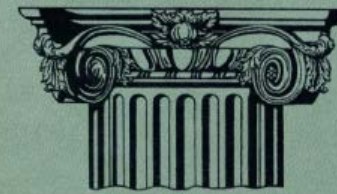


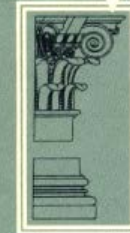


VIRGINIA CRIMINAL SENTENCING COMMISSION

Study of Nonviolent Risk Assessment for Larceny/Fraud Offenders – Research Findings and Proposed Assessment Tool



VIRGINIA
SENTENCING
GUIDELINES



Nonviolent Offender Risk Assessment Background

§ 17.1-803

5. Develop an offender risk assessment instrument for use in all felony cases, based on a study of Virginia felons, that will be predictive of the relative risk that a felon will become a threat to public safety.
6. Apply the risk assessment instrument to offenders convicted of any felony that is not specified in (i) subdivision 1, 2 or 3 of subsection A of § 17.1-805 or (ii) subsection C of § 17.1-805 under the discretionary sentencing guidelines, and shall determine, on the basis of such assessment and with due regard for public safety needs, the feasibility of achieving the goal of placing 25 percent of such offenders in one of the alternative sanctions listed in subdivision 4. If the Commission so determines that achieving the **25 percent or a higher** percentage goal is feasible, it shall incorporate such goal into the discretionary sentencing guidelines, to become effective on January 1, 1996. If the Commission so determines that achieving the goal is not feasible, the Commission shall report that determination to the General Assembly, the Governor and the Chief Justice of the Supreme Court of Virginia on or before December 1, 1995, and shall make such recommendations as it deems appropriate.



Study Summary

	Current Model (as an initial model -current factors)	Recommended Model
Methods of Analysis	Logistic Regression/Survival Analysis	Logistic Regression/Survival Analysis
Study Size	1,672	1,672
Length of Follow-up	3 years	3 years
Correctly Classified (Predicted vs Actual)	77.39%	77.87%
Area under ROC curve (bigger value – high predictive power)	68% (0.68)	70% (0.70)

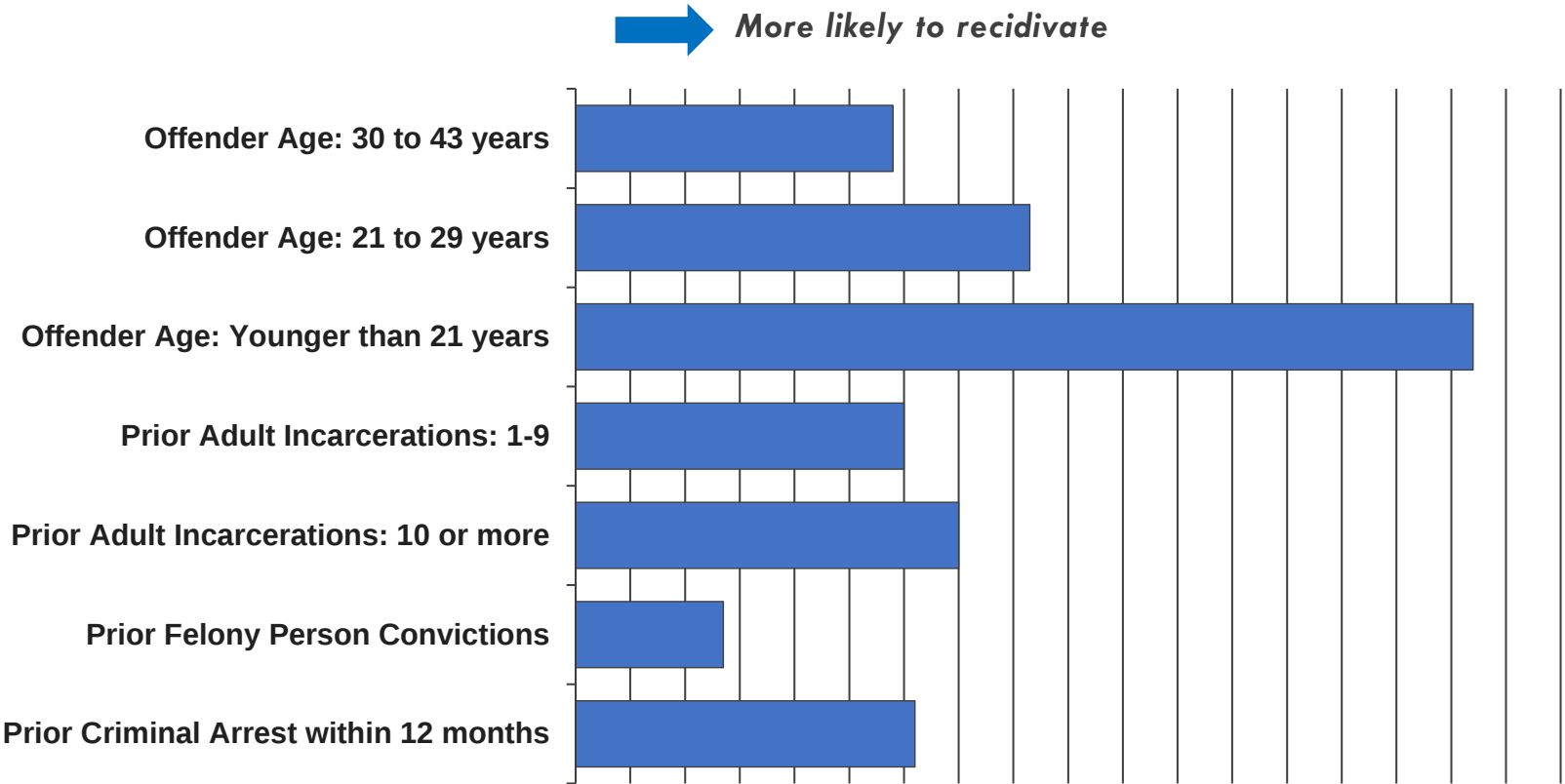
Revised Risk Assessment Tool Needed

- Statistical Analyses suggest:
 - Prior adult felony convictions factor in the current model is **not significant**.
 - Legally restrained factor in the current model is **not significant**.
 - Some Judicial Circuits (Norfolk, Chesterfield, and Henrico and demographic factors in the model found to have significant effects on recidivism –later used to readjust the scoring point in the final risk assessment tool.)

The List of Risk Assessment Instruments (Current and Recommended Models)

Current Model	Recommended Model
Gender	Age
Age	Prior Adult Incarcerations
Prior Adult Felony Convictions Found Not Significant	Prior Felony Person Convictions
Prior Adult Incarcerations	Criminal Arrest within last 12 months
Legally Restrained at Time of Offense Found Not Significant	

RELATIVE IMPORTANCE OF STATISTICALLY SIGNIFICANT FACTORS



Note: Factors controlling for judicial circuit and other demographic variables are not shown due to complexity.

Recommended Assessment Tool

- Age
 - If older than 43 years: 1 point
 - If age 30-43 years: 4 points
 - If age 21-29 years: 5 points
 - If age younger than 21 years: 11 points
- Prior Adult Incarcerations
 - 1-9 prior incarcerations: 4 points
 - 10 or more prior incarcerations: 6 points

Recommended Assessment Tool (continue)

- Prior adult person felony convictions:
 - If Yes, assign 2 points.
- Criminal arrest within 12 months (prior to current offense date)
 - If Yes, assign 4 points.
- Total score ≤ 7 would be recommended for alternative punishment.

Recommended Assessment Tool

If answered **YES** to **ANY**, go to "Nonviolent Risk Assessment Recommendations" on cover sheet and check Not Applicable. If answered **NO** to **ALL**, complete remainder of Section D worksheet.

◆ **Offender Age at Time of Offense** _____

Younger than 21 years	11
21 to 29 years	5
30 to 43 years	4
Over 43 years	1

◆ **Prior Adult Incarcerations** _____

Number: 0	0
1 - 9	4
10 or more	6

◆ **Prior Adult Felony Person Convictions** _____ If YES, add 2 →

◆ **Prior Arrest or Confinement Within Past 12 Months (Prior to Offense)** — If YES, add 4 →

Total Score _____ →

- ☐ 7 or less, check Recommended for Alternative Punishment.
☐ 8 or more, check NOT Recommended for Alternative Punishment.

Go to Cover Sheet and fill out Nonviolent Risk Assessment Recommendations.

Recommended Assessment Tool

- The recommended assessment tool recommends:
 - Around 27% of the offenders for alternative punishment.
- Recidivism rate for offenders recommended for alternative punishment in the **proposed model**: 16%

Possible Future Considerations

– Utilizing Case Details Worksheet

- Some other factors to consider (based on the current literature)
 - Family relationship (Case Details Worksheet)
 - Residential Instability (Case Details Worksheet)
 - Substance Abuse (Case Details Worksheet)
 - Antisocial Attitudes
 - Antisocial Personality Pattern
 - Criminal Peer Networks
 - Poor performance in past work/education



VIRGINIA CRIMINAL SENTENCING COMMISSION

Proposed Recommendation 3:

Update the Nonviolent Risk
Assessment for Larceny and Fraud
Based on the Revised Model

