Re-validation of the Nonviolent Offender Risk Assessment Instrument: Progress Report

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 ————————————————————————➜ ☐☐
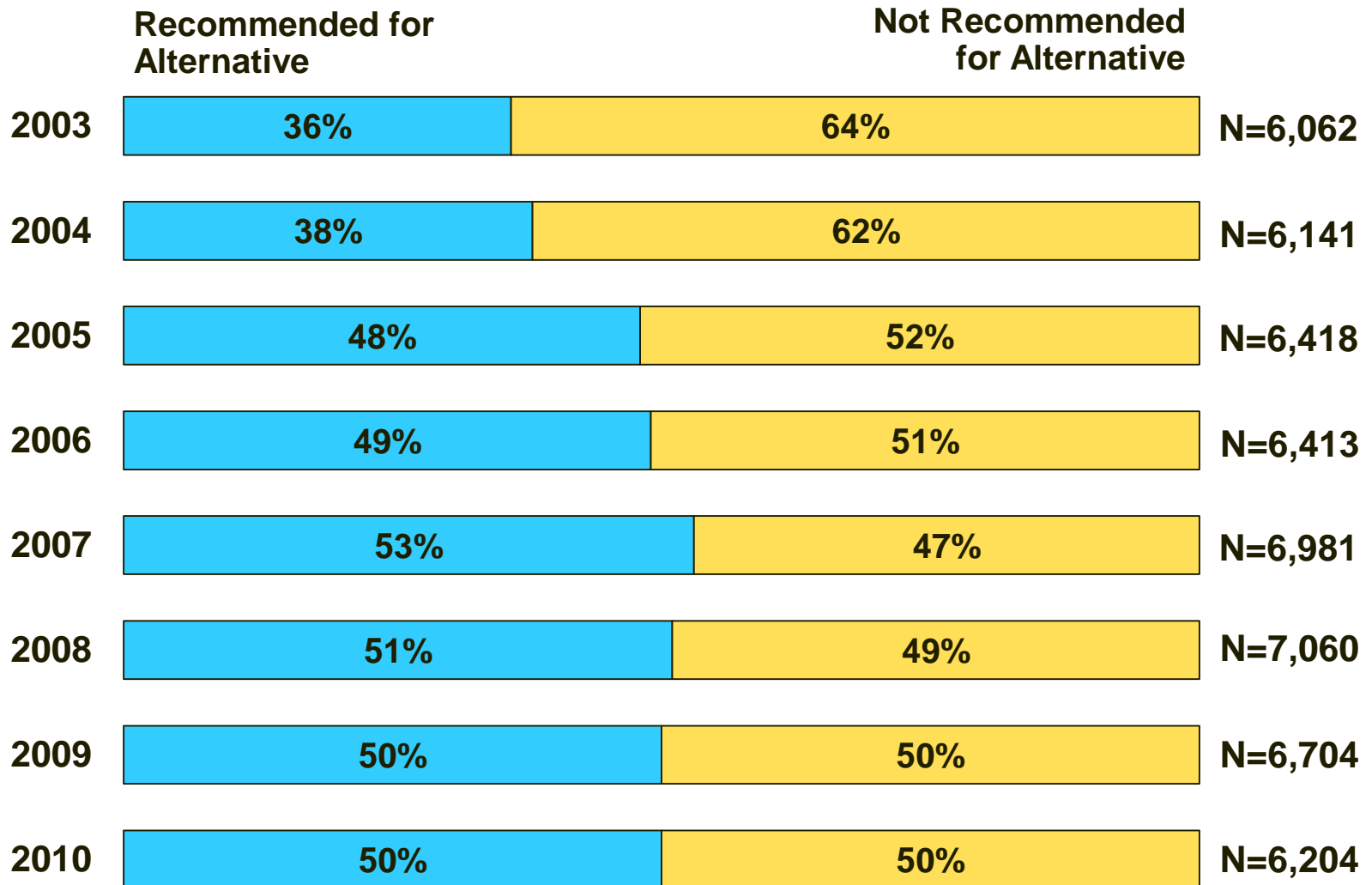
☐ 38 or less, check Recommended for Alternative Punishment.
☐ 39 or more, check NOT Recommended for Alternative Punishment.

Drug Schedule I or II
Section D

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

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
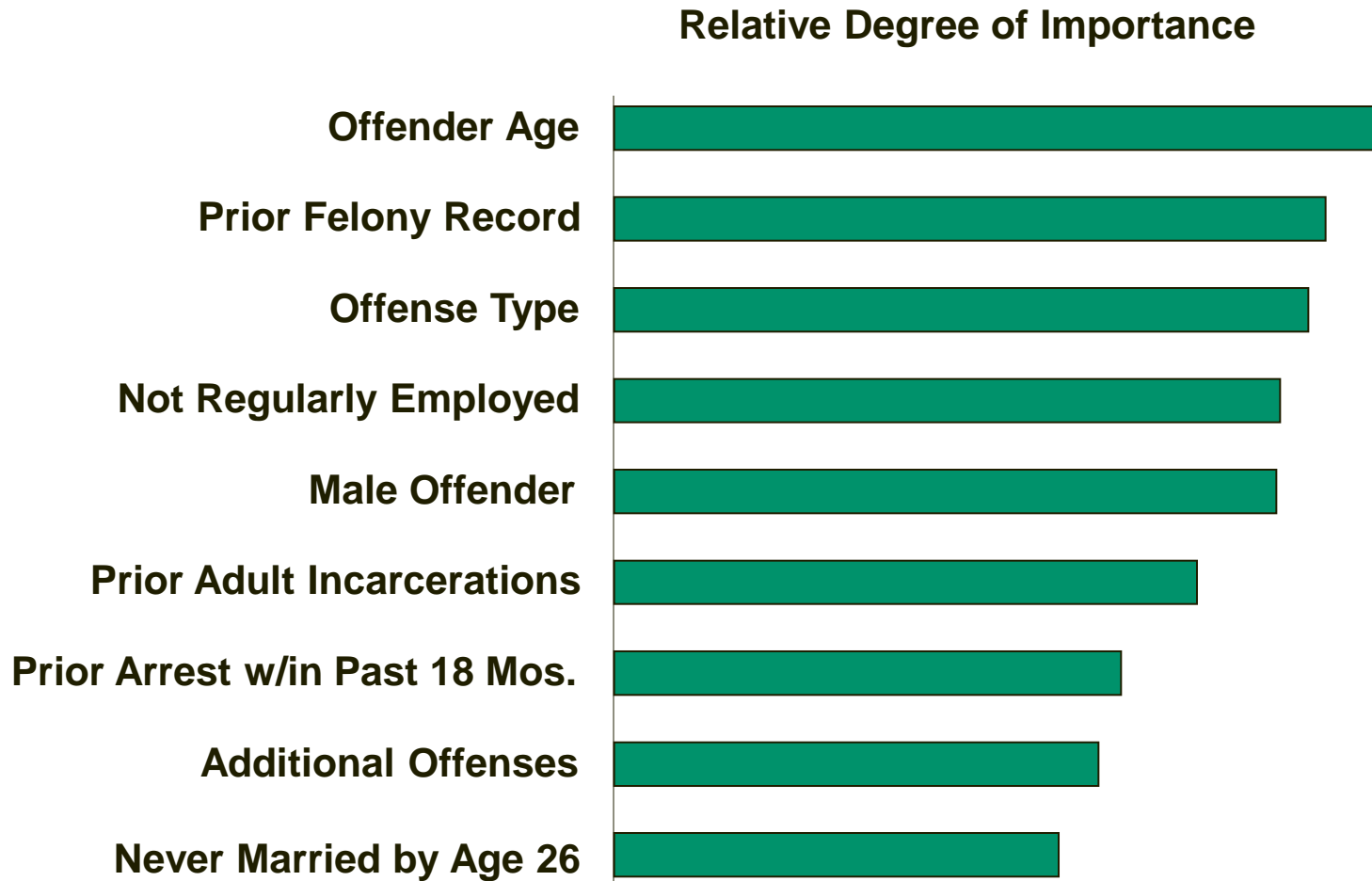
Risk Assessment Outcomes for Nonviolent Offenders *

Recommended for Alternative

Not Recommended for Alternative

Year	Recommended	Not Recommended	N
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 Progress Report

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**

Status: Complete

Offenders Meeting Selection Criteria
by Most Serious Offense

Offense	Count
Drug	6,100
Larceny	3,887
Fraud	2,456
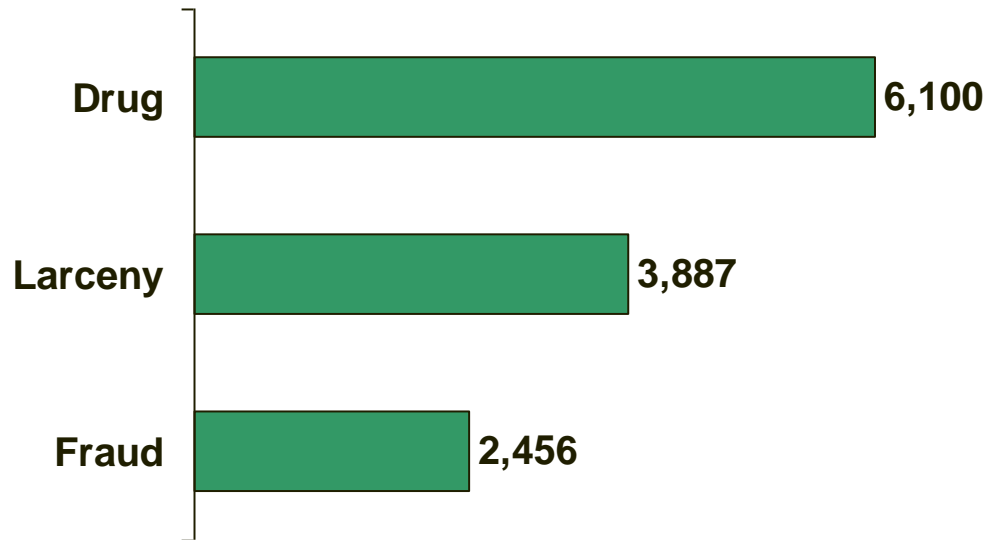
Total = 12,443

Selection of Study Sample (based on approved design)

- Staff drew a sample of 1,800 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

Status: Complete

Composition of the Sample

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

Total sample: 1,800 offenders

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

Selection of Study Sample (based on approved design)

- **A large sample is preferred, as some cases will be eliminated in subsequent stages**

    - **Supplemental data may reveal a prior conviction for a violent felony**

    - **Offender may still be incarcerated**

    - **Offender may have died**

    - **Available data may be insufficient to include the offender**

- **The approved strategy is similar to the original risk assessment study completed in 1997**

Status: Complete

Data Collection and Preparation of Data of Analysis

- **There are several tasks related to data collection and data preparation (also known as "data cleaning") that must be completed before analysis can begin**

- **These activities are underway and being performed by different staff simultaneously**

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 are provided in database format**

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

Status: Complete

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 is available)**

  - Staff are researching cases and filling in VCC offense codes with the best available information

  - Having unique offense identifiers will be helpful in the analysis phase

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

  - Staff are using other criminal justice databases to identify and fill in convictions wherever possible

Status: Ongoing

Out-of-State Criminal History Records

- **Sentencing Commission 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 are in database format, staff are examining each rap sheet for the 1,800 offenders in the sample**

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

  - **This information will then be automated and added to existing databases**

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

Status: Ongoing

Dates of Release from Incarceration

- **For offenders in the sample who received a prison sentence, staff requested and received data on release dates from the Department of Corrections**

- **For offenders who received a jail sentence, staff is analyzing the Local Inmate Data System (LIDS) to identify the appropriate date of release**

- **It is necessary to know release dates so that offenders can then be tracked for recidivism activity**

Status: Ongoing

Proposed Analysis Plan

- **As with prior studies, recidivism will be measured as a new felony conviction within 3 years**

    - **However, multiple measures of recidivism will be collected**

- **Two analysts will work largely independently of one another using two different statistical techniques**

    - **Staff will discuss and reconcile differences in the two statistical models to develop an improved final model**

Proposed Work Plan

- **Analysis is planned for summer of 2011**

- **Staff expect to present the results to the Commission in September 2011**

- **If the Commission approves the new instrument and recommends its adoption, it will be included in the 2011 Annual Report**