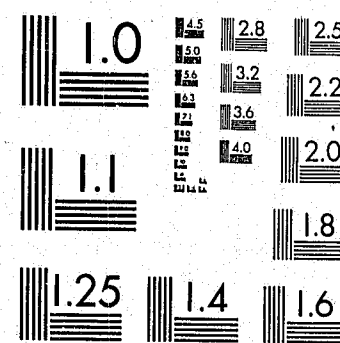


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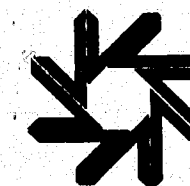
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Washington, D. C. 20531

3/8/83

**NON-VIOLENT OFFENDERS**

AN ASSESSMENT OF  
THE NUMBER OF NON-VIOLENT OFFENDERS  
COMMITTED TO AND CONFINED IN  
THE VIRGINIA CORRECTIONAL SYSTEM  
DURING FISCAL YEAR 1981  
WHO WERE POTENTIALLY ELIGIBLE  
FOR COMMUNITY DIVERSION



Virginia Department of Corrections  
Division of Program Development and Evaluation  
Research and Reporting Unit

January 1982  
Report No. 82107

82728

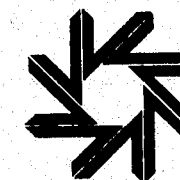
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Thomas R. Foster, Manager  
Research and Reporting Unit

#### EXECUTIVE SUMMARY

A total of 373 case records of inmates committed for a non-violent offense to the Virginia Department of Corrections and confined in FY81 were reviewed to determine what percentage of the offenders would be potentially eligible for community diversion. Approximately 43% (160 cases) of the sample was found to be eligible based on six (6) criteria. While an exact estimate of the number of potentially eligible offenders committed in FY81 for a non-violent offense can only be made by reviewing each of the 2300 individuals, an estimate "range" of the actual number can be determined. It is estimated that 38% - 48% of these offenders were potentially eligible for diversion. This translates in number of inmates to between 870 - 1100.

## PURPOSE

To determine the number of non-violent offenders committed and confined to the Virginia Department of Corrections in FY81 who were potentially eligible for community diversion based on six (6) objective criteria.

## SAMPLE

There were approximately 3400 felons committed to the Department of Corrections (and confined in institutions) in FY81. Of the total number committed 2300, 67.6% of committed felons, were incarcerated as a result of a non-violent offense (for a definition of non-violent offenses see Appendix A). This group of offenders (N=2300) composed the list from which the sample for this study was drawn.

A total of 400 inmate records were selected from a computer listing of 2300 non-violent commitments for case review. Complete information was gathered on 373 offenders and 27 case records either did not contain enough information to make an assessment or were not available for review. As such, calculations are based on an actual sample size of N=373. This sample represents approximately 16% of the non-violent offenders committed in FY81 and the assumption is made that results of this review are representative of these offenders within a known and acceptable percentage of error.\*

\* A sample size of 373 yields a confidence interval of .05. Results generalized to the population will be inaccurate by less than 5%. Thus, the true value of the total population is the sample value  $\pm$  5%.

## METHOD

A sample of 373 case records maintained by the Department of Corrections Classification and Records Unit were manually reviewed by employees of the Department and the necessary information transferred to the data collection instrument (see Appendix B). Following the completion of this procedure the inmates were screened for potential eligibility for community diversion.

To be considered potentially eligible, for the purposes of this study, an individual's case record indicated that ALL of the following criteria were met:

1. No detainers or pending charges by other jurisdictions.
2. The offender has not been convicted within the past ten (10) years of an offense involving the use of a firearm.
3. The offender has not been adjudged an habitual offender.
4. The offender has been sentenced to a minimum of three (3) years.
5. The offender has not been sentenced to an indeterminate sentence under the Youthful Offender Act.
6. The offender has no history of "violent" offenses within the past five (5) years. (Note: persons with records of simple Assault were not excluded.)



## FINDINGS

Of the 373 cases, 160 were found to be potentially eligible for community diversion and 213 were found not eligible.

	n	%
Eligible	160	43
Not Eligible	213	57
	<hr/>	<hr/>
	373	100

Those individuals who met the criteria were overwhelmingly male (95%). Approximately 62% were White and 40% were employed at the time of the committing offense. While approximately 67% had at least one (1) prior felony conviction, for 97 offenders (63% of the sample) it was their first institutional confinement. Twenty percent, however, had at least two (2) previous institutional confinements, either as a juvenile or an adult. In addition, 90% of the offenders had been convicted on misdemeanor charges with an average of approximately six (6) misdemeanor convictions for the sample.

Richmond, Fairfax, Norfolk, Arlington, Portsmouth and Prince William County contributed, in that order, the greatest percentage of the number of offenders potentially eligible for diversion, accounting for 36% of all cases.

Approximately thirty (30) primary offenses were identified in the sample population. The most frequent offenses were: Drug Related Offenses, Statutory Burglary, Larceny (pet. and grand), Statutory Burglary/Grand Larceny, Forgery and Uttering. These offenses accounted for 70% of the total.

## CHARACTERISTICS OF PERSONS FOUND POTENTIALLY ELIGIBLE FOR COMMUNITY DIVERSION

SEX		
	n	%
Male	151	95
Female	8	5
Unknown	1	-
	<hr/>	<hr/>
	160	100

RACE		
	n	%
Black	60	38
White	99	62
Unknown	1	-
	<hr/>	<hr/>
	160	100

PRIMARY OFFENSE  
(n=160)

	n	%
DRUG RELATED	31	19.3
Distribution of Controlled Subst...(11)		
Distribution of Marijuana (6)		
Conspiracy to Sell Cocaine (1)		
Possession With Intent: LSD (1)		
Possession With Intent: subst. unknown (8)		
Statutory Burglary	25	15.6
Statutory Burglary/Grand Larceny (combined counts)	22	13.7
Larceny	20	12.5
Forgery, Uttering	19	11.9
Breaking and Entering	9	5.6
Breaking and Entering/Grand Larceny (combined counts)	8	5.0
Burglary	9	5.6
Receiving Stolen Property	4	2.5
Distribution of Heroin	2	1.5
Embezzle	1	.6
Unauthorized Use of an Auto	1	.6
Obtain Money Under False Pretense	1	.6
Child Molest	1	.6
Attempt to Obtain Controlled Substance Under False Pretense	1	.6

(Con't)

PRIMARY OFFENSE  
(cont)

	n	%
Shoplifting	1	.6
Forged Perscription	1	.6
Attempt to Obtain Controlled Drug by Fraud	1	.6
Credit Card Fraud	3	1.9
	<hr/> 160	<hr/> 100.0

INSTITUTION  
CONFINED  
(n=160)

	n	%
St. Brides	16	10.0
Work Release	11	6.8
Pocahontas C.U. (#13)	6	3.7
Harrisonburg C.U. (#08)	6	3.7
Haymarket C.U. (#26)	5	3.1
Deep Meadow	5	3.1
Staunton	4	2.5
Bland	4	2.5
South Hampton	4	2.5
Powhatan	4	2.5
Other (3 or less; unknown)	95	59.6
	<hr/> 160	<hr/> 100.0

PRIOR MISDEMEANOR CONVICTIONS  
(n=160)

	n	%
None	16	10.9
1	18	12.2
2	18	12.2
3	13	8.8
4	11	7.5
5	9	6.1
6	7	4.8
7	5	3.4
8	8	5.4
9	4	2.7
10	4	2.7
11	8	5.4
12	3	2.0
15 - 19	7	4.8
20 - 39	7	4.8
Yes (unknown)	7	4.8
Unknown	11	-
	<hr/>	<hr/>
	160	98.5*

\* slightly less than 100% due to rounding errors

PRIOR COMMITMENTS  
(n=160)

	n	%
None	97	63.4
1	25	16.3
2	18	11.7
3	4	2.6
Yes (unknown)	9	5.9
Unknown	7	-
	<hr/>	<hr/>
	160	100

PRIOR FELONY CONVICTIONS  
(n=160)

	n	%
None	69	43.1
1	26	16.3
2	18	11.2
3	9	5.6
4	10	6.3
5	4	2.5
6	5	3.1
8-11	4	2.5
Yes (unknown)	15	9.4
	<hr/>	<hr/>
	160	100

EMPLOYED AT THE TIME OF OFFENSE  
(n=160)

	n	%
Yes	59	40.4
No	87	59.6
Unknown	14	-
	<hr/> 160	<hr/> 100.0

LOCALITY \*  
(n=160)

	n
Richmond	16
Fairfax	13
Norfolk	11
Arlington	6
Portsmouth	6
Prince William Co.	6
Hampton	5
Roanoke	5
Wythe	4
Danville	4
Charlottesville	4
Petersburg	4
Virginia Beach	4

This table represents those committing courts contributing at least four (4) offenders to the sample. In all, 53 courts were represented. As generally defined, a number of committing courts would compose any given locality.

# CONCLUSIONS

The objective of sampling is to draw an inference about a given population. Since it was not practical (or indeed necessary) to review each of the 2300 non-violent offenders case records, a sample of 373 was extracted. The characteristics of this sample are presumed to be representative of the 2300 non-violent offenders. As such, a statistical estimate can be made as to the frequency of the sample characteristics in the greater population of non-violent offenders.

The central purpose of this project was to determine what percentage of the offenders were potentially eligible for community diversion. An exact estimate can only be made by reviewing all 2300 cases. However, a "range" estimate of the actual number can be determined. Since 43% of the sample was found to be potentially eligible for diversion, it is estimated that 38% - 48% of all non-violent offenders committed in FY81 were potentially eligible for diversion. This translates in number of inmates to between 870 - 1100 individuals.



## SUMMARY AND RECOMMENDATIONS

The criminal justice system's ability to predict danger or individual "potential" is limited at best. To the extent that attempts are made to predict what an individual offender is likely to do in the community, over-prediction will occur. Any attempt to exclude cases from consideration for diversion will lead to the "unnecessary" detainment of individuals who would make a satisfactory adjustment outside of an institution. These errors in prediction are known as "false positives."

For this reason, the intent of the research was to cast a broad net. Some offenders classified as potentially eligible, for example, have extensive criminal records, with as many as 39 misdemeanor convictions or ten (10) prior felony convictions. There are inmates who have at least three (3) prior commitments in a correctional facility as adults as a result of a felony conviction.

This project, therefore, has addressed the issue of "potentially eligible offenders." It is recommended that more stringent criteria be used to assess the eligibility of the offenders (see Risk Assessment Instrument Appendix C). The results of such an assessment on the sample would more realistically reflect a "true divertable population" based on generally accepted criteria for eligibility.

While an individual may be eligible for diversion to the community, he/she may not be suitable for a local project. The final assessment regarding suitability determination can only be made after a complete review of an individual case and an assessment of a program's resources and ability to meet the needs of the offender and the community.

# APPENDIX A

## MAJOR NON-VIOLENT OFFENSE CATEGORIES

Burglary  
Larceny  
Stolen Vehicle  
Forgery  
Fraud  
Embezzlement  
Stolen Property  
Smuggling  
Sex Offenses - Not Assaultive  
Family Offenses  
Invasion of Privacy  
Obstructing Police/Justice  
Flight - Escape  
Conspiracy to Commit a Crime  
Traffic Offenses  
Drug Offenses  
Gambling

CDI SAMPLE  
JAN. 1982

## APPENDIX B

# \_\_\_\_\_ NAME \_\_\_\_\_ DOB \_\_\_\_\_ RACE/SEX \_\_\_\_\_

Custody \_\_\_\_\_ Assigned Inst. Location \_\_\_\_\_

Detainer(s) \_\_\_\_\_  
Parole Elig. Date: \_\_\_\_\_ MPRD: \_\_\_\_\_

OFFENSE: \_\_\_\_\_ LENGTH OF SENTENCE: \_\_\_\_\_

Committing Court: \_\_\_\_\_  
Medical status \_\_\_\_\_  
Psychological: IQ \_\_\_\_\_ NOTES: \_\_\_\_\_

### Prior Record:

# Prior convictions: Misd. \_\_\_\_\_ Felony \_\_\_\_\_

1st Offender Yes \_\_\_\_\_ No \_\_\_\_\_  
# Previous non-assaultive types \_\_\_\_\_ # Previous Assaultive types \_\_\_\_\_

# Prior commitments: \_\_\_\_\_  
Has offender been convicted of any assaultive/weapons offenses within the  
last 5 years No \_\_\_\_\_ Yes \_\_\_\_\_ Date(s) \_\_\_\_\_  
within 10 yrs. No \_\_\_\_\_ Yes \_\_\_\_\_ Date(s) \_\_\_\_\_

Has offender ever violated:  
Probation No \_\_\_\_\_ Yes \_\_\_\_\_ tech \_\_\_\_\_ New conv \_\_\_\_\_  
Parole No \_\_\_\_\_ Yes \_\_\_\_\_ tech \_\_\_\_\_ New conv \_\_\_\_\_

### History of Drug/Alcohol Abuse:

\_\_\_\_\_ No \_\_\_\_\_ Yes \_\_\_\_\_ type \_\_\_\_\_ Active \_\_\_\_\_

Was subject employed at time of offense? No \_\_\_\_\_ Yes \_\_\_\_\_

Occupation: \_\_\_\_\_  
Work History: Fairly steady \_\_\_\_\_ steady \_\_\_\_\_ sporadic \_\_\_\_\_ None \_\_\_\_\_

Reported Job Skills: \_\_\_\_\_

# APPENDIX C

## RISK ASSESSMENT INSTRUMENT

CASE # \_\_\_\_\_ POINT TOTAL \_\_\_\_\_

DATE \_\_\_\_\_

### Base Expendance Score Points

1. If arrest free for five or more years +16

2. If no history of substance or abuse +13

3. If no history of criminal record within  
immediate family. + 8

4. If current offense not bad checks or burglary +13

5. Age at commitment x 0.6 \_\_\_\_\_

6. Add 21 all cases \_\_\_\_\_

7. Subtotal 1-6 Subtotal \_\_\_\_\_

8. -3 for each known alias \_\_\_\_\_

9. -5 for each prior incarceration \_\_\_\_\_

10. Subtotal 8-9 \_\_\_\_\_

11. Total Score (Lines (1-6) - (8-9)) \_\_\_\_\_

Those clients falling in the group;

73 - 100 - Probably Probation material

\*\* 44 - 72 - Community Diversion Project material

0 - 43 - Incarceration

Comment (Number, Item) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**END**