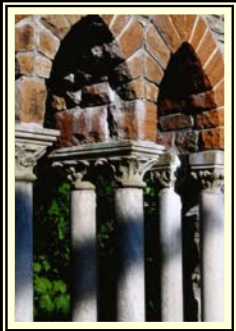


Implementation of Probation Violator Risk Assessment

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

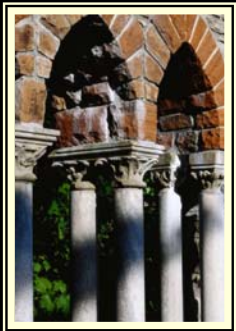
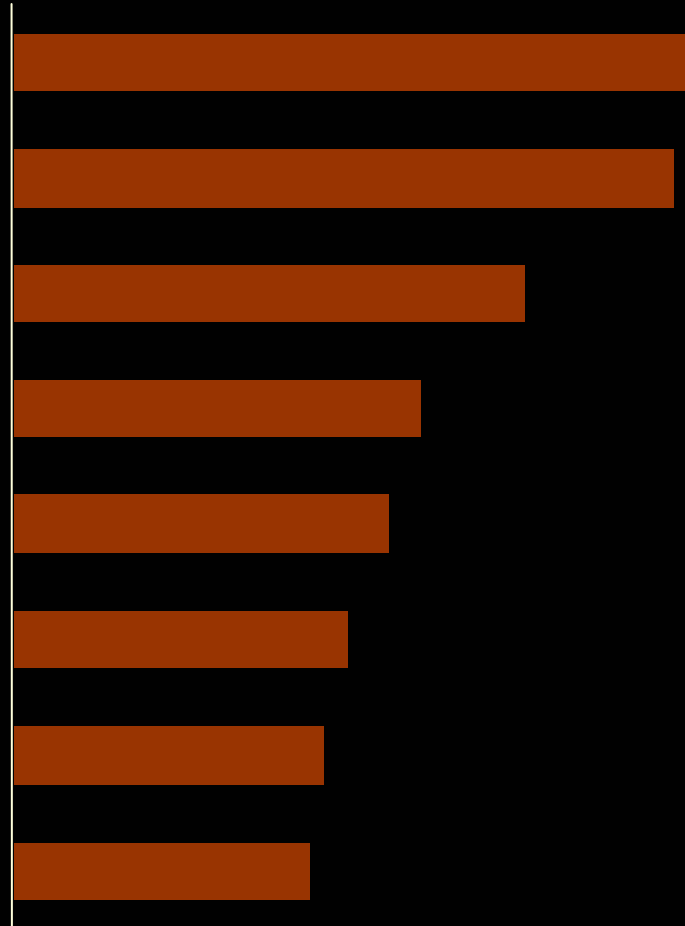
Substance abuse

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	↓	<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	↓	<input type="text"/> <input type="text"/>
2 or more.....	14		

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

◆ **Substance Abuse while on Supervision** _____

None.....	0	↓	<input type="text"/> <input type="text"/>
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**.

◆ **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

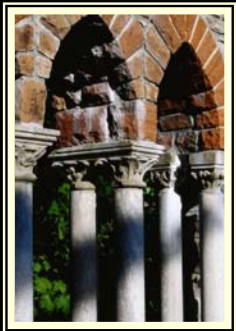
Total Score →

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

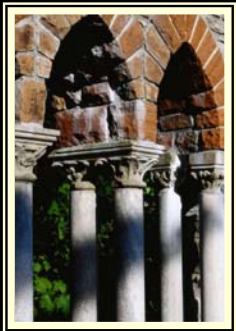
Go to Cover Sheet and fill out Violator Risk Assessment Recommendation.

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.

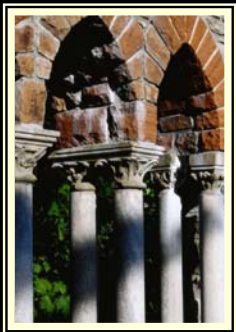


Recidivism by Score



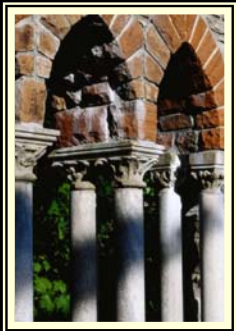
Risk Assessment Threshold

- 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%.



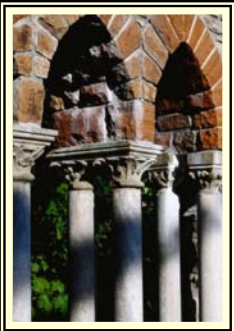
Need for More Alternative Sanctions

- 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.



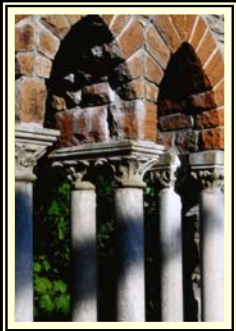
2005 General Assembly

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



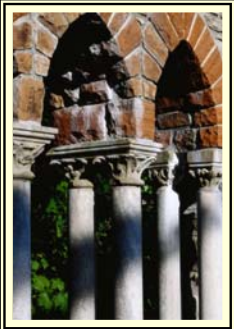
2005 General Assembly

- 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



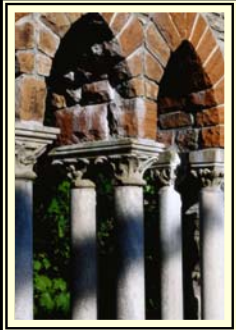
2005 General Assembly

- 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



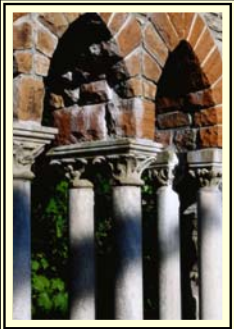
Implementation of Risk Assessment for Violators

- 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.



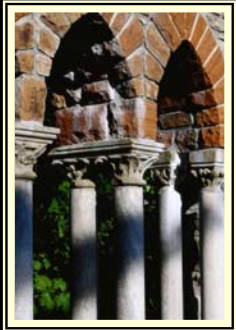
Implementation of Risk Assessment for Violators

- Risk Assessment sites selected through coordination with the Department of Corrections
- Criteria Considered
 - Judicial cooperation
 - Sufficient caseload
 - Proximity to new Return-to-Custody Facility (Conversion of Southampton Detention Center)
 - Commonwealth's attorney and public defender cooperation



Implementation of Risk Assessment for Violators

- City of Norfolk identified as excellent candidate
 - Met with Circuit court judges, Commonwealth's attorney, Public defender, Sheriff, Probation officials and Circuit Court Clerks.
 - Unanimous agreement to utilize new intermediate sanction options in conjunction with the probation violation risk assessment guidelines
 - Commonwealth's attorney and public defender also agreed to implement an 'expedited plea" process that integrates the probation violation sentencing guidelines

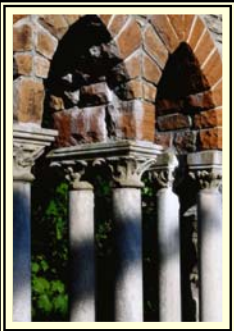


Implementation of Risk Assessment for Violators


- Sentencing Commission and Department of Corrections will advertise and provide training programs for:
 - Commonwealth's attorneys
 - Public defenders
 - Defense attorneys
 - Probation officers
 - Clerks

- Implementation targeted for late Fall, 2005.

- Department of Corrections has proposed new forms to accompany the implementation



Implementation of Risk Assessment for Violators



VIRGINIA DEPARTMENT OF CORRECTIONS
**Community Corrections Return-To-Custody
 Voluntary Participation Agreement**

Effective: 04/30/2003
 RTC 1- (CCOP)

Offender: _____
Last Name First Name MI

VACCIS # _____ VSP# _____ SSN: _____

Current Primary Offense _____ Sentencing Court _____

Technical Violation (Check/Explain all which apply) Probation Post Release:

1. Fail to obey laws (felonies ineligible for voluntary participation) _____
2. Fail to report arrest(s) _____
3. Fail to keep job/report changes _____
4. Fail to report as instructed _____
5. Fail to allow PO to visit home/job _____
6. Fail to follow PO instructions _____
7. Use alcoholic beverages to excess _____
8. Use/possess drugs _____
9. Have firearm _____
10. Move without permission _____
11. Abscond _____
12. Special Conditions: _____

I, _____, understand that my supervising officer has sufficient evidence to find probable cause that I have violated my conditions of supervision. I further understand that the Probation Violation Guidelines recommend incarceration for up to _____ months.

With this understanding and awareness of the Return-To-Custody Programs' requirements as explained, I voluntarily agree to participate. If accepted for either program, I further agree to report as directed and actively participate in the approved program. I understand that an unacceptable evaluation or an unsuccessful program termination will result initiation of violation procedures. Finally, I understand that I retain the opportunity to contest the violation and to present arguments on my behalf at any future violation hearings.

Voluntarily Accept **Voluntarily Reject**

Offender _____ Date: _____

Supervising Officer _____ District _____ Date: _____

I have reviewed this case and it is appropriate for Facility referral.


Approved Disapproved _____ Date: _____
Chief Officer/Designee

Cc: Offender, District, Facility (if referred), Offender Release Services (Post Release) for Postreleasees

Attach Sentencing Revocation Report, Probation Violation Guidelines and Risk Assessment. Major Violation Report (PPS-55) or Designation of Probation Conditions Violated (PPS-42) if available.

1 of 2
Rev. 08/22/05

Implementation of Risk Assessment for Violators

 VIRGINIA DEPARTMENT OF CORRECTIONS
**Community Corrections Return-To-Custody
Voluntary Participation Agreement**

Effective: 04/30/2003
RTC 1 - (CCOP)

I. 2005 Appropriations Act – Jail Return-To-Custody Program

- Admits to probation or post release violation and scores between 31-65 on violation guidelines.
- Convicted of a non-violent or sexual registration felony.
- Violent offenses are listed in Code Section 19.2-297.1 and include:
 - Murder and Voluntary Manslaughter
 - Mob-related Felonies
 - Kidnapping or Abduction
 - Malicious felonious assault or bodily wounding
 - Solicitation to Commit Murder
 - Robbery
 - Criminal Sexual Assault
 - Arson
 - Conspiracy to commit above felonies
- Offenses requiring Sexual offender registration are listed in Code Section.
- Must be able to participate in a regimented environment and structured program.
- Is **not** currently taking psychotropic medications.
- Requires more security or supervision than non-incarceration.
- Located in City of Norfolk.
- Followed by a period of Community transition and supervision.

II. 2005 Appropriations Act – Department of Corrections’ Return-To-Custody Program

- Admits to probation violation and scores’ between 31-65 on violations guidelines.
- Convicted of a non-violent felony and may have been previously incarcerated for felony.
- Violent offenses are listed in Code Section 19.2-297.1. Sexual offenses are in Code Section.
- Must be able to participate.
- Is **not** currently taking psychotropic medications.
- Requires more security or supervision than the Jail Return-To-Custody Program.
- Located in Southampton County transition and community supervision.
- Followed by a period of intensive supervision plus at least one year of regular.

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Implementation of Risk Assessment for Violators

Probation Violation Guidelines ❖ **Section C** Offender Name: _____

◆ **Original Felony Offense Type** *select the type of most serious original felony offense*

A. DWI or Habitual Offender	3	Score <input style="width: 40px; height: 20px; border: 1px solid black;" type="text"/>
B. Property	4	
C. Drug	5	
D. Person	13	
E. Weapon	16	
F. Other	1	

◆ **Previous Adult Probation Revocations**

Number: 1 - 2	4	<input style="width: 40px; height: 20px; border: 1px solid black;" type="text"/>
3 or more	16	

◆ **New Arrests for Crimes Against Person**

Number: 0	0	<input style="width: 40px; height: 20px; border: 1px solid black;" type="text"/>
1	4	
2	15	
3 - 4	30	
5 or more	38	

◆ **New Arrests for Nonperson Crimes**

Number: 0 - 1	0	<input style="width: 40px; height: 20px; border: 1px solid black;" type="text"/>
2	9	
3 - 4	12	
5 or more	19	

◆ **Months until First Noncompliant Incident**

10 months or less	28	<input style="width: 40px; height: 20px; border: 1px solid black;" type="text"/>
More than 10 months to 22 months	22	
More than 22 months	0	

◆ **Unsuccessful Discharge from Detention Center Program** ——— If YES, add 30 →

◆ **Never Reported to Drug Treatment/Drug Education Program**

Number: 1 - 2	9	<input style="width: 40px; height: 20px; border: 1px solid black;" type="text"/>
3 or more	16	

◆ **Positive Drug Test (not marijuana or alcohol)** ——— If YES, add 10 →

◆ **Violate Sex Offender Restrictions** ——— If YES, add 40 →

◆ **Time Absconded**

2 months or less	0	<input style="width: 40px; height: 20px; border: 1px solid black;" type="text"/>
More than 2 months to 24 months	9	
More than 24 months	12	

Total Score →

See Probation Violation Guidelines Section C Recommendation Table for guidelines sentence range.
Then, go to Section D Probation Violation Risk Assessment and follow the instructions.

eff. 7/1/2005

Implementation of Risk Assessment for Violators

Probation Violation Guidelines ❖ Section C

❖ RECOMMENDATION TABLE

Score	Guideline Sentence Range
Up to 36	Incarceration 1 Day to 3 Months
37 - 42	3 Months to 6 Months
43 - 45	6 Months to 12 Months
46 - 50	1 Year to 1 Year 3 Months
51 - 52	1 Year 3 Months to 1 Year 6 Months
53 - 57	1 Year 6 Months to 2 Years
58 - 65	2 Years to 3 Years
66 - 69	3 Years to 4 Years
70 - 82	4 Years to 5 Years
83 - 89	5 Years to 6 Years
90 +	6 Years or more

Admits to probation or post-release violation and scores between 31-65 on violation guidelines.

Implementation of Risk Assessment for Violators

4th DRAFT

Suggested Revocation Order

VIRGINIA: In the Circuit Court of Virginia County

FIPS CODE: 101

Hearing Date: January 4, 2002

Judge: Roy Bean

Commonwealth of Virginia

v.

Defendant

Kit Carson

Docket No.: CR96-12345-04

This case came before the Court for revocation proceeding, and the defendant, who appeared in person with his attorney, _____. The Commonwealth was represented by _____.

On January 4, 2003, the defendant was found guilty of the following offense(s).

<u>Case Number</u>	<u>Offense Description and Indicator F/M</u>	<u>Offense Date</u>	<u>Code Section</u>
CR96-12345	Grand Larceny (F)	1/1/95	18.2-95

And the Court then sentenced the defendant to 5 years incarceration with the Virginia Department of Corrections with 3 years suspended. Subject was placed on supervised probation upon release from incarceration.

On August 4, 2005, the defendant was found guilty of violating the terms of suspension/probation for the following offense(s):

<u>Case Number</u>	<u>Offense Description and Indicator F/M</u>	<u>Offense Date</u>	<u>Code Section</u>
CR96-12345-02	Grand Larceny (F)	1/1/95	18.2-95

Before pronouncing the sentence, the Court inquired if the defendant desired to make a statement and if the defendant desired to advance any reason why judgment should not be pronounced.

The court having found the defendant guilty of violation of terms of the suspended sentence and probation, imposes two years incarceration suspended upon successful participation in the _____ Department of Corrections' Return-to-Custody Program or _____ Jail Return-to Custody Program with 2 years of supervised probation upon release from the program.

Restitution:

Credit for time served. The time spent in confinement while awaiting this probation violation hearing pursuant to Code 53.1-187 or entry into the program shall not reduce the time in the Return-to-Custody Program.

The defendant was remanded to the custody of the Sheriff.

Implementation of Risk Assessment for Violators

Pursuant to the provisions of 19.2-306, the Court has considered applicable discretionary probation violation guidelines worksheets, which were ordered filed as a part of the record in this case.

_____ ENTER: _____
Date Judge

Defendant Identification: White/Male

Alias: Cody Carson

SSN: 123-45-6789

DOB: 8/4/72

Total Sentence Imposed: 2 years

Total Sentence Suspended: 2 years

Total Sentence to Serve: Up to 60 days in Return-to-Custody Program plus any jail time awaiting revocation hearing or program entry.

Total Supervised Probation to Serve: 2 years upon program completion.