

# **TABLE OF CONTENTS**

Acknowledgements .....	i
Warning—Disclaimer .....	ii
Preface .....	vii
Introduction .....	ix

## **CHAPTER ONE – INDICTED: FIRST THINGS FIRST**

Introduction .....	1
About Lawyers .....	5
Attorney for Hire .....	9
Retaining an Attorney .....	12
Attorney/Client Agreement Checklist .....	14
Attorney/Client Service Considerations .....	15
Using a Federal Defender .....	16
Negotiating with the Prosecutor .....	17
Pro Se .....	19
Bonded/Bail .....	21
Deciding to Plead Guilty or Go to Trial .....	24
During the Trial .....	27
The Sentencing Hearing .....	31
Self-Surrender .....	35
Detainers and Other Pending Charges .....	37
Post-Sentencing: Appeals & Writs .....	41
Sequence of Events .....	44

## **CHAPTER TWO – SENTENCE REDUCTION STRATEGIES**

Introduction .....	45
Offense Level Points .....	48
Dismissal of Charges .....	49
Acceptance of Responsibility .....	50
Safety Valve .....	53
Role in the Offense .....	56
Substantial Assistance .....	56
Relevant Conduct .....	70
Criminal History .....	77
Residential Drug Abuse Program .....	81
Good Time .....	82
Enhancements and Special Considerations .....	84
Drug Offenses .....	84
Drugs and Guns .....	85
White-Collar/Economic Crimes .....	89
Offenses Against the Person .....	95
Opportunities Summary .....	96
Summary of Sentencing Guidelines .....	97
Family Guide .....	99
Phase I – Pre-disposition .....	100
Phase II – Plea Bargains .....	105
Phase III – Pre-sentencing .....	106
Phase IV – Sentencing .....	108
Phase V – Post-sentencing .....	109

**CHAPTER THREE – PLEA BARGAINS**

Introduction.....	111
Background of Plea Bargaining.....	114
Plea Bargaining Considerations .....	115
The Plea Agreement.....	117
Sentencing Parameterers .....	121
Plea Checklist .....	122
Example Plea Agreement .....	123
The Guilty Plea.....	126

**CHAPTER FOUR – RESIDENTIAL DRUG ABUSE PROGRAM (RDAP)**

Introduction .....	131
Goals and Objectives of the RDAP .....	132
RDAP Program Overview.....	138
Program Structure .....	138
Early Release Qualifications .....	148

**CHAPTER FIVE – PRE-SENTENCE INVESTIGATION REPORT**

Introduction .....	159
Background .....	160
The Pre-Sentence Interview.....	161
PSI Worksheet Analysis/Explanation .....	162
PSI Worksheet Sample Forms .....	167

**CHAPTER SIX – GUIDELINE APPLICATIONS: DRUG AND DRUG-RELATED OFFENSES**

Part 1A – Guideline Introduction .....	182
Part 1B – General Application Principles.....	184
Part 1C – Table of Statutory Penalties – Drug Crimes .....	191
Part 2D – Drugs and Narco-Terrorism Offenses.....	192

**CHAPTER SEVEN – GUIDELINE APPLICATIONS: NON-DRUG OFFENSES**

Introduction .....	233
Part 2A – Offenses Against the Person .....	234
Part 2B – Basic Economic Offenses .....	247
Part 2C – Offenses Involving Public Officials and Violations of Federal Election Campaign Laws .....	271
Part 2E – Criminal Enterprise and Racketeering Offenses .....	275
Part 2F – Deleted .....	280
Part 2G – Offenses Involving Sex Acts, Sexual Exploitation of Minors and Obscenity.....	280
Part 2H – Offenses Involving Individual Rights .....	288
Part 2J – Offenses Involving the Administration of Justice .....	292
Part 2K – Offenses Involving Public Safety .....	295
Part 2L – Offenses Involving Immigration, Naturalization and Pasports .....	302
Part 2M – Offenses Involving National Defense and Weapons of Mass Destruction.....	307
Part 2N – Offenses Involving Food, Drugs, Agricultural Products and Odometer Laws.....	313
Part 2P – Offenses Involving Prisons and Correctional Facilities .....	315
Part 2Q – Offenses Involving the Environment .....	317
Part 2R – Antitrust Offenses.....	322
Part 2S – Money Laundering and Monetary Transaction Reporting.....	324
Part 2T – Offenses Involving Taxation .....	327
Part 2X – Other Offenses.....	333

**CHAPTER EIGHT – OFFENSE ADJUSTMENTS**

Chapter Cross-Reference .....	337
Part 3A – Victim Related Adjustments .....	338
Part 3B – Role in the Offense.....	340
Part 3C – Obstruction and Related Adjustments .....	344
Part 3D – Multiple Counts .....	345
Part 3E – Acceptance of Responsibility .....	348
Part 4A – Criminal History and Criminal Livelihood .....	349
Part 4B – Career Offenders and Criminal Livelihood.....	356
Part 6A – Sentencing Procedures.....	360
Part 6B – Plea Agreements .....	362
Part 7B – Violations of Probation and Supervised Release .....	364

**CHAPTER NINE – SENTENCING APPLICATIONS: DETERMINING THE SENTENCE AND SENTENCING FACTORS**

Introduction .....	367
Worksheet Instructions to Determine Sentence .....	368
Worksheet A Sample .....	379
Worksheet B Sample .....	380
Worksheet C Sample .....	381
Worksheet D Sample .....	383
Worksheet Forms .....	387
Part 5A – Determining the Sentence .....	395
– Sentencing Table .....	397
Part 5B – Probation.....	398
Part 5C – Imprisonment .....	404
Part 5D – Supervised Release .....	406
Part 5E – Restitution, Fines, Assessments, Forfeitures.....	412
Part 5F – Sentencing Options.....	416
Part 5G – Implementing the Total Sentence of Imprisonment.....	418
Part 5H – Specific Offender Characteristics .....	420
Part 5J – Relief from Disability.....	423
Part 5K – Departures .....	424

**CHAPTER TEN – FEDERAL PRISON DESIGNATION**

Introduction .....	435
Overview .....	440
Security Designation Data Instructions and Worksheets .....	442
Facility Designation.....	449
Management Variable.....	451
Public Safety Factor .....	453
Security Designation Table 10-A (Males) .....	457
Security Designation Table 10-B (Females).....	457
Exhibit 10-1: Offense Severity Scale.....	458
Exhibit 10-2: Definition of Roles Involved in Drug Offenses .....	461
Exhibit 10-3: Definitions .....	463

## **CHAPTER ELEVEN – FEDERAL BUREAU OF PRISONS: PRISON OFFICES, PRISONS, AND CAMPS**

Central Office .....	467
Regional Offices.....	467
Federal Bureau of Prisons Facilities .....	468
Minimum Security Facilities (Males).....	468
Low Security Facilities (Males) .....	469
Medium Security Facilities (Males) .....	469
High Security Facilities (Males) .....	470
Administrative Security Facilities (Males) .....	470
Minimum Security Facilities (Females).....	471
Low Security Facilities (Females) .....	471
Administrative Security Facilities (Females) .....	471
Community Corrections Management Offices .....	472
Administrative Security Facilities: Special Purpose (Male).....	475
Witness Protection Units (Males) .....	476
Administrative Security Facilities: Special Purpose (Female) .....	477
Mailing Addresses for Inmates in Federal Prisons .....	478
Contract Facilities .....	484
Map of Southeast Region .....	485
Map of Northeast Region.....	486
Map of South Central Region .....	487
Map of North Central Region.....	488
Map of Western Region .....	489
Map of Mid-Atlantic Region.....	490

## **CHAPTER TWELVE – ENTERING PRISON & PRISON RULES**

Admission and Orientation .....	491
Schedule for Daily Activities .....	493
Unit Management.....	494
Visiting Information.....	499
Food Service.....	502
Inmate Telephones .....	503
Health Services .....	503
Psychology Services.....	509
Education .....	510
Recreation.....	511
Inmate Systems.....	512
Safety .....	515

<b>APPENDIX A – STATUTORY INDEX .....</b>	A-1
<b>APPENDIX B – FORMS .....</b>	B-1
<b>APPENDIX C – ABBREVIATIONS .....</b>	C-1
<b>APPENDIX D – GLOSSARY.....</b>	D-1
<b>APPENDIX E – INDEX TO GUIDELINES MANUAL.....</b>	E-1
<b>APPENDIX F – INDEX TO TABLES.....</b>	F-1
<b>JOURNAL NOTE PAGES</b>	
<b>SENTENCING TABLE .....</b>	G-1