

Nonviolent Offender Risk Assessment Completion Issues



More than two-thirds of all guidelines received by the Commission for FY2009 were for nonviolent offenses.

However, only 40% of these nonviolent offenders were eligible to be assessed for an alternative sanction recommendation.

Nonviolent offenders who are recommended for probation/no incarceration on the guidelines are not eligible for the assessment.

Furthermore, the instrument is not to be applied to offenders convicted of distributing one ounce or more of cocaine, those who have a current or prior violent felony conviction, or those who must be sentenced to a mandatory minimum term of incarceration required by law.



In addition to those not eligible for risk assessment, there were 3,144 nonviolent offense cases for which a risk assessment instrument was not submitted to the Commission.

2009 ANNUAL REPORT



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 →

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

A. Offender is a male	8	<input type="text"/>	+	
B. Offender's age at time of offense				
Younger than 30 years	13	<input type="text"/>		
30 - 40 years	8	<input type="text"/>		
41 - 46 years	1	<input type="text"/>		
Older than 46 years	0	<input type="text"/>	+	
C. Offender not regularly employed (during 2 years prior to arrest date)	9	<input type="text"/>		
D. Offender age 26 or more and never married (at time of offense)	6	<input type="text"/>	+	
			=	Enter A to D Total

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

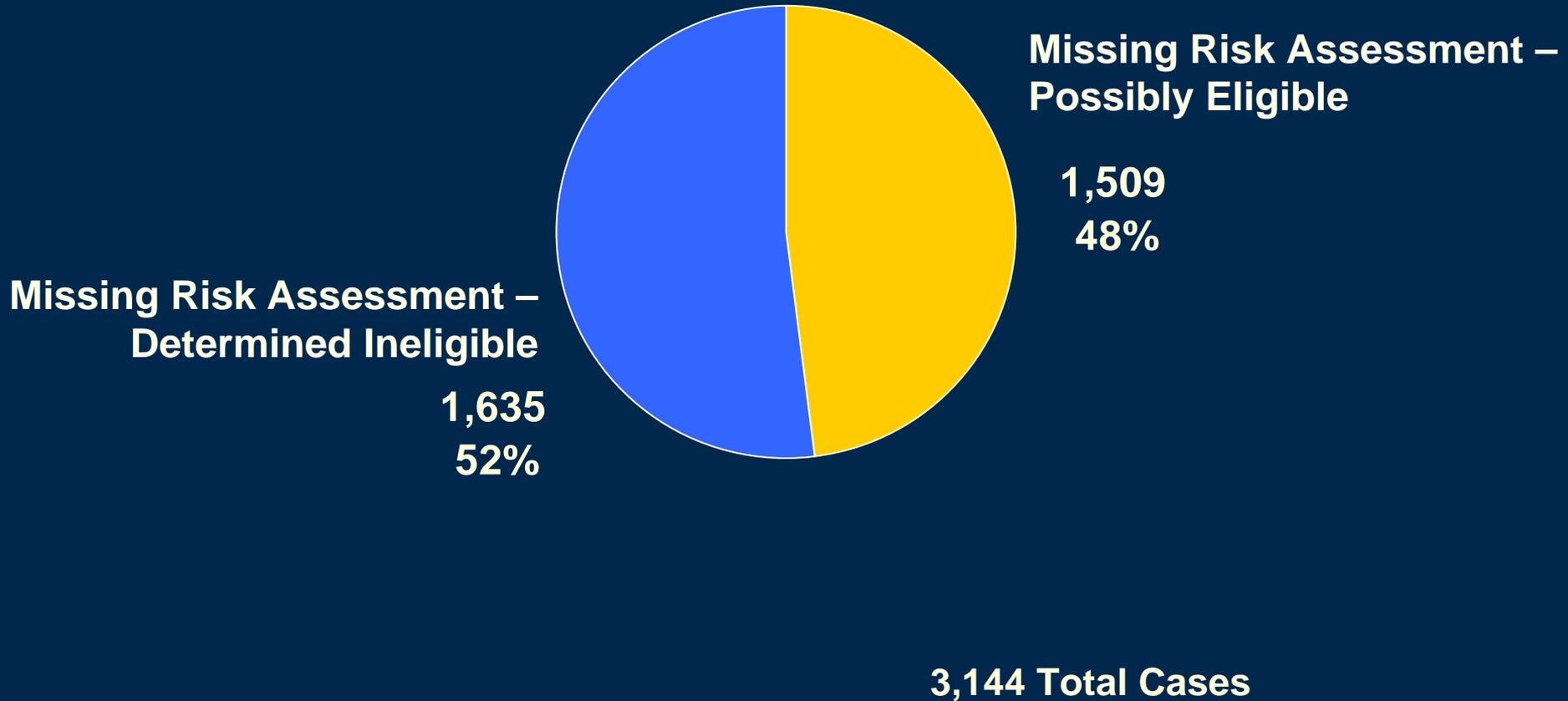
C. Are any prior record offenses violent (Category I/II listed in Table A of the Guidelines Manual)? Yes No

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.

Nonviolent Offenders without Risk Assessment Form, FY2009





DISCUSSION

Analysis has revealed that certain circuits are more likely than others to submit guidelines forms for eligible offenders without a risk assessment form.

