Re-validation of the Nonviolent Offender Risk Assessment Instrument:
Study Update

Current Instrument

Nonviolent Risk Assessment ❖ Section D

Offender Name: _____

◆ Ineligibility Conditions

A. Was the offender recommended for **Probation/No Incarceration** on Section B? .... ☐ Yes ☐ No

B. Do any of the offenses at sentencing involve the sale, distribution, or possession with intent, etc. of cocaine of a combined quantity of 28.35 grams (1 ounce) or more? .... ☐ Yes ☐ No

C. Are any prior record offenses violent (Category I/II listed in Table A of the Guidelines Manual)? .... ☐ Yes ☐ No

D. Are any of the offenses at sentencing violent (Category I/II listed in Table A of the Guidelines Manual)? .... ☐ Yes ☐ No

E. Do any of the offenses at sentencing require a mandatory term of incarceration? .... ☐ Yes ☐ No

> **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.**

◆ Offense Type *Select the type of primary offense*

Drug	3
Fraud	3
Larceny	11

☐☐

◆ Additional Offense(s) ─────────────── If YES, add 5 ➙ [0]

◆ Offender *Score factors A to D and enter the total score*

A. Offender is a male 8   [ ]

   +

B. Offender's age at time of offense
    Younger than 30 years 13   [ ]
    30 - 40 years 8
    41 - 46 years 1
    Older than 46 years 0

   +

C. Offender not regularly employed (during 2 years prior to arrest date) 9   [ ]

   +   =   Enter A to D Total [ ][ ]

D. Offender age 26 or more and never married (at time of offense) 6

☐ Information above not available (i.e., unable to interview defendant, defendant's lack of cooperation, etc.)

◆ Arrest or Confinement Within Past 18 Months *(prior to instant offenses)* ──── If YES, add 6 ➙ [0]

◆ Prior Felony Convictions and Adjudications *Select the combination of adult and juvenile felony convictions/adjudications that characterizes the offender's prior record.*

Adult felony convictions only	3
Juvenile felony convictions or adjudications only	6
Both adult and juvenile felony convictions/adjudications	9

[0]

◆ Prior Adult Incarcerations

Number:
1 - 2	3
3 - 4	6
5 or more	9

[0]

Total Score ──────────────────────────➙ [ ][ ]
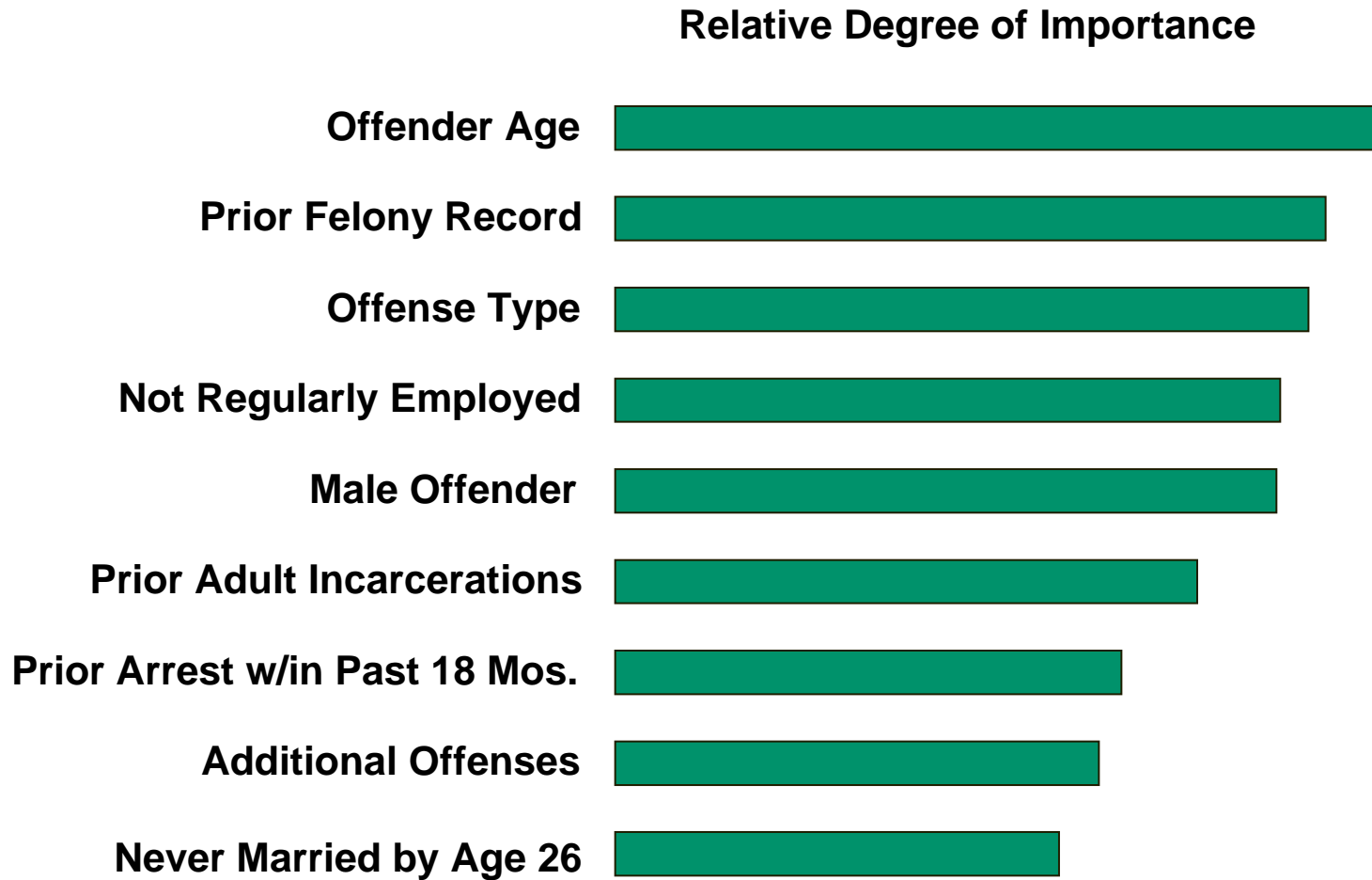
☐ 38 or less, check Recommended for Alternative Punishment.
☐ 39 or more, check NOT Recommended for Alternative Punishment.

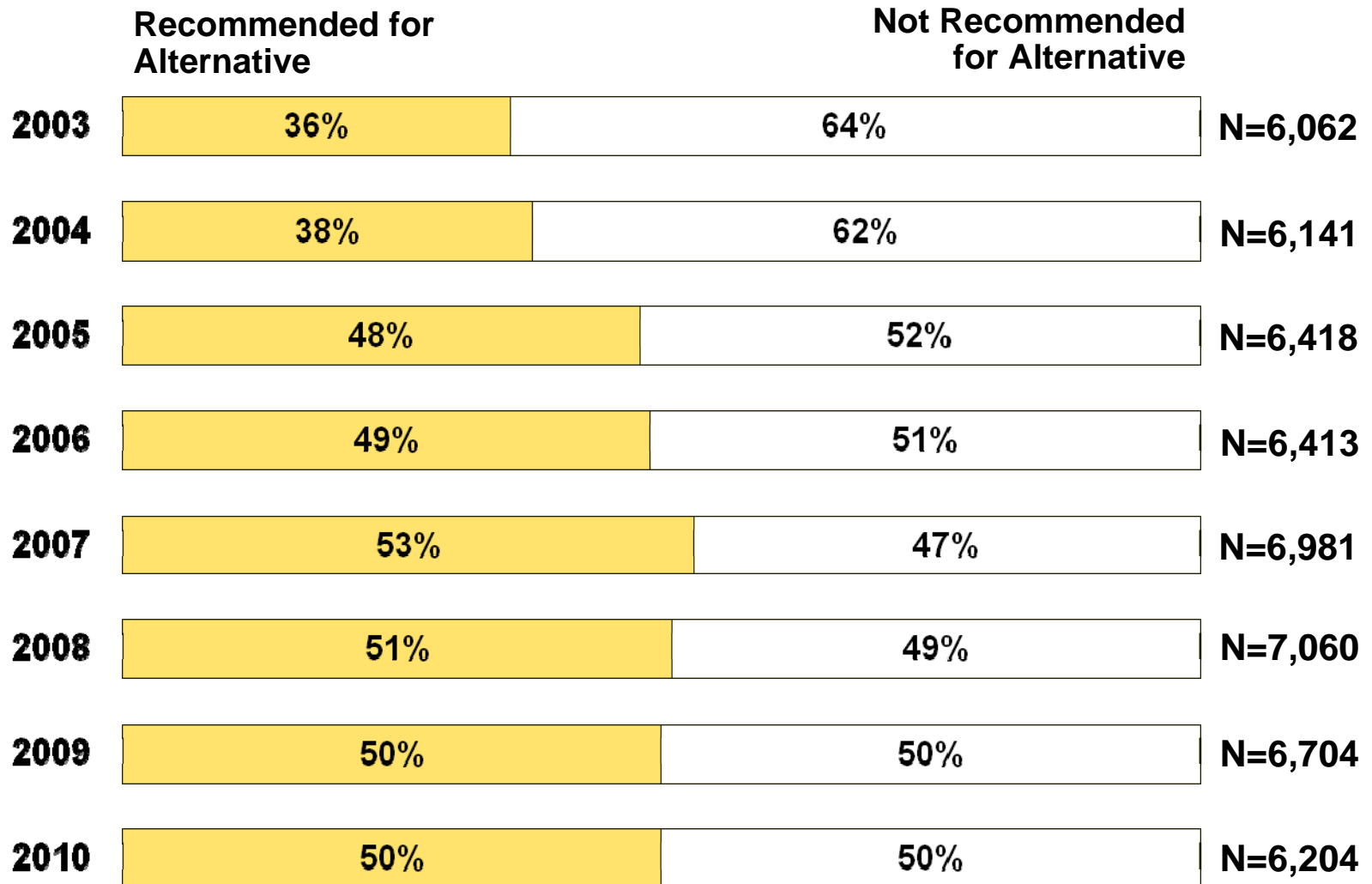Go to **Cover Sheet** and fill out **Nonviolent Risk Assessment Recommendations**.

Drug Schedule I or II
Section D

3

Refined Risk Assessment Instrument: Significant Factors in Assessing Risk

Relative Degree of Importance

- Offender Age
- Prior Felony Record
- Offense Type
- Not Regularly Employed
- Male Offender
- Prior Adult Incarcerations
- Prior Arrest w/in Past 18 Mos.
- Additional Offenses
- Never Married by Age 26

Risk Assessment Outcomes for Nonviolent Offenders *

	Recommended for Alternative	Not Recommended for Alternative	
2003	36%	64%	**N=6,062**
2004	38%	62%	**N=6,141**
2005	48%	52%	**N=6,418**
2006	49%	51%	**N=6,413**
2007	53%	47%	**N=6,981**
2008	51%	49%	**N=7,060**
2009	50%	50%	**N=6,704**
2010	50%	50%	**N=6,204**

* Offenders recommended by the sentencing guidelines for prison or jail incarceration

Study Methodology

Identification of Offenders for the Study

- **Offenders were identified from the sentencing guidelines database**

- **Selection criteria:**

  - **Felony fraud, larceny, and drug offenders**

  - **Sentenced in FY2005 and FY2006 (most recent that can be used)**

  - **Recommended for incarceration by the sentencing guidelines (jail or prison)**

  - **Meet risk assessment eligibility requirements**

  - **No worksheet errors**

Offenders Meeting Selection Criteria
by Most Serious Offense

Drug ▮ 6,099

Larceny ▮ 3,887

Fraud ▮ 2,456

Total = 12,442
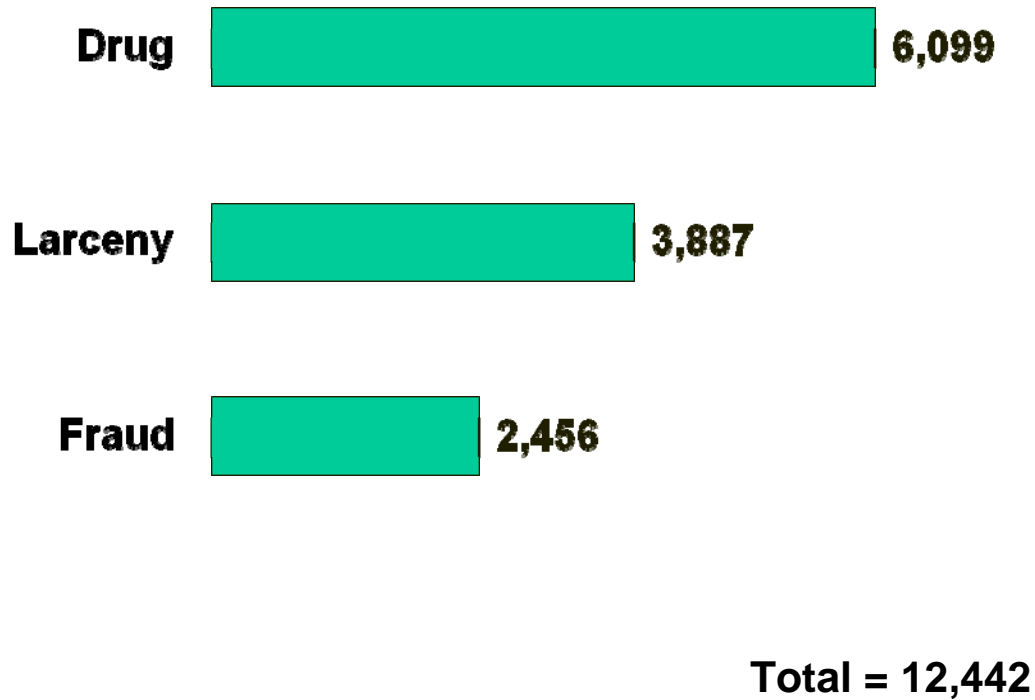
Selection of Study Sample (based on approved design)

- **Staff drew a sample of 1,799 offenders who met the selection criteria**

- **Staff selected cases based on a stratified random sampling technique to increase the likelihood of including offenders with juvenile adjudications of delinquency**

  - **Criminological studies have shown that juvenile record and the age of first contact with the juvenile justice system are often correlated with subsequent offense behavior as an adult**

Composition of the Sample

	No Juvenile Record	Juvenile Record
Drug	300	300
Larceny	300	300
Fraud	300	299

Total sample: 1,799 offenders

For the analysis, the sampled cases were weighted to reflect each subgroup's actual proportion in the population

Virginia Criminal History Records

- **Staff requested and received criminal history records ("rap sheets") from the Virginia State Police**

  - **These only reflect criminal arrests and convictions within Virginia**

  - **Records were provided in database format**

  - **Staff examined the data to remove duplicate records and records incorrectly matched to offenders in the sample, and to identify offenders for whom no rap sheet was found**

Virginia Criminal History Records

- **For much of this data (25,439 arrest records, or more than 2/3), the VCC offense code was missing (only statute or text description was available)**

  - **Staff researched cases and filled in VCC offense codes with the best available information**

  - **Having offense identifiers is helpful in the analysis phase**

- **For 5,307 of the 36,025 arrest records, there was not a court disposition**

  - **Staff used other criminal justice databases to identify and fill in convictions wherever possible**

Out-of-State Criminal History Records

- **Sentencing Commission staff completed the necessary forms and procedures to request out-of-state criminal history records from the FBI**

- **Request was reviewed by a FBI special board and approved**

- **Sentencing Commission received out-of-state rap sheets in two forms: paper copies and PDF (image) files on disc**

- **For the 15 states that do not participate in the FBI's electronic rap sheet system, these records came on paper (532 rap sheets)**

- **For the remaining states, the records came in PDF (image) files**

Out-of-State Criminal History Records

- **Since none of these records were in database format, staff examined the rap sheets**

  - **Needed information was recorded on a specially-designed data collection form**

  - **This information was then automated and added to existing databases**

- **These records were used to supplement prior record, if necessary, as well as to identify recidivism activity**

A total of 131 cases had to be excluded from the analysis

Reason	Number	Percent
Offender has prior violent felony	65	47.4%
Offender has current violent felony	17	12.4%
Offender still in prison	53	38.7%
Rap sheet could not be located	1	0.7%
Other	1	0.7%
TOTAL	137	100%

Recidivism Measures

- **As with prior nonviolent offender risk assessment studies, the official measure of recidivism is a new felony conviction within 3 years**

- **However, multiple measures of recidivism were collected**

  - **Any new arrest**

  - **New felony arrest**

  - **Any new conviction**

  - **New felony conviction**

    New conviction is measured as a new arrest within three years of release that ultimately resulted in a conviction
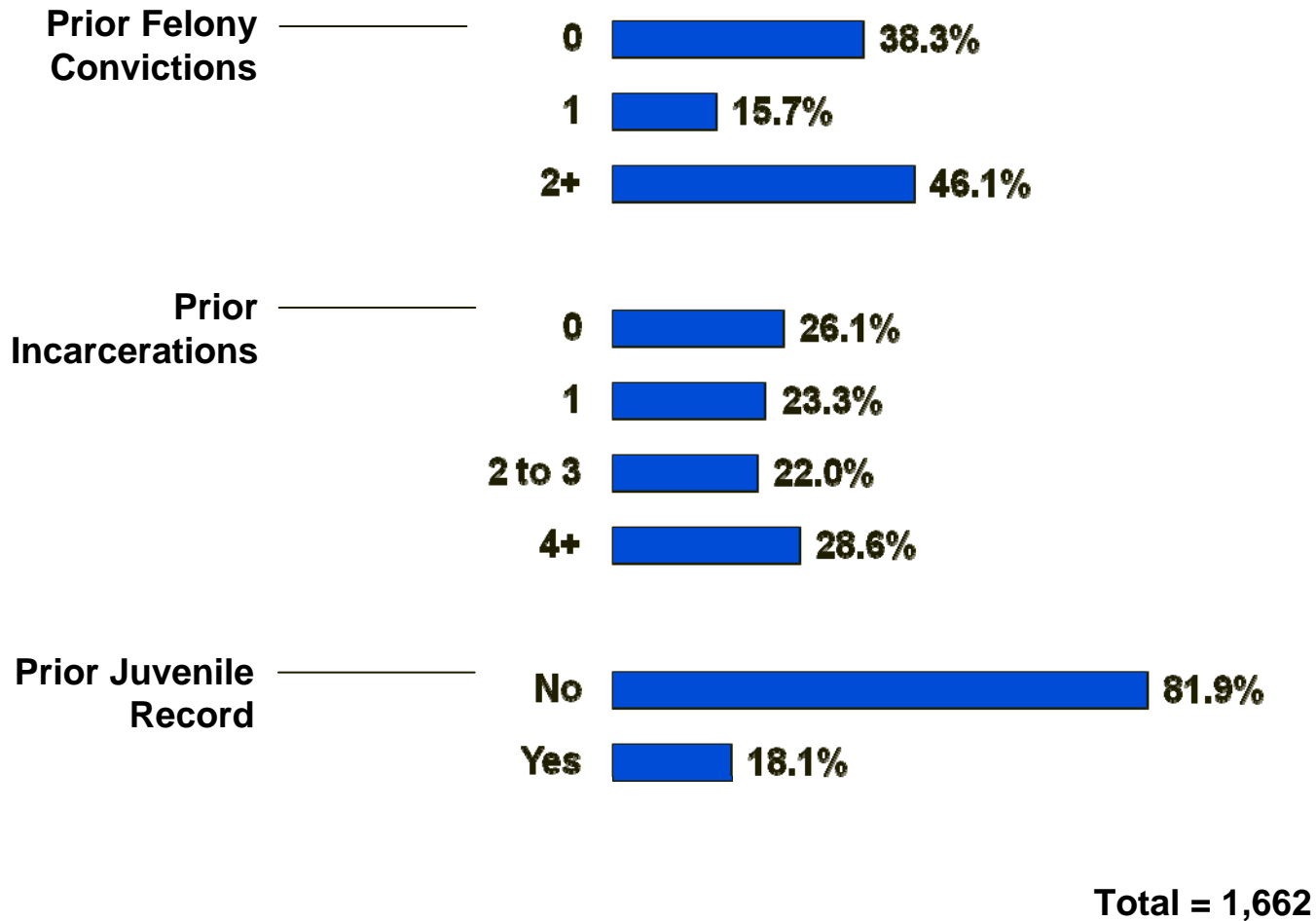
Analytical Approach

- **Two analysts have been working largely independently of one another using two different statistical techniques**

    - **Staff have been discussing and reconciling differences in the two statistical models to develop an improved final model**

Study Findings to Date

Offender Characteristics – Prior Record

Prior Felony Convictions
- 0 — 38.3%
- 1 — 15.7%
- 2+ — 46.1%

Prior Incarcerations
- 0 — 26.1%
- 1 — 23.3%
- 2 to 3 — 22.0%
- 4+ — 28.6%

Prior Juvenile Record
- No — 81.9%
- Yes — 18.1%

Total = 1,662

Analysis is based on the sample weighted to reflect the population of offenders eligible for risk assessment
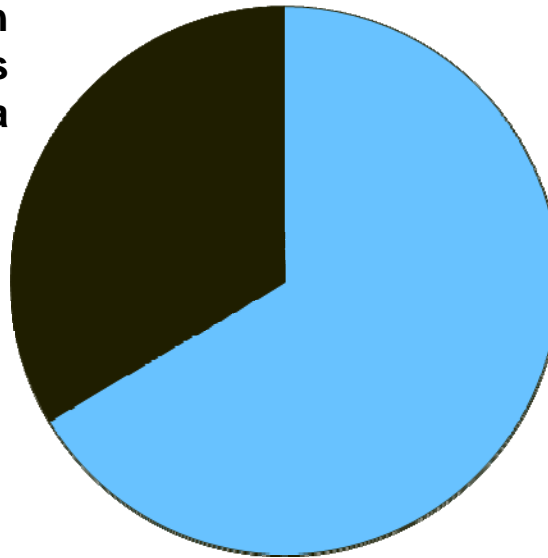
Criminal History Records

**Offenders with
Arrests/Charges
Outside of Virginia**

33.6%

↓

**Most common jurisdictions for
out-of-state arrests/charges:**

**Maryland
North Carolina
Washington DC
Tennessee
Federal**

**Offenders with
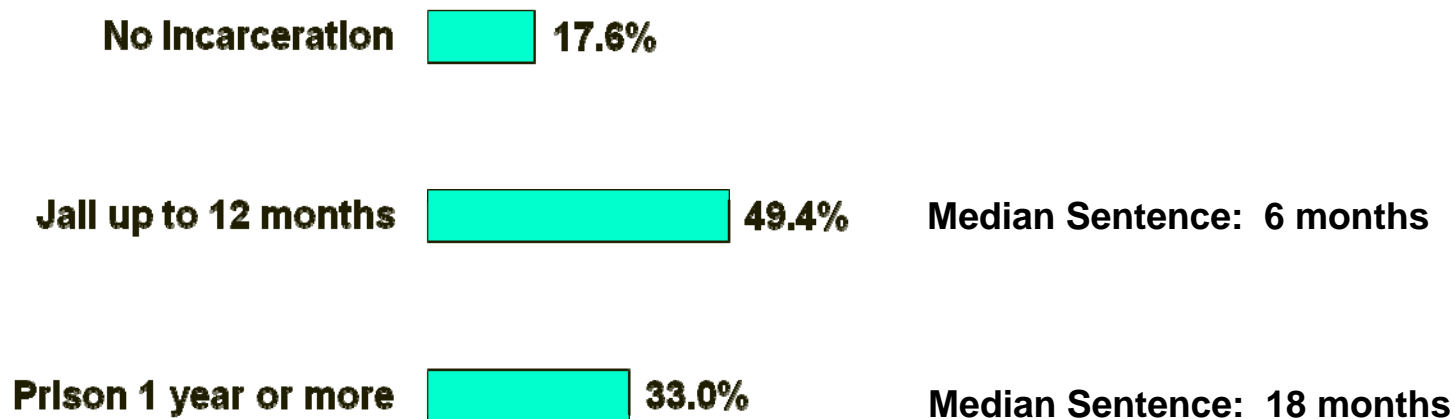Arrests/Charges
in Virginia Only**

66.4%

Total = 1,662

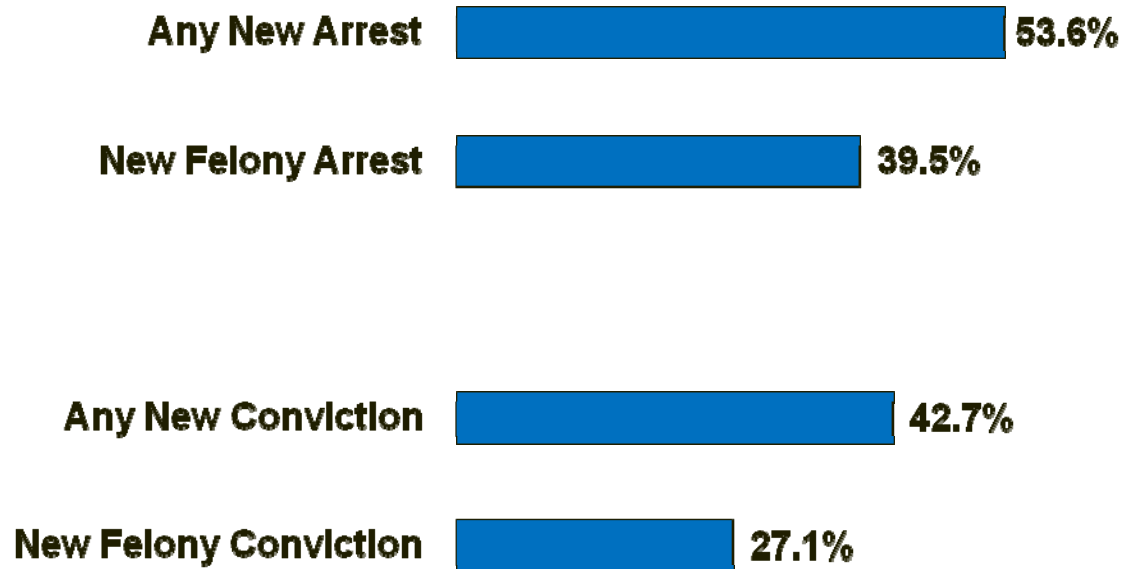**Type of Disposition Received**

No incarceration ▮ 17.6%

Jail up to 12 months ▮ 49.4% **Median Sentence: 6 months**

Prison 1 year or more ▮ 33.0% **Median Sentence: 18 months**

Total = 1,662

Analysis is based on the sample weighted to reflect the population of offenders eligible for risk assessment

Three-Year Recidivism Rates

Any New Arrest ████████████████ **53.6%**

New Felony Arrest ██████████ **39.5%**

Any New Conviction ███████████ **42.7%**
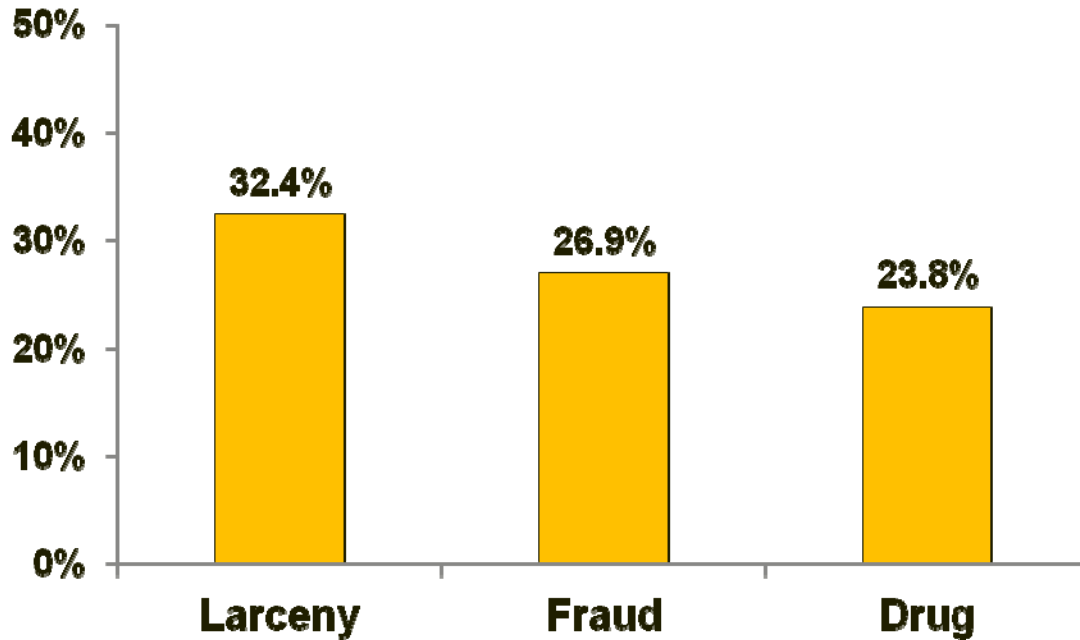
New Felony Conviction ██████ **27.1%**

New conviction is measured as a new arrest within three years of release that ultimately resulted in a conviction

1,509 of the 1,662 offenders could be tracked for the full three years

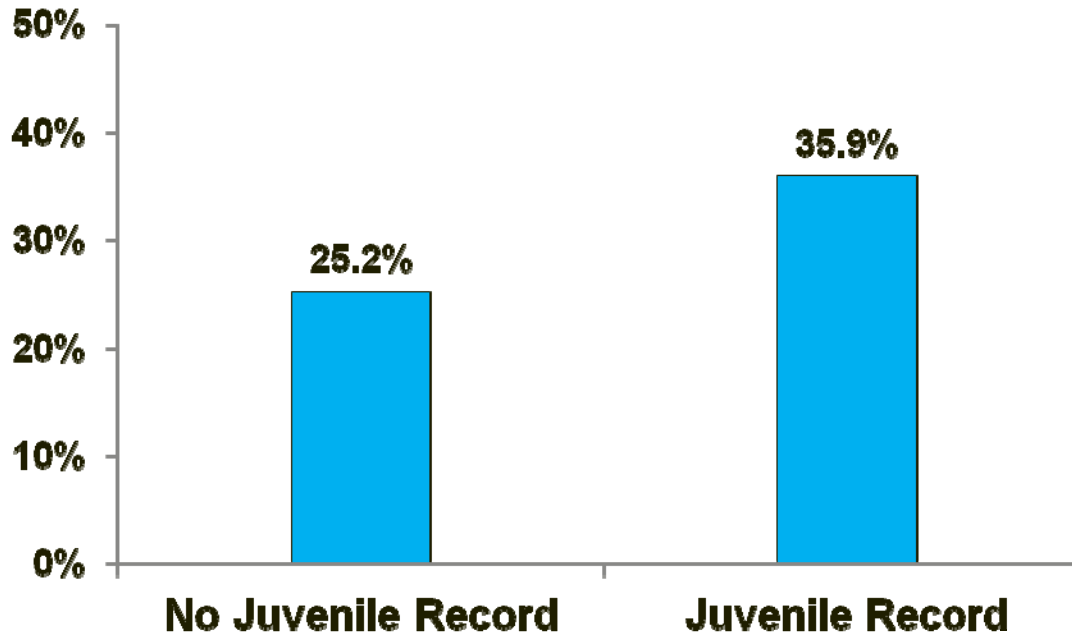**Analysis is based on the sample weighted to reflect the population of offenders eligible for risk assessment**

Recidivism Rate (New Felony Conviction within Three Years) by Offense Group

Total = 1,509

Analysis is based on the sample weighted to reflect the population of offenders eligible for risk assessment

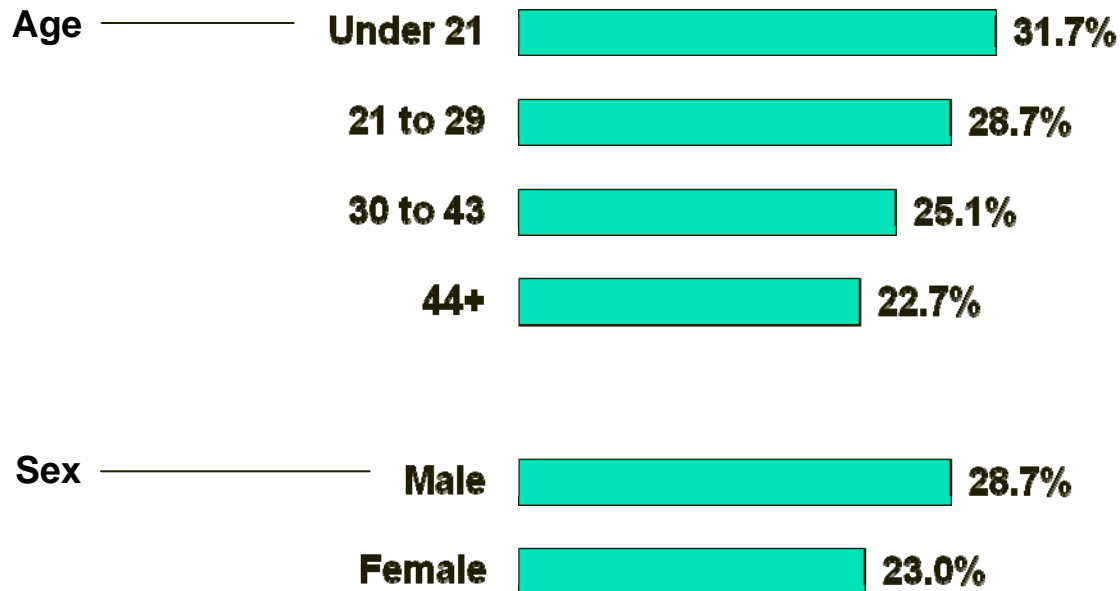**Recidivism Rate (New Felony Conviction within Three Years) by Juvenile Record**

50%
40%
30%
25.2%
20%
10%
0%

35.9%

No Juvenile Record   Juvenile Record

Total = 1,509

**Analysis is based on the sample weighted to reflect the population of offenders eligible for risk assessment**

Recidivism Rates (New Felony Conviction within Three Years) by Offender Characteristics

Age — Under 21 — 31.7%
21 to 29 — 28.7%
30 to 43 — 25.1%
44+ — 22.7%

Sex — Male — 28.7%
Female — 23.0%

Total = 1,509

Analysis is based on the sample weighted to reflect the population of offenders eligible for risk assessment

**Significant Factors in Assessing Risk for
Drug Offenders**

Relative Degree of Importance
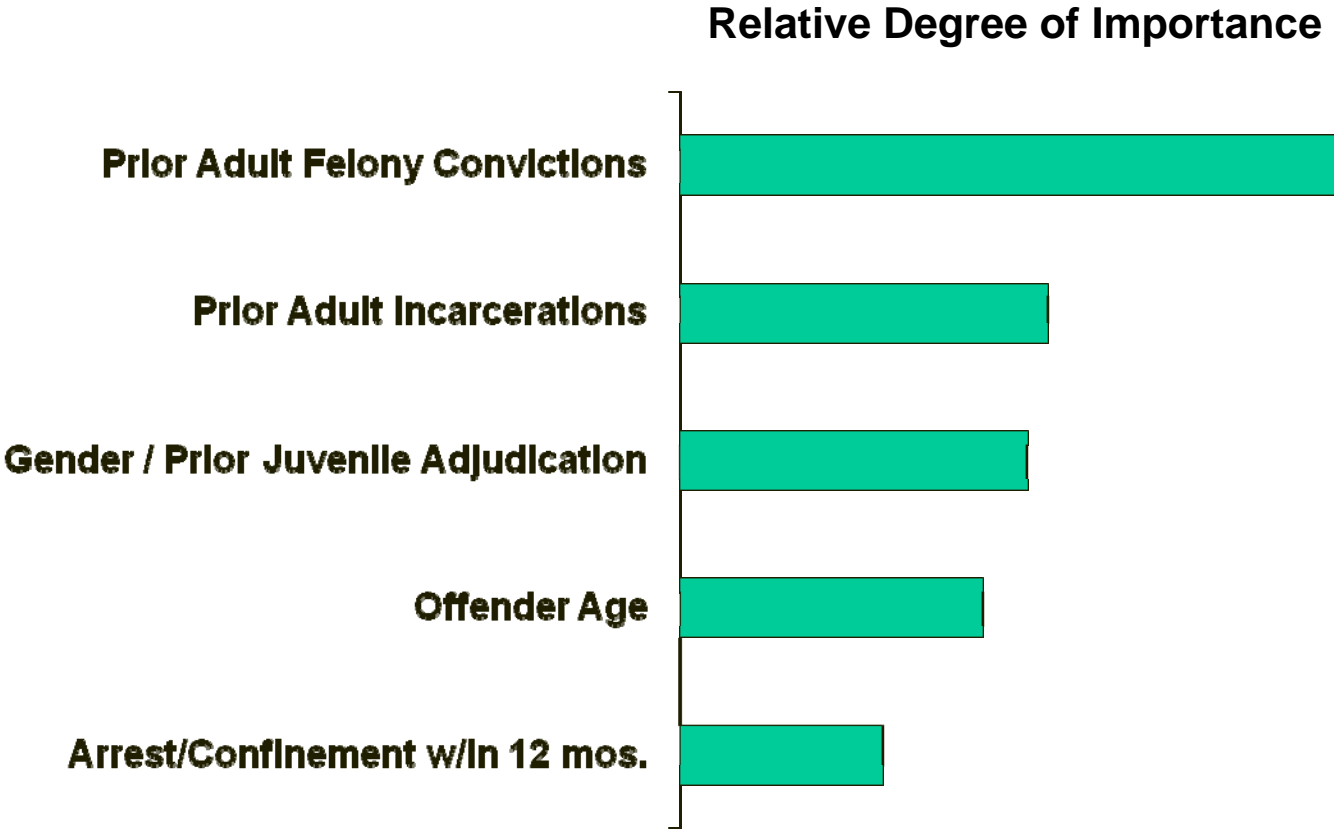
**This proposed model correctly identifies 84.0% of non-recidivists.
The model currently in use correctly identifies 82.6% of non-recidivists.**

Scoring Significant Risk Assessment Factors for Drug Offenders

◆ **Offender Age at Time of Offense**

	Points
Younger than 21 years	9
21 to 29 years	6
30 to 43 years	3
Over 43 years	1

◆ **Gender**

Offender is Male ……………………….. 2

◆ **Prior Juvenile Adjudication**

Female with prior juvenile adjudication …….. 1
Male with prior juvenile adjudication ………… 7

◆ **Prior Adult Felony Convictions**

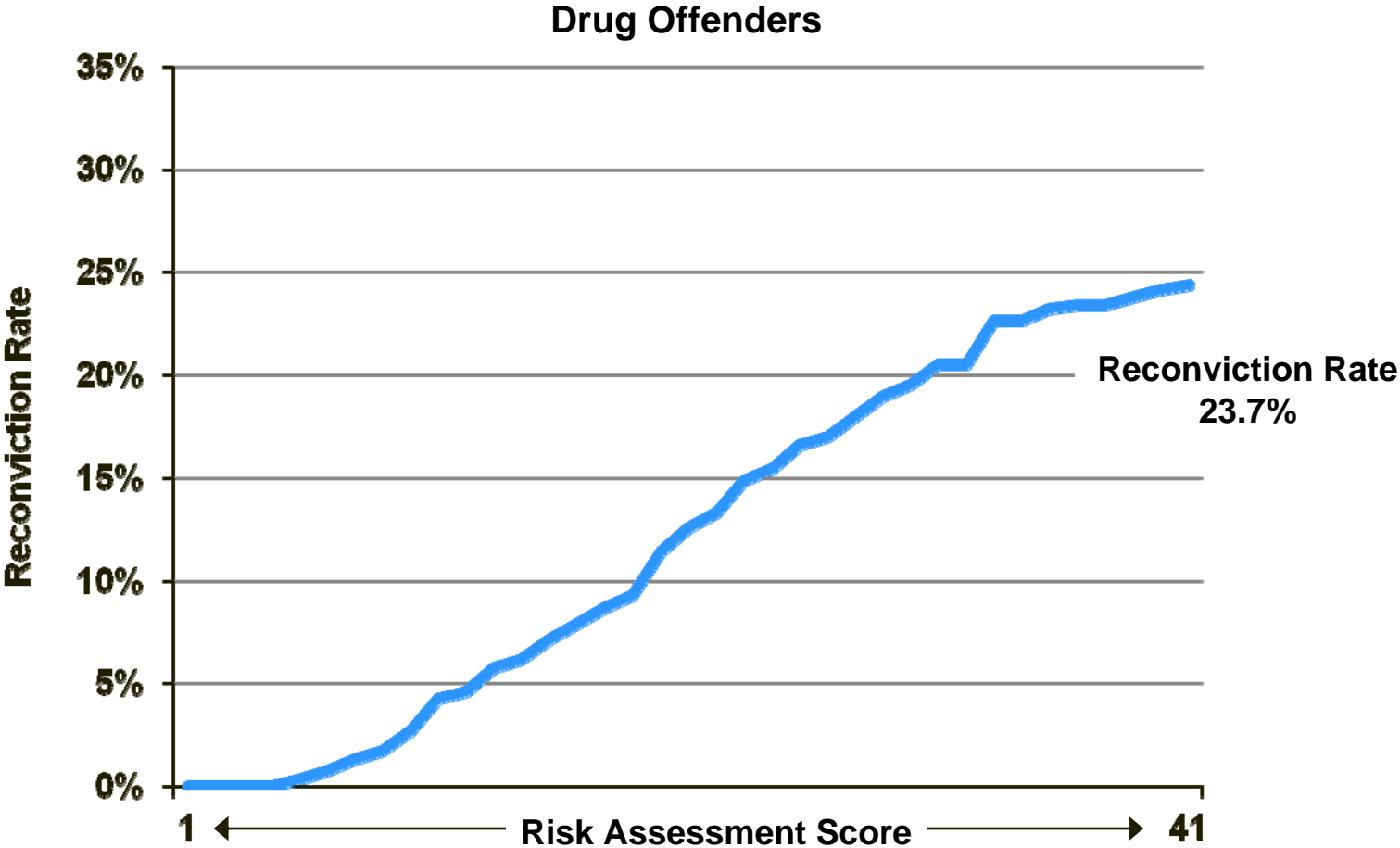|	Points
Number: 0	0
1 – 2	1
3	5
4 or more	15

◆ **Prior Adult Incarcerations**

	Points
Number: 0	0
1 – 3	1
4 or more	8

◆ **Prior Arrest or Confinement Within Past 12 Months** (prior to offense)
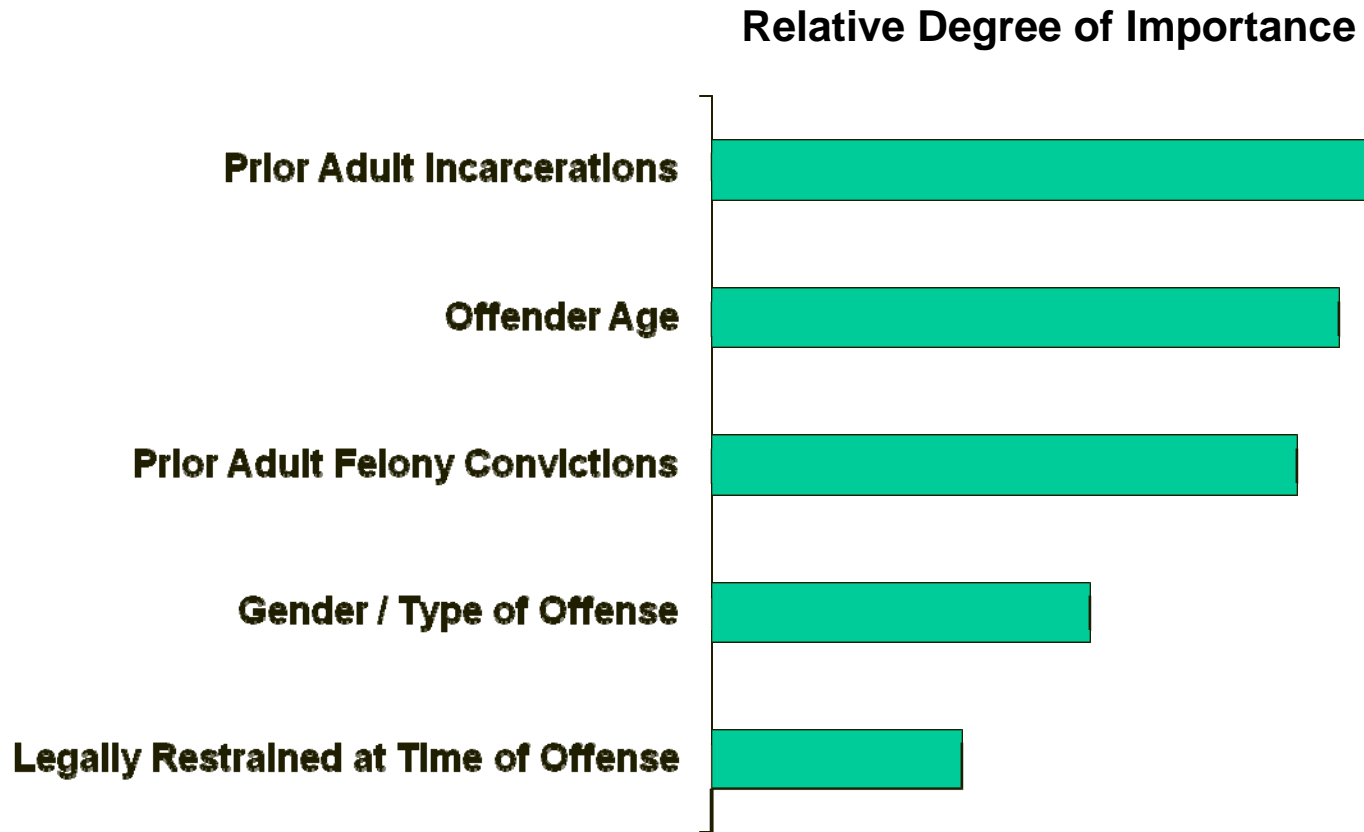
If YES, add 3

TOTAL SCORE ▶ ☐

Scoring Significant Risk Assessment Factors for Drug Offenders: Offender Reconviction Rates by Risk Assessment Score

Drug Offenders

Reconviction Rate
23.7%

Significant Factors in Assessing Risk for Larceny/Fraud Offenders

Relative Degree of Importance

This proposed model correctly identifies 79.3% of non-recidivists.
The model currently in use correctly identifies 76.3% of non-recidivists.

Scoring Significant Risk Assessment Factors for Larceny/Fraud Offenders

◆ **Offender Age at Time of Offense**

	Points
Younger than 21 years	22
21 to 29 years	16
30 to 43 years	7
Over 43 years	1

◆ **Gender**

Primary offense is Fraud

Offender is Female	1
Offender is Male	10

Primary offense is Larceny

Offender is Female	13
Offender is Male	9

◆ **Prior Adult Felony Convictions**

	Points
Number: 0	0
1 – 2	5
3 or more	15

◆ **Prior Adult Incarcerations**

	Points
Number: 0	0
1 – 9	4
10 or more	32

◆ **Legally Restrained at Time of Offense**

If YES, add 6

TOTAL SCORE ➡ [   ]

Scoring Significant Risk Assessment Factors for Larceny/Fraud Offenders: Offender Reconviction Rates by Risk Assessment Score

Larceny/Fraud Offenders
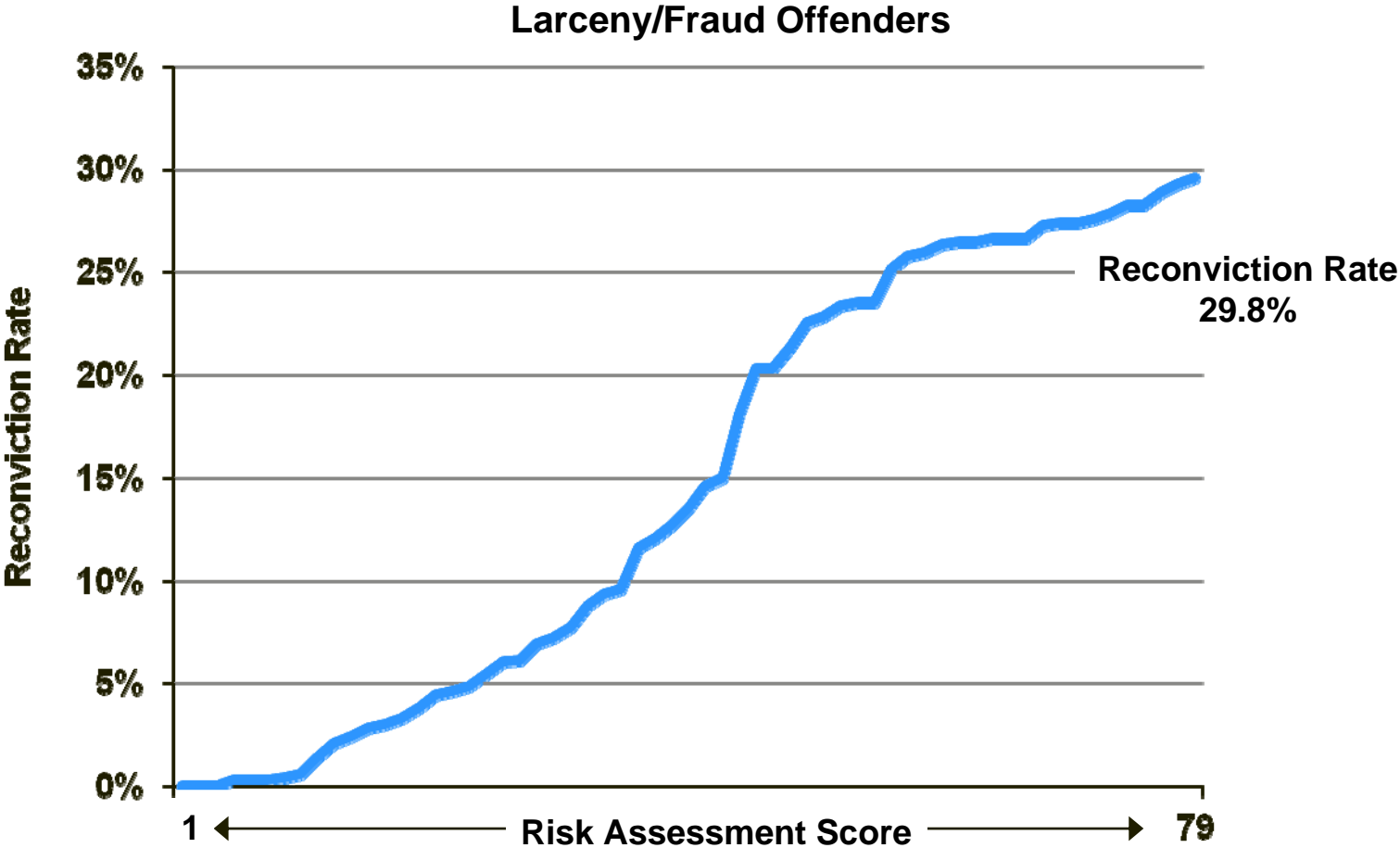
Updated Work Plan

- **Staff would like to explore additional research questions and examine the potential impact of implementing revised risk assessment instrument(s)**

- **Staff will continue such analysis and will present the findings to the Commission in 2012**

- **If the Commission approves the new instrument(s) and recommends its adoption, it will be included in the 2012 Annual Report**