



# Virginia Sentencing Guidelines

Preliminary

FY2015 Report

*September 21, 2015*

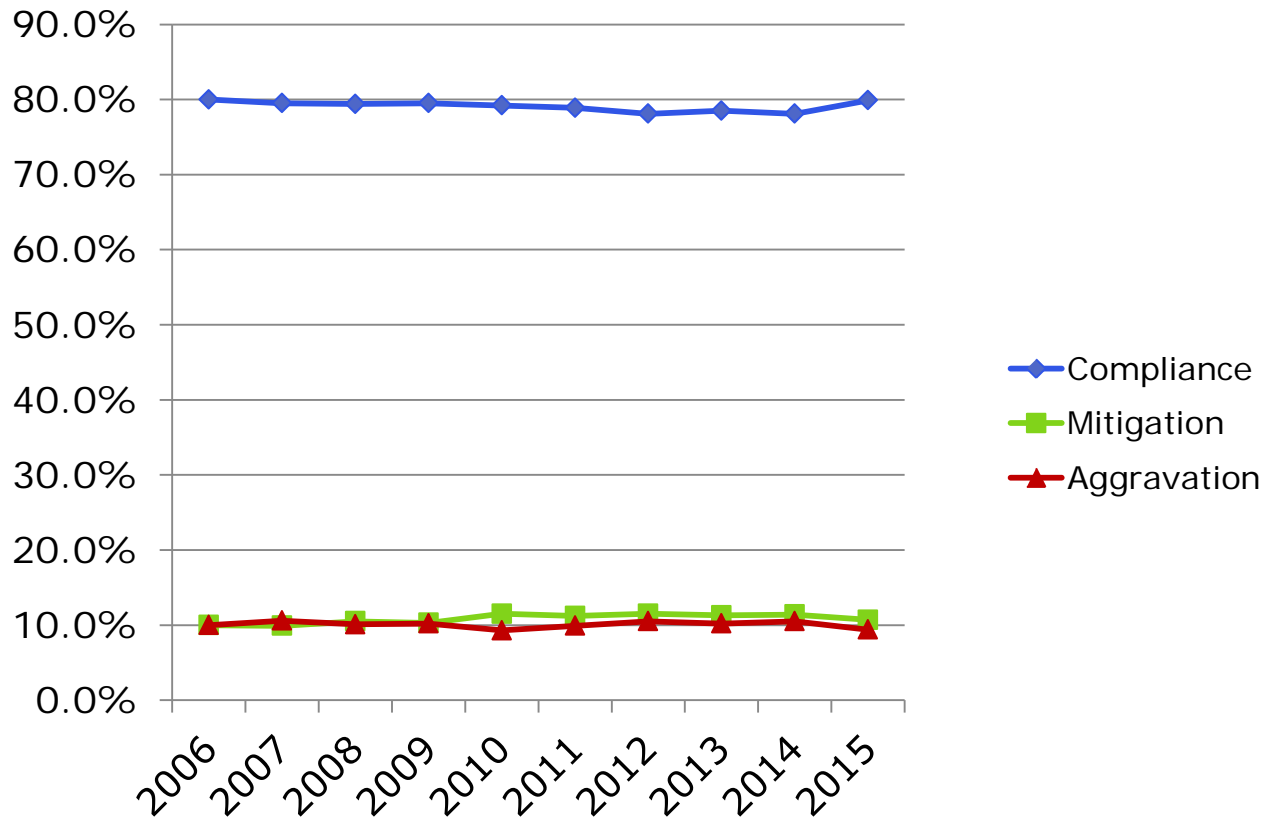
## FY 2015 - Cases Coded and Keyed\*

JAN		2,142	
FEB		1,860	
MAR		2,125	
APR		2,123	
MAY		1,447	
JUN		1,342	
JUL	2,206		
AUG	1,999		
SEP	2,084		
OCT	2,183		
NOV	1,780		
DEC	1,811		
<b>TOTAL</b>	<b>12,063</b>	<b>11,039</b>	<b>23,102</b>

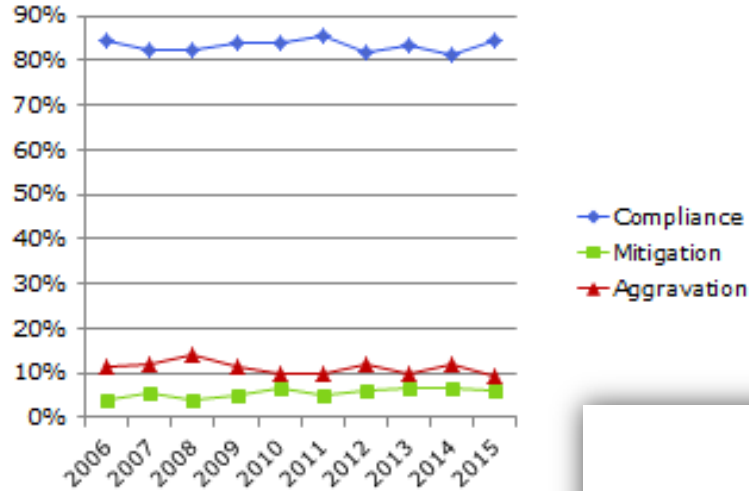
\*Keyed as of September 1, 2015 (Includes all forms received)

**Preliminary FY2015 Report:  
Historical Compliance  
Past 10 Fiscal Years**



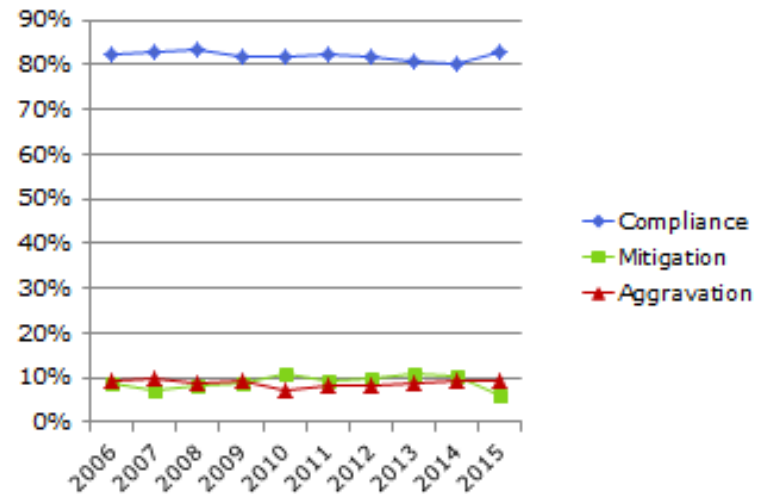


## Overall General Compliance FY2006-FY2015

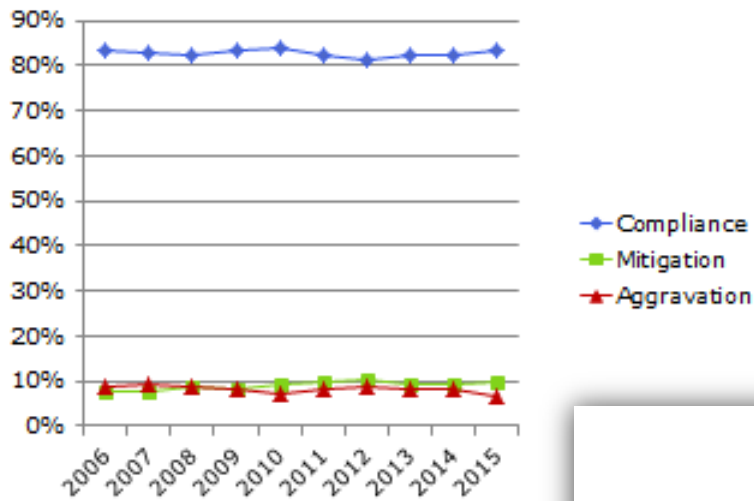


**Drug Other**

Historical Compliance  
FY2006-FY2015

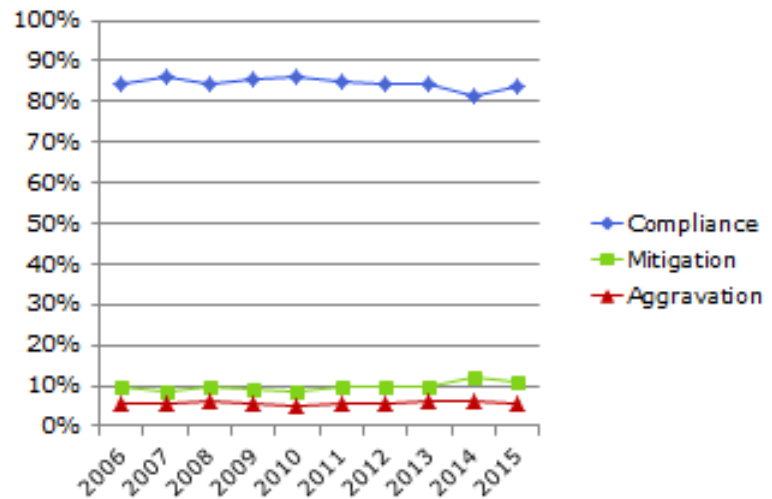


**Drug Schedule I/II**

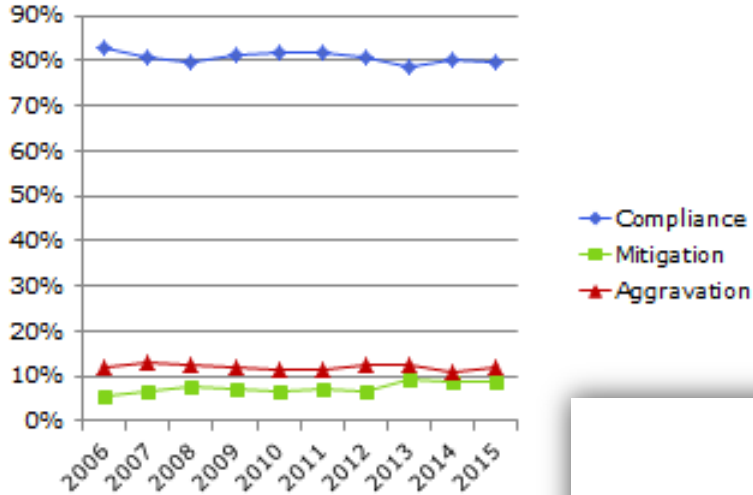


**Larceny**

Historical Compliance  
FY2006-FY2015



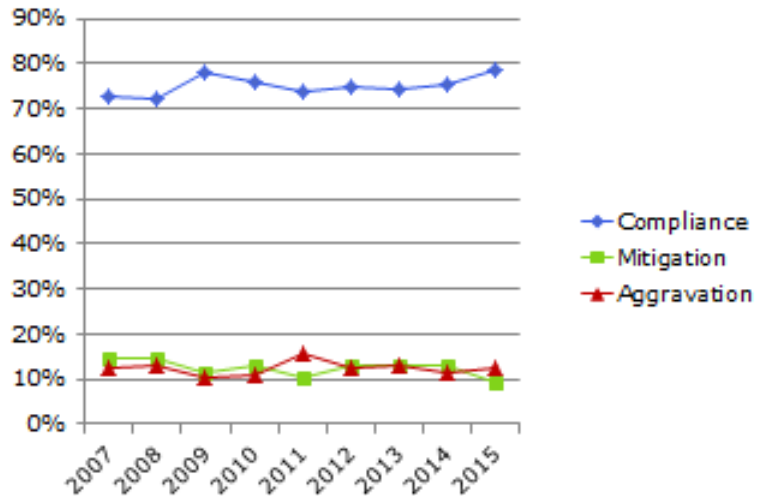
**Fraud**



Traffic

**Compliance rates influenced by:**  
 § 18.2-308.2 – Convicted Felony in possession of firearms  
 § 18.2-308.2:2 – False statement on consent form

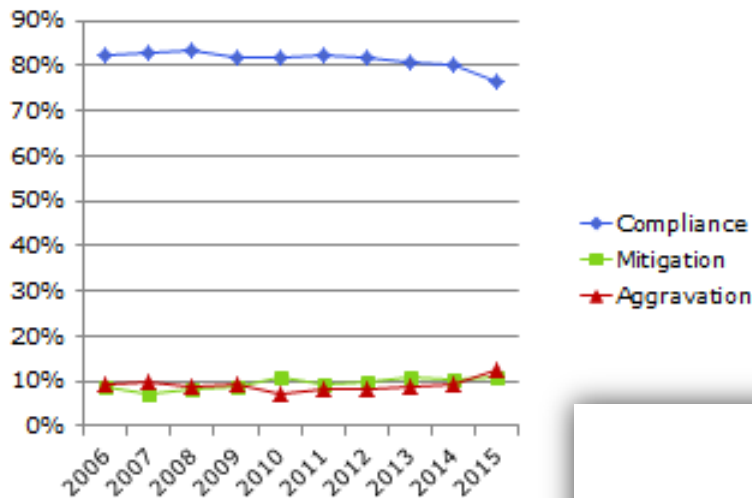
Historical Compliance  
 FY2006-FY2015



Weapons/Firearms

**Compliance rates influenced by:**  
**§ 18.2-91 – Burglary of other structure with intent to commit larceny**

**FY2015:** Plea agreement or no reason given were the main reasons for departure

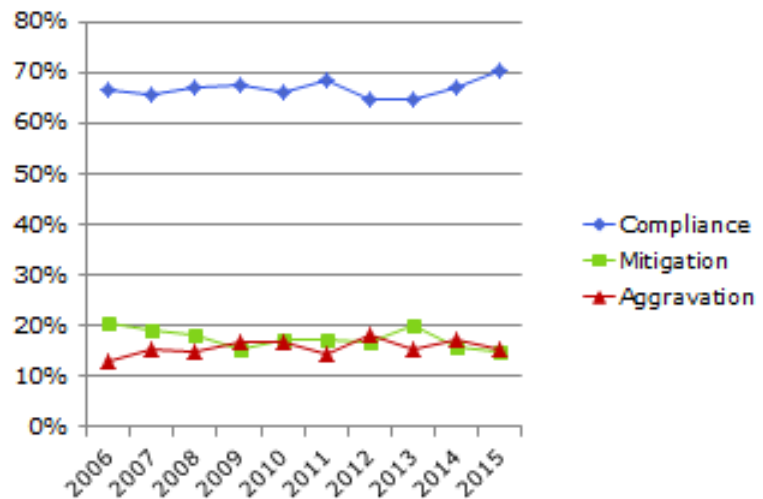


**Burglary Other Structure**

**Compliance rates influenced by:**  
**§ 18.2-91\* – Burglary of dwelling with intent to commit larceny**

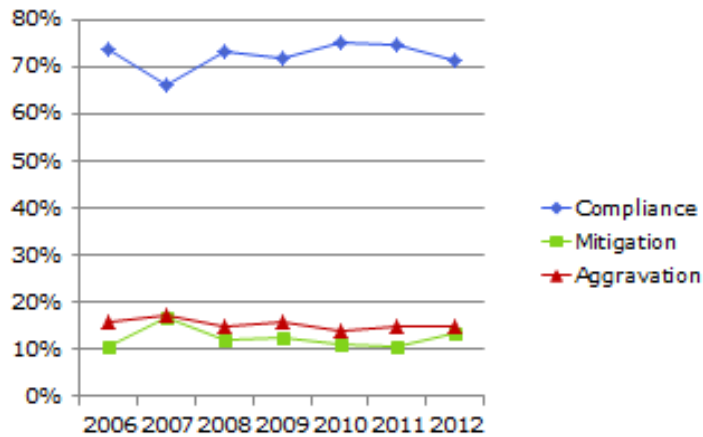
**FY2015:** Plea agreement, no reason given, facts of the case were the main reasons for departure

\* Lower Scores for FY2015



**Burglary Dwelling**

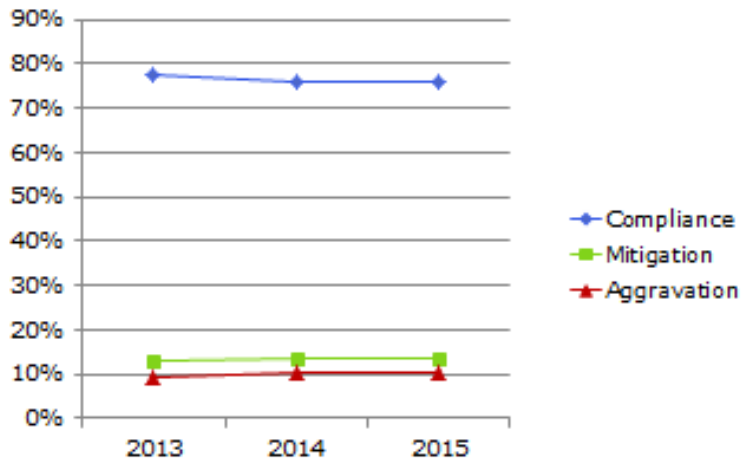




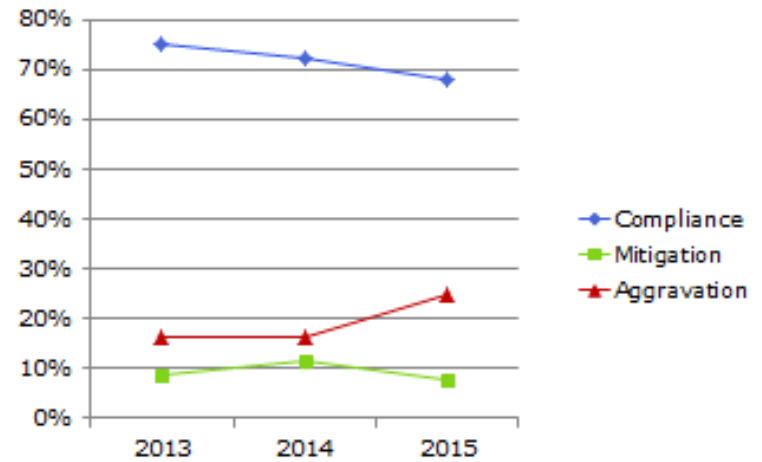
### Miscellaneous

Compliance rates influenced by high aggravation rates for:

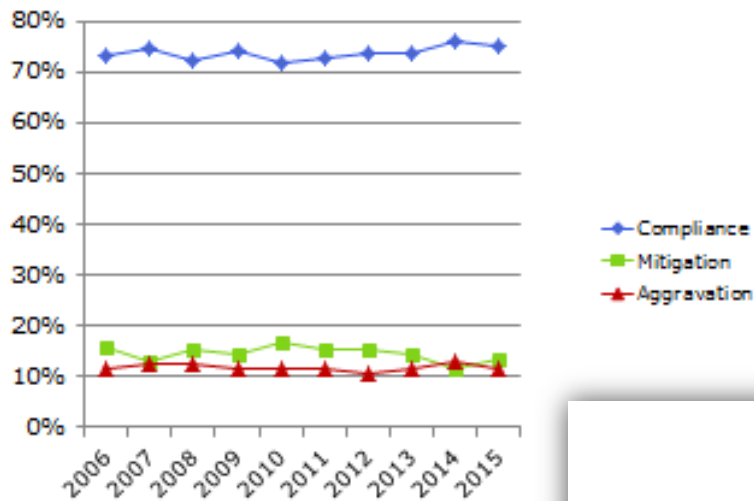
- Extortion
- Arson/Threat to burn or bomb
- Vandalism
- Child Abuse, Neglect, Reckless Care



### Miscellaneous - Other

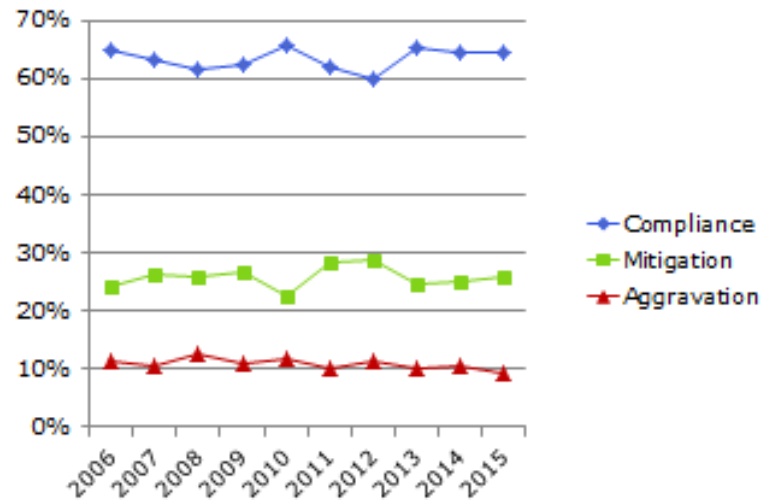


### Miscellaneous - Person Property

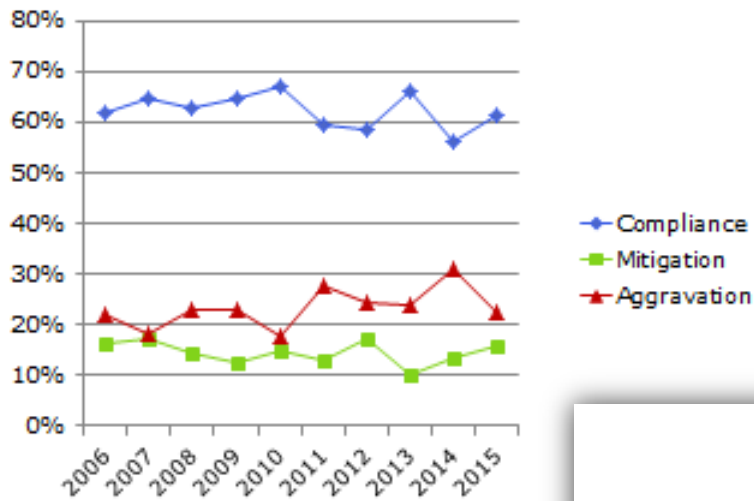


**Assault**

Historical Compliance  
FY2006-FY2015

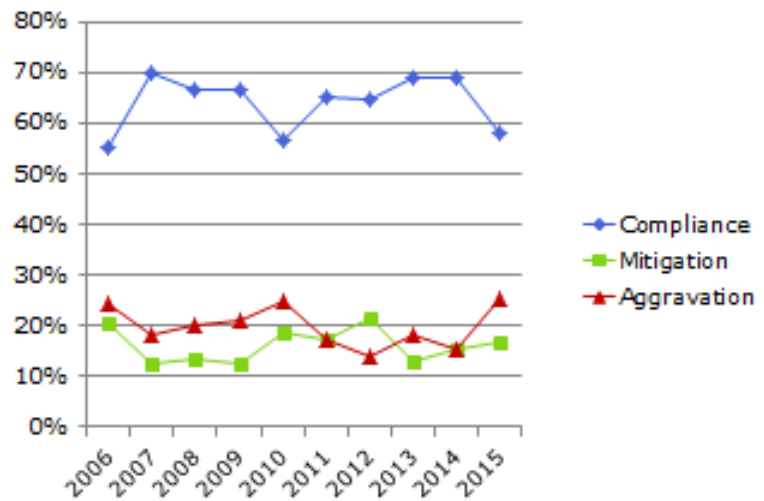


**Robbery**

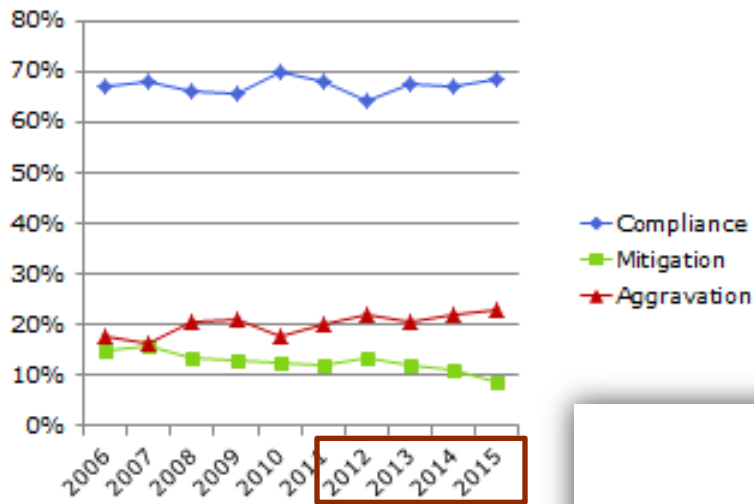


**Murder**

Historical Compliance  
FY2006-FY2015

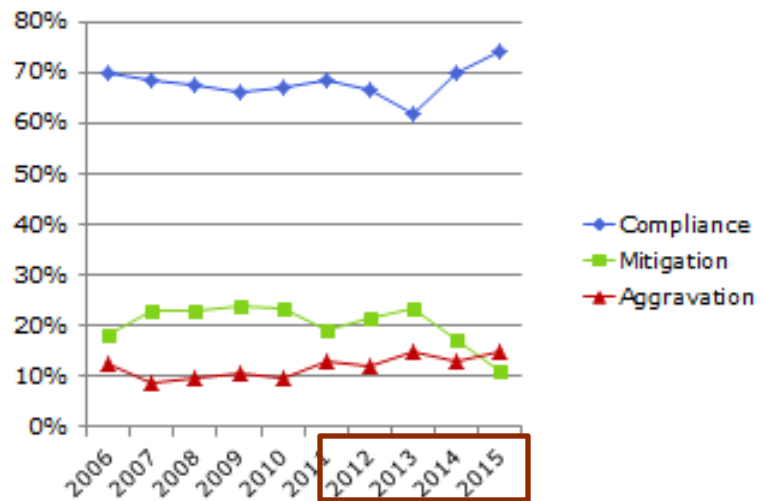


**Kidnapping**



**Sexual Assault**

**Historical Compliance  
FY2006-FY2015**



**Rape**

**Preliminary FY2015 Report:  
General Compliance**

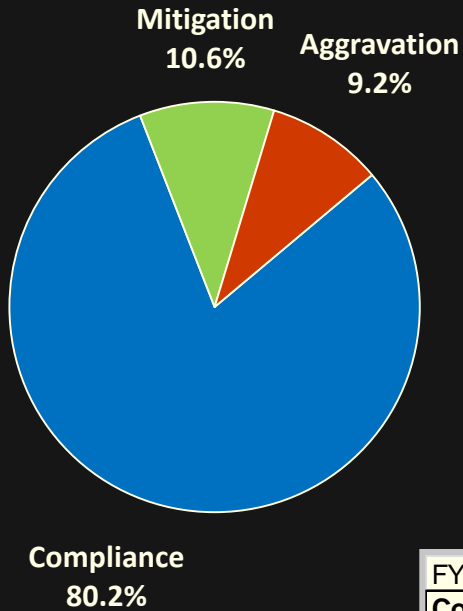


# Preliminary FY2015 Report Judicial Agreement with Guideline Recommendations

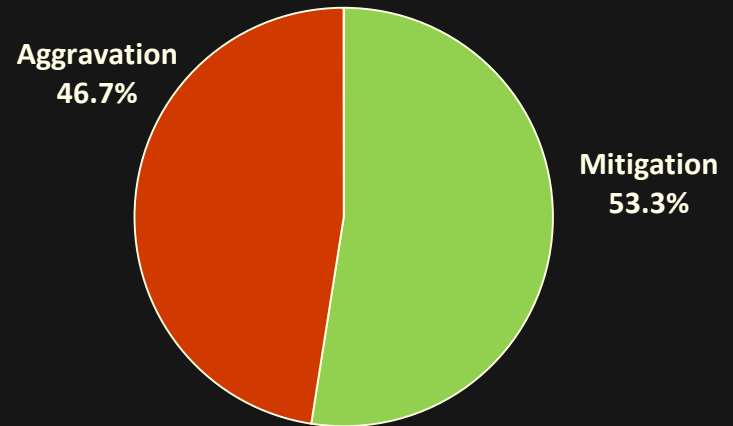
## General Compliance:

The degree to which judges agree with the overall guidelines recommendation.

**Overall Compliance Rate**



**Direction of Departures**



FY 2014	
<b>Compliance</b>	78.8%
<b>Mitigation</b>	10.9%
<b>Aggravation</b>	10.3%

# Preliminary FY2015 Report Judicial Agreement with Type of Recommended Disposition

## Dispositional Compliance:

The degree to which judges agree with the type of sanction recommended.

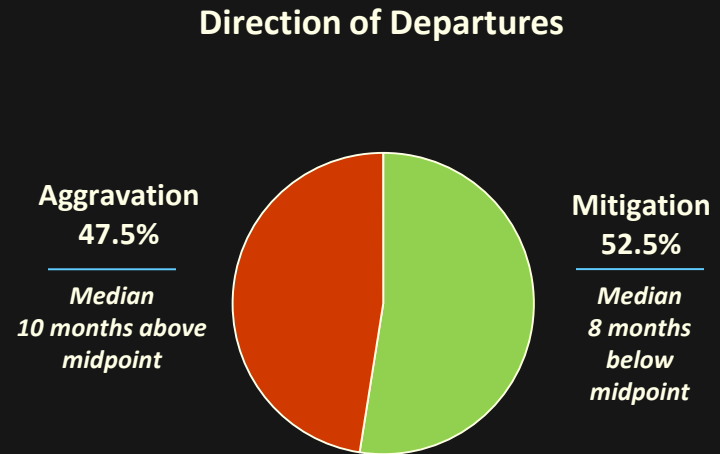
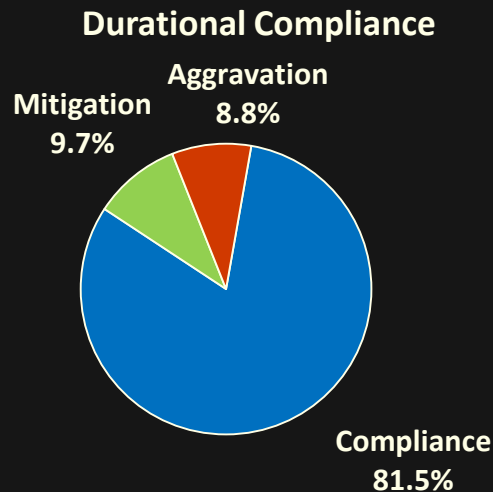
RECOMMENDED DISPOSITION	ACTUAL DISPOSITION		
	Probation/No Incarceration	Incarceration 6 months or less	Incarceration over 6 months
Probation/No Incarceration	72.3%	22.9%	4.7%
Incarceration 6 months or less	11.5%	78.8%	9.7%
Incarceration over 6 months	5.8%	7.7%	86.5%

# Preliminary FY2015 Report

## Judicial Agreement with Sentence Length

### Durational Compliance:

The degree to which judges agree with the sentence length in cases in which defendants are recommended for jail/prison and receive at least one day incarceration.



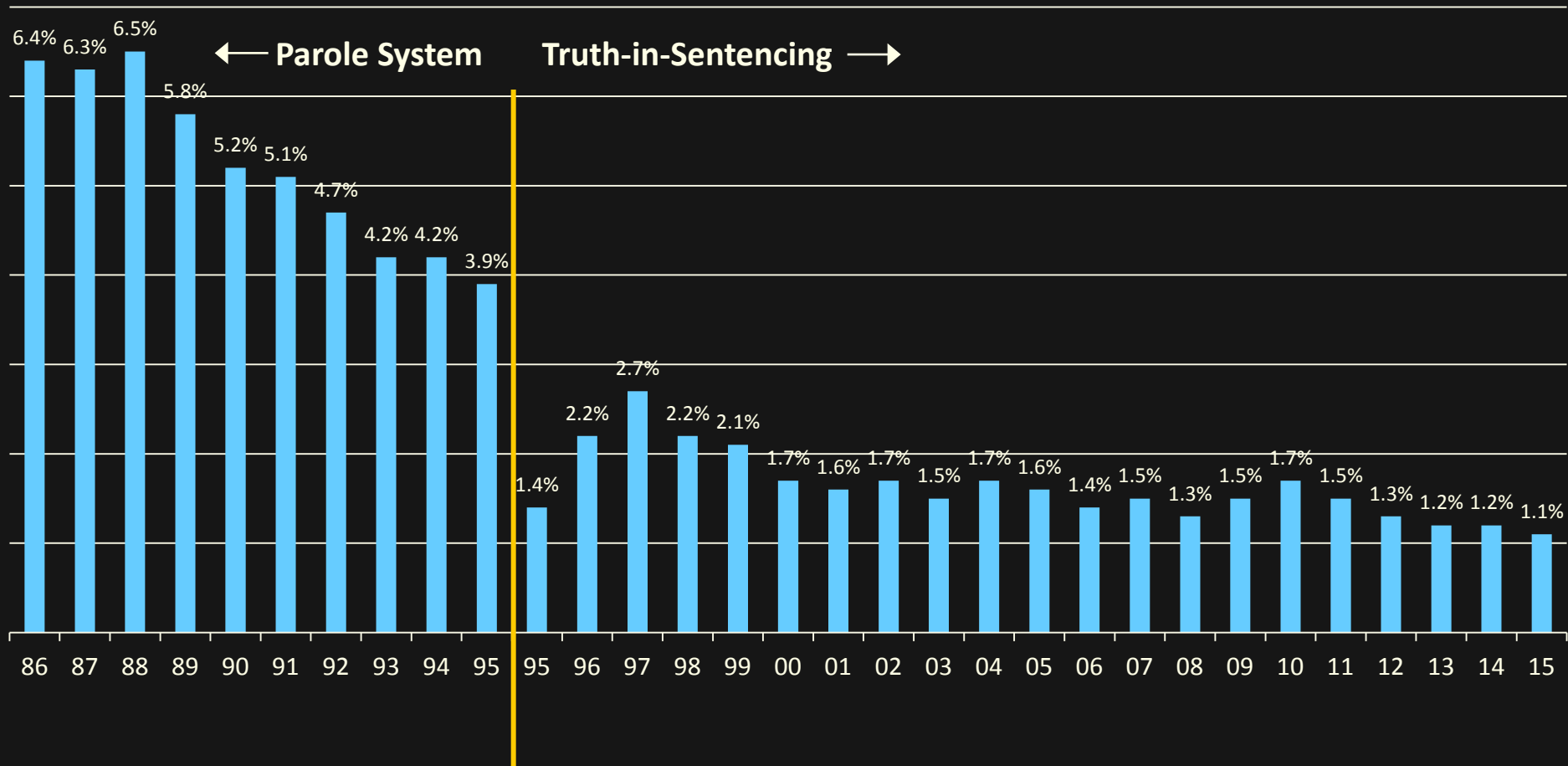


**Preliminary FY2015 Report:  
Jury Sentencing**



# FY1986 – Preliminary FY2015

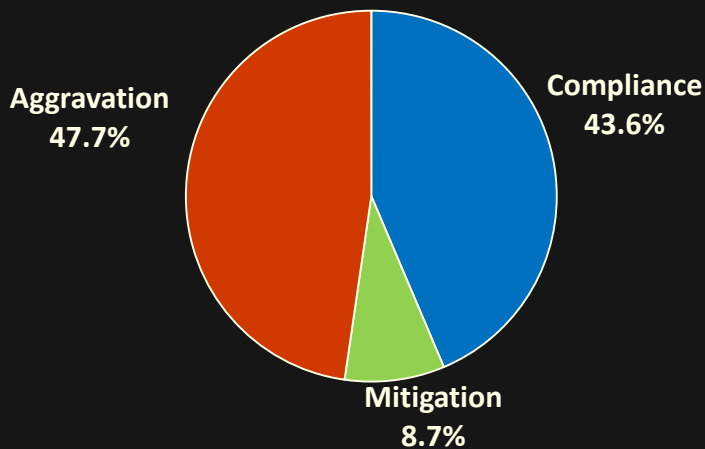
## Percentage of Guidelines Cases Adjudicated by Jury Trials Parole System versus Truth-in-Sentencing System



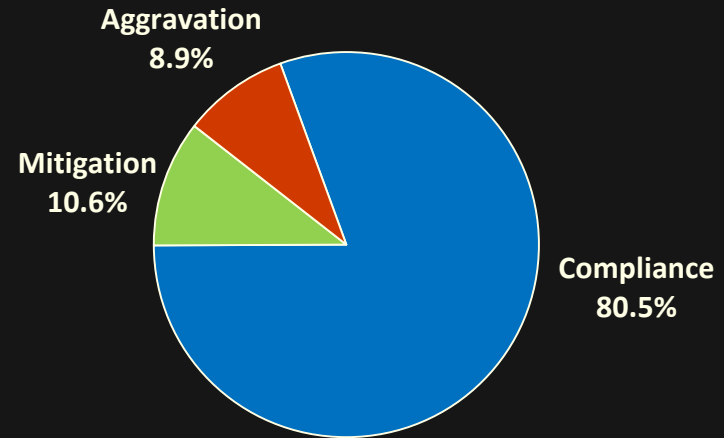
# Preliminary FY2015 Report

## Jury vs. Non-Jury Sentencing

**Jury Cases**  
(N=244\*)



**Non-Jury Cases**  
(N=22,278)



**Median departure**  
Almost 4 years above high end  
Nearly 2 years below low end

**Judges Modified 21% of Jury Cases**

**Preliminary FY2015 Report:  
Departure Reasons**



# Preliminary FY2015 Report

## Most Frequently Cited Departure Reasons

### Mitigation (n=2,376)

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- Plea agreement 791 (33%\*)
- Judicial discretion 223 (9%\*)
- Sentenced to alternative 217 (9%\*)
- Cooperated with Authorities 216 (9%\*)
- Court Proceeding 182 (8%\*)
- Facts of the case 161 (7%\*)
- Recommendation of CA 154 (7%\*)
- Offender's health 131 (6%\*)
- Financial obligations 70 (3%\*)
- Offender issues 62 (3%\*)

*n=368 (16%) missing a departure reason*

### Aggravation (n=2,054)

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- Plea agreement 534 (26%\*\*)
- **Flagrancy of offense/facts of case 330 (16%\*\*)**
- Severity/type of prior record 247 (12%\*\*)
- Multiple counts involved in event 140 (7%\*\*)
- Poor rehabilitation potential 100 (5%\*\*)
- Type of victim 99 (5%\*\*)
- **Recommendation of jury 96 (5%\*\*)**
- Degree of injury 94 (5%\*\*)
- SG Recommendation too low 89 (4%\*\*)
- Offense involves drugs 65 (3%\*\*)

*n=293 (14%) missing a departure reason*

\* Of mitigating cases requiring departure reason

\*\* Of aggravating cases requiring departure reasons

**Preliminary FY2015 Report:  
Compliance by Circuit**



# Preliminary FY2015

## Sorted By Circuit

### Most cases received:

-Circuit 26 (Harrisonburg Area)

-Circuit 2 (Virginia Beach)

-Circuit 15 (Fredericksburg Area)

-Circuit 13 (Richmond)

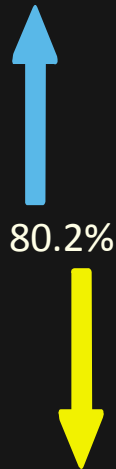
-Circuit 4 (Norfolk)

Compared to  
FY2014 Annual Report  
Compliance Changes of 5% or More

Circuit Name	Circuit	Compliance	Mitigation	Aggravation	No. of Cases
Chesapeake	FY14 ↑: 77% 8% 15%	82.1%	8.8%	9.1%	810
Virginia Beach	2	84.5%	8.3%	7.2%	1208
Portsmouth	FY14 ↑: 76% 14% 10%	81.5%	10.9%	7.5%	466
Norfolk	4	77.5%	13.6%	8.9%	1034
Suffolk Area	5	75.3%	8.6%	16.1%	417
Sussex Area	FY14 ↓: 82% 7% 11%	77.0%	10.0%	13.1%	291
Newport News	7	81.2%	11.3%	7.5%	612
Hampton	FY14 ↓: 81% 12% 7%	76.1%	15.8%	8.2%	368
Williamsburg Area	9	83.6%	8.2%	8.2%	512
South Boston Area	10	76.8%	10.7%	12.4%	699
Petersburg Area	FY14 ↑: 82% 12% 6%	87.8%	7.6%	4.7%	344
Chesterfield Area	12	83.2%	9.3%	7.5%	1173
Richmond City	13	65.9%	26.6%	7.5%	1107
Henrico	FY14 ↑: 74% 10% 16%	79.3%	9.1%	11.7%	883
Fredericksburg Area	15	77.1%	11.1%	11.8%	1193
Charlottesville Area	16	82.9%	9.7%	7.4%	700
Arlington Area	17	73.6%	11.9%	14.4%	277
Alexandria	18	78.3%	12.6%	9.1%	175
Fairfax	FY14 ↑: 70% 16% 14%	76.9%	13.5%	9.6%	909
Loudoun Area	20	85.3%	4.8%	9.8%	579
Martinsville Area	21	79.6%	14.4%	6.1%	362
Danville Area	22	78.8%	5.8%	15.4%	623
Roanoke Area	23	78.0%	13.6%	8.5%	781
Lynchburg Area	24	82.2%	11.6%	6.3%	909
Staunton Area	25	78.5%	11.8%	9.6%	923
Harrisonburg Area	26	84.4%	8.3%	7.3%	1466
Radford Area	27	86.2%	6.3%	7.5%	961
Bristol Area	28	87.7%	6.9%	5.3%	636
Buchanan Area	29	74.2%	7.8%	18.0%	996
Lee Area	FY14 ↑: 76% 8% 16%	82.9%	6.9%	10.2%	403
Prince William Area	FY14 ↑: 86% 8% 6%	80.2%	10.6%	9.2%	678

**Preliminary FY2015**  
**Sorted By Compliance**

Circuit Name	Circuit	Compliance	Mitigation	Aggravation	No. of Cases
Petersburg Area ↑	11	87.8%	7.6%	4.7%	344
Bristol Area	28	87.7%	6.9%	5.3%	636
Radford Area	27	86.2%	6.3%	7.5%	961
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Harrisonburg Area	26	84.4%	8.3%	7.3%	1466
Williamsburg Area	9	83.6%	8.2%	8.2%	512
Chesterfield Area	12	83.2%	9.3%	7.5%	1173
Lee Area ↑	30	82.9%	6.9%	10.2%	403
Charlottesville Area	16	82.9%	9.7%	7.4%	700
Lynchburg Area	24	82.2%	11.6%	6.3%	909
Chesapeake ↑	1	82.1%	8.8%	9.1%	810
Portsmouth ↑	3	81.5%	10.9%	7.5%	466
Newport News	7	81.2%	11.3%	7.5%	612
Prince William Area ↓	31	80.2%	10.6%	9.2%	678
Martinsville Area	21	79.6%	14.4%	6.1%	362
Henrico ↑	14	79.3%	9.1%	11.7%	883
Danville Area	22	78.8%	5.8%	15.4%	623
Staunton Area	25	78.5%	11.8%	9.6%	923
Alexandria	18	78.3%	12.6%	9.1%	175
Roanoke Area	23	78.0%	13.6%	8.5%	781
Norfolk	4	77.5%	13.6%	8.9%	1034
Fredericksburg Area	15	77.1%	11.1%	11.8%	1193
Sussex Area ↓	6	77.0%	10.0%	13.1%	291
Fairfax ↑	19	76.9%	13.5%	9.6%	909
South Boston Area	10	76.8%	10.7%	12.4%	699
Hampton ↓	8	76.1%	15.8%	8.2%	368
Suffolk Area	5	75.3%	8.6%	16.1%	417
Buchanan Area	29	74.2%	7.8%	18.0%	996
Arlington Area	17	73.6%	11.9%	14.4%	277
Richmond City	13	65.9%	26.6%	7.5%	1107



**Highest aggravation:**

**-Circuit 29 (Buchanan Area)**

**18.0%**

*(16% of all cases: Plea Agreements)*

**Highest mitigation:**

**-Circuit 13 (Richmond City)**

**26.6%**

*(63% of all cases: Plea Agreements)*

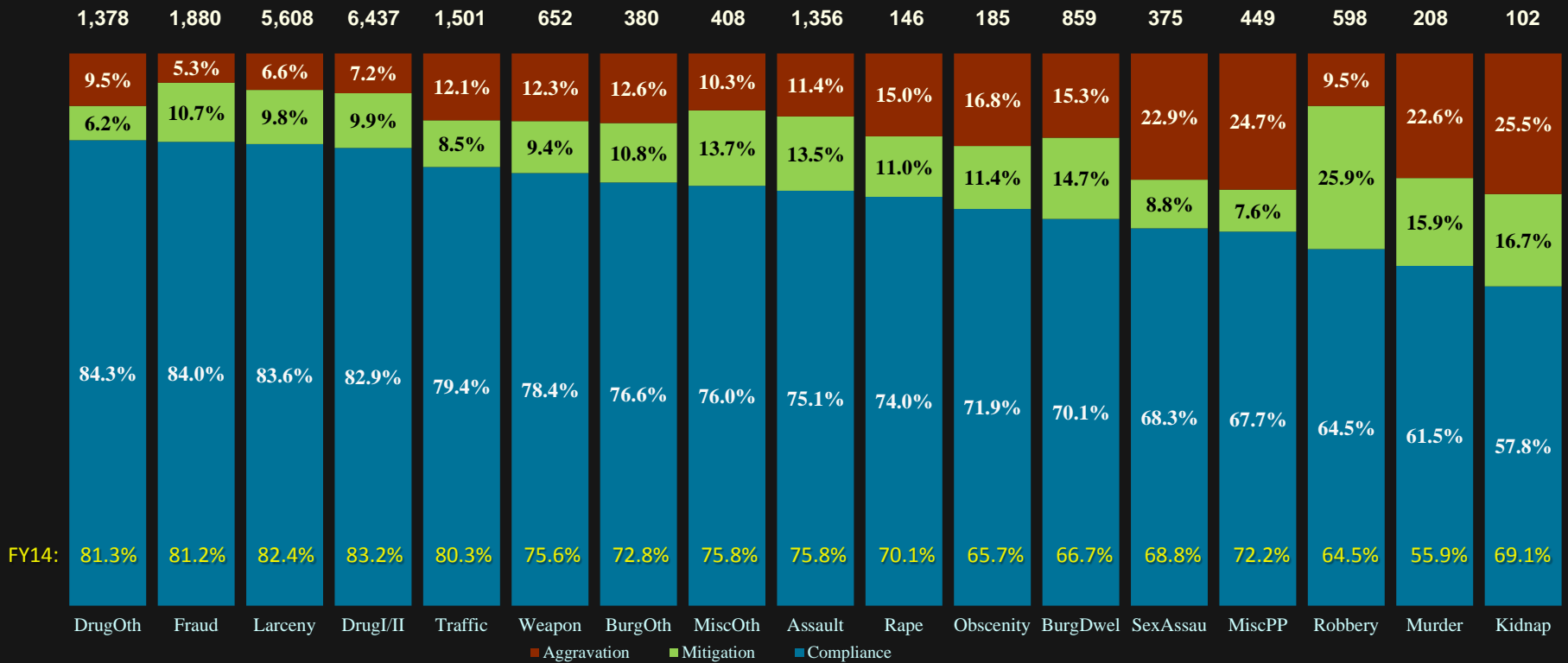


**Preliminary FY2015 Report:  
Compliance by Offense Type**



### Compliance rates influenced by:

- Extortion (n=18) 50% Compliance - 33% Aggravation
- Arson/Threat (n=83) 66% Compliance - 25% Aggravation
- Vandalism (n=116) 75% Compliance - 18% Aggravation
- Child Abuse, Neglect, Reckless Care (n=232) 66% Compliance - 27% Aggravation

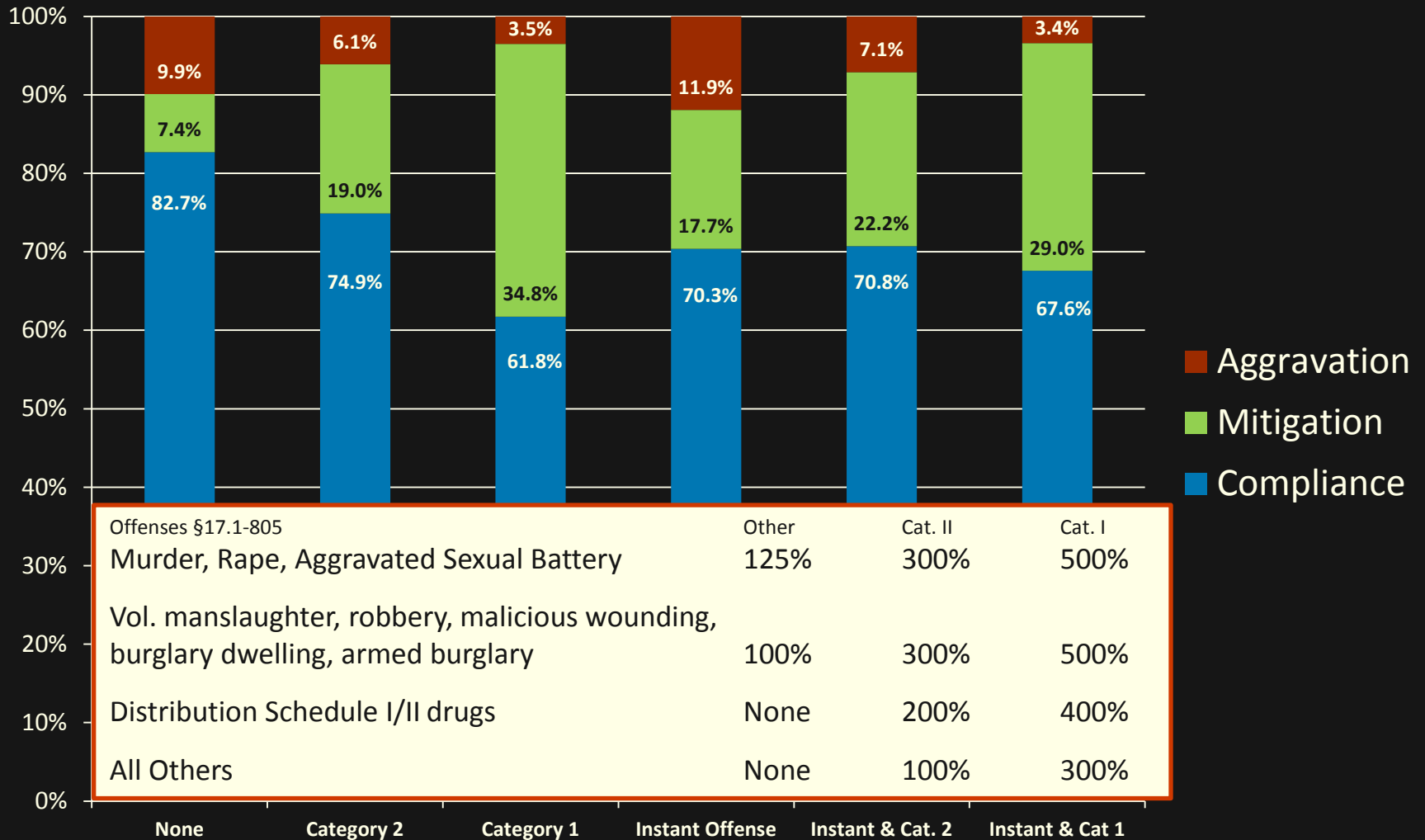


**Preliminary FY2015 Report:  
Midpoint Enhancements  
Category I/II**



# Preliminary FY2015 Report

## Compliance by Midpoint Enhancements



**Preliminary FY2015 Report:  
Nonviolent Risk Assessment**



## ***Preliminary FY2015 Report***

### **Nonviolent Risk Assessment**

- **Risk assessment applies in drug, fraud, & larceny cases**
- **Offender must meet eligibility criteria**
  - **Recommended for incarceration**
  - **No current or violent felony conviction**
  - **Did not distribute an ounce or more of cocaine**
  - **Not convicted of crime requiring mandatory minimum term of incarceration**
- **Purpose: To recommend alternative sanctions for offenders who are statistically less likely to recidivate**
- **Type of alternative at discretion of judge**

# Drug/Schedule I/II or Drug Other

## Nonviolent Risk Assessment ❖ Drug/Schedule I/II 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 Appendix A of the Guidelines Manual)? .....  Yes  No
- D. Are any of the offenses at sentencing violent (Category I/II listed in Appendix 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.**

### ◆ Offender Age at Time of Offense

Younger than 21 years .....	9	↓	[ ] [ ]
21 to 29 years .....	6		
30 to 43 years .....	3		
Older than 43 years .....	1		

### ◆ Gender

Offender is Male .....	2	↓	[0] [ ]
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### ◆ Prior Juvenile Adjudication

Female with prior juvenile adjudication .....	1	↓	[0] [ ]
Male with prior juvenile adjudication .....	7		
<input type="checkbox"/> Juvenile record unknown			

### ◆ Prior Adult Felony Convictions

Number .....	0	↓	[ ] [ ]
of Counts: 1 - 2 .....	1		
3 .....	5		
4 or more .....	15		

### ◆ Prior Adult Incarcerations

Number: 0 .....	0	↓	[0] [ ]
1 - 3 .....	1		
4 or more .....	8		

### ◆ Prior Arrest or Confinement Within Past 12 Months (Prior to Offense) — If YES, add 3 → [0] [ ]

### Total Score → [ ] [ ]

15 or less, check Recommended for Alternative Punishment.  
 16 or more, check NOT Recommended for Alternative Punishment.  
 Go to Cover Sheet and fill out Nonviolent Risk Assessment Recommendations.

Drug/Schedule I or II Section D

# Fraud and Larceny

## Nonviolent Risk Assessment ❖ Larceny Section D

Offender Name: \_\_\_\_\_

### ◆ Ineligibility Conditions

- A. Was the offender recommended for **Probation/No Incarceration** on Section B? .....  Yes  No
- B. Are any prior record offenses violent (Category I/II listed in Appendix A of the Guidelines Manual)? .....  Yes  No
- C. Are any of the offenses at sentencing violent (Category I/II listed in Appendix A of the Guidelines Manual)? .....  Yes  No
- D. Do any of the offenses at sentencing require a mandatory term of incarceration? .....  Yes  No

## Nonviolent Risk Assessment ❖ Fraud Section D

Offender Name: \_\_\_\_\_

### ◆ Ineligibility Conditions

- A. Was the offender recommended for **Probation/No Incarceration** on Section B? .....  Yes  No
- B. Are any prior record offenses violent (Category I/II listed in Appendix A of the Guidelines Manual)? .....  Yes  No
- C. Are any of the offenses at sentencing violent (Category I/II listed in Appendix A of the Guidelines Manual)? .....  Yes  No
- D. 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.**

### ◆ Offender Age at Time of Offense

Younger than 21 years .....	22	↓	[ ] [ ]
21 to 29 years .....	16		
30 to 43 years .....	7		
Older than 43 years .....	1		

### ◆ Gender

Offender is Female .....	1	↓	[ ] [ ]
Offender is Male .....	10		

### ◆ Prior Adult Felony Convictions

Number .....	0	↓	[ ] [ ]
of Counts: 1 - 2 .....	5		
3 or more .....	15		

### ◆ Prior Adult Incarcerations

Number: 0 .....	0	↓	[ ] [ ]
1 - 9 .....	4		
10 or more .....	32		

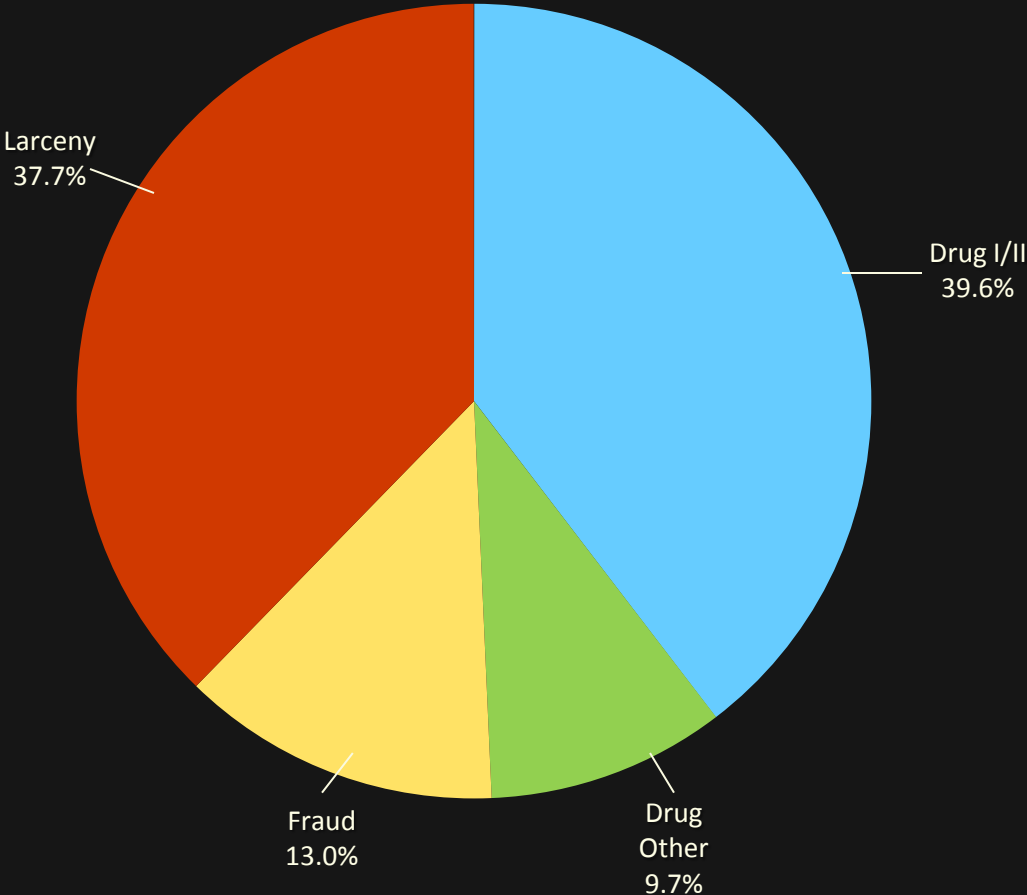
### ◆ Legally Restrained at Time of Offense — If YES, add 6 → [0] [ ]

### Total Score → [ ] [ ]

31 or less, check Recommended for Alternative Punishment.  
 32 or more, check NOT Recommended for Alternative Punishment.  
 Go to Cover Sheet and fill out Nonviolent Risk Assessment Recommendations.

Fraud/Section D

*Preliminary FY2015 Report*  
**Nonviolent Offenders Eligible & Analyzed for Risk Assessment  
by Type of Offense**



15,303 Drug, Fraud & Larceny Cases  
- 5,666 Excluded: Ineligible, Errors, 1994 Missing  
**6,470 Analyzed**



**Preliminary FY2015**  
**Nonviolent Offenders Eligible for Risk Assessment**

<u>Offense</u>	<u>Mitigation</u>	<u>Compliance</u>		<u>Aggravation</u>	<u>Number of Cases</u>	
		<u>Alternative</u>	<u>Traditional</u>			
Drug	7%	27%	86%	59%	7%	3,191
Fraud	11%	28%	85%	57%	4%	838
Larceny	10%	8%	85%	77%	5%	2,441
<b>All Risk Cases</b>	<b>9%</b>	<b>20%</b>	<b>85%</b>	<b>65%</b>	<b>6%</b>	<b>6,470</b>

*Preliminary FY2015*  
**Nonviolent Offenders Eligible for Risk Assessment**

<b>Recommended and Received an Alternative</b>	<b>19.9%</b>	<b>n= 1,286</b>
<b>Recommended and Incarcerated</b>	<b>28.9%</b>	<b>n= 1,869</b>
<b>Not Recommended and Received Alternative</b>	<b>14.3%</b>	<b>n= 922</b>
<b>Not Recommended and Incarcerated</b>	<b>37.0%</b>	<b>n= 2,393</b>

**Of offenders recommended for alternative sanctions,  
the proportion who received an alternative**

**41%**

Preliminary FY2015 Report:  
**2013** Modifications to Guidelines



UPDATE

## Burglary With Murder or Malicious Wounding Effective July 1, 2013



- *Revise the sentencing guidelines for a completed act of burglary with a deadly weapon to increase the prison sentence recommendation for offenders who have an accompanying offense of murder or malicious wounding.*

# Burglary/Dwelling Section A

Offender Name: \_\_\_\_\_

**Primary Offense**

A. Occupied dwelling with intent to commit a misdemeanor without deadly weapon (1 count).....	1	Score ▼ <input style="width: 40px; height: 20px;" type="text"/>
B. Dwelling with intent to commit larceny, etc. without deadly weapon; Dwelling at night without deadly weapon		
1 count.....	3	
2 counts.....	5	
3 counts.....	7	
C. Dwelling at night with intent to commit larceny with deadly weapon (1 count).....	7	
D. Dwelling with intent to commit larceny, etc. with deadly weapon (1 count).....	5	
E. Occupied dwelling with intent to commit misdemeanor with deadly weapon (1 count).....	9	
F. Dwelling with intent to commit murder, rape, robbery or arson with or without a deadly weapon (1 count).....	14	

**Primary Offense Remaining Counts** Total the maximum penalties for counts of the primary not scored above

Years:	5 - 14.....	1	<input style="width: 40px; height: 20px;" type="text"/>
	15 - 27.....	2	
	28 - 43.....	3	
	44 or more.....	4	

**Additional Offenses** Total the maximum penalties for additional offenses, including counts

Years:	Less than 5.....	0	<input style="width: 40px; height: 20px;" type="text"/>
	5 - 14.....	1	
	15 - 27.....	2	
	28 - 43.....	3	
	44 or more.....	4	

**Conviction in Current Event Requiring Mandatory Minimum Term (6 mos or more) - IF YES, add 13** →

**Weapon Used**

None.....	0	<input style="width: 40px; height: 20px;" type="text"/>
Simulated weapon or other than listed below.....	2	
Knife.....	4	
Firearm.....	8	

**Prior Convictions/Adjudications** Total the maximum penalties for the 5 most recent and serious prior record events

Years:	Less than 2.....	0	20 - 31.....	3	<input style="width: 40px; height: 20px;" type="text"/>
	2 - 8.....	1	32 - 41.....	4	
	9 - 19.....	2	42 or more.....	5	

**Prior Adult Felony Property Convictions**

Number:	1.....	1	<input style="width: 40px; height: 20px;" type="text"/>
of Counts:	2 - 5.....	2	
	6 - 10.....	3	
	11 or more.....	4	

**Prior Juvenile Property Adjudications**

Number:	1 - 2.....	1	<input style="width: 40px; height: 20px;" type="text"/>
of Counts:	3 - 11.....	2	
	12 or more.....	3	

**Prior Misdemeanor Convictions/Adjudications (Excludes Traffic)**

Number:	1.....	1	<input style="width: 40px; height: 20px;" type="text"/>
of Counts:	2 - 4.....	2	
	5 - 6.....	3	
	7 - 9.....	4	
	10 or more.....	5	

**Prior Incarcerations/Commitments** If YES, add 3 →

**Prior Revocations of Parole/Post-Release, Supervised Probation or CCCA-IF YES, add 1** →

**Prior Juvenile Record** If YES, add 2 →

**Legally Restrained at Time of Offense**

None.....	0	<input style="width: 40px; height: 20px;" type="text"/>
Other than parole/post-release, supervised probation or CCCA.....	3	
Parole/post-release, supervised probation or CCCA.....	7	

**SCORE THE FOLLOWING ONLY IF PRIMARY OFFENSE AT CONVICTION IS C, D, E, OR F: COMPLETED BURGLARY WITH A DEADLY WEAPON (§§ 18.2-89, 18.2-90, 18.2-91, 18.2-92)**

**Type of Additional Offense(s)**

Additional offense with VCC prefix of MUR.....	10	<input style="width: 40px; height: 20px;" type="text"/>
Additional offense of malicious wounding (§ 18.2-51).....	10	
All others.....	0	

**Total Score**      
 If total is 13 or less, go to Section B. If total is 14 or more, go to Section C.

Burg Dwelling/Section A

# Burglary/Dwelling Section C

Offender Name: \_\_\_\_\_

**Primary Offense**

		Prior Record Classification <input type="checkbox"/> Category I <input type="checkbox"/> Category II <input type="checkbox"/> Other <small>(scores for attempted/conspired offenses are in parentheses)</small>	
<b>Dwelling Without Weapon</b>			
A. Occupied dwelling with intent to commit a misdemeanor without deadly weapon (1 count).....	48	32	16
B. Dwelling with intent to commit murder, rape, robbery or arson without deadly weapon			
Completed: 1 count.....	90	60	30
Attempted/conspired: 1 count.....	(60)	(30)	(15)
C. Dwelling with intent to commit larceny, etc. without deadly weapon			
Completed: 1 count.....	54	36	18
Attempted/conspired: 1 count.....	(36)	(18)	(9)
D. Dwelling at night with intent to commit larceny, etc. without deadly weapon			
Completed: 1 count.....	54	36	18
Attempted/conspired: 1 count.....	(36)	(18)	(9)
<b>Dwelling With Weapon</b>			
E. Occupied dwelling with intent to commit misdemeanor with deadly weapon			
Completed: 1 count.....	114	78	38
Attempted/conspired: 1 count.....	(76)	(38)	(19)
F. Dwelling with intent to commit larceny, etc. with deadly weapon			
Completed: 1 count.....	90	60	30
Attempted/conspired: 1 count.....	(60)	(30)	(15)
G. Dwelling with intent to commit murder, rape, robbery or arson with deadly weapon; or Dwelling at night with intent to commit larceny, etc. with deadly weapon			
Completed: 1 count.....	168	112	56
2 counts.....	456	304	152
1 count.....	(112)	(56)	(28)
2 counts.....	(240)	(152)	(76)
3 counts.....	(304)	(152)	(76)

**Primary Offense Remaining Counts** Assign points to each count of the primary not scored above and total the points

Maximum Penalty:	5, 10.....	1	<input style="width: 40px; height: 20px;" type="text"/>
(years)	20.....	3	
Life.....		6	

**Additional Offenses** Assign points to each additional offense (including counts) and total the points

Maximum Penalty:	Less than 4.....	0	30.....	4	<input style="width: 40px; height: 20px;" type="text"/>
(years)	4, 5, 10.....	1	40 or more.....	6	
	20.....	3			

**Weapon Used**

Other than listed below.....	0	<input style="width: 40px; height: 20px;" type="text"/>
Knife or firearm.....	12	

**Physical or Life Threatening Victim Injury** IF YES, add 10 →

**Prior Convictions/Adjudications** Assign points to the 5 most recent and serious prior record events and total the points

Maximum Penalty:	Less than 5.....	0	<input style="width: 40px; height: 20px;" type="text"/>
(years)	5, 10.....	1	
	20.....	2	
	30.....	3	
	40 or more.....	5	

**Prior Felony Burglary Convictions/Adjudications**

Number:	1.....	2	<input style="width: 40px; height: 20px;" type="text"/>
of Counts:	2.....	3	
	3.....	5	
	4.....	6	
	5.....	8	
	6 or more.....	9	

**Prior Felony Convictions/Adjudications Against Person**

Number:	1.....	4	3.....	13	<input style="width: 40px; height: 20px;" type="text"/>
of Counts:	2.....	9	4 or more.....	17	

**On Parole/Post-Release, Supervised Probation or CCCA at Time of Offense** If YES, add 3 →

**SCORE THE FOLLOWING ONLY IF PRIMARY OFFENSE AT CONVICTION IS E, F, OR G: COMPLETED BURGLARY WITH A DEADLY WEAPON (§§ 18.2-89, 18.2-90, 18.2-91, 18.2-92)**

**Type of Additional Offense(s)**

Additional Offense with VCC Prefix of "MUR".....	140	<input style="width: 40px; height: 20px;" type="text"/>
Additional Offense of Completed Malicious Wounding (§ 18.2-51).....	35	
Additional Offense of Attempted/Conspired Malicious Wounding (§ 18.2-51; § 18.2-22 or § 18.2-26).....	8	

**Total Score**      
 See Burglary/Dwelling Section C Recommendation Table for guidelines sentence range.

Burg Dwelling/Section C

**UPDATE**

# Preliminary FY2015 Report

## New Factor for Additional Offense of Murder or Malicious Wounding Effective July 1, 2013

<b>Offense Worksheet (FY2014 – Sept. Meeting)</b>	<b>Compliance</b>	<b>Mitigation</b>	<b>Aggravation</b>
Burglary of a Dwelling (n=4)	75.0%	0.0%	25.0%

<b>Offense Worksheet (FY2015 – Sept. Meeting)</b>	<b>Compliance</b>	<b>Mitigation</b>	<b>Aggravation</b>
Burglary of a Dwelling (n=6)	83.3%	16.7%	0%

UPDATE

## Vehicular Involuntary Manslaughter Effective July 1, 2013



- *Amend the Murder/Homicide sentencing guidelines for vehicular involuntary manslaughter associated with driving under the influence (§ 18.2-36.1(A)) to more closely reflect judicial sentencing practices for this offense.*



# Murder/Homicide Section A

Offender Name: \_\_\_\_\_

**Primary Offense** (scores for attempted/conspired offenses are in parentheses)

A. First degree murder	Completed: 1 count	..... 9	↓	Score	0
	Attempted or conspired: 1 count	..... (8)			
B. Second degree murder or felony homicide	Completed: 1 count	..... 8	↓	Score	0
	Attempted or conspired: 1 count	..... (4)			
C. Voluntary manslaughter	Attempted, conspired or completed: 1 count	..... 5	↓	Score	0
D. Involuntary manslaughter	Completed: 1 count	..... 1			
	2 counts	..... 3	↓	Score	0
	Attempted or conspired: 1 count	..... (1)			
E. Involuntary manslaughter-vehicular	1 count	..... 8	↓	Score	0
F. Aggravated vehicular manslaughter	1 count	..... 8			

**Primary Offense Remaining Counts** Total the maximum penalties for counts of the primary not scored above

Years:	5 - 17	..... 5	↓	Score	0
	18 - 27	..... 6			
	28 - 37	..... 7	↓	Score	0
	38 or more	..... 8			

**Additional Offenses** Total the maximum penalties for additional offenses, including counts

Years:	Less than 1	..... 0	↓	Score	0
	1 - 7	..... 4			
	8 - 17	..... 5	↓	Score	0
	18 - 27	..... 6			
	28 - 37	..... 7	↓	Score	0
	38 or more	..... 8			

**Weapon Used**

None	..... 0	↓	Score	0
Automobile, simulated weapon or other than listed below	..... 4			
Knife or firearm	..... 5	↓	Score	0
	..... 5			

**Conviction in Current Event Requiring Mandatory Minimum Term (6 mos or more) If YES, add 7**

	..... 0	↓	Score	0
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**Prior Convictions/Adjudications** Total the maximum penalties for the 5 most recent and serious prior record events

Years:	Less than 1	..... 0	↓	Score	0
	1 - 12	..... 1			
	13 - 28	..... 2	↓	Score	0
	29 - 42	..... 3			
	43 or more	..... 4	↓	Score	0
	..... 4				

**SCORE THE FOLLOWING ONLY IF PRIMARY OFFENSE AT CONVICTION IS E OR F: INVOLUNTARY MANSLAUGHTER WITH A VEHICLE (§ 18.2-36.1(A) OR (B))**

**Prior Criminal Traffic Misdemeanor Convictions/Adjudications**

Number of Counts:	1	..... 2	↓	Score	0
	2	..... 4			
	3	..... 5	↓	Score	0
	4	..... 6			
	5 or more	..... 7	↓	Score	0
	..... 7				

**Total Score** If total is 7 or less, the guidelines sentence is Probation/No Incarceration or Incarceration to 6 Months. If total is 8 or more, go to Section C.

Murder/Homicide/Section A

# Murder/Homicide Section C

Offender Name: \_\_\_\_\_

**Primary Offense**  Category I  Category II  Other (scores for attempted/conspired offenses are in parentheses)

A. First degree murder	Completed: 1 count	..... 335	↓	Score	0
	2 counts	..... 596			
	Attempted or conspired: 1 count	..... (118)	↓	Score	0
B. Second degree murder or felony homicides	Completed: 1 count	..... 236			
	Attempted or conspired: 1 count	..... (118)	↓	Score	0
C. Voluntary manslaughter	Completed: 1 count	..... 96			
	2 counts	..... 144	↓	Score	0
	Attempted or conspired: 1 count	..... (80)			
	2 counts	..... (96)	↓	Score	0
D. Involuntary manslaughter	Completed: 1 count	..... 38			
	Attempted or conspired: 1 count	..... (60)	↓	Score	0
E. Aggravated vehicular manslaughter	1 count	..... 19			
	2 counts	..... 213	↓	Score	0
	..... 142				

**Primary Offense Remaining Counts** Assign points to each count of the primary not scored above and total the points

<b>Primary offense:</b>	<b>Maximum Penalty (years)</b>	<b>Points</b>	<b>Primary offense: All other offenses</b>	<b>Maximum Penalty (years)</b>	<b>Points</b>
A. Completed first degree murder	Life	..... 34	5	..... 5	
	10	..... 11	10	..... 11	
	20	..... 21	20	..... 21	
	40	..... 42	40	..... 42	

**Additional Offenses** Assign points to each additional offense (including counts) and total the points

<b>Primary offense:</b>	<b>Maximum Penalty (years)</b>	<b>Points</b>	<b>Primary offense: All other offenses</b>	<b>Maximum Penalty (years)</b>	<b>Points</b>
A. Completed first degree murder	Less than 1	..... 0	Less than 1	..... 0	
	1	..... 1	1	..... 1	
	2	..... 2	2	..... 2	
	3	..... 3	3	..... 3	
	4	..... 4	4	..... 4	
	5	..... 5	5	..... 5	
	10	..... 9	10	..... 11	
	20	..... 17	20	..... 21	
	30	..... 26	30	..... 32	
	40 or more	..... 34	40 or more	..... 42	

**Prior Convictions/Adjudications** Assign points to the 5 most recent and serious prior record events and total the points

<b>Primary offense:</b>	<b>Maximum Penalty (years)</b>	<b>Points</b>	<b>Primary offense: All other offenses</b>	<b>Maximum Penalty (years)</b>	<b>Points</b>
A. Completed first degree murder	Less than 1	..... 0	Less than 2	..... 0	
	1, 2	..... 1	2, 3	..... 1	
	3	..... 2	4, 5	..... 2	
	4, 5	..... 3	10	..... 3	
	10	..... 7	20	..... 6	
	20	..... 14	30	..... 10	
	30	..... 20	40 or more	..... 13	
	40 or more	..... 27			

**Weapon Used, Brandished, Feigned or Threatened**

<b>Primary offense:</b>	<b>Primary offense: All other offenses</b>
A. Completed first degree murder	Do Not Score
If YES, add 32	

**Legally Restrained at Time of Offense**

<b>Primary offense:</b>	<b>Primary offense: All other offenses</b>
A. Completed first degree murder	If YES, add 2
If YES, add 13	

**SCORE THE FOLLOWING ONLY IF PRIMARY OFFENSE AT CONVICTION IS D: INVOLUNTARY MANSLAUGHTER WITH A VEHICLE (§ 18.2-36.1(A))**

**Type of Additional Offense**

Additional offense of felony Hit and Run (§ 46.2-894)	..... 23	↓	Score	0
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**Total Score** See Murder/Homicide Section C Recommendation Table for guidelines sentence range.

Murder/Homicide/Section C



# Preliminary FY2015 Report

## Vehicular Involuntary Manslaughter Modified Effective July 1, 2013

Offense Worksheet (FY2014 – Sept. Meeting)	Compliance	Mitigation	Aggravation
Vehicular Involuntary Manslaughter (n=16)	31.3%	12.5%	56.3%

Offense Worksheet (FY2015 – Sept. Meeting)	Compliance	Mitigation	Aggravation
Vehicular Involuntary Manslaughter (n=20)	50.0%	10.0%	40.0%

**Figure 51**

**Vehicular Involuntary Manslaughter  
(§ 18.2-36.1(A))  
FY2008 – FY2012  
82 Sentencing Events\***

	Current	Proposed
Compliance	62.2%	65.9%
Mitigation	8.5%	17.1%
Aggravation	29.3%	17.1%

*\* Worksheets with scoring errors were excluded from the analysis.*

UPDATE

## Larceny With Intent to Sell Effective July 1, 2013



- *Amend the Larceny sentencing guidelines to add larceny of property with a value of \$200 or more or an aggregate value of \$200 or more with the intent to sell or distribute as defined by § 18.2-108.01.*

# Larceny Section A

Offender Name: \_\_\_\_\_

◆ Primary Offense \_\_\_\_\_ (scores for attempted/conspired offenses are in parentheses)

A. Attempted or conspired larceny (1 count) .....	(1)
B. Statutory maximum penalty equals 5 years	
1 count .....	1
2 counts .....	4
3 counts .....	6
C. Statutory maximum penalty equals 10 years (1 count) .....	3
D. Grand larceny auto	
1 count .....	5
2 counts .....	7
3 counts .....	10
E. Grand larceny from person	
1 count .....	4
2 counts .....	11
F. Grand larceny of a firearm (1 count) .....	1
G. Failure of bailee to return animal, aircraft, vehicle or boat (1 count) .....	4
H. Larceny of bank notes, checks or any book of accounts; Any other larceny offense with maximum penalty of 20 years	
1 count .....	2
2 - 3 counts .....	4
4 counts .....	6

Score

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# Larceny Section B

Offender Name: \_\_\_\_\_

◆ Primary Offense \_\_\_\_\_ (scores for attempted/conspired offenses are in parentheses)

A. Any attempted or conspired larceny (1 count) .....	(1)
B. Maximum penalty equals 5 or 10 years	
1 count .....	3
2 counts .....	4
3 counts .....	7
C. Grand larceny auto	
1 count .....	3
2 counts .....	4
3 counts .....	7
D. Grand larceny from person (1 count) .....	6
E. Grand larceny of a firearm (1 count) .....	1
F. Failure of bailee to return animal, aircraft, vehicle or boat (1 count) .....	1
G. Larceny of bank notes, checks, etc. or any book of accounts	
1 count .....	3
2 counts .....	4
3 counts .....	7
H. Any other grand larceny offense with a maximum penalty of 20 years	
1 count .....	3
2 counts .....	4
3 counts .....	7

Score

0	
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# Larceny Section C

Offender Name: \_\_\_\_\_

◆ Primary Offense \_\_\_\_\_

— Prior Record Classification —  
 Category I    Category II    Other  
(scores for attempted/conspired offenses are in parentheses)

A. Attempted or conspired larceny (1 count) .....	(8)	(4)	(2)
B. Statutory maximum penalty equals 5 or 10 years			
1 count .....	20	10	5
2 counts .....	28	14	7
3 counts .....	40	20	10
C. Grand larceny auto			
1 count .....	32	16	8
2 - 3 counts .....	56	28	14
4 counts .....	72	36	18
D. Grand larceny from person			
1 count .....	40	20	10
2 counts .....	56	28	14
3 counts .....	68	34	17
E. Grand larceny of a firearm (1 count) .....	68	34	17
F. Failure of bailee to return animal, aircraft, vehicle or boat (1 count) .....	28	14	7
G. Larceny of bank notes, checks, etc. or any book of accounts			
1 - 2 counts .....	32	16	8
3 counts .....	96	48	24
H. Any other larceny offense with a maximum penalty of 20 years			
1 count .....	28	14	7
2 counts .....	44	22	11
3 counts .....	56	28	14

Score

0		
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UPDATE

## Preliminary FY2015 Report New Larceny Offenses Added Effective July 1, 2013

<b>Offense (FY2014 – Sept. Meeting)</b>	<b>Compliance</b>	<b>Mitigation</b>	<b>Aggravation</b>
Larceny with intent to sell, \$200 or more (n=100)	76.0%	4.0%	20.0%
Larceny with intent to sell, Aggregate value \$200 or more(n=29)	82.8%	6.9%	10.3%

<b>Offense (FY2015 – Sept. Meeting)</b>	<b>Compliance</b>	<b>Mitigation</b>	<b>Aggravation</b>
Larceny with intent to sell, \$200 or more (n=100)	79.0%	11.0%	10.0%
Larceny with intent to sell, Aggregate value \$200 or more(n=36)	91.7%	8.3%	0%

Preliminary FY2015 Report:  
**2014** Modifications to Guidelines



**Preliminary FY2015 Report**  
**Revised Scores for Use of Communications System to Solicit a Child**  
**Effective July 1, 2014**

<b>Offense § 18.2-374.3</b>	<b>Compliance</b>	<b>Mitigation</b>	<b>Aggravation</b>
B: Procure minor for obscene material (n=9)	88.9%	11.1%	0%
C: Propose sex act, victim < 15 (n=27)	44.4%	14.8%	40.7%
C: Propose sex act, victim < 15 offender +7 (N=41)	78.0%	4.9%	17.1%
C: Propose sex act, victim < 15 offender +7 – 2 <sup>nd</sup> (N=0)			
D: Propose sex act, victim 15 offender +7 (N=6)	66.7%	0%	33.3%
D: Propose sex act, victim 15 offender +7 – 2 <sup>nd</sup> (N=2)	100%	0%	0%
E: Procure minor for prostitution, sodomy, etc. (n=3)	100%	0%	0%
<b>TOTAL (n=89):</b>	<b>68.5%</b>	<b>7.9%</b>	<b>23.6%</b>

Previous Reported Compliance:	59.2%	8.4%	32.4%
<b>Projected:</b>	<b>60.1%</b>	<b>20.1%</b>	<b>19.8%</b>

**Preliminary FY2015 Report**  
**Revised Scores for Production, Etc., of Child Pornography**  
**Effective July 1, 2014**

	<b>Compliance</b>	<b>Mitigation</b>	<b>Aggravation</b>
§ 18.2-374.1 (B,1) Entice minor to perform (n=6)	66.7%	0.0%	33.3%
§ 18.2-374.1 (B,2) Produce, make child porn (n=7)	57.1%	0.0%	42.9%
§ 18.2-374.1 (B,3) Take part, film child porn (n=3)	100%	0.0%	0.0%
§ 18.2-374.1 (B,4) Finance child porn (n=0)			
§ 18.2-374.1, Offense prior to 2007 (n=2)	50.0%	50.0%	0%
<b>TOTAL (n=18):</b>	<b>66.7%</b>	<b>5.6%</b>	<b>27.8%</b>
Previous Reported Compliance:	64.1%	22.9%	13.0%
<b>Projected:</b>	<b>66.7%</b>	<b>15.8%</b>	<b>17.5%</b>

FYI: Recommendation not agreed to by the General Assembly:

§ 18.2-374.1:1(A) Possession of child porn (first offense) (n=53)	72% (n=38)	21% (n=11)	8% (n=4)
§ 18.2-374.1:1(B) Possession of child porn (subsequent) (n=21)	76% (n=16)	19% (n=4)	5% (n=1)

**Preliminary FY2015 Report**  
**Increased Scores for Aggravated Malicious Wounding**  
**Effective July 1, 2014**

<b>§ 18.2-51.2</b>	<b>Compliance</b>	<b>Mitigation</b>	<b>Aggravation</b>
Aggravated Malicious Wounding (n=63)	60.3%	6.3%	33.3%
Previous Reported Compliance:	59.6%	7.0%	33.4%
<b>Projected:</b>	<b>61.5%</b>	<b>15.0%</b>	<b>23.5%</b>



**Preliminary FY2015 Report**  
**Revised Type of Additional Offense Factor on Burglary Worksheets**  
**Effective July 1, 2014**

	<b>Compliance</b>	<b>Mitigation</b>	<b>Aggravation</b>
Burglary cases with an additional offense of aggravated malicious wounding (n=0)			
Previous Reported Compliance (N=2):	50.0%	0.0%	50.0%
<b>Projected:</b>	<b>100%</b>	<b>0.0%</b>	<b>0.0%</b>

**Preliminary FY2015 Report**  
**Lower Scores for Daytime Burglary of a Dwelling**  
**Effective July 1, 2014**

<b>§ 18.2-91</b>	<b>Compliance</b>	<b>Mitigation</b>	<b>Aggravation</b>
Completed Acts (n=719)	69.8%	15.0%	15.2%
Previous Reported Compliance:	65.9%	17.6%	16.5%
<b>Projected:</b>	<b>66.7%</b>	<b>16.6%</b>	<b>16.7%</b>



## **Sentencing Revocation Reports & Probation Violation Guidelines (FY2015)**



**New Law Violation:**

**Condition 1**

◆ **CONDITIONS CITED IN VIOLATION** (*check all that apply*)

- 1. Fail to obey all Federal, State, and local laws and ordinances
- 2. Fail to report any arrests within 3 days to probation officer
- 3. Fail to maintain employment or to report changes in employment
- 4. Fail to report as instructed
- 5. Fail to allow probation officer to visit home or place of employment
- 6. Fail to follow instructions and be truthful and cooperative
- 7. Use alcoholic beverages
- 8. Use, possess, distribute controlled substances or paraphernalia
- 9. Use, own, possess, transport or carry firearm
- 10. Change residence or leave State of Virginia without permission
- 11. Abscond from supervision
- Fail to follow special conditions (specify)\_\_\_\_\_

*Complete if there are any new law or ordinance convictions:*  
VCCs for most serious convictions

\_\_\_\_-\_\_\_\_-\_\_\_\_

\_\_\_\_-\_\_\_\_-\_\_\_\_

Location of Arrest:  
 Virginia     Out of State or Federal

**Technical Violations:**

**Conditions 2 – 11 & Special Conditions**

# Sentencing Revocation Reports Received by Judicial Circuit FY2015 (Preliminary)

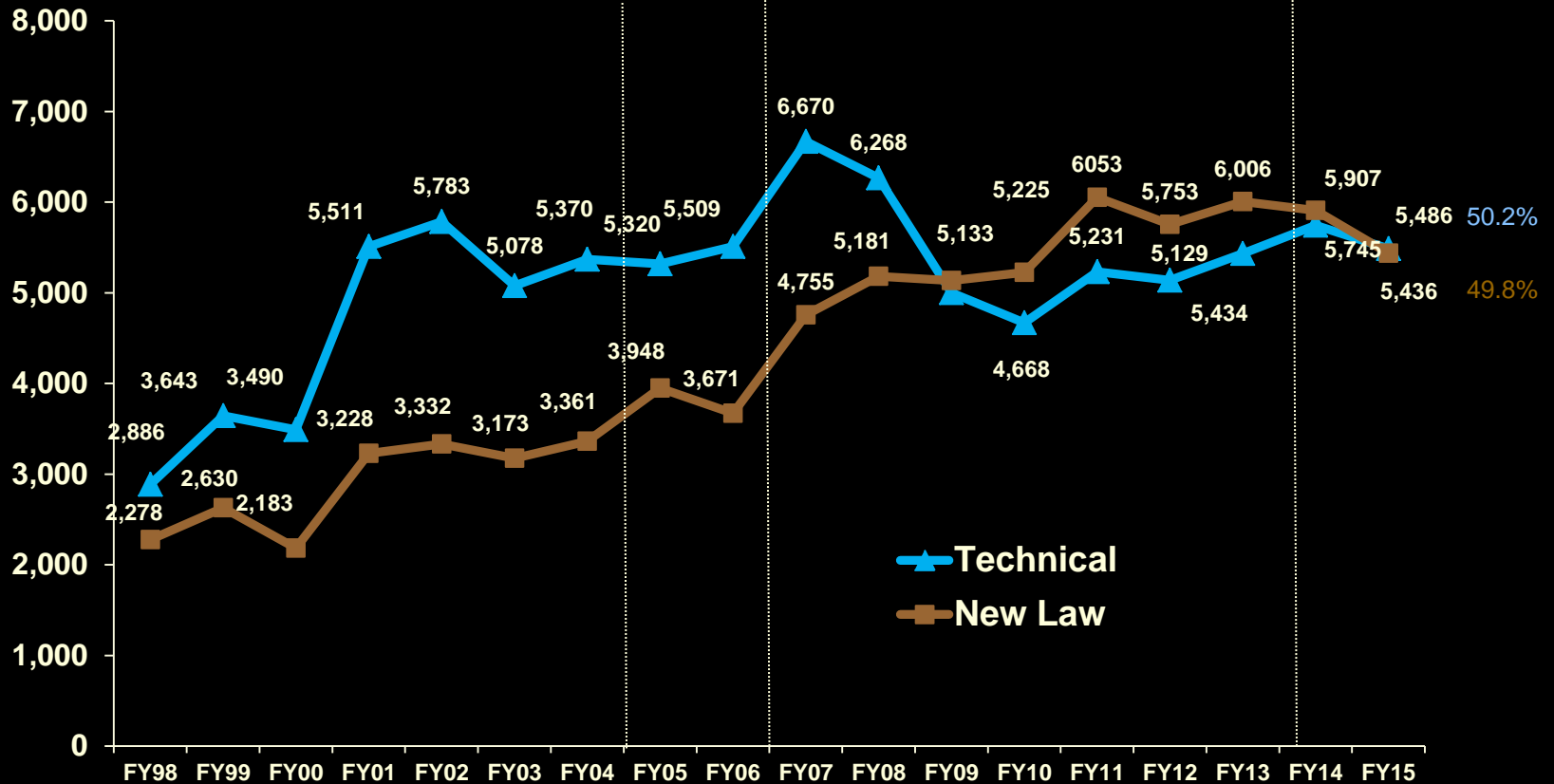
## Highest Number Received

- **Circuit 26 - Harrisonburg Area** (n=929)
- **Circuit 29 - Buchanan Area** (n=742)
- **Circuit 1 - Chesapeake** (n=657)
- **Circuit 4 - Norfolk** (n=642)
- **Circuit 22 - Danville** (N=629)

Circuit	Area	Number
1	Chesapeake	657
2	Virginia Beach	537
3	Portsmouth	293
4	Norfolk	642
5	Suffolk Area	368
6	Sussex Area	72
7	Newport News	304
8	Hampton	230
9	Williamsburg Area	326
10	South Boston Area	259
11	Petersburg Area	94
12	Chesterfield Area	258
13	Richmond City	332
14	Henrico	336
15	Fredericksburg Area	516
16	Charlottesville Area	277
17	Arlington	77
18	Alexandria	88
19	Fairfax	417
20	Loudoun Area	229
21	Martinsville Area	174
22	Danville Area	629
23	Roanoke Area	375
24	Lynchburg Area	421
25	Staunton Area	421
26	Harrisonburg Area	929
27	Radford Area	438
28	Bristol Area	327
29	Buchanan Area	742
30	Lee Area	163
31	Prince William Area	320
<b>Total</b>		<b>11,251*</b>

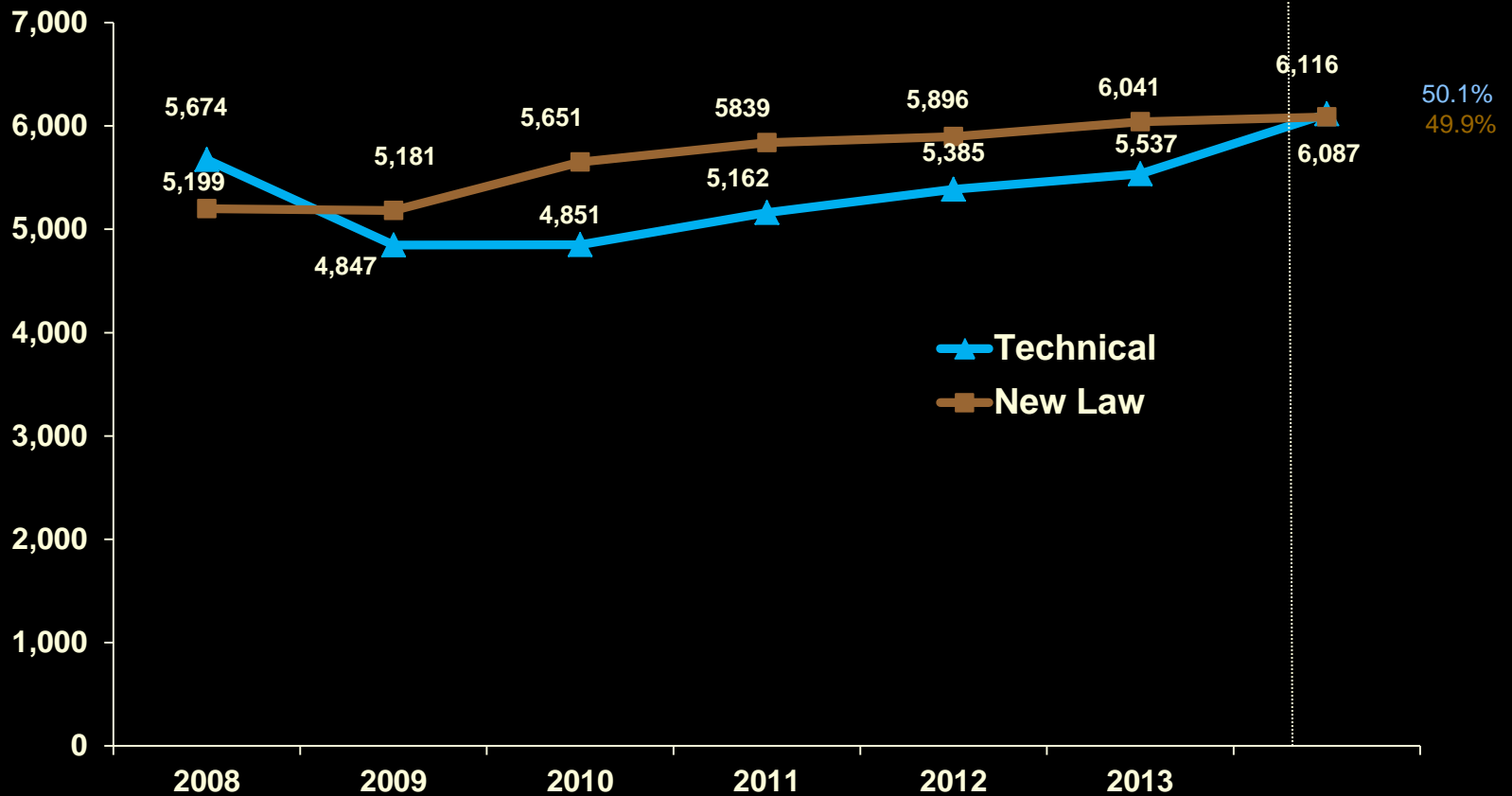
\* Includes all forms received, including those found not in violation or missing information, 1 missing circuit

## Sentencing Revocation Reports Received for Technical and New Law Violations\* FY1998 - FY2015 (Preliminary)



\*Note: FY15 includes cases received by June 15, 2015 for cases found in violation with no missing conditions (Data from May and June 2015 are incomplete)

## Sentencing Revocation Reports Received for Technical and New Law Violations\* Calendar Year 2008 - 2014



\*Note: CY15 includes cases received by June 15, 2015 for cases found in violation with no missing conditions



# Sentencing Revocation Reports Received Dispositions for Technical and New Law Violations FY2015 (Preliminary)

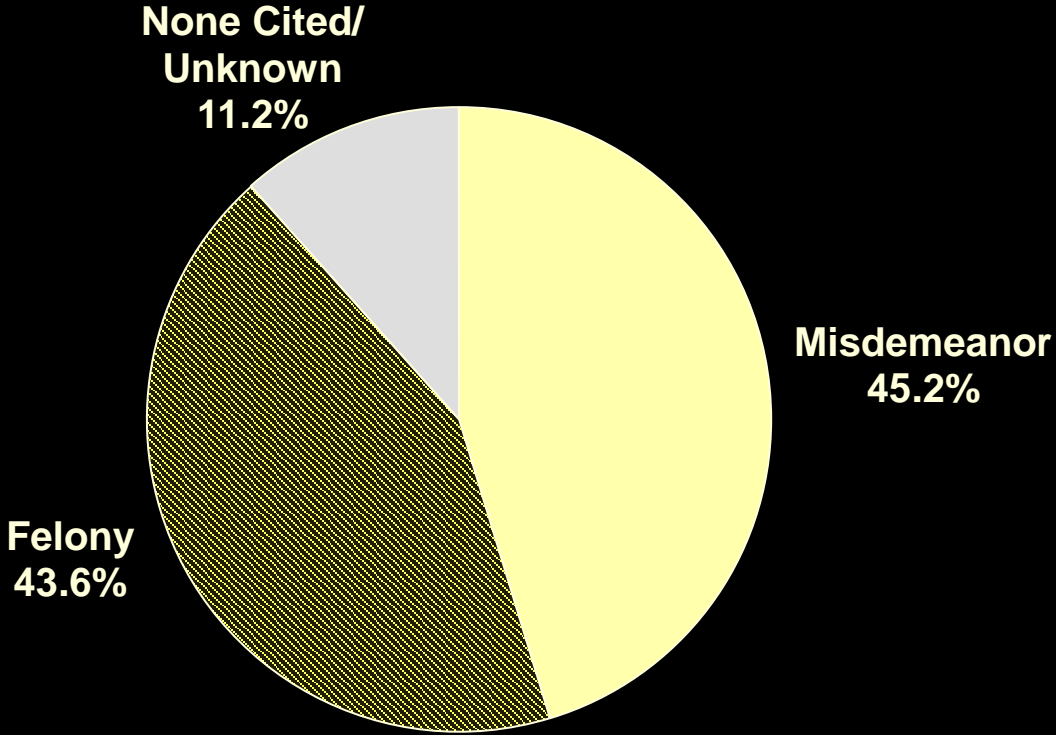
## Actual Disposition Received

	Probation	Jail <= 12 mos.	Prison >= 1yr.
<b>TECHNICAL VIOLATOR</b>	<b>1,209 (23%)</b>	<b>2,752 (51%)</b>	<b>1,408 (26%)</b>
<b>NEW LAW VIOLATOR</b>	<b>1,080 (20%)</b>	<b>2,370 (45%)</b>	<b>1,853 (35%)</b>
<b>TOTAL*</b>	<b>2,289 (21%)</b>	<b>5,122 (48%)</b>	<b>3,261 (31%)</b>

\* n=10,922

Sentencing information was missing for 250 cases

**Sentencing Revocation Reports Received  
New Law Violations by Type of New Crime  
FY2015 (Preliminary)**

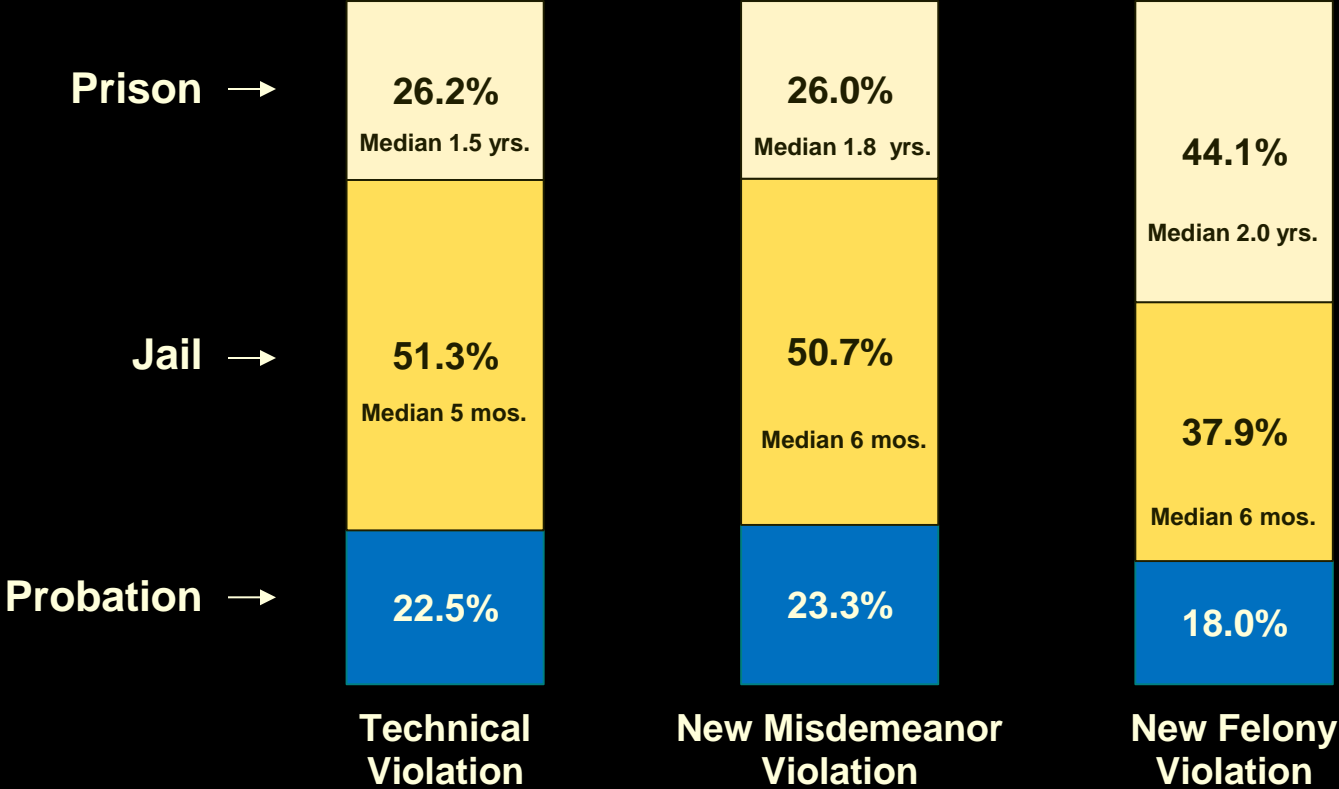


**Cases = 5,436**

## Sentencing Revocation Reports Received New Law Violations by Type of New Crime FY2015 (Preliminary)

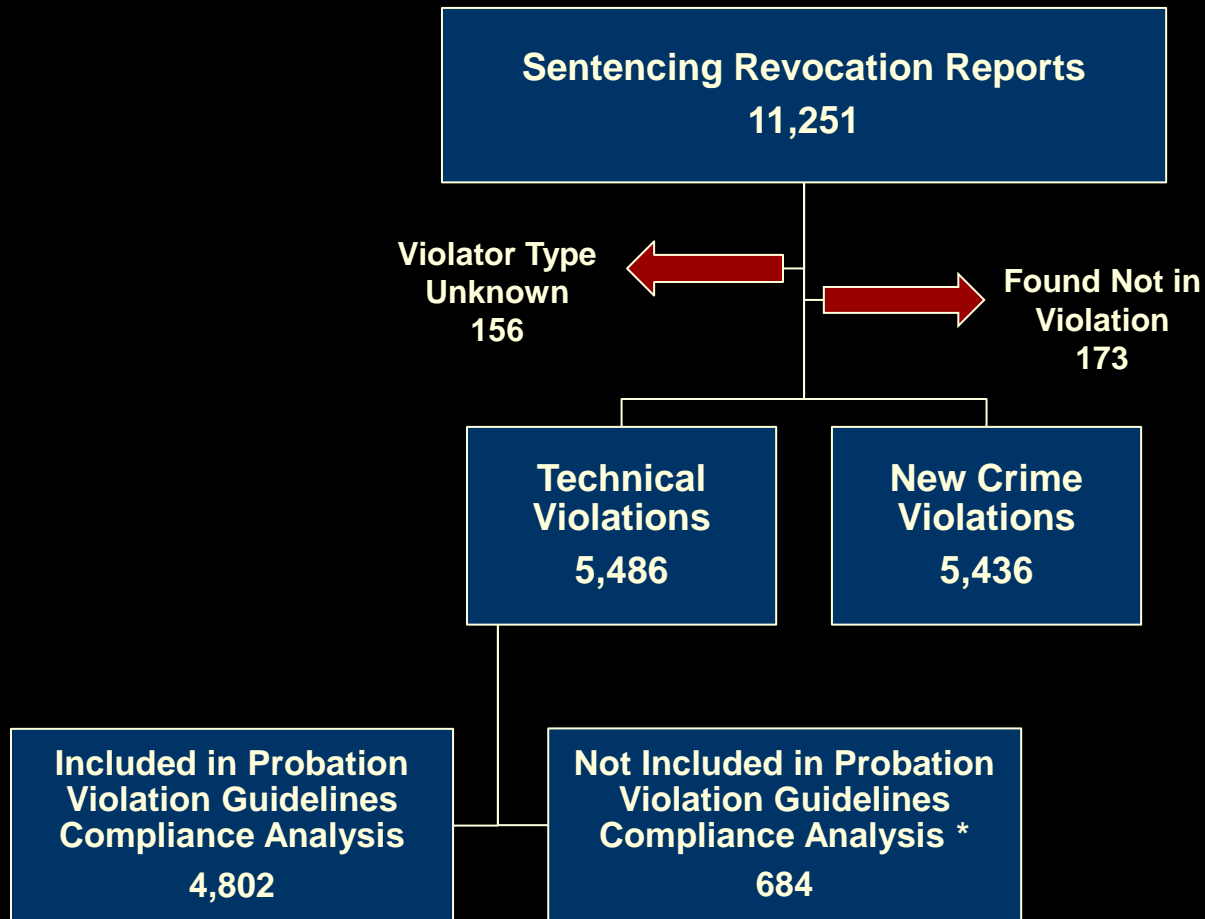
	Seriousness Index	Number	Percent
	Missing	563	10.2
Felonies	A1	0	0
	A2	0	0
	A3	0	0
	A5	0	0
	A6	0	0
	A9	0	0
	C5	5	0.1
	C6	0	0
	C9	23	.4
	F1	3	.1
	F2	20	0.4
	F3	31	0.6
	F4	40	0.7
	F5	464	8.5
	F6	793	14.6
F9	966	17.8	
Traffic Infractions	I9	15	.3
Misdemeanors	M1	1,996	36.7
	M2	63	1.2
	M3	9	0.2
	M4	202	3.7
	M9	123	2.3
Type Not Clear	S9	120	2.2
	Total	5,436	100

# Sentencing Revocation Reports Received by Type of Violation and Sanction Received FY2015 (Preliminary)



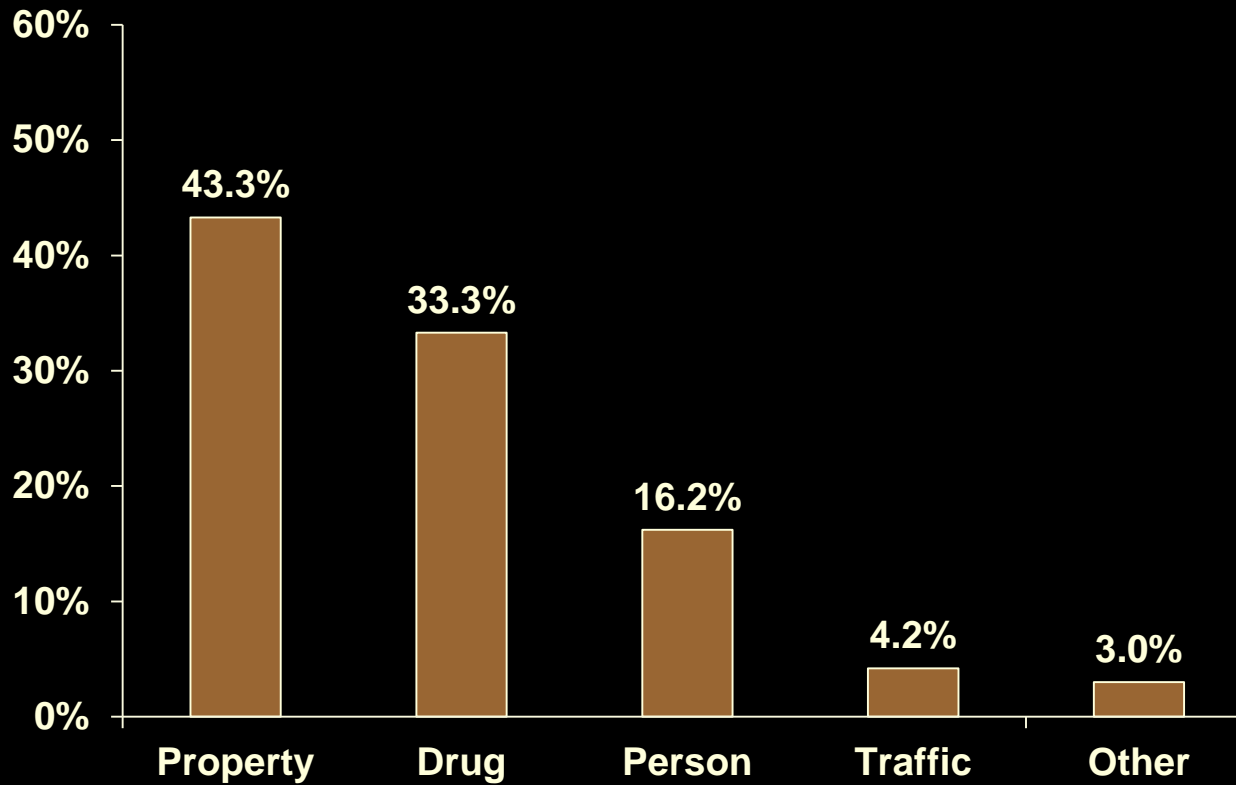
n=5,486 Technical ,  
n=2,461 New Misdemeanor, 2,345 New Felony , 630 Missing

# Sentencing Revocation Reports Received FY2015 (Preliminary)



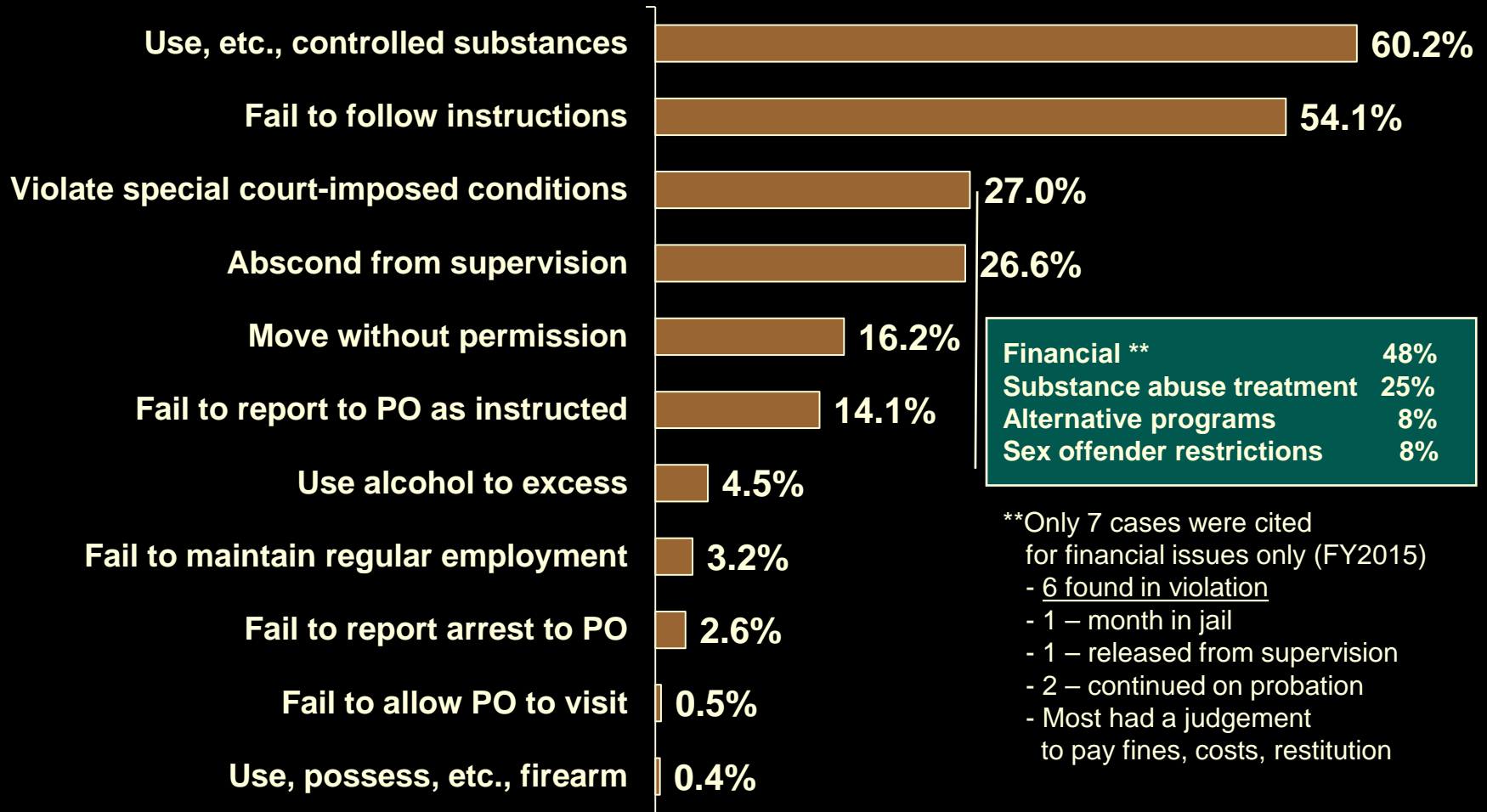
\* Cases are not included in compliance analysis if the guidelines do not apply (the case involves a parole-eligible offense, first offender violation, misdemeanor original offense, or the offender was not on supervised probation), if the guidelines forms were incomplete, or if outdated forms were prepared.

# Probation Violation Guidelines Cases – “Technicals” by Type of Original Offense FY2015 (Preliminary)



N = 4,802

## Types of Violations Cited in Probation Violation Guidelines Cases – “Technicals” FY2015 (Preliminary)



\*\*Only 7 cases were cited for financial issues only (FY2015)  
 - 6 found in violation  
 - 1 – month in jail  
 - 1 – released from supervision  
 - 2 – continued on probation  
 - Most had a judgement to pay fines, costs, restitution

Percentages do not total 100% because there may be multiple violations cited for each defendant

# FY2006-FY2007 Worksheet

# FY2008-2015 Worksheet

## Probation Violation Guidelines **Section A** Offender Name: \_\_\_\_\_

The Probation Violation Guidelines apply if, at the time of the capias, warrant or revocation request, the offender was charged with violating the conditions of supervision but was not cited for a new conviction during the current supervision period.  
 Exception: Violation Guidelines do not apply if the probation/post-release violation will be sentenced at the same time as a new felony offense covered by the sentencing guidelines.

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

A. Drug .....	10	Score ▼ <input style="width: 40px; height: 20px;" type="text"/>
B. Person .....	14	
C. Traffic/Weapon .....	24	
D. Other .....	0	

### ◆ Previous Capias/Revocation Requests

Number: 1 .....	7	▼ <input style="width: 40px; height: 20px;" type="text"/>
2 or more .....	9	

### ◆ New Felony Arrests

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

### ◆ Never Reported to following Programs/Unsuccessful Discharge from: — If YES, add 13

Community service, Day Reporting, Detention and/or Diversion Center, Boot Camp, Employment and/or Residential programs

### ◆ Condition(s) Violated: \_\_\_\_\_

Score factors A to D and enter the total

A. Change residence or leave Commonwealth of Virginia without permission .....	0	<input style="width: 20px; height: 20px;" type="text"/>	+ <input style="width: 20px; height: 20px;" type="text"/>
B. Use, possess, distribute controlled substances or paraphernalia .....	16	<input style="width: 20px; height: 20px;" type="text"/>	
C. Abscond from supervision .....	17	<input style="width: 20px; height: 20px;" type="text"/>	
D. Any other condition(s) (except new conviction) .....	1	<input style="width: 20px; height: 20px;" type="text"/>	

= Enter A to D Total

### ◆ Time Absconded

Less than 6 months .....	0	▼ <input style="width: 40px; height: 20px;" type="text"/>
6 months to 1 year .....	10	
More than 1 year .....	17	

### Total Score

If total is 30 or less, the recommendation is **Probation/No Incarceration**.  
 If total is 31 or more, go to **Section C Worksheet**.

## Probation Violation Guidelines **Section A** Offender Name: \_\_\_\_\_

### ◆ Original Disposition was Incarceration ————— If YES, add 1

### ◆ Original Felony Offense Type

C. Traffic/Weapon .....	13	Score ▼ <input style="width: 40px; height: 20px;" type="text"/>
D. Other .....	15	
E. Property .....	24	
.....	1	

### ◆ Previous Adult Probation Revocation Events

Number: 1- 2 .....	7	▼ <input style="width: 40px; height: 20px;" type="text"/>
3 or more .....	10	

### ◆ New Felony Arrests

Number: 1 - 3 .....	2	▼ <input style="width: 40px; height: 20px;" type="text"/>
4 or more .....	18	

### ◆ Never Reported to /Unsuccessful Discharge from following Programs

Community service, Day Reporting, Employment and/or Residential programs.....	15	▼ <input style="width: 40px; height: 20px;" type="text"/>
Detention or Diversion Center.....	18	

### ◆ Condition(s) Violated: \_\_\_\_\_

3. Fail to maintain employment/report changes in employment .....	17	▼ <input style="width: 40px; height: 20px;" type="text"/>
4. Fail to report as instructed .....	18	
5. Fail to allow probation officer to visit home or place of employment .....	17	
6. Fail to follow instructions and be truthful and cooperative .....	18	
7. Use alcoholic beverages to excess .....	17	
8. Use, possess, distribute controlled substances or paraphernalia .....	31	
9. Use, own, possess, transport or carry firearm .....	17	
10. Change of residence or leave Commonwealth of Virginia .....	1	
11. Abscond from supervision .....	34	
Fail to follow special conditions (sex offender) .....	19	
Fail to follow special conditions (other than sex offender conditions) .....	11	

### ◆ Absconded 13 months or more ————— If YES, add 5

### Total Score

If total is 36 or less, the recommendation is **Probation/No Incarceration**.  
 If total is 37 or more, go to **Section C Worksheet**.

New factors were added

Existing factors were adjusted

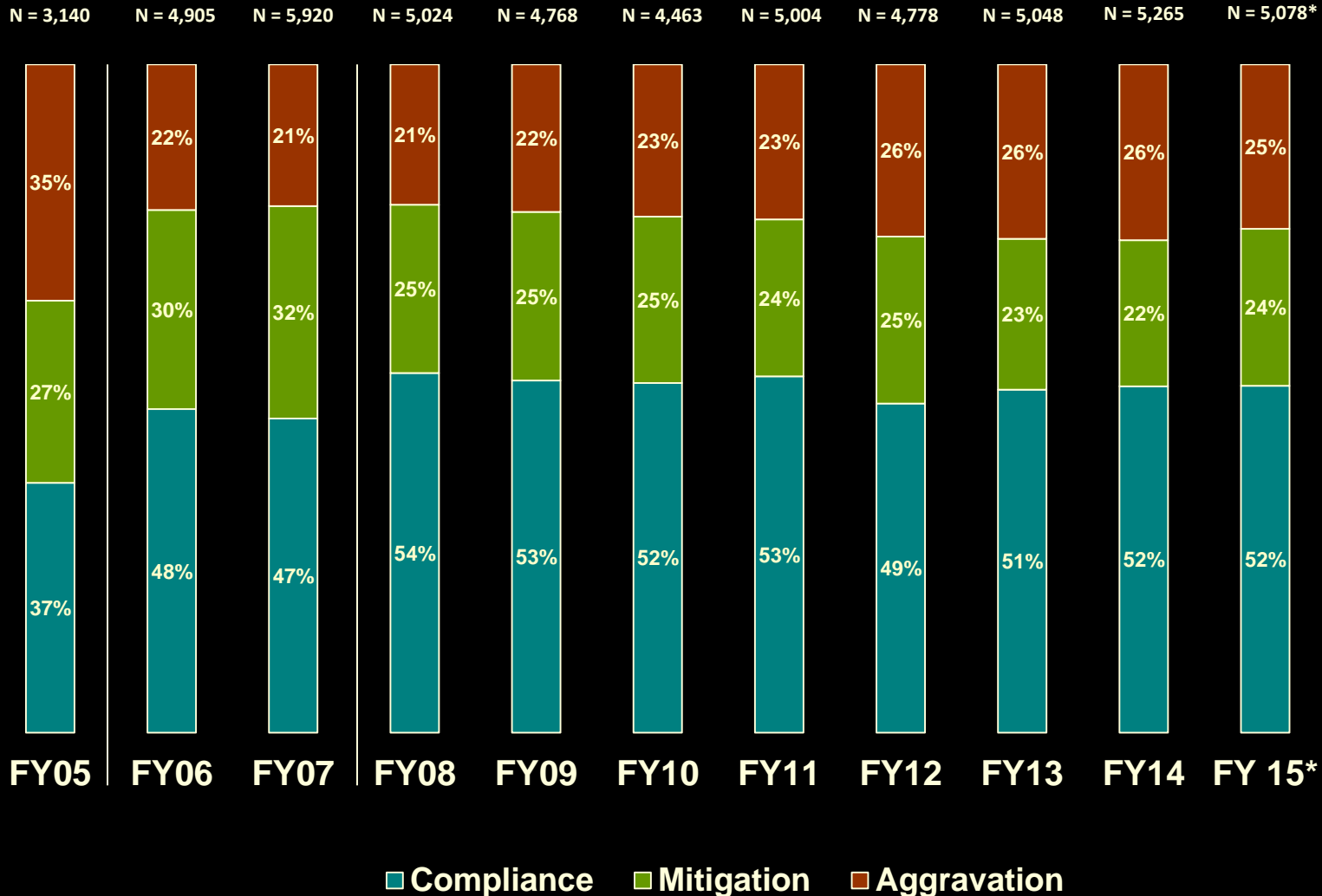
Point values were increased



# Probation Violation Guidelines – “Technicals”

## Compliance by Fiscal Year

### FY2005 – FY2015 (Preliminary)



\*Note: FY15 includes cases received by June 15, 2015 for cases found in violation with no missing conditions

**Probation Violation Guidelines**  
**Dispositional Compliance :**  
**Recommended Disposition by Actual Disposition**  
**FY2015 (Preliminary)**

RECOMMENDED DISPOSITION ↓	ACTUAL DISPOSITION		
	Probation	Jail up to 12 Months	Prison 1 Year or More
Probation	45.9%	43.0%	11.1%
Jail up to 12 Months	17.1%	68.4%	14.5%
Prison 1 Year or More	15.8%	32.1%	52.0%

↓	↓
<b>Median Jail Sentence (All Violations) 6 months</b>	<b>Median Prison Sentence (All Violations) 1 yr. 7 mo.</b>

**Preliminary FY2015**

**Sorted By Circuit**

**Most cases received:**

**-Circuit 26 (Harrisonburg Area)**

**-Circuit 22 (Danville Area)**

**-Circuit 29 (Buchanan Area)**

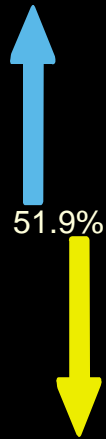
**Number of worksheets completed  
influenced by local directives.**

Circuit Name	Circuit	Compliance	Mitigation	Aggravation	No. of Cases
Chesapeake	1	51.3%	17.7%	31.0%	277
Virginia Beach	2	68.1%	17.5%	14.4%	229
Portsmouth	3	48.1%	32.4%	19.4%	108
Norfolk	4	41.9%	36.2%	21.8%	229
Suffolk Area	5	43.9%	21.5%	34.6%	107
Sussex Area	6	41.7%	8.3%	50.0%	24
Newport News	7	53.8%	29.1%	17.1%	158
Hampton	8	50.9%	40.4%	8.8%	114
Williamsburg Area	9	58.4%	20.8%	20.8%	101
South Boston Area	10	63.3%	16.7%	20.0%	120
Petersburg Area	11	61.0%	31.7%	7.3%	41
Chesterfield Area	12	62.5%	24.3%	13.2%	152
Richmond City	13	45.4%	44.3%	10.3%	174
Henrico	14	50.0%	32.4%	17.6%	102
Fredericksburg Area	15	56.3%	27.1%	16.7%	240
Charlottesville Area	16	49.2%	23.7%	27.1%	118
Arlington Area	17	40.5%	35.1%	24.3%	37
Alexandria	18	38.6%	50.0%	11.4%	44
Fairfax	19	55.5%	26.8%	17.7%	164
Loudoun Area	20	65.3%	18.4%	16.3%	98
Martinsville Area	21	50.5%	26.7%	22.9%	105
Danville Area	22	59.7%	17.6%	22.6%	340
Roanoke Area	23	41.8%	26.2%	31.9%	141
Lynchburg Area	24	51.7%	30.8%	17.4%	201
Staunton Area	25	38.5%	30.7%	30.7%	179
Harrisonburg Area	26	56.8%	21.7%	21.5%	396
Radford Area	27	59.6%	8.6%	31.8%	151
Bristol Area	28	66.0%	17.3%	16.7%	156
Buchanan Area	29	40.5%	13.5%	46.1%	304
Lee Area	30	56.0%	10.7%	33.3%	84
Prince William Area	31	64.8%	24.1%	11.1%	108

**Preliminary FY2015**

**Sorted By Circuit**

Circuit Name	Circuit	Compliance	Mitigation	Aggravation	No. of Cases
Virginia Beach	2	68.1%	17.5%	14.4%	229
Bristol Area	28	66.0%	17.3%	16.7%	156
Loudoun Area	20	65.3%	18.4%	16.3%	98
Prince William Area	31	64.8%	24.1%	11.1%	108
South Boston Area	10	63.3%	16.7%	20.0%	120
Chesterfield Area	12	62.5%	24.3%	13.2%	152
Petersburg Area	11	61.0%	31.7%	7.3%	41
Danville Area	22	59.7%	17.6%	22.6%	340
Radford Area	27	59.6%	8.6%	31.8%	151
Williamsburg Area	9	58.4%	20.8%	20.8%	101
Harrisonburg Area	26	56.8%	21.7%	21.5%	396
Fredericksburg Area	15	56.3%	27.1%	16.7%	240
Lee Area	30	56.0%	10.7%	33.3%	84
Fairfax	19	55.5%	26.8%	17.7%	164
Newport News	7	53.8%	29.1%	17.1%	158
Lynchburg Area	24	51.7%	30.8%	17.4%	201
Chesapeake	1	51.3%	17.7%	31.0%	277
Hampton	8	50.9%	40.4%	8.8%	114
Martinsville Area	21	50.5%	26.7%	22.9%	105
Henrico	14	50.0%	32.4%	17.6%	102
Charlottesville Area	16	49.2%	23.7%	27.1%	118
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Suffolk Area	5	43.9%	21.5%	34.6%	107
Norfolk	4	41.9%	36.2%	21.8%	229
Roanoke Area	23	41.8%	26.2%	31.9%	141
Sussex Area	6	41.7%	8.3%	50.0%	24
Buchanan Area	29	40.5%	13.5%	46.1%	304
Arlington Area	17	40.5%	35.1%	24.3%	37
Alexandria	18	38.6%	50.0%	11.4%	44
Staunton Area	25	38.5%	30.7%	30.7%	179



**Highest aggravation:**  
**-Circuit 6 (Sussex Area)**  
**50.0%**

**Highest mitigation:**  
**-Circuit 18 (Alexandria)**  
**50.0%**

## Probation Violation Guidelines

### Most Frequently Cited Departure Reasons - (Percent of Cases)

#### FY2015 (Preliminary)

#### Mitigation (23.5%)

##### ■ Most frequently cited:

- No Reason (46.6%)
- Alternative Sentence (10.9%)
- Judicial Discretion (6.8%)
- Progress in Rehab (6.0%)
- Plea Agreement (5.7%)

#### Aggravation (24.6%)

##### ■ Most frequently cited:

- No Reason (47.4%)
- Fail to Follow Instructions (10.1%)
- Subsequent Violation (10.2%)
- Absconded (6.2%)
- Substance Abuse Issues (5.1%)