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**NONVIOLENT RISK ASSESSMENT IN VIRGINIA SENTENCING
REPORT 2: A SURVEY OF CIRCUIT COURT JUDGES**

A REPORT OF THE VIRGINIA CRIMINAL JUSTICE POLICY REFORM PROJECT
UNIVERSITY OF VIRGINIA SCHOOL OF LAW

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EXECUTIVE SUMMARY

Background:

The purpose of Report 2 is to convey the views of Circuit Court judges regarding the current and potential use of Nonviolent Risk Assessment in Virginia sentencing. Data on Nonviolent Risk Assessment from the Virginia Criminal Sentencing Commission are analyzed in Report 1.

Methodology:

The Virginia Criminal Justice Policy Reform Project at the University of Virginia School of Law conducted a survey of Circuit Court judges to determine their views on the role of risk assessment in sentencing. The survey of all 161 Circuit Court judges was conducted by mail between November 2017 and January 2018. Responses were received from 85 judges (a 53 percent response rate).

Key Findings:

- (1) Eight-out-of-ten Circuit Court judges believe that sentencing drug and property offenders should be based not only on the seriousness of the crime committed and the offender's blameworthiness, but also on the risk the offender will commit another crime in the future.
- (2) Eight-out-of-ten Circuit Court judges state that they are either "familiar" or "very familiar" with the use of Nonviolent Risk Assessment in sentencing drug and property offenders.
- (3) Approximately half of all Circuit Court judges state that they "always" or "almost always" consider the results of the Nonviolent Risk Assessment in sentencing drug and property offenders, and approximately one-third state that they "usually" do so.
- (4) Approximately half of all Circuit Court judges state that they rely equally on the Nonviolent Risk Assessment worksheet and on their judicial experience in sentencing a drug or property offender, and approximately one-third state that they rely primarily on their judicial experience.
- (5) Seven-out-of-ten Circuit Court judges rate the availability of alternative interventions—such as outpatient drug or mental health programs—within their jurisdiction as "less than adequate," and five percent of judges rate such alternatives as "virtually non-existent."
- (6) Three-quarters of Circuit Court judges responded affirmatively when asked whether an increase in the availability of alternative interventions for drug and property offenders would change their sentencing practices.
- (7) When asked whether adopting a policy requiring judges to provide a written reason for declining to impose an alternative intervention on an offender who scores as "low risk" would increase the likelihood of judges imposing such alternative interventions, six-in-ten Circuit Court judges believe that such a policy would increase the use of alternatives, and four-in-ten believe that it would not increase the use of alternatives.
- (8) When asked if they favored or opposed the adoption of the policy described in the previous question, one-third of Circuit Court judges responded that they favored adopting such a policy, and two-thirds responded that they opposed adopting such a policy.

Conclusions, with Representative Comments from Judges:

(1) A strong majority of Circuit Court judges endorse the principle that sentencing eligible drug and property offenders should include a consideration of the risk the offenders will commit other crimes, are familiar with the use of the Nonviolent Risk Assessment in sentencing, and usually or always consider the results of the Nonviolent Risk Assessment in relevant cases. However, a significant minority exclude considerations of risk when sentencing eligible drug and property offenders, are largely unfamiliar with the Nonviolent Risk Assessment, and do not usually consider its results when imposing a sentence.

- “Constitutes a useful tool within the general sentencing scheme.”
- “I support the use of these risk assessments under current usage—specifically the risk assessment is used to reduce and not increase incarceration recommendations.”
- “It should be clarified to judges and litigants alike that Evidence Based Practices like the Nonviolent Risk Assessment are but another tool that aids but does not supplant judicial judgment.”
- “Frankly, I pay very little attention to the worksheets. Attorneys argue about them, but I really just look at the Guidelines. I also don’t go to psychics.”

(2) A strong majority of Circuit Court judges find the availability of alternative interventions for eligible drug and property offenders in their communities to be inadequate at best, and believe an increase in the availability of alternative interventions would change their sentencing practices.

- “The assessment is useful. The problem is the lack of useful alternatives. In several counties in my Circuit, there are no inpatient treatment options.”
- “We need more alternative options—lack sufficient treatment programs and follow-up. Unfortunately, that costs money which communities are reluctant to provide.”
- “To accurately impose and/or consider whether or not a judge is complying with a recommendation— bona fide alternative programs must first exist.”
- “There is presently no valid alternative in our area. Referral to local mental health takes 13 weeks for the initial interview. Who knows how long to start treatment... We need a statute which requires that all areas of the state have equal access to drug treatment.”

(3) A majority of Circuit Court judges believe adopting a policy requiring a written reason for declining to impose an alternative intervention on eligible offenders who score as “low risk” would increase the likelihood such sentences would be imposed. However, a majority of Circuit Court judges oppose the adoption of such a policy.

- “Having to write out reasons for Guidelines departure is already an added time and effort burden on the sentencing process. To add another requirement to explain the sentencing decision would simply complicate and drag out the sentencing even more.

- “Requiring a reason in writing for a disposition should not be used as a way to compel more alternative punishments! At some point someone must realize that adding more paperwork...takes time and when court staffing remains the same, this takes time away from hearing cases, deciding cases, reading, signing orders, etc.”
- “Requiring judges to take 3-10 minutes per such sentencing to explain will be an unnecessary drag on our criminal dockets.”
- “I would favor receiving the risk assessment and don’t oppose reporting why I deviate. I do object to the report to the legislature of how often I deviate from the guidelines and why.”

Table 1: Check the option that best reflects your view of the proper role of risk assessment in sentencing eligible drug and property offenders:

	Frequency	Percent
Sentencing drug and property offenders should be based only on the seriousness of the crime committed and the offender's blameworthiness; the risk an offender will commit another crime in the future should play no role in sentencing.	10	11.8
Sentencing drug and property offenders should be based not only on the seriousness of the crime committed and the offender's blameworthiness, but also on the risk the offender will commit another crime in the future.	67	78.0
Other	8	9.4
Total	85	100.0

Check the option that best reflects your view of the proper role of risk assessment in sentencing eligible drug and property offenders:

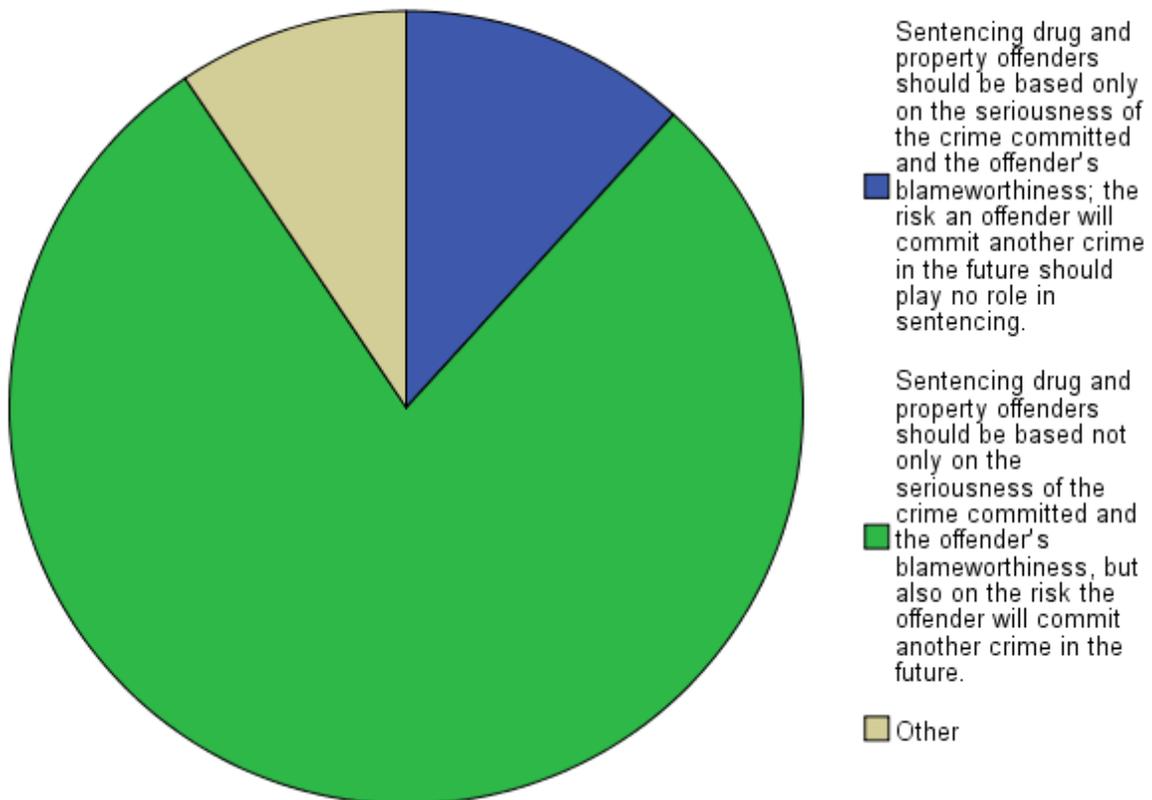


Table 2: How familiar are you with the use of the Nonviolent Risk Assessment in sentencing drug and property offenders in Virginia?

	Frequency	Percent
Very familiar	25	29.4
Familiar	41	48.2
Slightly familiar	16	18.8
Unfamiliar	3	3.5
Total	85	100.0

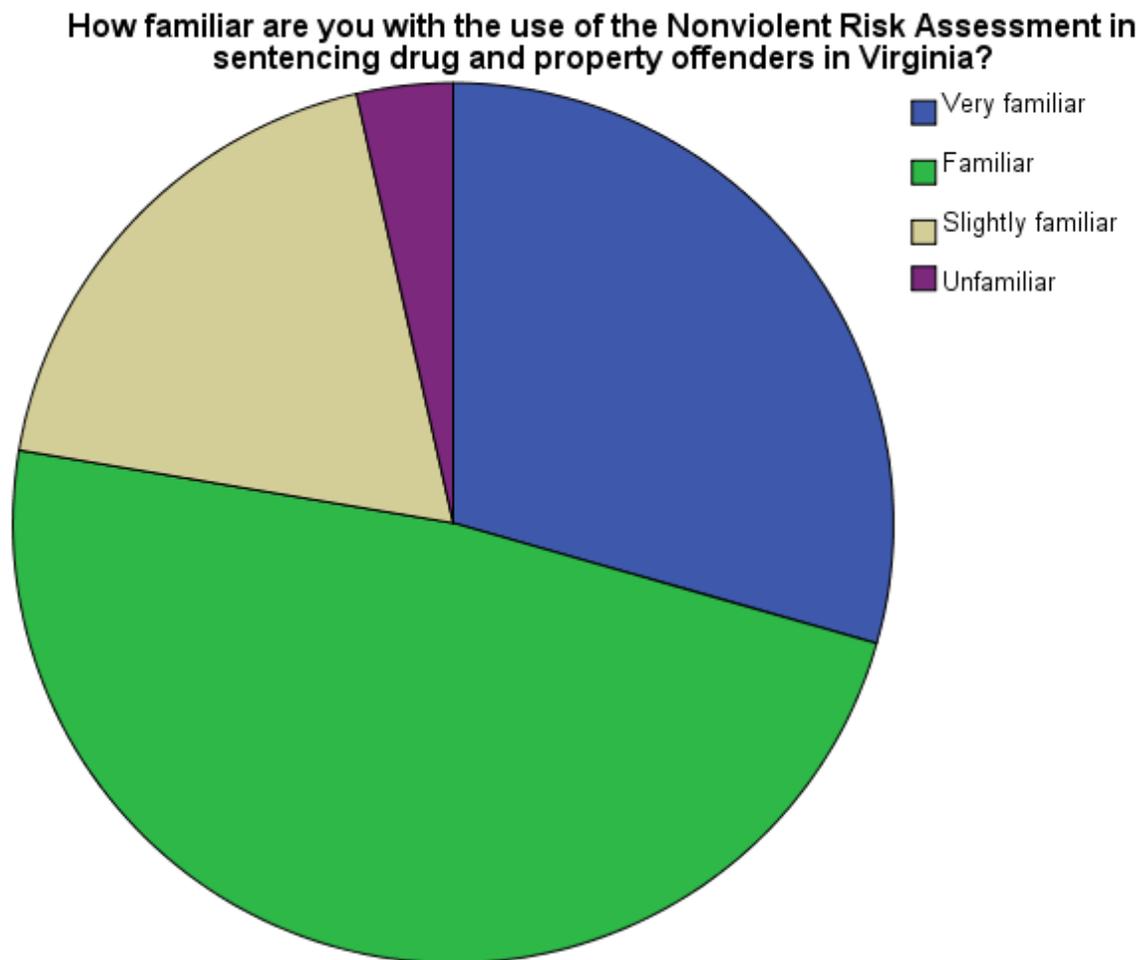


Table 3: How often do you consider the results of the Nonviolent Risk Assessment worksheet before sentencing a drug or property offender?

	Frequency	Percent
Always or almost always (i.e., in about 90-100% of the cases)	39	46.4
Usually (i.e., in about 50-90% of the cases)	24	28.6
Sometimes (i.e., in about 10-50% of the cases)	8	9.5
Rarely (in about 1-10% of the cases)	8	9.5
Never (in 0% of the cases)	5	6.0
Total	84*	100.0

** 1 Judge did not respond to this question

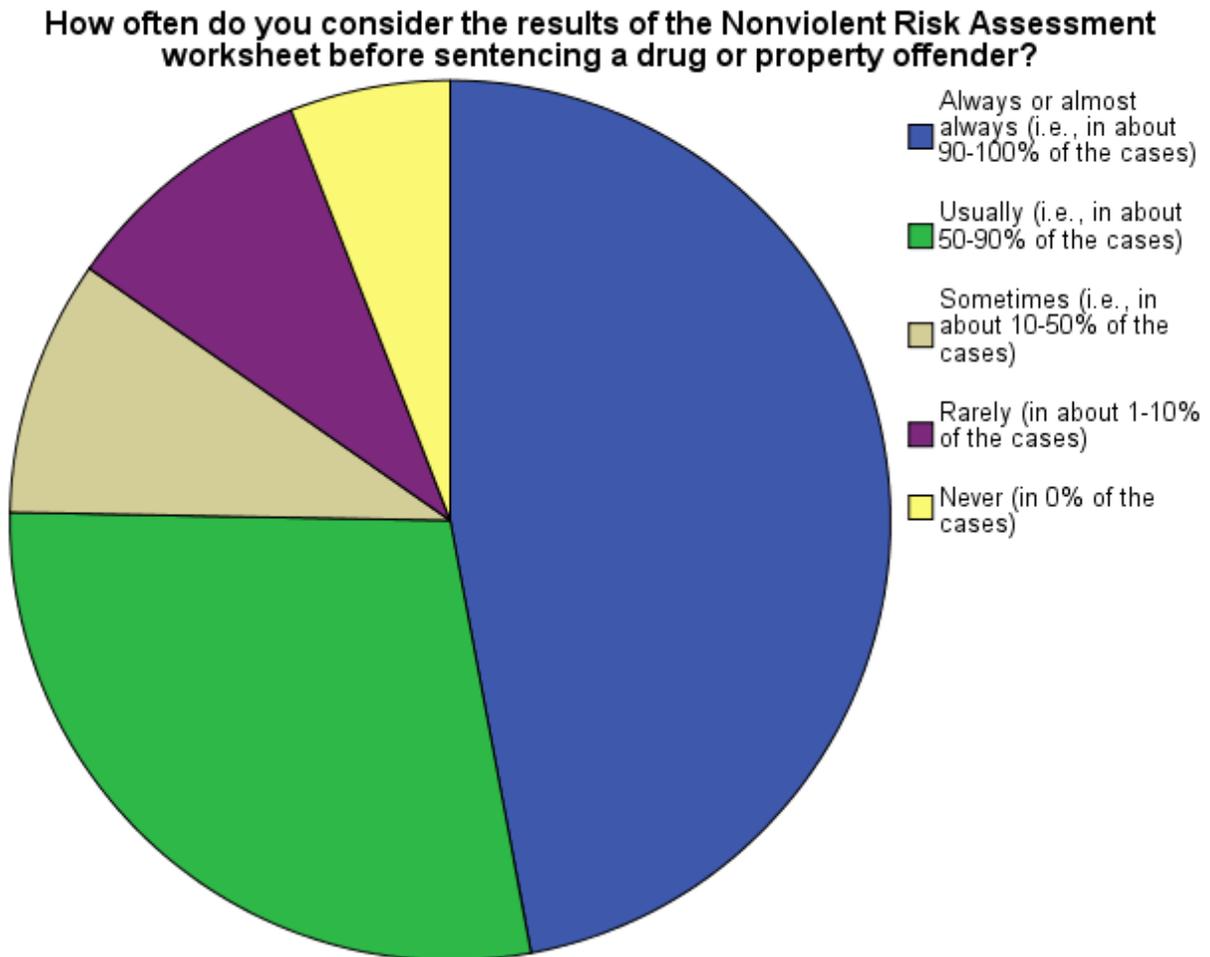


Table 4: When sentencing a drug or property offender, do you rely on your judicial experience, or on the Nonviolent Risk Assessment, to determine the risk that the offender will commit another crime?

	Frequency	Percent
I rely primarily on the Nonviolent Risk Assessment worksheet	4	4.8
I rely primarily on my judicial experience	32	38.1
I rely equally on the Nonviolent Risk Assessment worksheet and on my judicial experience	45	53.6
I do not believe the risk an offender will commit another crime should play a role in sentencing	2	2.4
Total	84*	100.0

* 1 Judge did not respond to this question

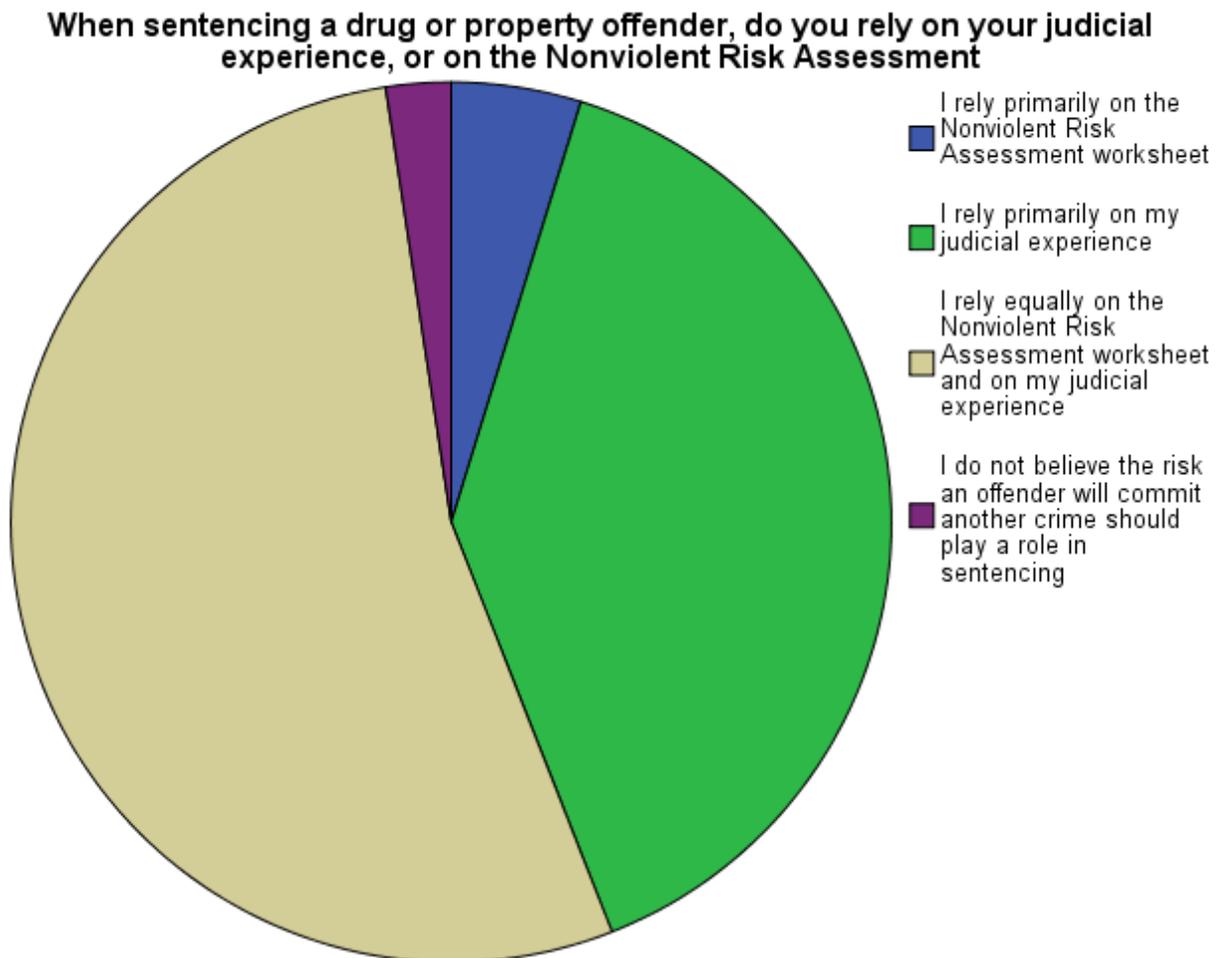


Table 5: How would you rate the current availability of alternative interventions—such as outpatient drug or mental health programs—as realistic sentencing options for drug and property offenders within the jurisdiction served by your Court?

	Frequency	Percent
Excellent	8	9.5
Adequate	13	15.5
Less than adequate	59	70.2
Virtually non-existent	4	4.8
Total	84*	100.0

** 1 Judge did not respond to this question

How would you rate the current availability of alternative interventions—such as outpatient drug or mental health programs—as realistic sentencing options for drug and property offenders within the jurisdiction served by your Court?

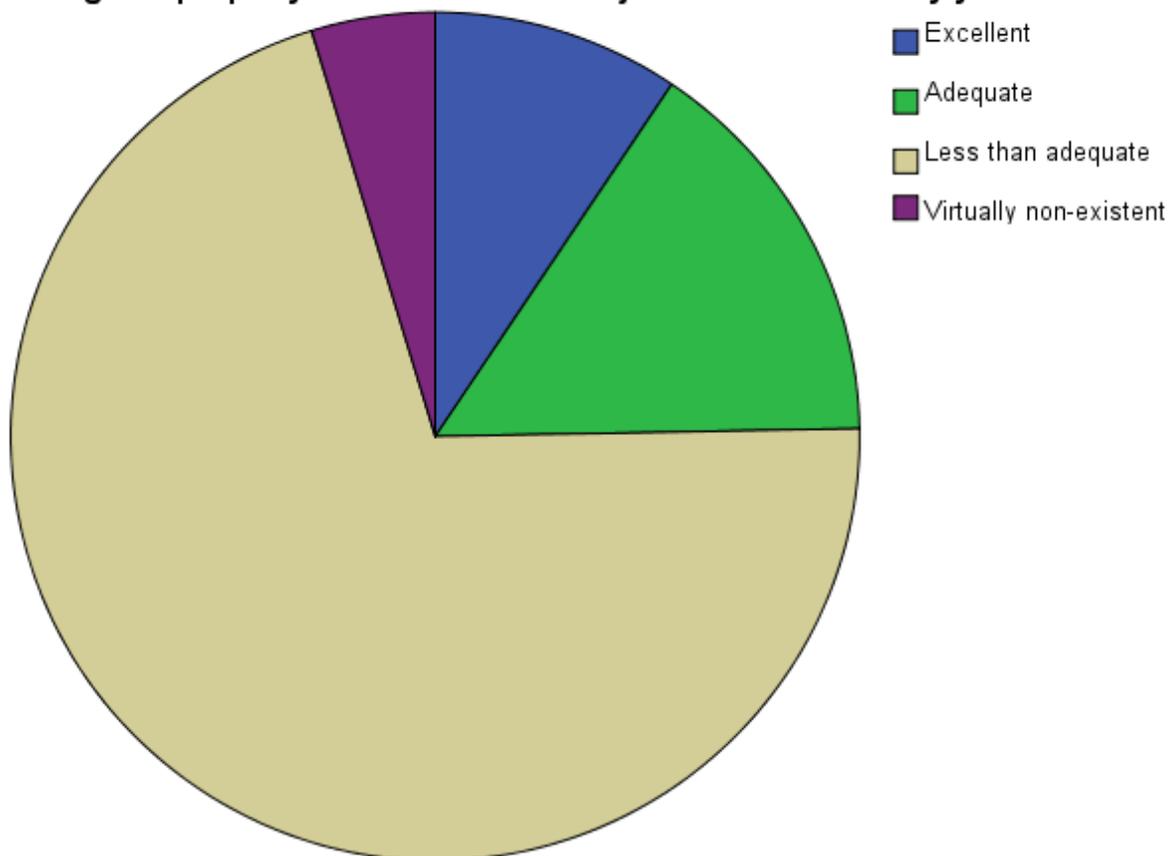


Table 6: If, in the future, alternative interventions became more available as realistic sentencing options for drug and property offenders within the jurisdiction served by your Court, would this change your sentencing practices?

	Frequency	Percent
Yes, I would sentence offenders to alternative interventions more often	64	76.2
No, I would not sentence offenders to alternative interventions more often	1	1.2
I do not know whether or not this would have an effect on my sentencing practices	19	22.6
Total	84*	100.0

** 1 Judge did not respond to this question

If, in the future, alternative interventions became more available as realistic sentencing options for drug and property offenders within the jurisdiction served by your Court, would this change your sentencing practices?

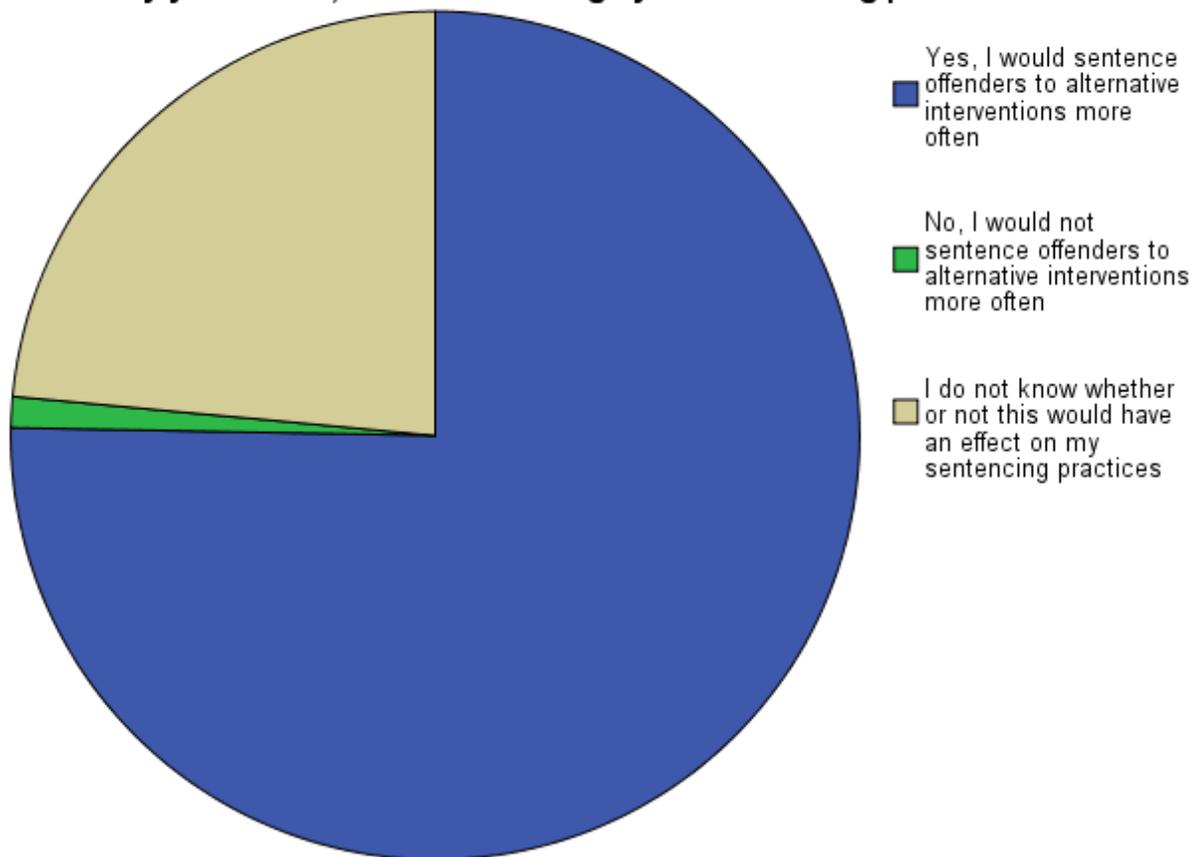


Table 7: In your view, would the adoption of a procedure similar to the one described above¹ increase the likelihood of judges imposing an alternative intervention when one is recommended by the Nonviolent Risk Assessment?

	Frequency	Percent
Definitely increase the likelihood of an alternative intervention	15	19.2
Probably increase the likelihood of an alternative intervention	32	41.0
Probably not increase the likelihood of an alternative intervention	23	29.5
Definitely not increase the likelihood of an alternative intervention	8	10.3
Total	78*	100.0

* 7 Judges did not respond to this question

¹ “As you know, a judge is not obligated to sentence within the range recommended by the Sentencing Guidelines. However, in cases in which a judge elects to sentence outside the Guidelines’ recommended range, he or she must provide a written reason for the departure (Code of Virginia § 19.2-298.01). Assume a similar procedure were adopted for sentencing recommendations based on risk assessment. That is, assume that when an eligible drug or property offender scored as “low risk” on the Nonviolent Risk Assessment—and was therefore recommended for an alternative intervention—the judge were required to provide a written reason if he or she declined to impose such an alternative intervention.”

Continued from the previous page:

In your view, would the adoption of a procedure similar to the one described above increase the likelihood of judges imposing an alternative intervention when one is recommended by the Nonviolent Risk Assessment?

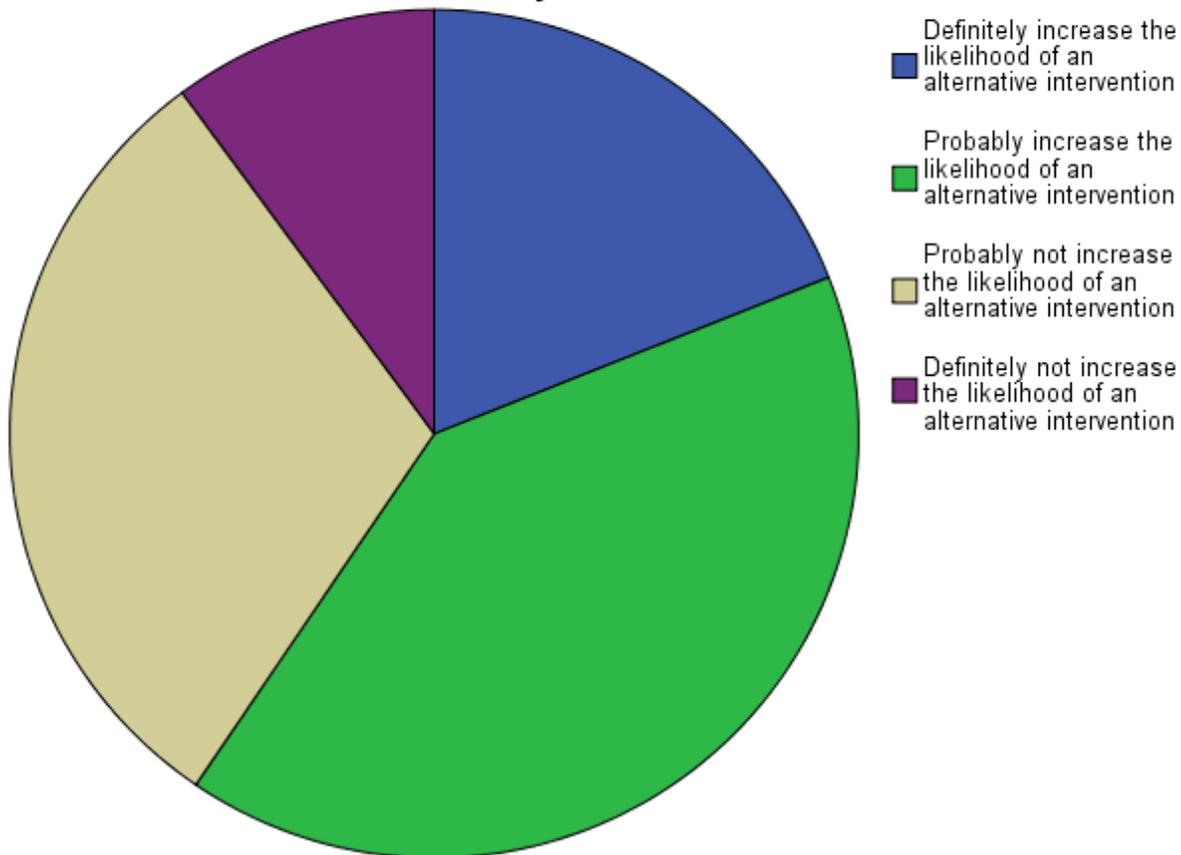
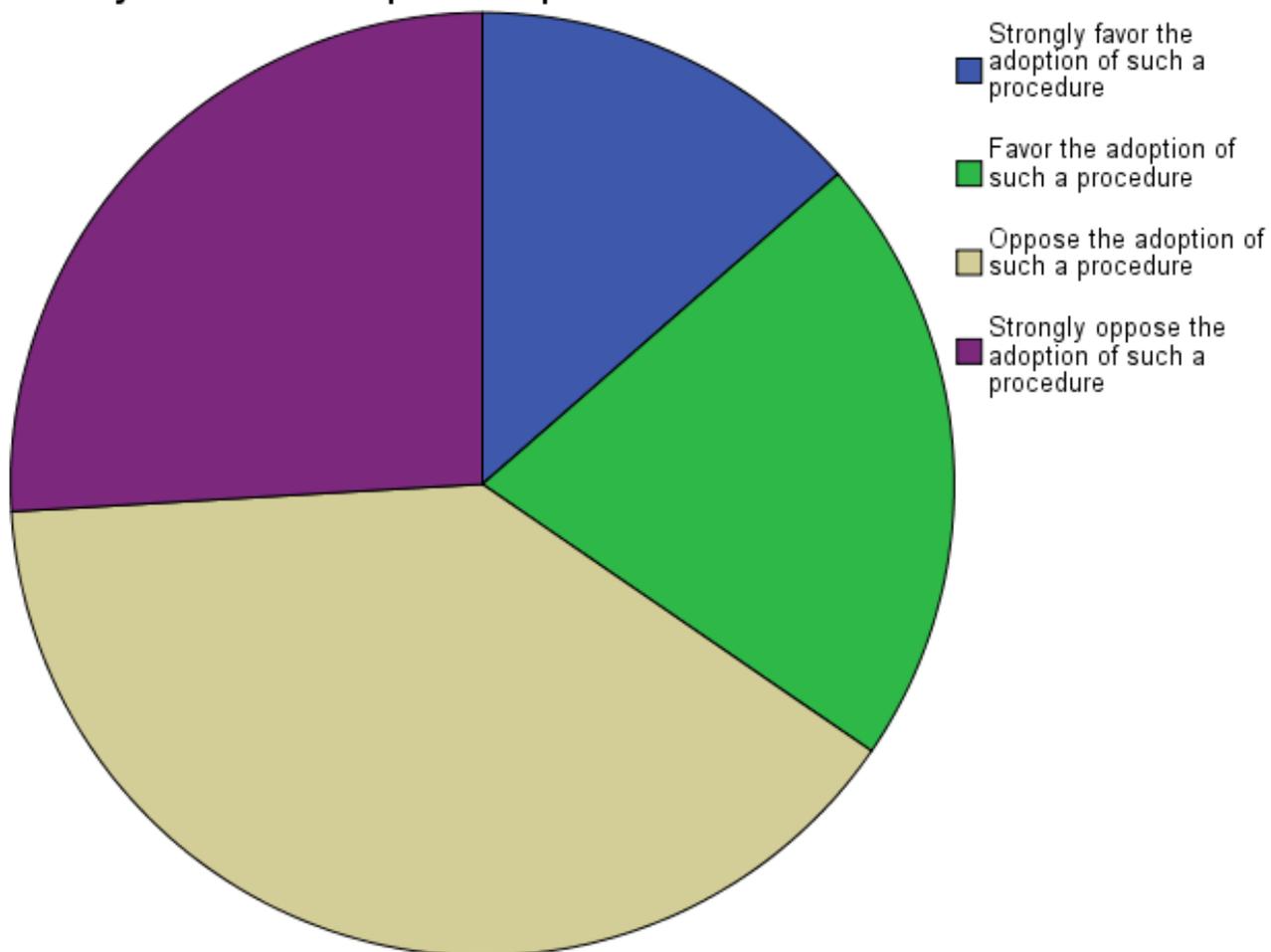


Table 8: Would you favor the adoption of a procedure similar to the one described above?

	Frequency	Percent
Strongly favor the adoption of such a procedure	11	13.8
Favor the adoption of such a procedure	17	21.3
Oppose the adoption of such a procedure	32	40.0
Strongly oppose the adoption of such a procedure	20	25.0
Total	80*	100.0

*5 Judges did not respond to this question

Would you favor the adoption of a procedure similar to the one described above?



ALL COMMENTS ON THE SURVEY

(1) Check the option that best reflects your view of the proper role of risk assessment in sentencing eligible drug and property offenders: Other [Please describe your view]:

- Sometimes the public has to be protected from long term repeat offenders.
- I consider the risk assessment to determine if they are appropriate for alternative sentencing.
- This should also take into account amenability to interventions like probation, treatment (substance abuse), behavioral modification in the past. History is very important.
- Frankly, I pay very little attention to the worksheets. Attorneys argue about them, but I really just look at the Guidelines. I also don't go to psychics
- The sentence should not be based on risk assessment. Probation and post-incarceration programs should be based on risk assessment.
- The Court always considers risk of future criminal activity. But does not agree that a scoring instrument is necessary for the determination.
- Should also consider prior record.
- Using only the five most recent and serious offenses for Guideline purposes misses a substantial number of defendants who have committed 2 ½ – 3 ½ times that upper limit. Guidelines for larceny offenses are almost always too low.
- I think it certainly should be considered, but only as one factor. Not determinative.
- Sentencing and risk assessment of future dangerousness should be based on the seriousness of the crime, the offender's blameworthiness, and his/her criminal record.
- We already have guidance on sentencing criteria and purposes. These two options are not inclusive enough.
- Sentencing on drug and property offences should be based primarily on the seriousness and effects of the offense, and the offender's blameworthiness, with consideration given to the offender's risk assessment.
- Use by case-basis—consideration of all lawful aggravating and mitigating factors

(3) How often do you consider the results of the Nonviolent Risk Assessment worksheet before sentencing a drug or property offender?

- Defense counsel often raises the issue if beneficial to Defendant.

(4) When sentencing a drug or property offender, do you rely on your judicial experience, or on the Nonviolent Risk Assessment, to determine the risk that the offender will commit another crime?

- Not always equally.
- [Primarily on] his criminal history, but I take into account the NVRA.

(5) How would you rate the current availability of alternative interventions—such as outpatient drug or mental health programs—as realistic sentencing options for drug and property offenders within the jurisdiction served by your Court?

- This question assumes that such programs work and are effective for every defendant.
- And I have been our drug court judge for 12 years
- Very good, better than most

(6) If, in the future, alternative interventions became more available as realistic sentencing options for drug and property offenders within the jurisdiction served by your Court, would this change your sentencing practices?

- Depends on their effectiveness and the defendant’s willingness to embrace treatment.
- The Commonwealth has virtually no options for the mental health issues we see every day.
- Impossible to know.
- [Would sentence to alternative interventions] if appropriate program available when I wanted to use it.

(7) As you know, a judge is not obligated to sentence within the range recommended by the Sentencing Guidelines. However, in cases in which a judge elects to sentence outside the Guidelines’ recommended range, he or she must provide a written reason for the departure (*Code of Virginia* § 19.2-298.01). Assume a similar procedure were adopted for sentencing recommendations based on risk assessment. That is, assume that when an eligible drug or property offender scored as “low risk” on the Nonviolent Risk Assessment—and was therefore recommended for an alternative intervention—the judge were required to provide a written reason if he or she declined to impose such an alternative intervention. In your view, would the adoption of a procedure similar to the one described above increase the likelihood of judges imposing an alternative intervention when one is recommended by the Nonviolent Risk Assessment?

You’re asking about “judges.” I cannot say how other judges might respond to your hypothetical.

- No effect at all.
- [Definitely not increase the likelihood of an alternative sentence] by this judge.
- No idea!

(8) Would you favor the adoption of a procedure similar to the one described above? Please feel free to elaborate your views on Nonviolent Risk Assessment in Virginia sentencing:

- All of these questions assume that just getting someone to treatment will solve their issues. This has proven time and time again not to be the case and is an unrealistic expectation. Experience shows that often defendant are seeking treatment at sentencing simply to avoid going to jail. Unless they embrace the treatment, which many do not, it is just a waste of time and resources and they end right back before the court on a probation violation or a new charge. There is a very fine line between wanting to help someone and being an enabler. The Court should never be put into a position of being an enabler. Also, approximately 50% of the time the Sentencing Guidelines are not filled out correctly, which gives them the weight of a witness who testifies correctly 50% of the time.
- I support the use of these risk assessments under current usage—specifically the risk assessment is used to reduce and not increase incarceration recommendations, and the Court retains authority to deviate from any Guideline recommendation.
- We need more alternative options—lack sufficient treatment programs and follow-up. Unfortunately, that costs money which communities are reluctant to provide.
- Other factors are required to be considered, such as medical issues, prescribed medications, physical limitations and mental health issues and history. Therefore, MANY defendants are recommended for alternative intervention but are otherwise not appropriate. Requiring judges to take 3-10 minutes PER such sentencing to explain will be an unnecessary drag on our criminal dockets.
- Not sure on this.
- Risk assessments are part of a large picture of a complex human being. The details of the risk assessment would be far more valuable than the conclusions of the assessment. “Deviations” are easily justifiable and explained because of these nuances in offenders, histories, crimes, victims—the totality of circumstances. For judges, more information and detail is better.
- Risk assessment has nothing to do with the effectiveness of alternative intervention programs.
- No effect at all.
- Constitutes a useful tool within the general sentencing scheme.
- To accurately impose and/or consider whether or not a judge is complying with a recommendation— bona fide alternative programs must first exist. There must be a reliable measure of their effectiveness, and consistency in their operation and availability.
- Sentencing alternatives should be justified instead of the other way around as you are proposing. The judge should point to facts that corroborate the recommendation of alternative sentences outlines by the Guidelines. Defendants and their attorneys should put on some evidence and argument to explain why the defendant gets the “alternative” rather than what others get.
- While risk assessments have weight in matters of sexual crimes, its accuracy in larceny and drug crimes is debatable. Most tests given, i.e.

TCU, are unreliable as scores are based on self-reporting— i.e., defendant uses heroin and has for years, but TCU score is zero.

- There is presently no valid alternative in our area. Referral to local mental health takes 13 weeks for the initial interview. Who knows how long to start treatment. CCAP is a failure as virtually no one is accepted and the reason for rejection is secret. We need a statute which requires that all areas of the state have equal access to drug treatment.
- Many pleas agreements in my area want me to depart below the low end of the Guidelines. The NVRA allows me to do that in many cases where I would not otherwise.
- Like other “predictors” of future behavior, the Nonviolent Risk Assessment is useful only to a point and most often must be considered in conjunction with the Court’s overall assessment of the defendant.
- Don’t care.
- No preference.
- Judges benefit from assessments that provide reasons for reduced likelihood of new offenses. We also benefit from specific rehabilitation options identified for the defendant. However, assessments and non-specific recommendations do not inform judges about a defendant’s risk and rehabilitation needs. This becomes more problematic when highly addictive drugs are abused.
- The Nonviolent Risk Assessment is statistical and there is nothing statistical about sentencing. I don’t view the risk assessment as anything other than common sense plus judicial knowledge. But our options are probation/jail/penitentiary. Without other viable options, nothing in a risk assessment is going to change sentencing practices.
- The Compass Assessment is very helpful in assessing the likelihood of future criminal behavior in those defendants entering the criminal justice system as new or relatively new offenders. While it is a valuable tool that I almost always consider, it is not the only tool for information that I consider when trying to balance the equities between the community need for appropriate punishment & deterrence and the individual’s need for rehabilitative services. The Compass is one of the instruments used to determine the eligibility of a defendant to participate in our drug court program—our greatest need, particularly with reference to drug-related crimes, is the availability of more and better mental health services that address not only addictive behaviors but probe the myriad number of emotional/psychological deficits that many defendants experience. That and the issue of homelessness are becoming critical matters that are difficult to predict and manage successfully by simply looking at a Nonviolent Risk Assessment.
- Any information that can help judges with sentencing decision is welcome. Moreover, almost all judges try to assess the risks that a defendant poses when determining an appropriate sentence. A critical factor in evaluating risk is the availability of resources and programs (substance abuse treatment, mental health treatment, job skills). Often a judge will see that with the right program in place, a defendant would be much less likely to create a risk to the peace or safety of the community.

- My answer to Question #4 [above] may not be exactly accurate. Sentencing is case specific. Overall, while I may rely on both the Nonviolent Risk Assessment and my judicial experience equally, there are many cases where one or the other resource is given more weight. I would, however, be concerned that such artificial tools will be relied upon to enhance sentencing ranges. Statistics should never be used as the dominant measure of an appropriate sentence.
- Having to write out reasons for Guidelines departure is already an added time and effort burden on the sentencing process. To add another requirement to explain the sentencing decision would simply complicate and drag out the sentencing even more.
- I would favor receiving the risk assessment and don't oppose reporting why I deviate. I do object to the report to the legislature of how often I deviate from the Guidelines and why.
- "Minority Report."
- The assessment is useful. The problem is the lack of useful alternatives. In several counties in my Circuit, there are no inpatient treatment options.
- See response to Question #4 ["Not always equally"]. The weight given, or "reliance," varies based upon all the surround circumstances and upon my belief that the risk assessment instrument is not sufficiently validated to permit uncritical reliance upon it.
- Requiring a reason in writing for a disposition should not be used as a way to compel more alternative punishments! At some point someone must realize that adding more paperwork—like sentencing guidelines/departures (or sentence revocation reports), and now separate restitution orders—takes time and when court staffing remains the same, this takes time away from hearing cases, deciding cases, reading, signing orders, etc.
- I am in the process of implementing other Evidence Based Practices in my sentencing determinations in cooperation with the Virginia Department of Corrections. We also plan a training CLE for the wider Bar. It should be clarified to judges and litigants alike that Evidence Based Practices like the Nonviolent Risk Assessment are but another tool that aids but does not supplant judicial judgment.
- The presumption in Answers 7 and 8 is that the same alternative treatment is meaningless. A procedure requiring explanation as why alternatives were not employed would create grading of judicial performance on an unequal scale.
- I have a gavel on my bench, not a crystal ball.

SURVEY COVER LETTER

November 10, 2017

The Honorable _____
Address

Dear Judge _____:

The Virginia Criminal Justice Policy Reform Project at the University of Virginia School of Law is conducting a survey of Circuit Court judges to determine their views on the role of risk assessment in sentencing. Along with Professor Brandon Garrett, I am directing the survey and respectfully seek your participation.

The survey is anonymous. Please do not put your name, your judicial Circuit, or any other identifying information on the form. You may, of course, skip any question you prefer not to answer. Your return of a completed survey will be taken as consent to participate in the study.

When you are finished, please use the enclosed postage-paid envelope to mail the survey back to me. If you have lost the envelope, return the survey to me at the address on this letterhead.

If you are willing to be interviewed by telephone for a maximum of 15 minutes about your views on risk assessment in sentencing, please put your name and preferred phone number on the enclosed postage-paid postcard and mail it to me. To protect your anonymity, please do not put the postcard in the same envelope as the survey.

If you have any questions about the survey, feel free to contact me at the Law School at (434) 924-3632 or at jmonahan@virginia.edu. If you have questions about your rights in the study, contact Tonya R. Moon, Ph.D., Chair, Institutional Review Board for the Social and Behavioral Sciences, 1 Morton Dr, Suite 500, University of Virginia, P.O. Box 800392, Charlottesville, VA 22908-0392; (434) 924-5999; irbsbshelp@virginia.edu; www.virginia.edu/vpr/irb/sbs

Thank you very much for your help. We will send a summary of the findings of the survey to all Virginia Circuit Court judges as soon as the data are analyzed.

Sincerely,



SURVEY INSTRUMENT

JUDICIAL SURVEY ON NONVIOLENT RISK ASSESSMENT IN SENTENCING

The General Assembly directed the Virginia Criminal Sentencing Commission to develop an instrument to identify drug and property offenders who were at the lowest risk of committing a new crime. Those low risk offenders were to be recommended for alternative interventions, such as outpatient drug or mental health programs. Accordingly, the Commission developed a “Nonviolent Risk Assessment” instrument that since 2002 has been one of the sentencing worksheets completed for all eligible offenders convicted of one of four crimes—Larceny, Fraud, Drug Schedule I/II, and Drug/Other (i.e., marijuana).

Based on his or her score on the Nonviolent Risk Assessment worksheet, an eligible offender convicted of one of these four crimes is either “recommended” for an alternative intervention (if scored as “low risk”) or “not recommended” for an alternative intervention (if not scored as “low risk”). The ultimate sentence imposed, however, is entirely within the discretion of the individual Circuit Court judge.

(1) Check the option that best reflects your view of the proper role of risk assessment in sentencing eligible drug and property offenders:

- Sentencing drug and property offenders should be based only on the seriousness of the crime committed and the offender’s blameworthiness; the risk an offender will commit another crime in the future should play no role in sentencing.
- Sentencing drug and property offenders should be based not only on the seriousness of the crime committed and the offender’s blameworthiness, but also on the risk the offender will commit another crime in the future.
- Other [Please describe your view]:

(2) How familiar are you with the use of the Nonviolent Risk Assessment in sentencing drug and property offenders in Virginia?

- Very familiar
- Familiar
- Slightly familiar
- Unfamiliar

(3) How often do you consider the results of the Nonviolent Risk Assessment worksheet before sentencing a drug or property offender?

- Always or almost always (i.e., in about 90-100% of the cases)
- Usually (i.e., in about 50-90% of the cases)
- Sometimes (i.e., in about 10-50% of the cases)
- Rarely (in about 1-10% of the cases)
- Never (in 0% of the cases)

(4) When sentencing a drug or property offender, do you rely on your judicial experience, or on the Nonviolent Risk Assessment, to determine the risk that the offender will commit another crime?

- I rely primarily on the Nonviolent Risk Assessment worksheet
- I rely primarily on my judicial experience
- I rely equally on the Nonviolent Risk Assessment worksheet and on my judicial experience
- I do not believe the risk an offender will commit another crime should play a role in sentencing, and therefore I do not rely on either the Nonviolent Risk Assessment worksheet or on my judicial experience

(5) How would you rate the current availability of alternative interventions—such as outpatient drug or mental health programs—as realistic sentencing options for drug and property offenders within the jurisdiction served by your Court?

- Excellent
- Adequate
- Less than adequate
- Virtually non-existent

(6) If, in the future, alternative interventions became more available as realistic sentencing options for drug and property offenders within the jurisdiction served by your Court, would this change your sentencing practices?

- Yes, I would sentence offenders to alternative interventions more often
- No, I would not sentence offenders to alternative interventions more often
- I do not know whether or not this would have an effect on my sentencing practices

(7) As you know, a judge is not obligated to sentence within the range recommended by the Sentencing Guidelines. However, in cases in which a judge elects to sentence outside the Guidelines' recommended range, he or she must provide a written reason for the departure (Code of Virginia § 19.2-298.01). Assume a similar procedure were adopted for sentencing recommendations based on risk assessment. That is, assume that when an eligible drug or property offender scored as "low risk" on the Nonviolent Risk Assessment—and was therefore recommended for an alternative intervention—the judge were required to provide a written reason if he or she declined to impose such an alternative intervention.

In your view, would the adoption of a procedure similar to the one described above increase the likelihood of judges imposing an alternative intervention when one is recommended by the Nonviolent Risk Assessment?

- Definitely increase the likelihood of an alternative intervention
- Probably increase the likelihood of an alternative intervention
- Probably not increase the likelihood of an alternative intervention
- Definitely not increase the likelihood of an alternative intervention

(8) Would you favor the adoption of a procedure similar to the one described above?

- Strongly favor the adoption of such a procedure
- Favor the adoption of such a procedure
- Oppose the adoption of such a procedure
- Strongly oppose the adoption of such a procedure

Please feel free to elaborate your views on Nonviolent Risk Assessment in Virginia sentencing:

Thank you very much for your cooperation.