 N.R.

176-177

√101. Magnitude of Illegality, in dollars, for actual offense

- 00 none
- 01 \$100 or less
- 02 \$101 - \$500
- 03 \$501 - \$1,000
- 04 \$1,001 - \$2,500
- 05 \$2,501 - \$5,000
- 06 \$5,001 - \$10,000
- 07 \$10,001 - \$25,000
- 08 \$25,001 - \$100,000
- 09 \$100,001 - \$500,000
- 10 \$500,001 - \$1,000,000
- 11 \$1,000,001 - \$2,500,000
- 12 \$2,500,000 +
- 96 percentage of a contract, amount not specified (e.g. kickback)
- 97 not stated or unclear
- 99 N.R.



7/20/79

102. Code 00 includes cases where D only received a nonfinancial gain. Code 97 if D received goods and the values are not specified.
103. If the victim was also a participant who turned informant, code 4. If the employer is the victim, code 5. If the IRS is also the victim, code 1. A confidential source is an informant, so code 3. Q103 refers to the discovery of the illegalities. We expect a fair amount of 7's in this question since the information as to discovery might be unclear, if given at all. If there was a special investigation into an entire industry or into a segment of an industry (by someone other than those coded in code 2), code 0 and MOC. Reminder--Antitrust Division of Justice Dept. is coded 7.

178-179 ✓102.. What part of the total dollar value amounted in direct actual gain from D or D's own business?

- 00 none or lost money
- 01 \$100 or less
- 02 \$101 - \$500
- 03 \$501 - \$1,000
- 04 \$1,001 - \$2,500
- 05 \$2,501 - \$5,000
- 06 \$5,001 - \$10,000
- 07 \$10,001 - \$25,000
- 08 \$25,001 - \$100,000
- 09 \$100,001 - \$500,000
- 10 \$500,001 - \$1,000,000
- 11 \$1,000,001 - \$2,500,000
- 12 \$2,500,000 +
- 97 not stated
- 99 N.R.

Discover and Coverup

180 ✓103. Does PSI indicate how this actual offense was discovered?

- 0 yes, other (MOC)
- 1 yes, by a routine audit or investigation
- 2 yes, by special investigative effort of police or prosecutor
- 3 yes, by an informant
- 4 yes, by victim
- 5 yes, by employer
- 6 yes, by D's confession
- 7 no, not stated or unclear
- 9 N.R.

181 ✓104. Were any of the following enforcement agencies mentioned in the official version?

- 0 FBI
- 1 Special prosecutor task force or investigative effort
- 2 Federal police agencies (e.g., narcotic division of FDA)
- 3 State or local police agencies
- 4 Any combination including 0 and 1
- 5 Any combination including 0,2,3,& excluding 1
- 6 Any combination including 1, excluding 0
- 7 No, not stated
- 9 N.R.

104 - 105. This variable tries to ascertain which government agencies helped in the investigation of the instant offense. If the PSI mentioned that the case was referred by a particular agency or that the IRS, etc., records reveal certain facts, code accordingly. Code whatever agencies are mentioned in the official version. Do not assume. Reminder--Code 7 for Antitrust Division of Justice Dept.

Special prosecutor task force does not refer to special divisions of the Justice Department such as the anti-trust, bribery or fraud sections.

106. The word "informant" is used rather loosely here. We are including in our definition 1) informers who are utilized as investigative or intelligence tools (informers who help in discovery) and 2) persons who become informants later on, most notably, participants in the instant offense who turn state's witnesses. In code 3, the informant is the complainant. Confidential sources are informants, but since we don't know what kind, code 5. Use code 0 when you are able to read a complete description, and you know how the case was "made", and it definitely did not involve an informant.

108. Code 0 if D contests all charges or refuses to cooperate with the authorities.

109. Does the actual offense involve "cover-up"? Did the "cover-up" occur after the actual offense? Code 0 if you are sure that there was no cover-up; otherwise, code 7.

182

✓105. Were any of the following federal regulatory agencies mentioned in the official version?

- 0 other (MOC)
- 1 IRS
- 2 SEC
- 3 FTC
- 4 SBA
- 5 Postal Service
- 6 Combinations of 0 - 4
- 7 No, not stated
- 9 N.R.

183

✓106. Is an informant other than D mentioned?

- 0 definitely no informant(s) (code inap., in Q107)
- 1 yes, informant was not a co-participant
- 2 yes, informant was a co-participant (e.g. "turned")
- 3 informant was victim
- 4 combination including 3
- 5 combination excluding 3
- 7 not stated or unclear (code inap., in Q107)
- 9 N.R.

7

184

✓107. Did the informant receive prosecutorial concessions?

- 0 no, informant voluntary only
- 1 yes, informant paid
- 2 yes, immunity given to informant
- 3 yes, other concession(s) given
- 4 yes, combination of 1-3
- 5 informant, type not specified
- 7 not stated
- 8 inap., (Q106=0 or 7)
- 9 N.R.

185

✓108. Did D supply information that lead to the arrest or indictment which was used in the prosecution of others?

- 0 no, D definitely did not supply information
- 1 yes, prior to own arrest or indictment
- 2 yes, post-indictment, prior to conviction
- 3 yes, post-conviction, prior to sentence
- 4 yes, can't determine time
- 5 potential cooperation mentioned (post-conviction, prior to sentence)
- 7 not stated, unclear
- 9 N.R.

186

✓109. Did D employ methods to avoid or delay discovery of a previously committed illegality?

- 0 no (code inap., in Q110 - 111)
- 1 yes
- 7 not stated
- 8 inap.
- 9 N.R.

110. If D uses methods other than those given in the code categories, code 0.
111. If D uses methods other than those in the code categories, code 0. If method of cover-up is unclear or not described code 7.  
code 3 "laundering money"  
code 2 "slush funds"  
code 4 Establishing a legitimate business to hide an illegal business establishment. E.g. Joe's tire sales is really a bookie establishment.

112. "CC" in docket number of a pending suit means a civil action (code 1). "CR" in docket number of pending suit means criminal action (code 0). Exclude contempt actions arising from instant offense.

- Class actions are usually civil suits, code 2
- Actions brought by administrative agencies in court are usually civil suits, code 3
- Actions brought before administrative agencies such as license revocations, etc., should be coded "3". Include potential cases.
- "Treble damage" suits can be brought by private parties, code 2, or at times by administrative agencies, code 3.

187

✓110. Did coverup methods include any of the following?

- 0 no, (1 - 5 not involved)
- 1 efforts to build a record of exculpatory evidence
- 2 bribery
- 3 force or threat of force
- 4 efforts to destroy damaging evidence
- 5 combination of 1 and 4
- 6 other combinations (MOC)
- 7 not stated
- 8 inap. (Q109=0)
- 9 N.R.

188

✓111. Were any of the following mechanisms involved in concealing illegally gained money?

- 0 no
- 1 establishing foreign bank accounts
- 2 establishing a fictitious or hidden U.S. bank account
- 3 passing money through "legitimate enterprise"
- 4 establishing a "front"
- 5 establishing 2 sets of books
- 6 combination (MOC)
- 7 not stated
- 8 inap. (Q109=0)
- 9 N.R.

189

✓112. Have other legal actions been started or mentioned as possible against D as a result of this actual offense?

- 0 other criminal suits
- 1 private civil suits or civil suits, n.f.s.
- 2 other civil or administrative actions
- 3 legal proceedings, can't determine type (MOC)
- 4 suspension of license to practice profession or business
- 5 suspend trading of D's stock
- 6 combinations (MOC)
- 7 not stated (none indicated)
- 9 N.R.

Coder Instructions by Variable for Background  
Information.

For prior record other PSI sections may be used only if they clearly refer to these questions. For example, in one case there is no prior record section, but the P.O. states in his evaluation that "D" is a first offender". Do not use the D's version for this section.

115 -126      Include deportations as arrests but not as convictions. Contempt charges arising during legal proceedings for the instant offense should not be included as arrests or convictions in prior record section. Contempt charges in all other cases should be handled in the same manner as any other offense in prior record.

115            To compute age if only date of arrest is given, subtract the last two digits of the year of birth from the last two digits of the date of arrest.

## Defendant's Background Information

ColumnsVariablePrior Record

Coder Instructions: Refer to prior record section. Do not include the instant offense or charges arising from the instant offense of arrests that occurred after the instant arrest as part of D's prior record. Each "block" in the prior record section should be counted as one arrest.

190-191

V115. Defendant's age at first arrest.

- 00 Defendant has no known prior arrest(s)  
(code inap. in col 192-210)
- 01 Code age at first arrest
- .
- .
- 89 Age 89 or older
- 94 Arrest(s) appear to have occurred while D was a juvenile, unable to ascertain age
- 95 Arrest(s) appear to have occurred while D was an adult, unable to ascertain age.
- 96 Arrest(s) appear to have occurred, unable to ascertain age
- 97 not stated (no prior record section, PSI states information as to prior record was unavailable)
- 99 N.R.

192-193

V116. Total number of D's prior arrests?

- 01 one arrest
- 02 two arrests
- .
- .
- 95 95 or more arrests
- 96 exact number unknown
- 97 not stated (no prior record section, PSI states information as to prior record was unavailable)
- 98 inap., col. 7 = 8 = 00
- 99 N.R.



- 194-195      ✓117. Total number of D's prior arrests for minor offenses:  
(See Appendix D)
- 00 none were minor
  - 01 one arrest
  - 02 two arrests
  - .
  - .
  - .
  - 95 95 or more arrests
  - 96 exact number unknown
  - 97 not stated (no prior record section, PSI states information as to prior record was unavailable)
  - 98 inap. col. 190-191 = 00
  - 99 N.R.
- 196-197      ✓118. Date of D's most recent arrest prior to arrest  
for instant offense(s), month:
- 01 January
  - 02 February
  - .
  - .
  - .
  - .
  - .
  - 12 December
  - 97 not stated (no prior record section, PSI states information as to prior record was unavailable, month not stated)
  - 98 inap., cols 190-191 = 00
  - 99 N.R.
- 198-199      ✓119. Year of most recent arrest.
- 00 1900
  - 01 1901
  - .
  - .
  - .
  - 78 1978
  - 97 not stated (no prior record section, PSI states information as to prior record was unavailable, year not stated)
  - 98 inap., cols. 190-191 = 00
  - 99 N.R.
- 200          ✓120. Was most recent arrest for a "minor" offense?  
(See Appendix D)
- 0 no
  - 1 yes
  - 7 not stated (no prior record section, PSI states information as to prior record was unavailable)
  - 8 inap. Col 190-191 = 00
  - 9 N.R.

121. Pending offenses can not be counted as convictions. Count pending offenses as arrests only. However, if only an appeal is pending, count it as a conviction. See also, instructions at beginning of deck.

- 201      ✓121. Total number of D's known prior convictions:
- 0 zero (code inap. in col 202-207)
  - 1 one
  - 2 two
  - 3 three
  - 4 four
  - 5 five - nine
  - 6 10 or more convictions
  - 7 not stated (no prior record section, PSI states information as to prior record was unavailable)
  - 8 inap. Col 190-191 = 00
  - 9 N.R.
- 202      ✓122. Total number of D's prior convictions on "minor" offense: (See Appendix D)
- 0 zero
  - 1 one
  - 2 two
  - 3 three
  - 4 four
  - 5 five - nine
  - 6 ten or more convictions
  - 7 not stated (no prior record section, PSI states information as to prior record was unavailable)
  - 8 inap., Col. 190-191 = 00, Col. 201 = 0
  - 9 N.R.
- 203-204      ✓123. Category of D's most serious convicted offense: (see Appendix D)
- 00
  - .
  - .
  - .
  - 97 Not stated (no prior record section, PSI states information as to prior record was unavailable)
  - 98 inap., col. 190-191 = 00, col. 201 = 0
  - 99 N.R.

125. Code probation time that D was sentenced to  
and not the probation time D served.

Coder Instructions: For Col 205-207 code incarceration, fine, or probation of greatest magnitude.

205

✓124. Does prior record indicate that D has previously been sentenced to serve time in prison after conviction?  
(do not include ISS, or ESS portion suspended)

- 0 no
- 1 yes, less than 1 month
- 2 one month to 6 months
- 3 more than 6 months to 1 year
- 4 more than 1 year to 2 years
- 5 more than 2 years
- 6 incarceration, length not specified
- 7 not stated (no prior record section, PSI states information as to prior record was unavailable)
- 8 inap., Col 190-191, col 201 = 0
- 9 N.R.

206

✓125. Does prior record indicate that D has previously been on probation?

- 0 no
- 1 1 day - 6 months
- 2 more than 6 months - 1 year
- 3 more than 1 year - 2 years
- 4 more than 2 years - 5 years
- 5 more than 5 years
- 6 probation, length not specified
- 7 not stated (no prior record section, PSI states information as to prior record was unavailable)
- 8 inap., Cols. 190-191 = 00, Col. 201 = 0
- 9 N.R.

127.

Code 2 if D has committed any other offenses which, in part, are similar or utilize the same skills as those in the actual offense.

207 v126. Does prior record indicate that D has previously been fined?

- 0 no
- 1 \$1 - \$99
- 2 \$100 - \$499
- 3 \$500 - \$999
- 4 \$1,000 - \$4,999
- 5 \$5,000 or more
- 6 yes, amount not specified
- 7 not stated (no prior record section, PSI states information as to prior record was unavailable)
- 8 inap., Cols 190-191 = 00, Col 201 = 0
- 9 N.R.

208 v127. Has D previously been arrested for the same actual offense as is described in the official version?

- 0 no
- 1 yes, same as offenses charged in instant offense
- 2 yes, same as activities in actual offense but not for same offense as charged in instant offense
- 7 not stated (no prior record section, PSI states information as to prior record was unavailable)
- 8 inap., Cols. 190-191 = 00
- 9 N.R.

129. If D is presently on probation or parole from conviction on other than instant offense, parole/probation violation should be coded here since instant offense is a parole/probation violation for D; code 1.
129. A bench warrant is usually issued for bail jumping. You may need to skim the descriptions under the "block" to determine why the bench warrant was issued. If D has two or more bench warrants and one is clearly for jumping bail, and the other(s) can not be determined; code as 2.



209 ✓128. Does D's prior record (arrest or conviction) suggest the commission of one of the following offenses:

Internal Revenue Fraud (evasion, failure to file, other IRS violations)

Personal Fraud (veterans and allotments fraud, Social Security fraud, other tax fraud, retirement fraud, conspiracy to defraud, false claims, etc.)

Business-related Fraud (lending and credit institutions, bankruptcy, SEC, antitrust, marketing agreements and commodity credit, etc)

Other Business Violations (fair labor law, food and drug law, airline regulations, etc.)

Embezzlement (bank, postal, etc.)

Postal Fraud

Bribery

0 no  
 1 yes  
 7 not stated (no prior record section, PSI states information as to prior record was unavailable)  
 8 Inap. Col|90-91|=00  
 9 N.R.

210 ✓129. Does D's record indicate a previous bench warrant or a probation or parole violation? (Include instant offense)

0 no  
 1 yes, probation or parole violation  
 2 yes, bench warrant issued for jumping bail  
 3 yes, bench warrant, not further specified  
 4 yes, 1 and 2, or 1 and 3  
 7 not stated (no prior record section, PSI states information as to prior record was unavailable)  
 8 inap., Cols |90-91| = 00  
 9 N.R.

130-132

Do not code indictment date here. Do not assume the month or the year because D may never have been arrested (eg. indicted only). Code them all as 97.

133.

Contempt charges arising during legal proceedings for instant offense are coded 1.

211-212M30. Is month of arrest for instant offense indicated?

01 January  
 02 February  
 .  
 .  
 .  
 12 December  
 97 not stated  
 99 N.R.

213-214 ✓131. Is day of arrest for instant offense indicated?

01 1st  
 02 2nd  
 .  
 .  
 .  
 31 31st  
 97 no, not stated  
 99 N.R.

215-216 ✓132. Is year of arrest for instant offense indicated?

code last two digits  
 97 no, not stated  
 99 N.R.

217 ✓133. Does D have detainers or charges pending? (Q15 = 1 or identified in prior record section)

0 none indicated (Q15 = 0 and none identified in prior record section) (code inap. in col. 218-219)  
 1 they are related to the instant offense  
 2 they are unrelated to the instant offense  
 3 1 and 2  
 4 arrest & conviction subsequent to arrest for instant offense  
 7 not stated (no prior record section, information unavailable)  
 9 N.R.

218-219 ✓134. Category of D's most recent detainer or charge pending: (See Appendix D)

00  
 .  
 .  
 .  
 97 not stated  
 98 inap., col 217 = 0  
 99 N.R.

135.

Code yes in col. 220, if D's family was intact in most of the time till D was 16 regardless of other problems mentioned concerning D's family of origin. Code yes implicit if there is a clear indication of this fact even if it is not explicitly stated.

example:

1. "D's parents were unhappily married, and previously separated for short periods in D's youth, though their final separation did not occur until D was 19"

Code: 1

2. "D lived a happy and normal middle class adolescence. His parents lived in New York, D's birthplace until they moved to California to be with D's brother."

Code: 2

136.

example

1. "D's parents had no trouble providing the necessities of life"

Code: 0

2. "D's parents were lower middle class. His father was steadily employed as a factory worker"

Code: 1

3. "D left home because of his displeasure with parents marital problems as well as his providing the majority of the family income."

Code: 2

137.

Annulment = 1 marriage

Family History

Coder Instruction: Refer to family history section

- 220    √135.    Was D raised in an intact (married adults) family most of the time (more than 8 years) until age 16?
- 0    no  
 1    yes, explicit  
 2    yes, implicit  
 7    not stated (no description of family of origin given)  
 9    N.R.
- 221    √136.    Did D's parents/guardians have difficulty providing the necessities of life?
- 0    no, explicit  
 1    no, implicit  
 2    yes  
 7    not stated (no description of financial status of family of origin)  
 8    inap., D raised in institution  
 9    N.R.

Marital History

Coder Instructions: Refer to Marital History Section

- 222    √137.    Number of legal marriages
- 0    none (code inap. in col 223-224)  
 1    one  
 .  
 .  
 5    five or more  
 6    at least one (no marital information given; inferred from cover sheet)  
 7    not stated (no marital history information given)  
 9    N.R.

139

If you've coded 5 (common-law spouse), code V140 - 143 if the relationship looks stable (e.g. has lasted a number of years). Do not code the family life variables (e.g. V145) for the common law spouse however.

140,141,145,159,  
161, 162

Legal proceedings here refers to any actions taken by the police or courts (prosecutors) against D. We are excluding SEC, IRS, etc. investigations.

223-224 ✓138. Length of current, or most recent, legal marriage at time of PSI ( in years):

- 00 less than 1 year
- 01 1 year
- 02 2 years
- 03 .
- . .
- . .
- . .
- 50 50 years or more
- 97 not stated
- 98 inap., D never married, col 122 = 0
- 99 N.R.

225 ✓139. D's marital status at beginning of actual offense:

- 1 married
- 2 separated
- 3 divorced
- 4 widowed
- 5 common-law spouse
- 6 single
- 7 not stated
- 9 N.R.

226 ✓140. Did D's marital status change between the beginning of the actual offense and the time legal proceedings began?

- 0 no
- 1 D separated from his/her spouse
- 2 D was divorced
- 3 D's spouse died
- 4 D married during this period
- 5 D was divorced and remarried
- 6 other (MOC)
- 7 not stated (no description of marital history is given)
- 9 N.R.

227 ✓141. Did D's marital status change during legal proceedings?

- 0 no
- 1 D separated from his/her spouse
- 2 D was divorced
- 3 D's spouse died
- 4 D married during this period
- 5 D was divorced and remarried
- 6 other (MOC)
- 7 not stated (no description of marital history is given)
- 9 N.R.

143. Do not refer to D's version of the offense. This information may be in the PO's summary, definitely look there before coding as not stated.

145. In this question we are assessing D's family's characterization of the effects these events are having upon his marriage and family life. If D's family characterizes D's relationship with his wife and children to be good at the moment—

Code: 0

example:

1. D's family claims that they have experienced both economic and emotional strains since D's legal problems began."

Code: 5

2. D's family have made complaints about how hard it has been to manage since D's legal troubles

Code: 2

3. "(P.O. states) D's family appears to be suffering considerable strain as a result of D's legal troubles."

Code: 7

NOTE: This is a characterization by P.O., not by D's family

In Code 4, loss may be less of economic or emotional support.



228 v142. Has D's marital status changed since conviction?

- 0 no
- 1 D separated from spouse
- 2 D was divorced
- 3 D's spouse died
- 4 D married during this period
- 5 D was divorced and remarried
- 6 other (MDC)
- 7 not stated (no description of marital history is given)
- 9 N.R.

229 v143. Is D's spouse's reactions to his/her being prosecuted reported in the PSI?

- 1 yes, D's spouse is quoted (directly or indirectly)
- 2 yes, the emotional state of D's spouse is described by PO.
- 3 yes 1 and 2
- 7 not stated (spouse's reaction is not described)
- 8 inap., D not married
- 9 N.R.

230 v144. Number of D's children (legitimate or illegitimate)

- 0 none
- 1 one
- 2 .
- 3 .
- 4 .
- 5 .
- 6 Six or more
- 7 Not stated (no marital history information given)
- 9 N.R.

231 v145. D's family's characterization of effect legal involvement is having upon D's family life? (spouse & children)?

- 0 Family life not suffering
- 1 Family suffering: stigma, strain
- 2 Family suffering: economic hardship
- 3 Family suffering: breakup through separation or divorce
- 4 Family mentions fear of loss if D is imprisoned
- 5 any combination excluding 4
- 6 any combinations including 4
- 7 not stated (no characterization is given by D's family)
- 8 inap., D not married
- 9 N.R.

147.

For a Trailer, code 1; for "D" paying \$20 room and board, to live in parent's house, code 2. If only the address is given on the cover sheet, code 7.

148.

If D owns a house and you cannot tell whether there is a mortgage, refer to the liabilities section. Be careful not to mistake other mortgages for the one on D's home.

Community of Residence

Coder Instructions: Refer to Home and  
Neighborhood Section.

232-233 V146. D's living arrangement at time of PSI (or most recent time specified):

- 00 other (MOC)
- 01 with parents/guardian.
- 02 with legal spouse and/or children
- 03 with common law spouse
- 04 with relative
- 05 with unrelated persons
- 06 alone
- 08 no fixed abode
- 09 in custody (col. 234=4, col. ~~235-236~~=98; col. 237, 238 = 8)
- 10 combination (01) parents/guardian & (02) legal spouse and/or children
- 11 combinations of 01-05 including 02
- 97 not stated
- 99 N.R.

234 V147. D's type of residence at time of PSI (or most recent time specified)

- 0 other (MOC)
- 1 private home/apartment building owned by D or legal spouse
- 2 private home not owned by D
- 3 renting
- 4 institution
- 5 military
- 6 no fixed abode (code inap in col. ~~235~~=238)
- 7 not stated
- 9 N.R.

235-236 V148. Monthly housing payments (in hundreds of dollars) at time of PSI (or most recent time specified)

- 00 \$0 -\$99 per month
- 01 \$100 - \$199 per month
- 02 \$200 - \$299 per month
- .
- .
- .
- 90 \$400 per month and over
- 95 house paid for
- 96 mortgage, monthly payments unknown
- 97 not stated
- 98 inap., col. ~~234~~=6
- 99 N.R.

237 v149. Length at residence identified in COL 234 (at time of PSI or most recent time specified)

- 0 0 - 6 months
- 1 7 - 12 months (1 year)
- 2 13 - 24 months (2 years)
- 3 25 - 36 months (3 years)
- 4 3 years (plus) - 5 years
- 5 6 - 9 years
- 6 10 or more years
- 7 not stated
- 8 inap., col 234 = 6
- 9 N.R.

238 v150. Description of D's neighborhood at time of PSI (or most recent time specified)  
Note: P.O. must have described, don't assume

- 0 Other (MOC)
- 1 lower class (poor, bad, etc.)
- 2 lower middle class (moderate, working class, etc.)
- 3 middle class (nice, comfortable, good, etc.)
- 4 upper middle class (affluent, luxury, fashionable, desirable, etc.)
- 5 upper class (exclusive, wealthy, magnificent, etc.)
- 7 not stated
- 8 inap. col 234 = 6
- 9 N.R.

239 v151. Number of residences in last five years (approximately)

- 1 at least one
- 2 at least two
- 3 .
- 4 .
- 5 .
- 6 at least six
- 7 not stated
- 9 N.R.

152. Associate of Arts, etc., code Associate Degree
153. Below average = below 70  
Average = 70 - 85  
Above average = 85 - 100

Coder Instructions: Refer to Education  
Section

240-241/152. D's highest degree completed.

- 00 other (MOC)
- 01 GED
- 02 high school graduate
- 03 associate degree (junior college)
- 04 Technical school degree
- 05 BA or BS
- 06 Master's degree
- 07 J.D., LLB, Bachelor of Law
- 08 CPA
- 09 MBA
- 10 MPA (Masters of Public Administration)
- 11 Ph.D.
- 12 MD
- 13 DDS
- 14 other advanced degree (MOC)
- 15 Chiropractor
- 97 not stated
- 98 inap., D completed less than high school only
- 99 N.R.

242 V153. How is D's overall academic performance in school described?  
(Note: If inconsistent reports, take most recent; only code PO's characterizations or those based upon school reports)

- 1 below average
- 2 average
- 3 above average
- 7 not stated
- 8 inap., never in school
- 9 N.R.

243 V154. How is D's social adjustment to school (teachers, officials, classmates, etc.) described?  
(Note: If inconsistent reports, take most recent; only code PO's characterizations or those based upon school reports)

- 1 below average
- 2 average
- 3 above average
- 7 not stated
- 8 inap., never in school
- 9 N.R.

155. Only code 0 if D or P.O. states no religious preference
156. Jewish High Holidays only = 1  
"High Holy Days" only = 1  
Easter and Christmas only = 1
- 157 a. Auxillary police, PTA, etc. should be included here
- 157 c. Code yes, only if they relate to D's profession
- 157 d. Elks, Knights of Columbus, Bnai Brith etc.

ReligionCoder Instruction: Refer to Religion Section

244 V155. D's religious preference at time of PSI.

- 0 no preference (no religion noted)
- 1 protestant
- 2 catholic
- 3 jewish
- 4 moslem, hindu, buddhist
- 5 atheist
- 6 other (MOC)
- 7 not stated
- 9 N.R.

245 V156. How often does D attend religious services?

- 0 never
- 1 rarely, 1 - 3 times yearly
- 2 occasionally, approximately monthly
- 3 frequently, regularly (once per week or more)
- 7 not stated
- 9 N.R.

Group Memberships

Coder Instruction: This information may appear in several different sections. First refer to Interests and Leisure-Time Activities Section.

Is there evidence of D's involvement or membership in any of the following groups

- 0 no
- 1 yes
- 9 N.R.

240 V157a social/community groups (including PTA)  
 247 V157b labor union  
 248 V157c business/professional groups  
 249 V157d fraternal groups  
 250 V157e veterans' groups  
 251 V157f political organizations  
 \* 252 V157g other organizational memberships



158.

If P.O. makes a characterization of D's physical health use that characterization. Only if no overall characterization is made should you try to assess D's overall health from the specific health information given. Do not include mental health in this question.

Examples:

- 1 "D suffered a heart attack 20 years ago but suffers no present disabilities from it. He has recently had a minor operation, but he reports no serious health problems."  
Code: 1
- 2 "D suffers from an ulcer and complains of severe gastro intestinal problems. He also has a history of high blood pressure, though this has not resulted in any serious health problems for D."  
Code: 2
- 3 "D was recently hospitalized for a heart attack. He is presently confined to a wheel chair."  
Code: 3

NOTE: Only code not stated if no description of D's overall physical health is given.

160.

Same general instructions as Q158.

If there is no discussion of D's mental health, code 7 = not stated

Examples:

- 1 "D seems to be in good physical and mental health."  
Code: 1
- 2 "D is presently seeing a psychologist (or psychiatrist) monthly to help him deal with his family problems, and the traumatic events he is presently going through"  
Code: 2
- 3 "D is in daily touch with a psychiatrist, who testifies that D is on the verge of a nervous breakdown."  
Code: 3

Health

Code Instructions: Refer to Health Section:

253 v158.

How is D's overall physical health described at time of PSI?

- 1 good - no significant health problems mentioned
- 2 satisfactory - health problems mentioned but not of significant gravity to result in death or permanent incapacitation of D.
- 3 poor - serious health problem which could lead to death or permanent incapacitation
- 7 not stated
- 9 N.R.

254 v159.

Is there evidence that D's physical health has deteriorated since the beginning of the actual offense? (time = first mention of deterioration)

- 0 no, D's health status appears to have remained constant during this period
- 1 yes, after beginning of actual offense previous to legal proceedings
- 2 yes, during legal proceedings
- 3 yes, since conviction
- 4 yes, time not specified
- 5 possibly developed in this period, may have developed prior to actual offense
- 7 not stated (no health history is given)
- 9 N.R.

255 v160.

How is D's overall mental health described at the time of the PSI?

- 1 good, no serious mental health problems mentioned.
- 2 yes, during actual offense (includes time up to legal proceedings)
- 3 poor -- serious mental health problems leading to intensive psychological care or institutionalization.
- 7 not stated
- 9 N.R.

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161. For Q161 even where mental health is not mentioned specifically, you should code 0 if a physical health section is present and institutionalization is not mentioned. Include in this variable, any hospitalizations for drug or alcohol problems.
163. Code 0 only if no use is stated.
164. If D is characterized as ever trying marijuana, code 1. Code 0 only if no use is stated.
165. If D is characterized as ever using barbituates or narcotics, code 1. Code 0, only if no use is stated

256 v161. Is there evidence that D has ever been institutionalized for mental health reasons?  
(code from beginning of institutionalization)

- 0 no, (D's health history is given, no mention of institutionalization)
- 1 yes, before the actual offense began
- 2 yes, during actual offense
- 3 yes, during legal proceedings
- 4 yes, since conviction
- 5 yes, time not specified
- 7 not stated (no health history is given)
- 9 N.R.

257 v162. Is there evidence that D's mental health has declined since the beginning of the actual offense?

- 0 no, D's mental health status appears to have remained constant during this period
- 1 yes, after beginning of actual offense previous to legal procedure
- 2 yes, during legal proceedings
- 3 yes, since conviction
- 4 yes, time not specified
- 5 possibly developed in this period, may have developed prior to actual offense
- 7 not stated (no mental health history is given)
- 9 N.R.

258 v163. D's involvement with alcohol

- 0 none
- 1 occasional (social drinker) ("no drinking problem")
- 2 heavy use
- 3 D is an alcoholic, present drinking problem
- 4 D is an alcoholic, no present drinking problem
- 7 not stated
- 9 N.R.

259 v164. D's involvement with marijuana

- 0 none ("no problem")
- 1 any use to occasional use
- 2 heavy use
- 7 not stated
- 9 N.R.

260 v165. D's involvement with barbituates or narcotics

- 0 none ("no problem")
- 1 any use to occasional use
- 2 heavy use
- 3 D is drug addict
- 4 D is a former drug addict, now rehabilitated
- 7 not stated
- 9 N.R.

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Coder Instructions by Variable for ~~Employment~~ Employment

Variable    Instructions

- 168            Code 3 is available for "undesirable discharge" and the like.
- 169            If the assets/liability sheet is attached, compute assets as follows: cash on hand, cash in banks (include savings accounts), stocks and bonds (present market value), autos, real estate (market value), personal property, furniture, and life insurance (cash surrender value). If only some of these are listed, add up what you do know and code that. Exclude income. (Source: Appendix 307.08, Central California, item 1.) Compute liabilities as follows: balance on mortgage payment, personal loans and credit payments, medical expenses, and insurance premiums. If only some of these are listed, add up what you do know and code that. Exclude monthly expenses. (Source: Appendix 307.08, item 3.)

EmploymentColumnsVariableCoder Instructions: Refer to Military Section

261

V168. Military Record of D.

- 0 Currently in service
- 1 D decorated while in service and honorably discharged
- 2 honorably discharged, no evidence of decoration
- 3 less than honorably discharged
- 4 dishonorably discharged
- 5 discharged, n.f.s.
- 6 in reserves (current or in past)
- 7 not stated (no military record section)
- 8 inap., no military record
- 9 N.R.

Coder Instructions: Refer to Assets and Liability Section

262-264

V169. Total value of D's assets (in thousands of dollars) at time of PSI.

- 000 none or less than \$1,000
- 001 \$1,000 - \$1,999
- 002 \$2,000 - \$2,999
- .
- .
- .
- 996 \$996,000 or more
- 997 not stated, or unclear
- 999 N.R.

265-267

V170. Total value of D's liabilities (in thousands of dollars) at time of PSI.

- 000 none or less than \$1,000
- 001 \$1,000 - \$1,999
- 002 \$2,000 - \$2,999
- .
- .
- .
- 996 \$996,000 or more
- 997 not stated, or unclear
- 999 N.R.

## Employment:

Coder Instruction: Refer to employment section.

Q171 - 177 D's employment status, immediately prior to or at time of beginning of actual offense

~~268-270~~<sup>V</sup>171. D's industry Fill out industry/occupation code sheet.

- 991 military
- 992 student
- 993 retired
- 994 house-person'
- 995 totally illegal industry/occupation
- 996 can't code
- 997 not stated
- 998 inap., D not employed (code inap. in col. ~~271-280~~)
- 999 N.R.

~~271-273~~<sup>V</sup>172. D's occupation Fill out industry/occupation code sheet

- 991 military
- 992 student (code inap., in col. ~~274-280~~)
- 993 retired (code inap. in col. ~~274-280~~)
- 994 house-person (code inap. in col. ~~274-280~~)
- 995 totally illegal industry/occupation (code inap. in col. ~~274-280~~)
- 996 can't code
- 997 not stated
- 998 inap., D not employed
- 999 N.R.

274 <sup>V</sup>173. D's class of Worker

- 1 an employee of a private company, business or individual for wages, salary, or commissions
- 2 a government employee (Federal, State, County, or local government) (Code inap., in col. ~~275-276~~)
- 3 self-employed in own business, professional practice, or farm (includes own partnership)
- 4 Working without pay in a family business or farm (code inap., in col. ~~275-276~~)
- 6 can't code
- 7 not stated
- 8 inap., D not employed, or 992, 993, 994, 995
- 9 N.R.

7/20/19

General industry--occupation coding instructions:

When filling out the industry/occupation code sheet, indicate the job title or description, D's principle duties or activities, the industry setting, and the class of worker. If very little information is given, write what you can ascertain and then indicate "n.f.s.", for not further specified, so that the occupation coder does not return your codesheet for more information. If you are able to code (e.g. 000, 992-995, 997 or 998) simply draw a line through that job space on your code-sheet.

Code any part-time job D held during time period requested before coding 992-995. If D held both a codeable (legal) job and also fits in code 995, code the legal job. If both 993 and 995 are indicated, code 995 should take priority.

If the P.O. has verified the job and the length of employment, code the verified information rather than contradictory information reported by D. If however, the P.O. was unable to verify, use the information provided by D.

Only the occupation coder should use code 996.

171-174 For job at beginning of actual offense, if D was holding more than one job, code the full-time job over the part-time job. If this does not solve your problem, work through the following list until you can code the correct job:

- 1) that which D stresses as most important;
- 2) that which earns the highest income;
- 3) that which is of highest status;
- 4) that which D held longest;
- 5) that which is involved in instant offense; and finally
- 6) that which is mentioned first in the PSI

173, 180,  
187, 200,  
204

If D is an officer and you know that he/she owns most of the shares, code 3. If both of the above conditions are not met, code as 1, D is an employee.



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174, 181,  
188, 201,  
205

If D is the owner and an officer of a business, code 04 or specific officer position held.

175

If D receives jobs through a labor union, code tenure as the length of time D worked on the particular job (not the length of time D has belonged to the union).

276-276 v174. If Q173 = 1 or 3, D's position in the firm

- 01 officer, president
- 02 officer, vice president
- 03 officer, secretary or treasurer
- 04 officer, combination of officer positions
- 05 board of directors
- 06 04 and 05
- 07 assistant vice president
- 08 sales manager
- 09 district manager
- 10 general manager
- 11 manager, n.f.s. or n.e.c. (not further specified or not elsewhere classified)
- 12 other management (MOC)
- 13 consultant
- 14 promoter
- 15 salesman
- 16 other employee
- 17 sole proprietor
- 18 attorney, counsel, trustee
- 19 partner
- 20 free lance
- 95 owner, not further specified
- 96 other (MOC)
- 97 not stated
- 98 inap., D not employed, 992, 993, 994, 995; 173 = 2 or 4
- 99 N.R.

277 v175. Tenure: Length of time D worked for employer identified in Q's 171 - 174 (code time\_up to the beginning of actual offense)

[Coders: Code best estimate]

- 0 less than 1 month
- 1 1 - 12 months (1 year)
- 2 13 - 36 months (3 years)
- 3 37 - 60 months (5 years)
- 4 61 months - 10 years
- 5 longer than 10 years
- 7 not stated
- 8 inap., D not employed, 992, 993, 994, 995
- 9 N.R.

7/20/79

176, 183,  
189

Do not include totally illegal occupations as other jobs.

177, 190,  
206

We want earned income, therefore exclude rental income, dividends, unemployment compensation, etc. Code the income from all jobs if D is holding more than one job and each salary is given.

177

If multiple salaries are given for the period during the actual offense, code the highest income earned. We are now looking for any indication of reported income during any of the actual offense period. If necessary, refer to conversion table in Appendix E. If both gross (total) and net income are given, code gross income.

278 V176. What was job coded in Q 171 - 174?

- 0 job is full-time, no other job
- 1 job is full-time, holding other full-time job
- 2 job is full-time, holding other part-time job(s)
- 3 job is part-time, no other job
- 4 job is part-time, holding other part-time job(s)
- 5 can't determine if full or part-time, no other job
- 6 can't determine if full or part-time, holding other job(s)
- 7 not stated (no employment section)
- 8 inap., D not employed or 992, 993, 994, 995
- 9 N.R.

279-280 V177. Weekly earned income during actual offense (code highest income reported)

- 00 \$1 - \$99
- 01 \$100 - \$199
- 02 \$200 - \$299
- .
- .
- .
- 50 \$5,000 or more
- 96 commission basis, can't determine amount
- 97 not stated
- 98 inap., D not employed or 992, 993, 994, 995
- 99 N.R.

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178-181 For the longest job D held during the actual offense, if D were holding more than one job at a time (and neither is longest) use the selection process described in 0171-174. If the actual offense occurred over a period of time during which D had several different jobs and you can't determine which was held the longest during the actual offense, work through the following list until you can code the correct job:

- 1) that which earns the highest income;
- 2) that which is of highest status;
- 3) that which is involved in instant offense;
- 4) that which D stresses as most important; and finally, as a last resort,
- 5) that which is mentioned first in the PSI.

Q 178 - 184 D's employment status during actual offense.  
Code longest position held.

281-283 v178. D's industry--Fill out industry/occupation code sheet.

000 same as coded in Q 171

992 student  
993 retired  
994 house-person  
995 totally illegal industry/occupation  
996 can't code  
997 not stated  
998 inap., D not employed (code inap. in col. 284-292)  
999 N.R.

284-286 v179. D's occupation--Fill out industry/occupation code sheet

000 same as coded in Q172

992 student (code inap., in col. 287-292)  
993 retired (code inap., in col. 287-292)  
994 house-person (code inap., in col. 287-292)  
995 totally illegal industry/occupation (code inap., in col. 287-292)  
996 can't code  
997 not stated  
998 inap., D not employed  
999 N.R.

287 v180. D's Class of Worker

0 same as coded in Q 173

1 an employee of a private company, business, or individual for wages, salary, or commissions

2 a government employee (Federal, State, County, or local government) (code inap., in col. 288-289)

3 self-employed in own business, professional practice or farm (includes own partnership) (code inap., in col. )

4 working without pay in a family business or farm (code inap., in col. 288-291)

6 can't code  
7 not stated  
8 inap., D not employed, or 992,993,994,995  
9 N.R.

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184

Notice that there is no inap for this question. We want to know the length of time D was unemployed, a student, a houseperson, or engaged in an illegal industry/occupation.

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181, 188 Code 98 (not 00) if D's job was the same and D was a government employee or working without pay (class of worker = 2 or 4).

182 When the employer never knew, code 8. If there is no mention of the employer's reaction, code 7. The employer may discover during the actual offense, after the offense, or during legal proceedings. If D is still employed by the employer in Q178-181, use codes 0-6. If D is not still employed by this employer, but employer finally did discover D's involvement, code 6.

Include under code 0 cases where D's employer would be employing D except for the fact that D is currently in custody. Code politicians who do not get reelected as 2.



- 288-289 v181. If Q 180 = 1 or 3, D's position in the firm
- 00 same as coded in Q174
  - 01 officer, president
  - 02 officer, vice president
  - 03 officer, secretary or treasurer
  - 04 officer, combination of officer positions
  - 05 board of directors
  - 06 04 and 05
  - 07 assistant vice president
  - 08 sales manager
  - 09 district manager
  - 10 general manager
  - 11 manager, n.f.s. or n.e.c. (not further specified or not elsewhere classified)
  - 12 other management (MOC)
  - 13 consultant
  - 14 promoter
  - 15 salesman
  - 16 other employee
  - 17 sole proprietor
  - 18 attorney, counsel, trustee
  - 19 partner
  - 20 free lance
  - 95 owner, not further specified
  - 96 other (MOC)
  - 97 not stated
  - 98 inap., D not employed, 992, 993, 994, 995; Q180 = 2 or 4; Q180 = 0 and Q173 = 2 or 4
  - 99 N.R.

- 290 v182. If Q180=0, 1 or 2, what was employer's (Q 178 - 181) immediate reaction to discovering that D was involved in actual offense?
- 0 no reaction, D continued employment
  - 1 D demoted
  - 2 D fired
  - 3 D quit or resigned immediately after discovery
  - 4 D on leave of absense
  - 5 D left job, n.f.s.
  - 6 D had quit this job before employer knew
  - 7 not stated or unclear
  - 8 inap., Q180=3 or 4; 992,993,994,995;998;employer never knew employer was a participant
  - 9 N.R.

291

✓183. What was job coded in Q178-181?

- 0 job is full-time, no other job
- 1 job is full-time, holding other full-time job
- 2 job is full-time, holding other part-time job(s)
- 3 job is part-time, no other job
- 4 job is part-time, holding other part-time job(s)
- 5 can't determine if full or part-time, no other job(s)
- 6 can't determine if full or part-time, holding other job(s)
- 7 not stated (no employment section)
- 8 inap., D not employed or 992,993,994,995
- 9 N.R.

292

✓184. Experience: Length of time D had been in same occupation (line of work) as coded in Q179 (code up until time of PSI or until D left that occupation)?

- 0 less than 1 month
- 1 1-12 months (1 year)
- 2 13-36 months (3 years)
- 3 37-60 months (5 years)
- 4 61 months- 10 years
- 5 longer than 10 years
- 7 not stated
- 9 N.R.

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185-188. Refer to instructions for Q178-181. Remember the instructions from deck 4 for legal proceedings: any actions taken by the police or courts (prosecutors) against D. SEC, IRS, etc. can only investigate and refer in criminal cases. Since they can't initiate criminal proceedings, they are excluded for our purposes.

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190.

If multiple salaries are given for the period during legal proceedings, code the highest income earned. We are looking for any indication of reported income during any of the legal proceedings period. If both gross (total) and net income are given, code gross income. If necessary, refer to conversion table in Appendix E.

185 - 190 D's employment status during legal proceedings.  
Code longest position held.

293-295 V185. D's industry--Fill out industry/occupation code sheet.

000 same as coded in Q 178

992 student

993 retired

994 house-person

995 totally illegal industry/occupation

996 can't code

997 not stated

998 inap., D not employed (code inap., in col. 296-304)

999 N.R.

296-298 V186. D's occupation--Fill out industry/occupation code sheet.

000 same as coded in Q 179

992 Student (code inap., in col. 299-304.)

993 retired (code inap., in col. 299-304.)

994 house-person (code inap., in col. 299-304)

995 totally illegal industry/occupation (code inap., in col. 299-304)

996 can't code

997 not stated

998 inap., D not employed

999 N.R.

299 V187. D's class of worker

0 same as coded in Q 180

1 an employee of a private company, business, or individual for wages, salary, or commissions

2 a government employee (Federal, State, County, or local government) (code inap., in col. 300-301)

3 self-employed in own business, professional practice, or farm (includes own partnership)

4 Working without pay in a family business or farm (code inap., in col. 300-301)

6 can't code

7 not stated

8 inap., D not employed, or 992,993,994,995

9 N.R.

300-301 ✓188.

If 187 = 1 or 3, D's position in the firm

- 00 same as coded in Q181
- 01 officer, president
- 02 officer, vice president
- 03 officer, secretary or treasurer
- 04 officer, combination of officer positions
- 05 board of directors
- 06 04 and 05
- 07 assistant vice president
- 08 sales manager
- 09 district manager
- 10 general manager
- 11 manager, n.f.s. or n.e.c. (not further specified or not elsewhere classified)
- 12 other management (MOC)
- 13 consultant
- 14 promoter
- 15 salesman
- 16 other employee
- 17 sole proprietor
- 18 attorney, counsel, trustee
- 19 partner
- 20 free lance
- 95 owner, not further specified
- 96 other (MOC)
- 97 not stated
- 98 inap., D not employed, 992, 993, 994, 995;  
Q187 = 2 or 4; Q187 = 0 and Q180 = 2 or 4 or 0  
(Q173 = 2 or 4)
- 99 N.R.

302

✓189.

What was job coded in Q 185 - 188?

- 0 job is full-time, no other job
- 1 job is full-time, holding other full-time job
- 2 job is full-time, holding other part-time job(s)
- 3 job is part-time, no other job
- 4 job is part-time, holding other part-time job(s)
- 5 can't determine if full or part-time, no other job
- 6 can't determine if full or part-time, holding other job(s)
- 7 not stated (no employment section)
- 8 inap., D not employed or 992, 993, 994, 995
- 9 N.R.

303-304 ✓190.

Weekly earned income during legal proceedings

- 00 \$1 - \$99
- 01 \$100 - \$199
- 02 \$200 - \$299
- .
- .
- .
- 50 \$5,000 or more
- 96 commission basis, can't determine amount
- 97 not stated
- 98 inap., D not employed or 992, 993, 994, 995, or class of worker=4.
- 99 N.R.

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- 192. Code 0 and 1 should only be used if you can compare assets and liabilities. If only one component (assets or liabilities) is given, code as not stated.
- 193. Only code successive jobs. Therefore, two part-time jobs at one time equals one job. School equals one job.

- 305 ✓191. Has D's own business filed bankruptcy since time actual offense began? (Chapter 11)
- 0 no - evidence business still going
  - 1 no evidence of bankruptcy, but mention of business suffering
  - 2 no evidence of bankruptcy, but business known to have been closed or terminated or sold
  - 3 yes, between the beginning of actual offense and the time legal proceedings began
  - 4 yes, during legal proceedings prior to conviction
  - 5 yes, post conviction
  - 6 yes, exact date not specified
  - 7 not stated
  - 8 inap., never own business, 992, 993, 994, 995 since actual offense began
  - 9 N.R.

- 306 ✓192. Has D personally filed bankruptcy since time actual offense began? (chapter 11)
- 0 no - evidence D has assets exceeding liabilities
  - 1 no - evidence D has liabilities exceeding assets
  - 2 yes, between the beginning of actual offense and the time legal proceedings began
  - 3 yes, during legal proceedings prior to conviction
  - 4 yes, post conviction
  - 5 yes, exact date not specified
  - 7 not stated or unclear
  - 9 N.R.

- 307 ✓193. How many jobs has D held in the five years previous to PSI? (best estimate) (employers or own businesses)
- 0 no jobs
  - 1 one
  - 2 two
  - 3 .
  - 4 .
  - 5 .
  - 6 six or more
  - 7 not stated
  - 9 N.R.



1051  
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194. Inap is coded for 993, 994 or 995 if D were a house-person, retired or in an illegal business only for the entire past five years. If within the past five years D became a house-person, retired or involved in an illegal business, code Q194 for the period of time, with the past five years, up to the time D became 993, 994 or 995. (Same for code 992.)
195. Code 6 takes priority over 2-5. Any legitimate means of subsistence (codes 2-5) take priority over 1. Code 1 if D only has illegal means, that is, if D has no visible legal means of support. Social Security benefits are coded 5.
197. This question will catch the employer's reactions if the employer was not the one coded earlier. Follow the inap instructions from Q196. The employer's reaction can only be coded if D was employed by that employer at the time of employer's discovery, otherwise, code 8. See also instructions for Q 182.

- 308 ✓194. How would you describe D's employment history over the past five years? (Code P.O.'s description if any, otherwise code your own best estimate.)
- 1 steady employment (or student)
  - 2 regular employment (or student) with some periods of unemployment
  - 3 worked about half the time and was unemployed about half the time
  - 4 regular unemployment with some periods of employment or attendance at school
  - 5 steady unemployment
  - 7 not stated (can't determine)
  - 8 inap., 993,994, or 995 for five years
  - 9 N.R.
- 309 ✓195. Primary means of D's subsistence during actual offense.
- 1 no visible legal means
  - 2 unemployment compensation or public welfare
  - 3 relatives or friends
  - 4 own current earnings
  - 5 assets, pension, annuity or insurance
  - 6 P.O. notes discrepancy between earnings and lifestyle
  - 7 not stated or unclear
  - 9 N.R.
- 310 ✓196. If D used occupational situation (refer to Q65, codes 1 - 6) which occupation was used?
- 0 other than one of the three that are coded (MOC)
  - 1 that coded in Q171 - 174
  - 2 that coded in Q173 - 181 (code inap., in col. 57)
  - 3 both that coded in Q171 - 174 and Q173 - 181 (code inap. in col.311)
  - 7 not stated
  - 8 inap., Q65=0, 7 or 8
  - 9 N.R.
- 311 ✓197. Is there evidence of any employer's immediate reaction to discovery that D was involved in actual offense?
- 0 no reaction, D continued employment
  - 1 D demoted
  - 2 D fired
  - 3 D quit or resigned immediately after discovery
  - 4 D on leave of absense
  - 5 D left job, n.f.s.
  - 7 no, not stated
  - 8 inap., D never an employee, no employer ever knew while D employed, Q196= 2 or 3, employer was a participant
  - 9 N.R.

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198-201. If father's job is given before he retired, code the job held before retirement (or the other job father held for most of his life).

198A. Code father as head of household if father was present.

## Head of Household's Employment

Q198 - 201 D's father's employment status (most of father's life.)

- 312 ✓198A Who is coded as head of household in variables 198B - 201?
- 1 father
  - 2 mother
  - 3 other male
  - 4 other female
  - 5 raised in orphanage, other institution (code inap., in col. 313-321)
  - 7 not stated
  - 9 N.R.
- 313-315 ✓198B Father's industry Fill out industry/occupation code sheet. (or head of household)
- 993 retired
  - 994 house-person
  - 995 totally illegal industry/occupation
  - 996 can't code
  - 997 not stated
  - 998 inap., head of household never employed (Q198A=5) (code inap., in col. 316-321)
  - 999 N.R.
- 316-318 ✓199. Father's occupation Fill out industry/occupation code sheet. (or head of household)
- 993 retired (code inap., in col. 319-321)
  - 994 house-person (code inap., in col. 319-321)
  - 995 totally illegal industry/occupation (code inap. in col. 319-321)
  - 996 can't code
  - 997 not stated
  - 998 inap., head of household never employed (Q198A=5)
  - 999 N.R.
- 319 ✓200. Father's class of worker (or head of household)
- 1 an employee of a private company, business, or individual for wages, salary, or commission
  - 2 a government employee (Federal, State, County, or local government) (code inap., in col. 320-321)
  - 3 self-employed in own business, professional practice, or farm (includes own partnership)
  - 4 working without pay in a family business or farm (code inap. in col. 320-321)
  - 6 can't code
  - 7 not stated
  - 8 inap., head of household never employed, 993, 994, 995 (Q198A=5)
  - 9 N.R.

320-321 v201.

If Q200 = 1 or 3, father's position in the firm  
(or head of household)

- 01 officer, president
- 02 officer, vice president
- 03 officer, secretary or treasurer
- 04 officer, combination of officer positions
- 05 board of directors
- 06 04 and 05
- 07 assistant vice president
- 08 sales manager
- 09 district manager
- 10 general manager
- 11 manager, n.f.s. or n.e.c. (not further specified  
or not elsewhere classified)
- 12 other management (MOC)
- 13 consultant
- 14 promoter
- 15 salesman
- 16 other employee
- 17 sole proprietor
- 18 attorney, counsel, trustee
- 19 partner
- 20 free lance
- 95 owner, not further specified
- 96 other (MOC)
- 97 not stated
- 98 inap., father missing or never employed, 993, 994, 995;  
Q200 = 2 or 4 & (Q198A=5)
- 99 N.R.

## Spouse's Employment:

Q202-206 Spouse's employment status (at time of PSI).

322-324 ✓202. Spouse's industry Fill out industry/occupation code sheet.

- 992 student
- 993 retired
- 994 house-person
- 995 totally illegal industry/occupation
- 996 can't code
- 997 not stated
- 998 inap, D not married or spouse not employed  
(code inap., in col. 325-332)
- 999 N.R.

325-327 ✓203. Spouse's occupation Fill out industry/occupation code sheet.

- 992 student (code inap., in col. 328-332)
- 993 retired (code inap., in col 328-332)
- 994 house-person (code inap., in col 328-332)
- 995 totally illegal industry/occupation (code inap. in col.  
328-332)
- 996 can't code
- 997 not stated
- 998 inap., D not married or spouse not employed
- 999 N.R.

328 ✓204. Spouse's class of worker

- 1 an employee of a private company, business or individual for wages, salary, or commissions
- 2 a government employee (Federal, State, County, or local government) (code inap. in col. 329-330)
- 3 self-employed in own business, professional practice, or farm (includes own partnership)
- 4 working without pay in a family business or farm (code inap. in col 329-330)
- 6 can't code
- 7 not stated
- 8 inap., D not married or spouse not employed
- 9 N.R.

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206.

Remember that we want spouse's current income. If necessary, refer to conversion table in Appendix E. If both gross (total) and net income are given, code gross income.

329-330 v205. If Q204 = 1 or 3, spouse's position in the firm.

- 01 officer, president
- 02 officer, vice-president
- 03 officer, secretary or treasurer
- 04 officer, combination of officer positions
- 05 board of directors
- 06 04 and 05
- 07 assistant vice president
- 08 sales manager
- 09 district manager
- 10 general manager
- 11 manager, n.f.s. or n.e.c. (not further specified or not elsewhere classified)
- 12 other management
- 13 consultant
- 14 promoter
- 15 salesman
- 16 other employee
- 17 sole proprietor
- 18 attorney, counsel, trustee
- 19 partner
- 20 free lance
- 95 owner, not further specified
- 96 other (MOC)
- 97 not stated
- 98 inap., D not married or spouse not employed or 992, 993, 994 or 995, or Q204 = 2 or 4
- 99 N.R.

331-332 v206. Spouse's weekly earned income at time of PSI

- 00 \$1 - \$99
- 01 \$100 - \$199
- 02 \$200 - \$299
- .
- .
- .
- 50 \$5,000 or more
- 96 commission basis, can't determine amount
- 97 not stated
- 98 inap., D not married or spouse not employed or 992, 993, 994, or 995
- 99 N.R.



## Coder Instructions by Variable for Sentence

Variable

209. Code 7 - This code should be used when the PSI or attached letters do not mention anything about a plea bargain, a plea agreement or a Rule 11 agreement.  
Code 1 should be used when the PSI states that there was no plea bargain or is silent on the issue, but the PSI offers some evidence to the contrary.  
Code 2 - when the PSI explicitly mentions a plea agreement (eg. rule 11e), code 2 should be used.  
Code 3 - Only use code 3 if an early plea has been rejected and no new negotiation has taken place. Reminder: Code 1 only if the judgment and commitment order (or elsewhere) indicates that charges were dismissed on the motion of an attorney (government or defense counsel). If charges are dismissed with no mention of an attorney, code 7.
210. Does the PSI mention Rule 11(e) or the trading nature of the plea bargain? Rule 11 is not enough.
211. The "(e)" must be indicated.
- Do not code 2 just because the judgment and commitment order or disposition section mentions that counts were dropped. Only code 2 if the judgment and commitment order says "upon the motion of the government all remaining counts are dismissed" or something similar..

Sentence

Column

Variable

- 333    √209.    Did the PSI indicate whether or not there was a plea bargain in this case? (rule 11)
- 0    PSI stated that there was no plea bargain or negotiation and no indication of dismissal by attorneys (code inap., in COL 334-337)
  - 1    PSI stated no plea bargain or didn't mention but evidence of dismissal of charges with involvement of an attorney (refer to judgment and commitment order) or sentence recommendation by attorney.
  - 2    PSI states was a plea bargain
  - 3    Early plea rejected by court and withdrawn (code inap. in COL 334-337)
  - 4    plea negotiations in progress (code inap., in COL 334-337)
  - 5    superceding indictment/information (MOC:# of counts in original indictment/information) (code inap., in col. 335)
  - 7    no mention and no indication of bargain (code inap., in COL 334-337)
  - 9    N.R.
- 334    √210.    Is there evidence of a binding plea agreement (Rule 11e)?
- 1    yes
  - 7    no, not stated
  - 8    inap., Q209=0,3,4 or 7
  - 9    N.R.
- 335    √211.    Did the prosecutor intend/agree to reduce the charge or drop some counts? (Also refer to judgment and commitment order)
- 0    no
  - 1    prosecutor will not oppose the defense counsel's motion
  - 2    yes
  - 7    not stated (don't know intent/agreement)
  - 8    inap. (Q 209=0, 3,4 or 7; V209=5)
  - 9    N.R.

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212. Code yes if the prosecutor makes a specific time or amount recommendation—also code yes if more general terms, such as "a short prison term," are used.

336 ✓212. Did the prosecutor intend/agree to make a sentence recommendation?

- 0 no
- 1 yes, recommend a fine and/or restitution
- 2 yes, recommend a probation
- 3 yes, recommend a prison term
- 4 yes, 1 & 2
- 5 yes, 2 & 3
- 6 yes, 1 & 3
- 7 not stated (don't know intent/agreement)
- 8 inap. Q209=0, 3, 4 or 7)
- 9 N.R.

337 ✓213. Did prosecutor intend/agree to recommend leniency or mention D's cooperation at sentencing?

- 0 no
- 1 will recommend leniency
- 2 will mention D's cooperation
- 3 1 & 2
- 7 not stated (don't know intent/agreement)
- 8 inap., Q209=0,3,4 or 7
- 9 N.R.

Coder Instruction: Refer to Recommendation Section or Evaluative Summary Section

338 ✓214. Sentence Recommendation by P.O. regarding incarceration or probation

- 0 other (MOC)
- 1 no prison or probation recommendation (code inap. in col.33<sup>c</sup>)
- 2 prison only (code inap. in col.342-343) -34<sup>f</sup>
- 3 mixed sentence (sentence to over 6 months but ESS to over 6 months in prison followed by probation)
- 4 split sentence, 18:3651--sentence to over 6 months but, ESS to 5 days - 6 months in jail--type institution, followed by probation
- 5 probation and prison, amount not specified
- 6 probation only (ISS or total ESS)
- 7 not stated (no section)
- 9 N.R.

214. If P.O. only recommends a "split sentence", code V215 as 997, V216 as 95.
215. If ISS or total ESS, code 966. If partial ESS, code time to serve.

339-341 ✓215. P.O.'s incarceration recommendation. (Code time to serve if ESS)

- 000 1 to 4 days
- 001 5 days to one month
- 002 two months
- .
- .
- .
- 960 960 or more months
- 961 Youth Correction Act [FYCA, 18:5010 (a), (b), or (c)]
- 962 Federal Juvenile Delinquency Act [FJDA, 18: 5034]
- 963 Narcotic Addicts Rehabilitation Act  
[NARA, 18:4253 (a) or (b)]
- 964 Drug Abuse and Prevention Act [DAPCA, 21:801-966]
- 965 observation and the study under any of the following:  
sections of Title 18:4244-- 46 (mental incompetency);  
5037 (F.J.D.A.); 5010 (a) (VCA & YO); 4205 (c) or (d)  
- prior to May 14, 1976 - 18:4208 (b) or (c) (sentence  
determination study); 4252 (NARA); 28:2902 (a) (title  
1 NARA)
- 966 P.O. recommended suspended sentence of incarceration
- 992 "Short" period of confinement
- 993 an "appropriate" period of confinement
- 994 a "substantial" period of confinement
- 995 "confinement," amount not specified
- 996 other (MOC)
- 997 not stated (no section)
- 998 inap., Q214= 1
- 999 N.R.

342-343 ✓216. P.O.'s Probation Recommendation.

- 01 One month
- .
- .
- .
- 94 94 or more months
- 95 probation, time not specified
- 96 other (MOC)
- 97 not stated (no section)
- 98 inap., Q214 = 1 or 2
- 99 N.R.

344 ✓217. Did the P.O. recommend a fine?

- 0 no
- 1 yes, amount not specified
- 2 yes, exact amount specified
- 7 not stated (no section)
- 9 N.R.

219.

The following are not "special" penalties (code as 00)

- surrender passport; keep P.O. informed of whereabouts
- federal institution with hospital care (beware: was this NAEA or DAPCA?)
- secure employment, enter job training program, attend school
- drug rehabilitation program (beware: was this NARA or DAPCA?)
- report, (written report or physically report) to judge or P.O. regularly; allow P.O. to visit home, know activities
- restitution (including payment of taxes owed)
- payment of civil judgments
- not evade service process
- refrain from an illegal activity (e.g. gambling); behave well, obey all laws
- obey standard probation/parole order
- use alcohol/drugs in legal maner only
- avoid association of "criminal - type" people

Code the following as 07:

Leavenworth, Kansas Prison Camp\*  
 Marion ILL PC\*  
 Springfield MO PC\*  
 Terre Haute, Ind. PC\*  
 Allenwood, PA PC  
 Lewisburg, PA PC\*  
 Petersburg, VA PC\*  
 LaTuna, TX PC\*  
 Eglin, Flor. PC  
 Montgomery Ala PC  
 Lompoc, CA. PC\*  
 McNeil Island, Wash. PC\*  
 Safford Ari . PC

\* Be sure the prison camp is specified because there are regular penitentiaries or other facilities at the same locations

345      ✓218.    Did the P.O recommend restitution?

- 0    no
- 1    yes
- 7    not stated (no section)
- 9    N.R.

346-347 ✓219.    Did the P.O. recommend a "special" penalty?

- 00    no "special" penalty
- 01    yes, prevent D from holding a particular occupational position in future
- 02    yes, require D to do volunteer work or give public talks
- 03    yes, require D to seek professional financial planning assistance
- 04    yes, allow D to serve prison on weekends
- 05    work release program
- 06    yes, allow D to serve prison during probation period other than at beginning (stayed)
- 07    yes, recommend D to serve at prison camp
- 08    yes, D given unsupervised probation
- 09    yes, "General Order 135"
- 10    combination 02 and 04 (MOC)
- 11    combination 02, 04 and 06 (MOC)
- 12    combination 02 and 05 (MOC)
- 13    combination 01 and 02 (MOC)
- 14    other combinations with code 06 (MOC)
- 96    other "special" penalty (MOC)
- 97    not stated (no section)
- 99    N.R.



Coder Instructions: Refer to Estimated Parole  
Release Guidelines

348 v220.

Are parole release guidelines mentioned by P.O?

- 0 no (code inap., in col. 349-354)
- 1 yes
- 9 N.R.

349 v221.

Offense Severity Rating.

- 0 low
- 1 low moderate
- 2 moderate
- 3 high
- 4 very high
- 5 greatest I
- 6 greatest II
- 7 not stated
- 8 inap., Q220=0
- 9 N.R.

350-351 v222.

Offender Salient Factor Score.

- 00 zero
- 01 one
- 02 two
- .
- .
- 11 eleven
- 12 poor
- 13 fair
- 14 good
- 15 very good
- 96 other (MOC)
- 97 not stated
- 98 inap., Q 220=0)
- 99 N.R.

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149

223.

Parole Release Guidelines specify the estimated time D should serve before being released on parole.

352-353 v223. Parole Release Guideline Period (in months).

- 00 other (MOC)
- 01 6 - 10 months
- 02 6 - 12
- 03 8 - 12
- 04 9 - 13
- 05 10 - 14
- 06 12 - 16
- 07 12 - 18
- 08 13 - 17
- 09 16 - 20
- 10 17 - 21
- 11 18 - 20
- 12 18 - 24
- 13 20 - 24
- 14 20 - 25
- 15 20 - 26
- 16 20 - 27
- 17 20 - 28
- 18 21 - 26
- 19 24 - 28
- 20 24 - 30
- 21 24 - 32
- 22 26 - 32
- 23 26 - 34
- 24 26 - 36
- 25 27 - 32
- 26 32 - 36
- 27 32 - 38
- 28 34 - 44
- 29 36 - 42
- 30 36 - 45
- 31 36 - 48
- 32 40 - 55
- 33 45 - 55
- 34 48 - 60
- 35 55 - 65
- 36 55 - 70
- 37 70 - 85
- 38 85 - 110
- 97 not stated (no section)
- 98 inap., Q 220=0
- 99 N.R.

224.

The P.O. may direct the judge about the sentence that should be imposed to permit D's release from prison with the time specified in variable 223. If the P.O. does so, code 1-4. If the P.O. has given a specific incarceration recommendation, is it above, below, or within the guidelines? (Code 1-3) If a general recommendation was given (ie. "appropriate", "short", etc.) code 4 if the P.O. did specify the guideline sentence length. If the P.O. explicitly recommends a sentence "above the guidelines", etc., code the appropriate 1-3 code.

354 ✓224. Does P.O. specify the sentence length that will place D within parole release guideline period?

- 0 no
- 1 yes, P.O. recommends sentence above guidelines
- 2 yes, P.O. recommends sentence within guidelines
- 3 yes, P.O. recommends sentence below guidelines
- 4 yes, P.O. makes no recommendation but merely specifies corresponding sentence
- 8 inap., Q-220=0
- 9 N.R.

Coder Instruction: Refer to Judgment and Probation/Commitment Order if present (do not code any "7's"); if missing, refer to cover sheet ("7's" may then be necessary)

355-356 v225. Date of Sentence, month

- 01 January
- 02 .
- . .
- . .
- 12 December
- 97 not stated
- 99 N.R.

357-358 v226. Date of Sentence, day

- 01 1st
- 02 2nd
- . .
- . .
- . .
- 31 31st
- 97 not stated
- 99 N.R.

359-360 v227. Date of sentence, year

Code last two digits

- 97 not stated
- 99 N.R.

228.

You will be coding the time D will serve, therefore variable 228 must tell us where the sentence came from.

Concurrent(CC) means that the sentences will run together at the same time. Consecutive(CS) means that the sentences will follow one another; they will be added together.

ISS means that imposition of sentence is suspended. The judge does not even specify a prison term, but rather gives a probation term. This allows the judge to impose a sentence (prison term) at a later date (e.g. 1 if probation is violated) when necessary.

ESS means that part or all of the execution of sentence is suspended. That is, D is sentenced to 5 years (code in Q231) but need only serve 2 years (code in Q230). The other three years may or may not be served on probation. We want to know about the time D will serve.

Code 0: all counts for this title/section offense were dismissed; only fines were given.

Code 1: entire sentence as coded in variables 229-233 comes from one count. Other counts for that title/section are either dismissed or ISS.

Code 2: entire sentence as coded in variables 229 - 233 comes from one count but other counts for this title/section offense resulted in lesser or equal sentences, and run concurrently with that coded in variables 229 - 233.

Code 3: Different variables come from different counts. Example: for XX:XXX offense, D will serve 5 years on count one and will serve two years probation from count two.

Code 4:

1. D received 2 years of prison on count one and 2 years of prison on count two, consecutive (4 years total time to be served coded in Q230).
2. D received 2 years probation on count one and 2 years probation on count two, consecutive (code 4 years in Q232).

Code 5: D received 2 years of prison on count one to be followed by 5 years of probation from count 2.

Code 6: D received 2 years of prison on count one, 2 years of prison on count two, and 5 years of probation on count three, all three sentences consecutive.

235 - 241

These variables correspond to the title/section offense coded in Q33. If there was no 2nd offense charged, code inap.

242 - 249

These variables correspond to the title/section offense coded in Q40. If there was no 3rd offense charged, code inap.

Coder Instruction: For each title/section offense coded in Q26, Q33 or Q40, code the sentence D will serve for any counts for each title/section offense charged. If consecutive sentences, code total amount to be served for each title/section offense. If concurrent between title/section offenses, code under title/section offense D will be serving (if can't determine, take first title/section offense). If no second or third title/section ~~an~~ offense, inap. rest of deck.

361

√228. What does the sentence from 1st offense to be served represent? (prison and probation)

- 0 no sentences to be served on counts in first offense (code inap., in Col. 36 - 45)
- 1 sentence coded comes from one count of first offense only
- 2 sentence coded comes from one count of first offense, but others (not coded) run concurrently
- 3 part of sentence coded comes from different counts of first offense (e.g. probation from one court, prison from another)
- 4 prison sentences are consecutive or probation sentences are consecutive (MOC)
- 5 probation and prison sentences are consecutive with each other; each variable comes from a different count
- 6 4 and 5 (MOC); or sentenced across offenses but can't determine which offense sentence applies to.
- 7 not stated
- 8 inap., no 2nd or 3rd offense
- 9 N.R.

376

√235. Sentence: represents for 2nd offense

391

√242. Sentence represents for 3rd offense



229.

Most sentences will be coded as 00. The next most frequent codes will be 02 - 03. For 02 - 03, you may have to determine whether D's sentence fits the category.

Codes 04 - 06 are rarely imposed. Parole eligibility will be explicit for codes 04 and 06.

Codes 07 - 10 are always explicitly mentioned if used.

362-363 v229.

Sentence statute code for first offense--does sentence represent one of the following?

- 00 no, regular prison, probation or fine
- 01 committed for observation and study (18:4244-46, 5037, 5010(e), 4205(c) or (d) prior to May 14, 1976-- 4208(b) or (c), 4252; 28:2902(a)
- 02 18:3651--sentence to over 6 months but then suspends execution (ESS) to a period of six months or less in a jail type institution or treatment institution, followed by probation (split-sentence)
- 03 sentence to over 6 months but then suspends execution (ESS) to a period over six months in prison followed by probation (mixed sentence)
- 04 18:4205(b)(2)--sentence exceeds one year but "Eligible for immediate parole". [Prior to May 14, 1976 - 18:4208(a)(2)]
- 05 18:4205(f) (rare - MOC)
- 06 18:4205(b)(1) - sentence exceeds one year but "eligible for parole" in less than one third of sentence [Prior to May 14, 1976, 18:4208(a)(1)] (Rare - MOC)
- 07 Federal Youth Corrections Act [18:5010(a)(b) or (c)]
- 08 Federal Juvenile Delinquency Act (18:5034)
- 09 Narcotics Addict Rehabilitation Act [18:4253(a) or (b)]
- 10 Drug Abuse and Prevention Act (21:801-966)
- 96 other (show supervisor - MOC)
- 97 not stated
- 98 inap., no 2nd or 3rd offense, Q228=0
- 99 N.R.

377-378 v236.

Sentence statute code for 2nd offense

392-393 v243.

Sentence statute code for 3rd offense

230. If D will receive probation from the first title/section offense, code this as 994 - 996.
231. Only code this if execution of sentence was completely or partially suspended, otherwise code it as 998.

364-366 V230. Sentence to be served in prison from first offense  
(if consecutive, code totals---in months).

000 one hour - 4 days  
 001 5 days-1 month  
 002 two months  
 . . .  
 . . .  
 990 990 or more months of incarceration  
 994 ISS only on counts from 1st offense  
 995 ESS totally suspended on 1st offense  
 996 probation and/or fine only  
 997 not stated  
 998 inap., Q228=0, no 2nd or 3rd offense  
 999 N.R.

379-381 V237. Sentence served for 2nd offense

394-396 V244. Sentence served for 3rd offense

367-369 V231. If ESS, originally imposed sentence for 1st offense  
(if consecutive, code total)

001 one month incarceration  
 002 two months  
 . . .  
 . . .  
 990 990 or more months of incarceration  
 997 not stated  
 998 inap., no ESS or Q228=0, no 2nd or 3rd offense  
 999 N.R.

382-384 V238. Sentence originally imposed for 2nd offense

397-399 V245. Sentence originally imposed for 3rd offense

370-371 ✓232. If ISS, or ESS, or fine and probation, sentence to be served on probation for 1st offense (if consecutive, code total).

01 one month probation (includes anything less than 1 month)  
02 two months  
.  
.  
.  
96 96 or more months  
97 not stated  
98 inap., Q228=0, no ISS or ESS, no 2nd or 3rd offense  
99 N.R.

385-386 ✓239. Probation for 2nd offense

400-401 ✓246. Probation for 3rd offense

372-374 v233.

Was a fine imposed (amount in hundred of dollars)  
for 1st offense? (code cumulative amount.)

000 no fine imposed (code inap., in col. 375)  
001 \$1 - \$199  
002 \$200 - \$299  
.  
.  
.  
996 \$99,600 or more  
997 not stated  
998 inap., no 2nd or 3rd offense  
999 N.R.

387-389 v240.

Fine for 2nd offense

402-404 v247.

Fine for 3rd offense

375 v234.

Were fines imposed for 1st offense cumulative?  
(code number of counts resulting in fines)

1 one count (no, not cumulative)  
2 yes, two counts  
3 yes, three counts  
.  
.  
6 yes, six or more counts  
7 not stated  
8 inap., Q 233=000, no 2nd or 3rd offense  
9 N.R.

390 v241.

Cumulative fines for 2nd offense

405 v248.

Cumulative fines for 3rd offense

Coder Instructions By Variable

251. This variable will be coded 1 only if D was to serve a sentence from a fourth or later title/section conviction.
252. Code the total number of title/section offenses for which D was sentenced, regardless of whether D will serve the sentences, the sentences are concurrent, the sentences are ISS with probation only, etc. We want the number of title/section offenses, not the number of counts.
253. Restitution in tax cases includes paying taxes owed by D.

Sentence imposed; Defendant's version,  
P.O.'s evaluation and Coder Summary

<u>Column</u>	<u>Variable</u>	
406	V251.	Was D to serve a sentence on any title/section offenses other than those indicated in Q26, 33 or 40?
		0 no
		1 yes (there is an additional T:S offense; but total sentence received in unspecified as to T:S offenses)
		2 additional fine only - code 2 in Q251 & add the amount in column 408-410 & change column 407 to reflect additional counts.
		3 additional prison only - code 3 in Q251, code 6 in Q242 & add the prison times together in Q244.
		7 not stated
		9 N.R.
407	V252.	Total number of title/sections on which D was sentenced
		1 one
		2 two
		3 .
		4 .
		5 .
		6 six or more
		7 not stated
		9 N.R.
408-410	V253.	Was restitution ordered by the court on any counts? (Do not include penalties or interest).
		000 no
		001 yes, \$1 - \$199
		002 yes, \$200 - \$299
		.
		.
		.
		995 Yes, \$99,500 or more
		996 restitution, amount not specified
		997 not stated
		999 N.R.
411	V254.	Was D ordered to pay court costs, penalties or interest? (exclude fines and restitution).
		0 no
		1 court costs
		2 interest (e.g. IRS)
		3 other monetary penalties
		4 1 & 2 or 1 & 3
		5 2 & 3
		6 1, 2, & 3
		7 not stated
		9 N.R.



255

Refer to instructions for variable 219  
"unsupervised probation" is coded 96 (MOC).

256

In general recommendations, do not try to estimate  
"appropriate" or "short" prison terms. Rather, use  
codes 1, 3 and 5 for cases such as when the P.O.  
recommended probation, and D was given a prison  
term (code 5).

412-413

V255. Was D given a "special" penalty?

- 00 no "special" penalty
- 01 yes, prevent D from holding a particular occupational position in future
- 02 yes, require D to do volunteer work or give public talks
- 03 yes, require D to seek professional financial planning assistance
- 04 yes, allow D to serve prison on weekends
- 05 yes, work release program
- 06 yes, allow D to serve prison during probation period other than at beginning (stayed)
- 07 yes, recommend D to serve at prison camp
- 08 yes, D given unsupervised probation
- 96 other "special" penalty (MOC)
- 97 not stated
- 99 N.R.

414

V256. Did the judge's sentence contradict the P.O.'s recommendation?

- 0 no, P.O. gave specific sentence recommendations and the judge followed these
- 1 no, P.O. gave general recommendations and the judge seemed to have followed these
- 2 yes, P.O. gave specific recommendations and the judge was more lenient
- 3 yes, P.O. gave general recommendations and the judge seemed to be more lenient
- 4 yes, P.O. gave specific recommendations and the judge was more strict
- 5 yes, P.O. gave general recommendations and the judge seemed to be more strict
- 7 not stated
- 8 inap., no P.O. recommendation
- 9 N.R.

257-263

You may look in other sections of the PSI when answering questions concerning D's version (eg. this information may be given in the official version), but be careful that this information is explicitly stated as coming from D when doing so.

257

What is being queried here is whether D claims the official version misrepresents the facts of the case. Remember we are dealing with D's response to the facts being reported, not D's claim concerning his/her knowledge or ignorance of the law.

Examples:

1. Official version states D took money from a cash register, D admits he took the money (mitigating circumstances should not be taken into account here)  
Code: 0
2. Official version states that D asked Mr. Smith for a bribe on October 14. D admits he called Mr. Smith but claims he never asked for a bribe, though he did ask if he could borrow some money.  
Code: 1
3. Official version states that D went to New Jersey and stole 300 dollars from the Post Office. D admits she went to New Jersey but she claims she only stole \$50.  
Code: 1
4. Official version stated that D acted with Mr. Smith to defraud a stock company. D claims he never worked with Mr. Smith; he was never involved in this crime.  
Code: 2

259

Q 259 refers to law as opposed to fact. D can be seen as either ignorant of the law itself, or ignorant that his/her actions constituted a violation of that law. If D is ignorant of the law itself, it follows that he/she did not know that his/her actions constituted a violation of that law.

Examples:

1. "We knew we were taking a chance when we stole the money from the cash box, but we thought we wouldn't get caught, and besides we really needed the money."  
Code: 0

examples 2,3 and 4 on next page.

62

Coder Instruction: Refer to D's Version

- 415 V257. Is D's statement of the facts different from those given in the official version?
- 0 no, D's statement is in essential agreement with facts of official version
  - 1 yes, D's statement questions or disputes some of the facts of the official version
  - 2 yes, D's statement questions or disputes most of all of the facts or the official version
  - 7 not stated
  - 9 N.R.

- 416 V258. Does D contend that he/she was innocent of all or part of the convicted offenses?
- 0 no
  - 1 yes to some counts
  - 2 yes to all counts (code col. 417 and 418 inap.)
  - 7 not stated (no D's version)
  - 9 N.R.

Coder Instruction: Refer to D's version & P.O. evaluation section

- 417 V259. Does D contend that he/she was ignorant of the law, or the illegality of his/her actions at the time of the offense?
- 0 no, D admits knowledge of illegality
  - 1 no, D claims other defenses, but does not mention ignorance of illegality
  - 2 yes, D claims ignorance of the law or the illegalities of his/her offense
  - 7 not stated (no D's version or no defenses stated)
  - 8 inap., col. 410 = 2
  - 9 N.R.

2. "I was forced into it by my boss. He said if I didn't change the books he would fire me."  
Code: 1
3. "Though I admit that I was taking money from the till without listing it on my invoice books, I didn't know it was illegal when it was your own business."  
Code: 2
4. D claims he knew price fixing was illegal but he didn't know that his actions constituted price fixing.  
Code: 2

260,268

Remorse = "sorry," "feeling lousy about what I did", etc.  
"Sorry I got caught" is not a statement which shows remorse, neither is "It was a mistake."

261,269

D's motivations are divided into three general categories: Financial motives, personal/non financial motives and "non-personal"/non-financial motives. Only code characterizations made by D or attributed to D.

Financial motives are distinguished both by a reference to the presence or absence of need and the recipient of the gain involved (i.e. family, business or personal). Financial gain, type not specified should be coded only where D claims financial gain but he/she makes no reference to the recipient of the gain. Code other financial motives when specific motives are mentioned but it is impossible to place these motives in the categories given.

Note: Code 03, personal/financial need should be used if D's motivation is need based on some form of addiction, e.g. drugs, alcohol, gambling. Also include here financial need to pay debts incurred from such addictions, especially gambling.

Personal/non-financial motives refer to those motivations which originate with D but are non-financial. Personal distress, frustration with the system and an inability to control oneself all are examples of motivations which fall in this category. These are to be distinguished from "non-personal" non-financial motives which act upon D and may be seen as systemic pressures or forces. In this case D was coerced by others, or just following the normal business patterns in his/her profession.

418

167  
V260. D's characterization of his/her attitude towards the crime:

- 1 D feels remorse
- 2 D feels no remorse
- 7 not stated
- 8 inap., Col. 416 = 2
- 9 N.R.

419-420 V261. Primary factor which D claims motivated him/her to commit offense.

- 00 other Financial motives (MOC)
- 01 business/financial need
- 02 family/financial need
- 03 personal/financial need
- 04 business/no financial need claimed
- 05 family/no financial need claimed
- 06 personal/no financial need claimed
- 08 financial need, type not specified
- 09 financial gain (no financial need claimed)  
type not specified
- 10 other personal/non-financial motives (MOC)
- 11 emotional distress
- 12 frustration
- 13 influence of drugs or alcohol
- 14 status
- 19 personal/non-financial motives, type not specified
- 20 other "non-personal"/non-financial motives (MOC)
- 21 just following orders
- 22 coerced by others
- 23 favor for others
- 24 normal business practice
- 29 "non-personal"/non-financial motives,  
type not specified
- 90 other (MOC)
  
- 97 no motivations stated
- 99 N.R.

Examples:

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1. "As much as I tried to break away from the business, the money kept preventing me."  
Code: 09
2. "My business was in trouble that's why I did it"  
Code: 01
3. "I panicked when the tax investigation started so I altered my books, to cover up for my bad bookkeeping skills"  
Code: 11
4. "The tax situation was driving me crazy so I decided not to pay"  
Code: 12
5. "D says he was just following orders but this is unlikely given his position in the firm" (PO statement)  
Code: 21

We only want you to code D's primary motivation.

262

Entrapment = The act of officer or agent of the government in inducing a person to commit a crime not contemplated by him, for the purpose of instituting a criminal prosecution against him.

Selective prosecution = The act of selectively choosing an individual for prosecution while ignoring others committing the same offense.

Examples:

1. "I had to do it if I was going to be able to keep the business"  
Code: 0
2. "The guy asked me to sell the stocks with him, later I found out he was a cop. He set me up!"  
Code: 2
3. "Everyone does it I don't understand why I was prosecuted"  
Code: 3
4. "There were continual harassments throughout this investigation which made it impossible for me to file my tax returns correctly"  
Code: 4

263, 266

Loss may be loss of economic or emotional support (code 4).

421 V262. Does D argue that official misconduct contributed to his/her involvement with the law?

- 0 no, D claims other defenses but did not contend official misconduct was involved
- 1 yes, other official misconduct (MOC)
- 2 entrapment
- 3 yes, selective prosecution
- 4 yes, official misconduct, type not specified
- 5 combinations of 1 - 4
- 7 not stated (implicit no)
- 9 N.R.

422 V263. D's characterization of effect legal involvement is having upon D's family life (spouse and children)

- 0 family life not suffering
- 1 family suffering: stigma, strain
- 2 family suffering: economic hardship
- 3 family suffering: breakup through separation or divorce
- 4 D mentions fear of loss to family if D is imprisoned
- 5 any combination excluding 4
- 6 any combinations including 4
- 7 not stated (no characterization is given by D)
- 8 inap., not married during legal involvement
- 9 N.R.

423 V264. How were D's own financial gains from offense used?

- 0 other (MOC)
- 1 primarily for own and other's pleasure (gambling, luxury items, wine, women, song)
- 2 primarily for family necessities (includes personal necessities)
- 3 personal, not further specified; pr
- 4 combination 1 and 2
- 4 primarily to expand or create business
- 5 primarily to shape up a failing business
- 6 personal and business
- 7 not stated
- 8 inap., no financial gain
- 9 N.R.



265A

For this question, only include negative references regarding D's standing (reputation) in the community. (Eg. "D was known as an unscrupulous individual," or "everyone knew D was a man of little character.") A characterization like D was a poor worker would not be included here.

265B

Only include positive references as regards D's standing (reputation in the community.) (Eg. "D has always been well liked and well thought of in our town," or "D is a pillar of the community.") Do not include characterizations such as D's wife saying that D was a good husband, or D's employer.

265A, 265B

Only use letters of recommendation as characterizations of reputation if you know that the content of the letter speaks to D's reputation in the community.

Coder Instruction: Refer to Evaluative Summary and Recommendation Sections. ONLY if the information requested is not there should you look elsewhere. DO NOT refer to the official version of the offense.

424 V265A. Is there a negative characterization of D's general reputation in the community?

- 0 no
- 1 yes, by P.O.
- 2 yes, by a member of D's family
- 3 yes, by an employer of D
- 4 yes, by other individual(s)
- 5 any combination of above, excluding 1 (P.O.)
- 6 any combination of above, including 1 (P.O.)
- 9 N.R.

425 V265B. Is there a positive characterization of D's general reputation in the community?

- 0 no
- 1 yes, by PO
- 2 yes, by a member of D's family
- 3 yes, by an employer of D
- 4 yes, by other individual(s)
- 5 any combination of above, excluding 1 (P.O.)
- 6 any combination of above, including 1 (P.O.)
- 9 N.R.

426 V266. PO's characterization of effect legal involvement is having upon D's family life? (Refer to evaluation section if not stated earlier)

- 0 Family life not suffering
- 1 Family suffering: stigma, strain
- 2 Family suffering: economic hardship
- 3 Family suffering: breakup through separation or divorce
- 4 PO mentions potential loss to family if D is imprisoned
- 5 combination excluding 4
- 6 combinations including 4
- 7 not stated (no characterization is given by PO)
- 8 inap., D not married
- 9 N.R.

427 V267. P.O.'s characterization of D's attitude toward P.O. (code explicit reference only)

- 0 other (MOC)
- 1 evidence of cooperative, helpfulness
- 2 evidence of uncooperative or evasive behavior
- 3 D is characterized as pleasant or nice, etc.
- 7 not stated
- 9 N.R.

428 V268. P.O.'s characterization of D's attitude toward crime. (code a explicit reference only)

- 0 other (MOC)
- 1 D shows remorse
- 2 D shows no remorse
- 7 not stated
- 9 N.R.

269

Examples:

1. "D did not know that his actions were illegal."  
Code: 8
2. "D was just following the practices of those before him in committing this offense"  
Code: 4

270

Remember you are looking for some type of P.O. characterization, not just a dry rendition of the facts of the case. Do your best to fit the P.O.'s characterizations in codes 1 - 3, only code 0 when this is impossible to do. Do not code "D was an impulsive person" as 1, the characterization must refer to the offense.

Examples:

1. "This offense points to D's personality weaknesses. He was confronted by the cash in his drawer and he stole \$500. His impulsiveness here, is a reflection of D's general behavior."  
Code: 1
2. "D claims he did not mean to do anything illegal. Considering the planning which this offense must have required, this claim is certainly suspect."  
Code: 2

429

V269. P.O.'s characterization of D's main motivation for offense:

- 0 other (MOC)
- 1 financial motives, personal, family, or business need
- 2 financial motives, no "need" shown (greed)
- 3 personal/non-financial motives, some distress noted
- 4 personal/non-financial motives, no distress (e.g. status)
- 5 "non" + personal/non-financial motives
- 7 not stated (P.O. makes no independent characterization of D's motives)
- 8 inap., P.O. contends that D had no criminal motivations
- 9 N.R.

430

V270. P.O.'s characterization of offense planning. (code explicit reference only)

- 0 other (MOC)
- 1 impulsive action, little or no planning
- 2 moderately planned action
- 3 action which involved elaborate planning
- 7 not stated
- 8 inap., D did not know his/her actions were illegal
- 9 N.R.

431

V271. Does P.O. mention that favorable letters of recommendation were received?

- 0 no, (P.O. states none were received)
- 1 yes, one
- 2 yes, two
- .
- .
- 5 yes, five or more
- 6 yes, number not specified
- 7 not stated, (P.O. makes no mention of letters of recommendation)
- 9 N.R.

35

432

V272. Does P.O. note that D has already suffered considerably from effects of indictment or trial?

- 0 no ("D has not suffered")
- 1 yes
- 7 not stated (no characterization made by P.O.)
- 8 inap.
- 9 N.R.

273

Use good judgment on this question. Try to count positive characterizations and their strength and compare these with negative characterizations. Do not make any inferences from the sentence given.

433 V273 P.O.'s evaluative summary as a whole.

- 1 very positive:
- 2 on balance positive - more favorable than unfavorable adjectives
- 3 about equal between positive and negative
- 4 on balance negative - more unfavorable than favorable adjectives
- 5 very negative
- 7 not stated (no evaluative summary)
- 9 N.R.

Coder's Summary

434 V274. How difficult was it to code this case?

- 1 very difficult
- 2 somewhat difficult
- 3 not very difficult (code inap. in col 435)
- 4 not difficult at all (code inap. in col. 435)
- 9 N.R.

435 V275. If Q274 =1 or 2 which section did you find most difficult to code?

- 0 official version
- 1 D's version
- 2 prior record
- 3 family or education sections
- 4 employment
- 5 health
- 6 P.O. evaluation or recommendations
- 7 disposition or judgment and commitment order
- 8 inap. , Col. 434 = 3 or 4
- 9 N.R.

7/20/79

118

276

Do not include judgment and commitment orders or other additional items attached to the PSI. An official version of the offense directly from the U.S. Attorneys office is part of the PSI. Count the coversheet through the evaluation and recommendation sections. Also count the parole release guidelines and any liabilities and assets sheets which are placed after the P.O. Evaluation section. If you know there was any sentence modification, code 7 and MOC telling us the amended sentence. (The original sentence should have been coded in Deck 6.) (Add MOC after code 7's description)

281

Use your own judgment here.



430-437 ✓276 Number of pages in PSI

- 01 one page
- .
- .
- .
- 95 95 pages or more
- 99 N.R.

For Cols. 39 - 41  
Were additional items attached to the PSI?

- 0 other (MOC)
- 1 yes, judgment & commitment order
- 2 yes, sentencing memorandum from defense attorney
- 3 yes, sentencing memorandum from the prosecutor
- 4 yes, plea bargain agreement
- 5 yes, psychological reports
- 6 yes, A0235, judges sentencing recommendations.
- 7 yes, court order under Rule 35 of Federal Rules of Criminal Procedure amending sentence originally given D

438 ✓277.1st additional item

- 8 inap., no additional items attached
- 9 N.R.

439 ✓278.2nd additional items

- 8 inap., none or one additional item attached
- 9 N.R.

440 ✓279.3rd additional item

- 8 inap., none or one additional item attached
- 9 N.R.

441 ✓280. Are more than 3 additional items attached

- 0 no
- 1 yes (MOC - specifying the extra items attached)
- 9 N.R.

442 ✓281. How sophisticated (or complicated) was the offense or offense pattern in this case.

- 1 very sophisticated
- 2 somewhat sophisticated
- 3 not very sophisticated
- 4 not at all sophisticated
- 7 Coder forgot to code
- 9 N.R.

443

V282. Considering the PSI as a whole, how sympathetic do you feel toward D in this case?

- 1 very sympathetic
- 2 somewhat sympathetic
- 3 not very sympathetic
- 4 not at all sympathetic
- 7 Coder forgot to code

444-445 1283 Coder's ID Number.

- 01 C. Aranosian
- 02 N. Bode
- 03 T. Edelstein
- 04 P. Hammer
- 05 F. Henriquez
- 06 A. Jardine
- 07 A. Klaus
- 08 L. Markkula
- 09 M. Murray
- 10 D. Polise Garra
- 11 B. Riendeau
- 12 W. Schnoor
- 13 E. Valby
- 14 D. Weisburd
- 15 W. Wheeler

446-447 1284 Month/year PSI coded.

- 07 July 1979
- 08 August 1979
- 09 September 1979
- 99 N.R.

448-449 1285 Day PSI Coded

- 01 1st
- 02 2nd
- .
- .
- .
- 31 31st
- 99 N.R.

Coder Instruction: Code time finished on coding log.

V286. Lenth of time to code PSI in minutes

450-451

- 01 one minute
- 02 two minutes
- .
- .
- .
- 90 90 minutes or more
- 97 forgot to time [We don't want many (any) of these.]
- 99 N.R.

BLANK

468-470

V179D. Duncan Socioeconomic Index associated with the occupation of the defandant at the time of the actual offense (V179)

Codes are available in:

U.S. Bureau of the Census, 1970 Census of Population, Classified Index of Industries and Occupations, U.S. Government Printing Office, Washington, D.C., 1971, pp.VII-XIV.

452-467 (Data in these columns are undocumented).

471-483 (Data in these columns are undocumented).