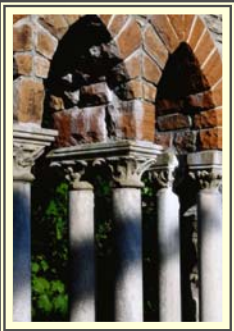


Implementation of Probation Violator Risk Assessment

Risk Assessment Study, 2004

- Goal: To identify low-risk offenders who could be safely recommended for sanctions other than traditional incarceration in jail or prison.
- Persons coming before a judge for a revocation hearing have demonstrated problems in adjusting to the conditions of supervision in the community.
- The Commission elected to measure recidivism as any new crime arrest.
- The Commission selected a follow-up period of 18 months.
 - The majority of offenders who violate do so within 18 months of release to the community.



Relative Importance of Significant Factors – Recidivism following a Technical Violation

Mental health treatment or commitment

Offender age at revocation

Offender absconded or moved

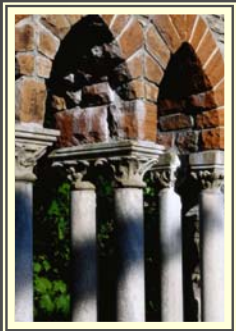
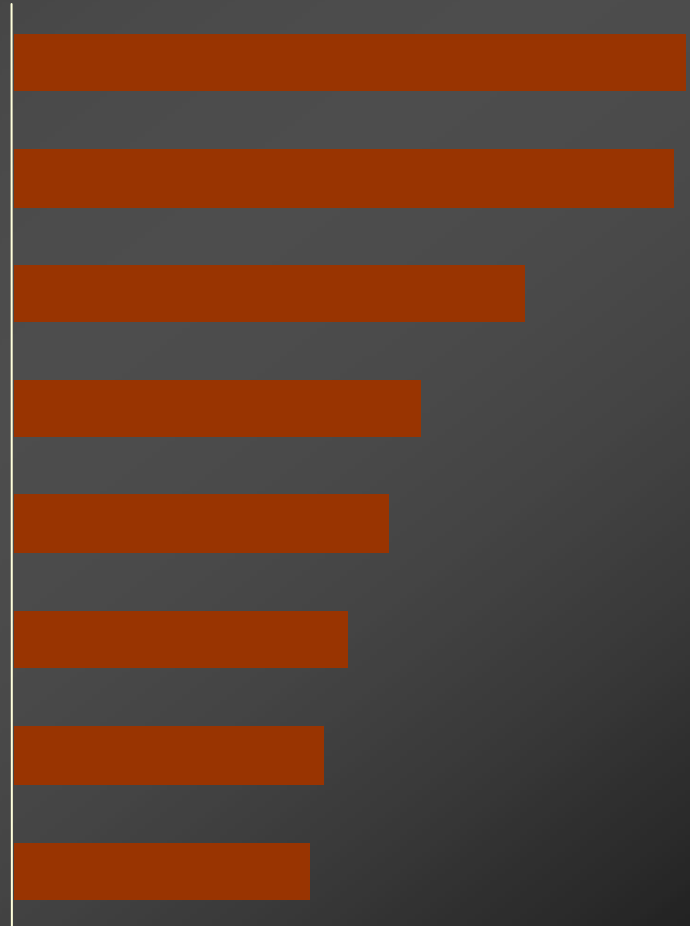
Substance abuse

Ever convicted of person crime

New arrests for person crimes

Previous capias/revocation requests

No. of codefendents in original offense



Probation Violator Risk Assessment

Complete this risk assessment instrument, **ONLY** if the offender was recommended for incarceration by the Probation Violation Sentencing Guidelines.

◆ **Original Felony Offense or Prior Record Offense was Crime against Person** _____ **If YES, add 21** →

◆ **Number of Codefendants in Original Felony Offense(s)** _____

None.....	0
One.....	6
More than one.....	22

↓

◆ **Offender's Age at Revocation** _____

Younger than 30 years.....	42
30 to 37.....	28
38 to 48.....	14
Older than 48 years.....	0

↓

◆ **Mental Health Treatment or Commitment** _____

None.....	0
Mental Health Voluntary Commitment.....	22
Mental Health Treatment.....	27
Mental Health Court Ordered Commitment.....	30
Mental Health Involuntary Commitment.....	41

↓

◆ **New Arrests for Crimes against Person** _____ **If YES, add 14** →

◆ **Previous Capias/Revocation Requests** _____

1.....	11
2 or more.....	14

↓

◆ **Absconded from Supervision or Moved without Permission** — **If YES, add 19** →

◆ **Substance Abuse while on Supervision** _____

None.....	0
Report of Alcohol Abuse/Positive Test/Admission.....	1
Drug other than Alcohol or Cocaine, Positive Test/Admission.....	3
Cocaine, Positive Test/Admission.....	16

↓

Total Score →

- 52 or less, check Recommended for Alternative Punishment.
- 53 or more, check NOT recommended for Alternative Punishment.

Go to **Cover Sheet** and fill out **Violator Risk Assessment Recommendation**.

◆ **Original Felony Offense or Prior Record Offense was Crime against Person** _____ If YES, add 21 →

◆ **Number of Codefendants in Original Felony Offense(s)** _____

None.....	0	↓ <input type="text"/> <input type="text"/>
One.....	6	
More than one... ..	22	

◆ **Offender's Age at Revocation** _____

Younger than 30 years.....	42	↓ <input type="text"/> <input type="text"/>
30 to 37.....	28	
38 to 48.....	14	
Older than 48 years.....	0	

◆ **Mental Health Treatment or Commitment** _____

None.....	0	↓ <input type="text"/> <input type="text"/>
Mental Health Voluntary Commitment	22	
Mental Health Treatment.....	27	
Mental Health Court Ordered Commitment	30	
Mental Health Involuntary Commitment.....	41	

◆ **New Arrests for Crimes against Person** _____ **If YES, add 14** →

◆ **Previous Capias/Revocation Requests** _____ ↓
1..... 11
2 or more..... 14

◆ **Absconded from Supervision or Moved without Permission** — **If YES, add 19** →

◆ **Substance Abuse while on Supervision** _____ ↓
None..... 0
Report of Alcohol Abuse/Positive Test/Admission..... 1
Drug other than Alcohol or Cocaine, Positive Test/Admission..... 3
Cocaine, Positive Test/Admission..... 16

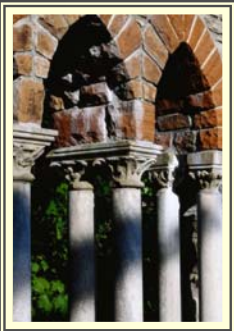
Total Score →

- 52 or less, check Recommended for Alternative Punishment.
- 53 or more, check NOT recommended for Alternative Punishment.

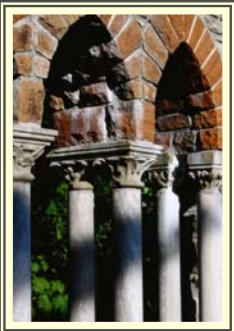
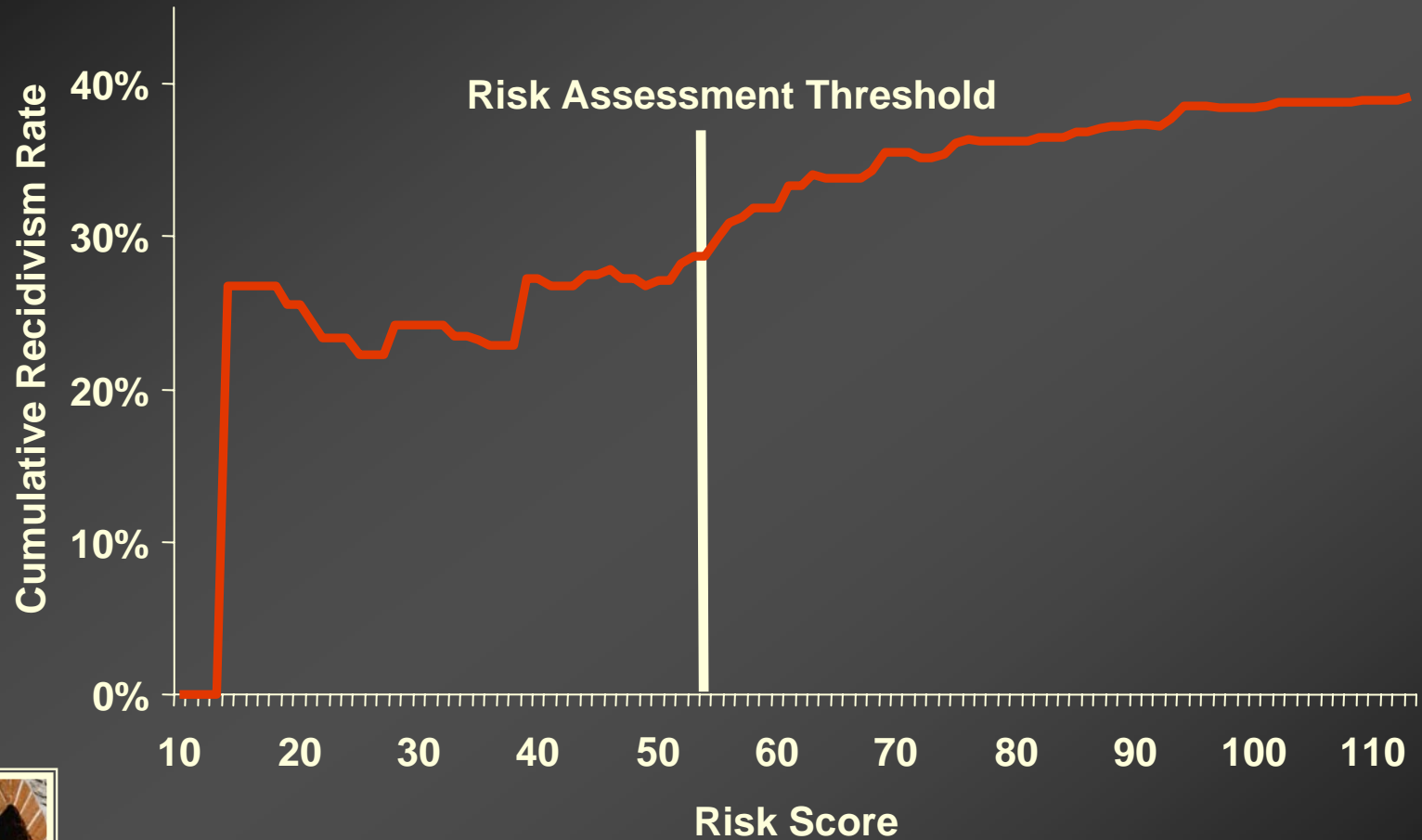
Go to Cover Sheet and fill out Violator Risk Assessment Recommendation.

Risk Assessment Threshold

- The threshold is the maximum number of points an offender can score on the risk scale to be recommended for an alternative sanction.
- For the nonviolent offender risk assessment initiative, the General Assembly in 1994 directed the Commission to recommend up to 25% of nonviolent offenders for alternative punishment.
- For probation violator risk assessment, no target figure was mandated by the legislature.
- In making the decision about recommending violators for alternative sanctions, the Commission considered the levels of recidivism across a wide range of risk scores.

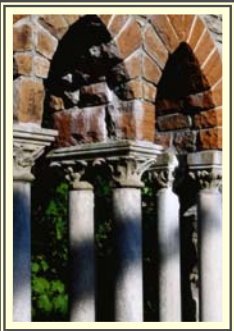


Recidivism by Score



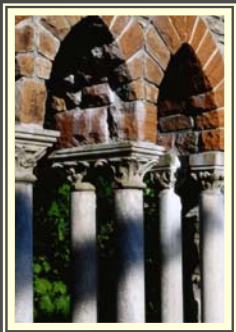
Risk Assessment Threshold

- The Commission concluded that violators scoring more than 52 points are, overall, at greater risk of recidivism and, therefore, are inappropriate candidates for alternative sanctions.
- At the November 2004 meeting, the Commission adopted the 52-point threshold.
 - Offenders recommended for an alternative punishment by the risk assessment tool had a recidivism rate of 21.5%.
 - Offenders not recommended for an alternative punishment had a recidivism rate of 53%.



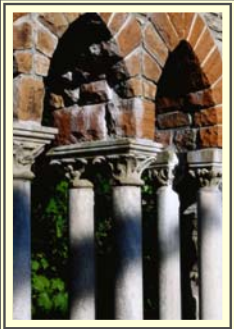
Need for More Alternative Sanctions

- At the November 2004 meeting, the Commission discussed concerns that judges in Virginia do not have an adequate range of alternative sanctions available to them to address this particular offender population.
- Commission members expressed the need to hold probation violators accountable for their misconduct.
- In order to ensure that Virginia continues to prioritize limited prison resources for incapacitating our most dangerous offenders, the Commission concluded that it is critically important to make available other sanctioning options for punishing the lower risk probation violators.



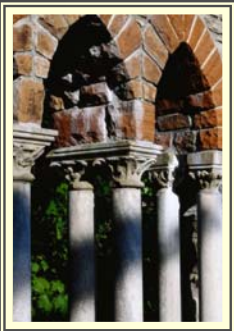
2005 General Assembly

- FY2006 budget includes funding for a limited number of alternative sanction beds for supervision violators who are not convicted of a new crime.



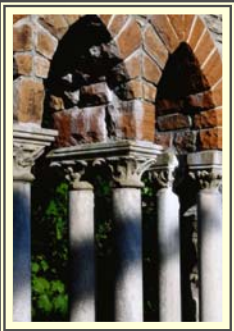
2005 General Assembly

- 30-day jail confinement (pilot program)
 - Maximum of 150 participants statewide
 - Participants will be eligible for work release, education or other rehabilitative programs
 - For felony probationers, participants must be recommended by the violation guidelines for an active term of incarceration



2005 General Assembly

- Return-to-Custody Center
 - Minimum of 100 beds
 - DOC must convert one or more detention or diversion centers
 - Offenders stay 30 to 60 days
 - For felony probationers, participants must be recommended by the violation guidelines for an active term of incarceration



Implementation of Risk Assessment for Violators

- With limited funding approved for programs dedicated to probation violators, the Commission voted at the March 2005 meeting to phase-in risk assessment.
 - Risk assessment will be implemented in select sites and expanded as funding for programs becomes available.
- Risk assessment sites will be selected through coordination with the Department of Corrections (DOC).
 - DOC is reviewing sites for the new programs mandated by the General Assembly.

