

Sentencing Revocation Reports & Probation Violation Guidelines

Sentencing Revocation Report is completed for all cases involving felony violations of:

- Probation
- Post-release terms administered by the court
- Good behavior
- Suspended sentence
- Community-based programs



Sentencing Revocation Report

Date Form Completed: _____

◆ OFFENDER

- 1 First: _____ Middle: _____
Last: _____ Suffix: [][][][]
2 Date of Birth: [][] / [][] / [][] 3 Social Security Number: [][][][][][][][][][]
4 SID/CCRE: _____

◆ COURT

- 5 Judicial Circuit: [][][] 6 City/County: _____ 7 FIPS Code: [][][][]
8 Judge's Name: _____ [][][][][][][][][]
Office Use Only

9 ◆ MOST SERIOUS ORIGINAL FELONY OFFENSE INFORMATION

- Primary Offense _____ VCC _____ Sentencing Date (Original) _____
[][][][][][][][][][][][] [][][][][][][][][][][][]

- 10 PSI NUMBER: _____

11 ◆ ORIGINAL DISPOSITION INFORMATION

- No Incarceration Detention or Diversion Center Incarceration (no active incarceration) Jail or Prison

12 ◆ TYPE OF REVOCATION (check all that apply)

- Probation Post Release Good Behavior Suspended Sentence Community-Based Program

13 ◆ 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) _____

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

[][][][][][][][][][][][]
[][][][][][][][][][][][]

Location of Arrest:
 Virginia Out of State or Federal

◆ VIOLATION GUIDELINES RECOMMENDATION

- 15 Probation/No Incarceration
 Incarceration (Enter Range Below)
Range [][] [][] [][] to [][] [][] [][]
Years Months Days
16 Recommendation Exceeds Revocable Time of [][] [][] [][]
Years Months Days

- 17 Probation Violation Guidelines Do Not Apply (check reason)
____ Condition 1 Violation
____ 1st Offender Violation
____ Parole Eligible Case
____ Revocation Other Than Probation

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

_____|_|_|_|_| - ____|_|_|_|_|_| - ____|_|_|_|_|

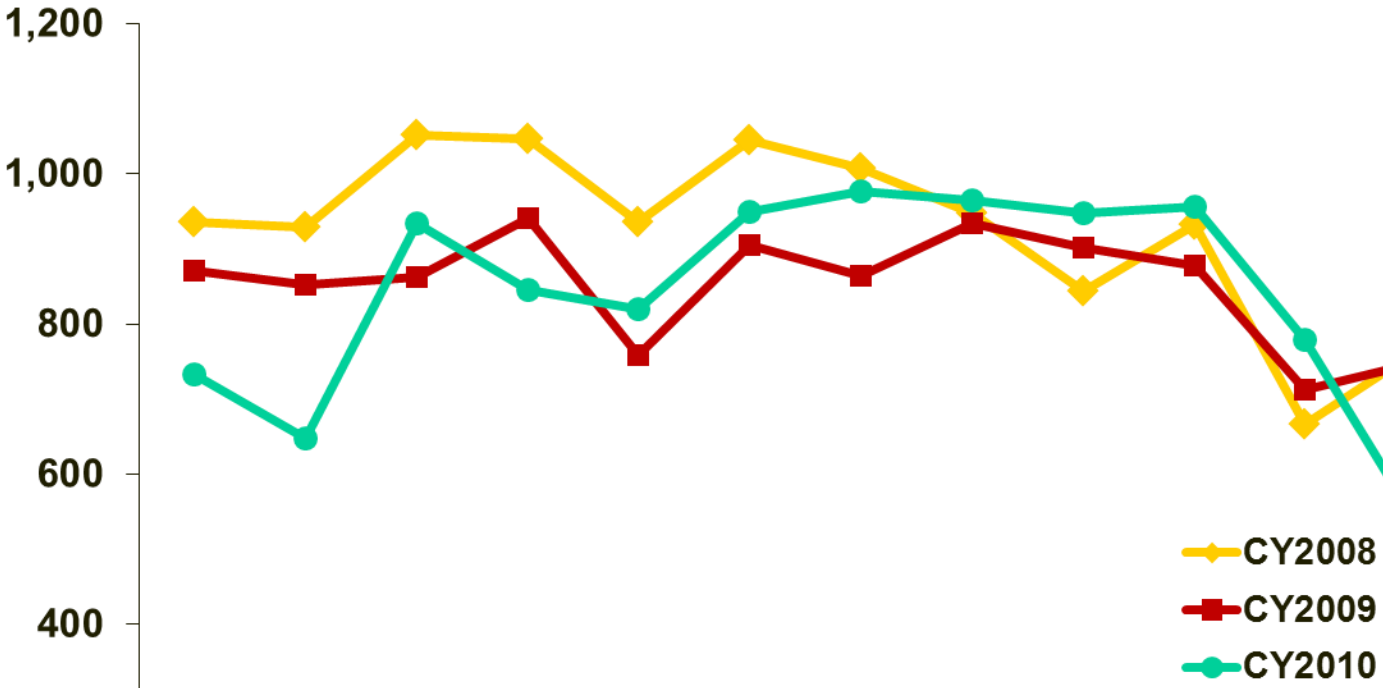
_____|_|_|_|_| - ____|_|_|_|_|_| - ____|_|_|_|_|

Location of Arrest:
 Virginia Out of State or Federal

Technical Violations:

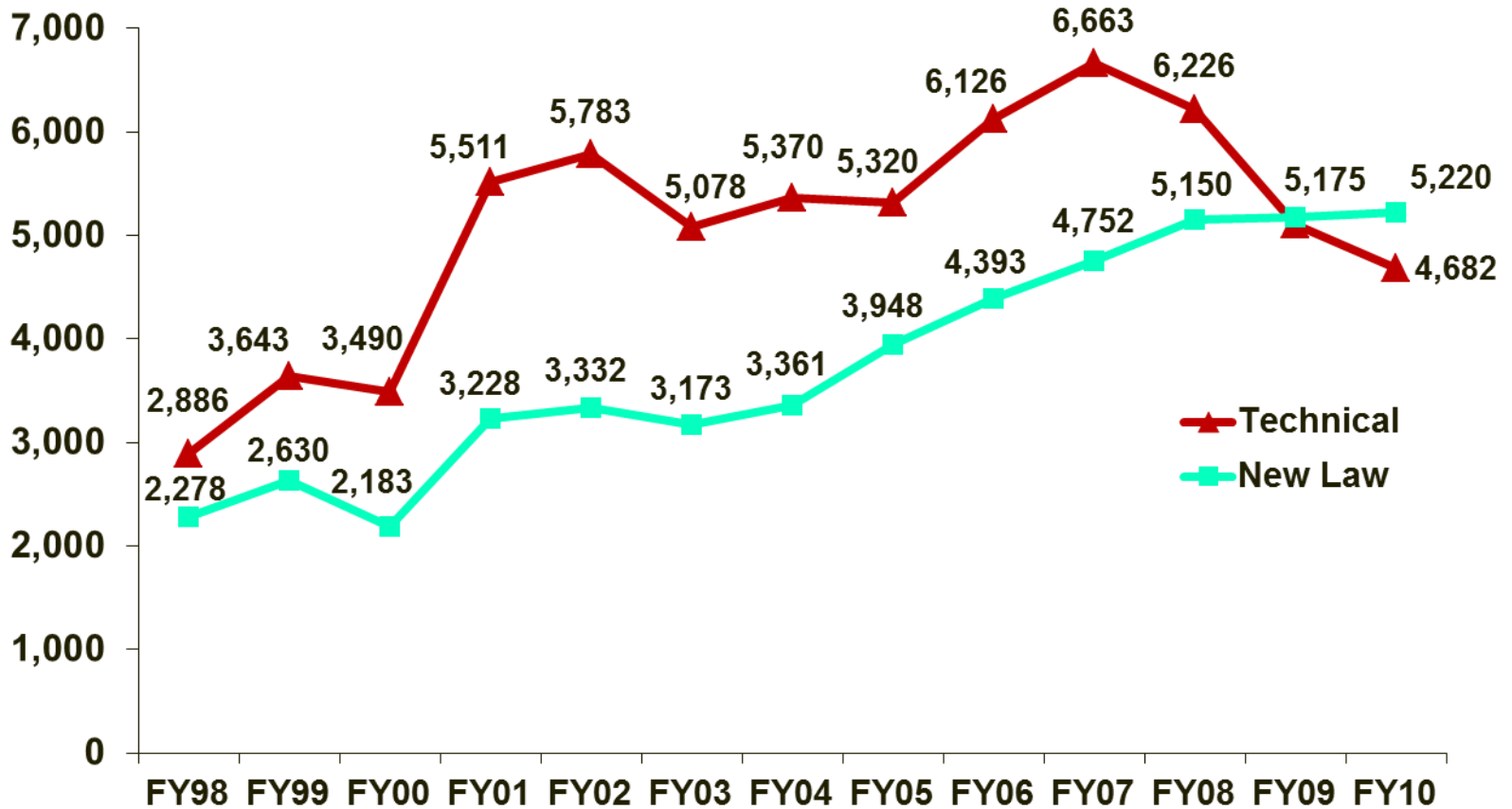
Conditions 2 – 11 & Special Conditions

Sentencing Revocation Reports Received CY2008 – CY2010 (Preliminary)



	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
◆ CY2008	935	929	1,052	1,047	936	1,044	1,007	948	844	933	667	764
■ CY2009	871	852	862	940	758	905	864	934	902	878	712	748
● CY2010	733	647	934	845	820	950	976	964	948	956	778	536

Sentencing Revocation Reports Received for Technical and New Law Violations FY1998 - FY2010 (Preliminary)



Note: There are an additional 65 cases in FY2010 for which the type of violator is not known.

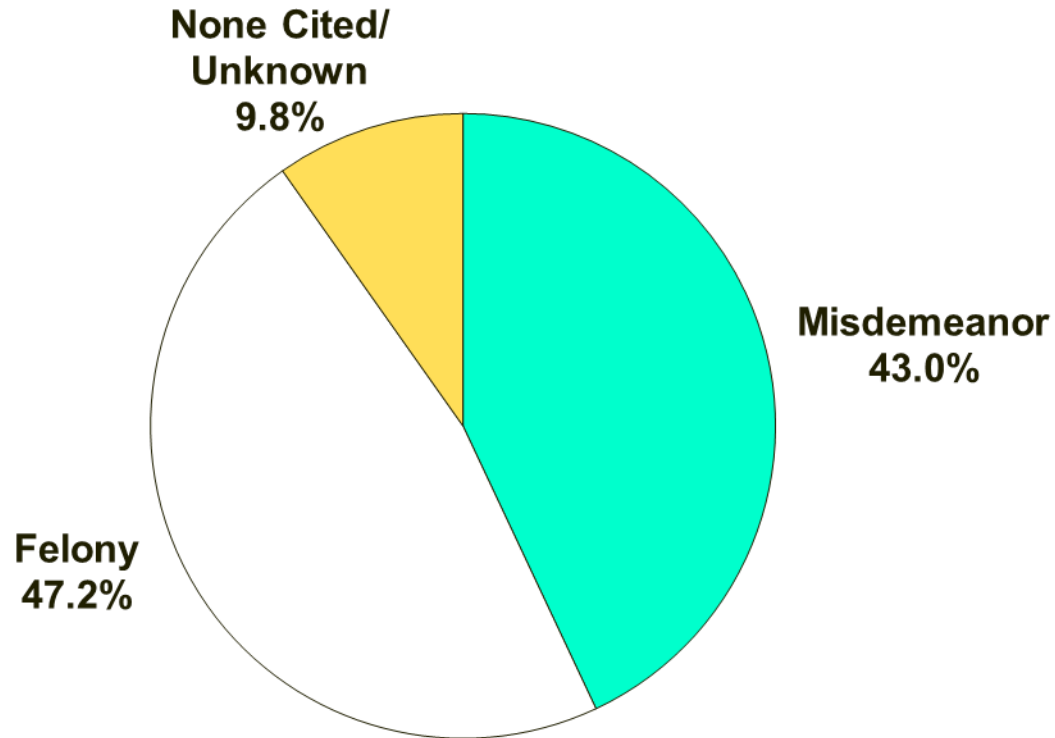
Sentencing Revocation Reports Received by Judicial Circuit FY2010 (Preliminary)

Highest Number Received

- Circuit 4 - Norfolk
- Circuit 15 - Fredericksburg area
- Circuit 19 - Fairfax
- Circuit 26 - Harrisonburg area

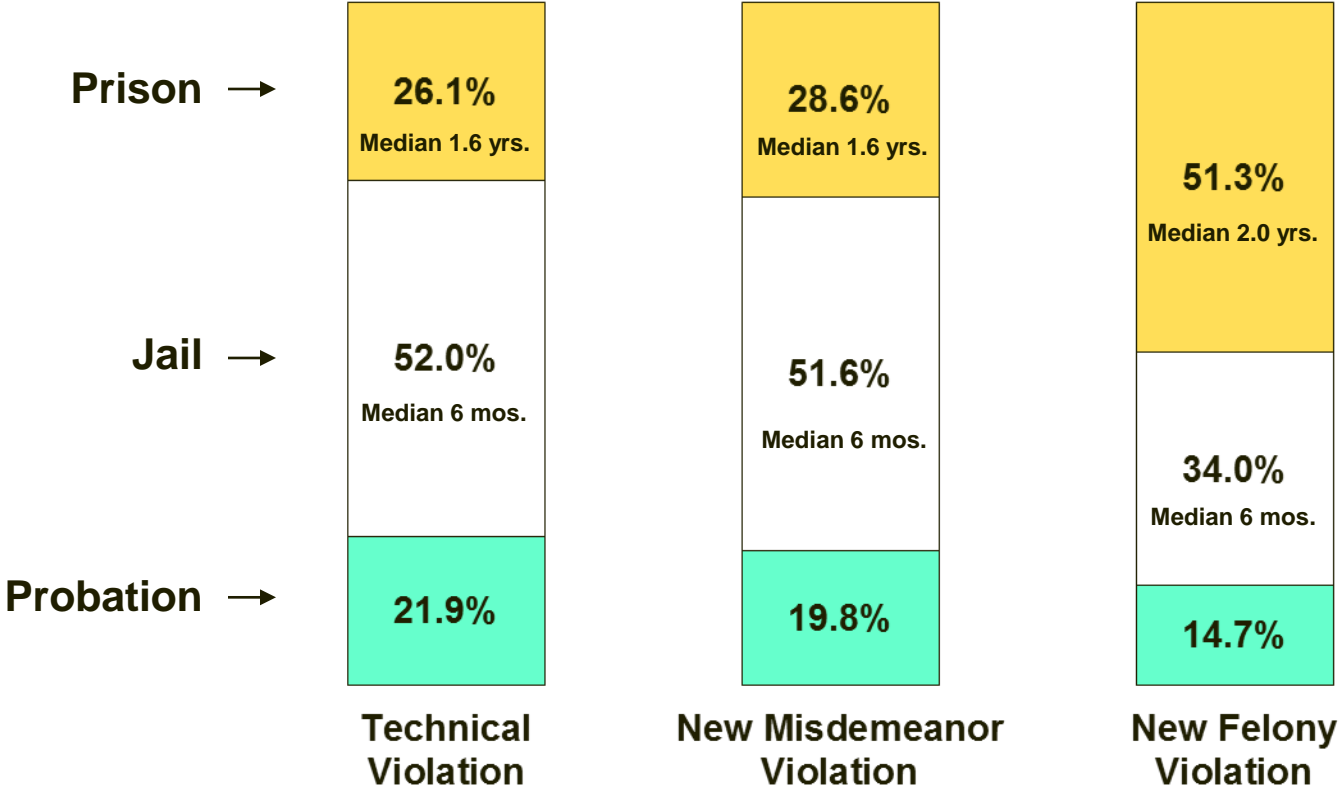
Circuit	Area	Number
1	Chesapeake	474
2	Virginia Beach	165
3	Portsmouth	306
4	Norfolk	730
5	Suffolk Area	336
6	Sussex Area	84
7	Newport News	265
8	Hampton	338
9	Williamsburg Area	308
10	South Boston Area	213
11	Petersburg Area	82
12	Chesterfield Area	216
13	Richmond City	431
14	Henrico	426
15	Fredericksburg Area	598
16	Charlottesville Area	317
17	Arlington	81
18	Alexandria	196
19	Fairfax	511
20	Loudoun Area	246
21	Martinsville Area	156
22	Danville Area	475
23	Roanoke Area	366
24	Lynchburg Area	379
25	Staunton Area	259
26	Harrisonburg Area	510
27	Radford Area	489
28	Bristol Area	320
29	Buchanan Area	329
30	Lee Area	92
31	Prince William Area	269
Total		9,967

**Sentencing Revocation Reports Received
New Law Violations by Type of New Crime
FY2010 (Preliminary)**

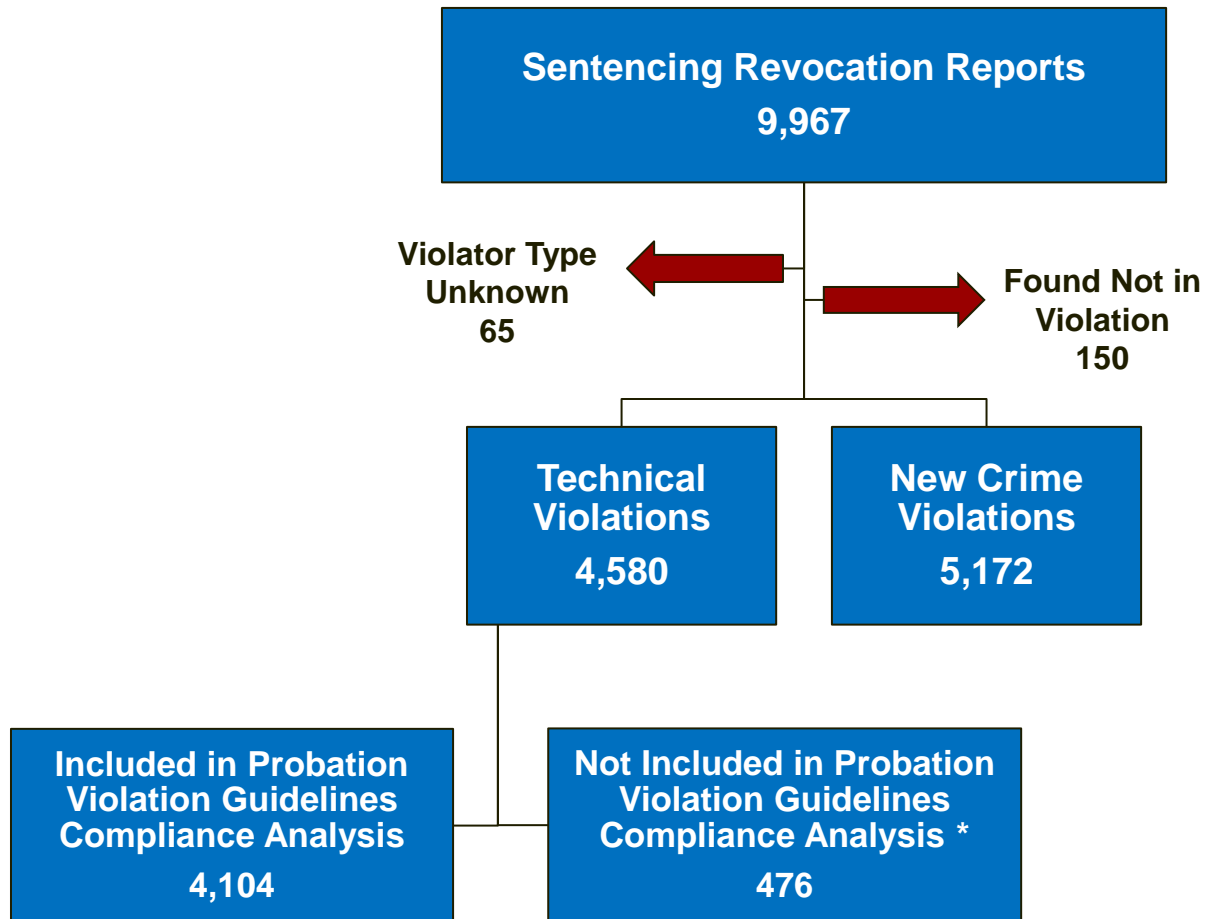


Cases = 5,220

Sentencing Revocation Reports Received by Type of Violation and Sanction Received FY2010 (Preliminary)

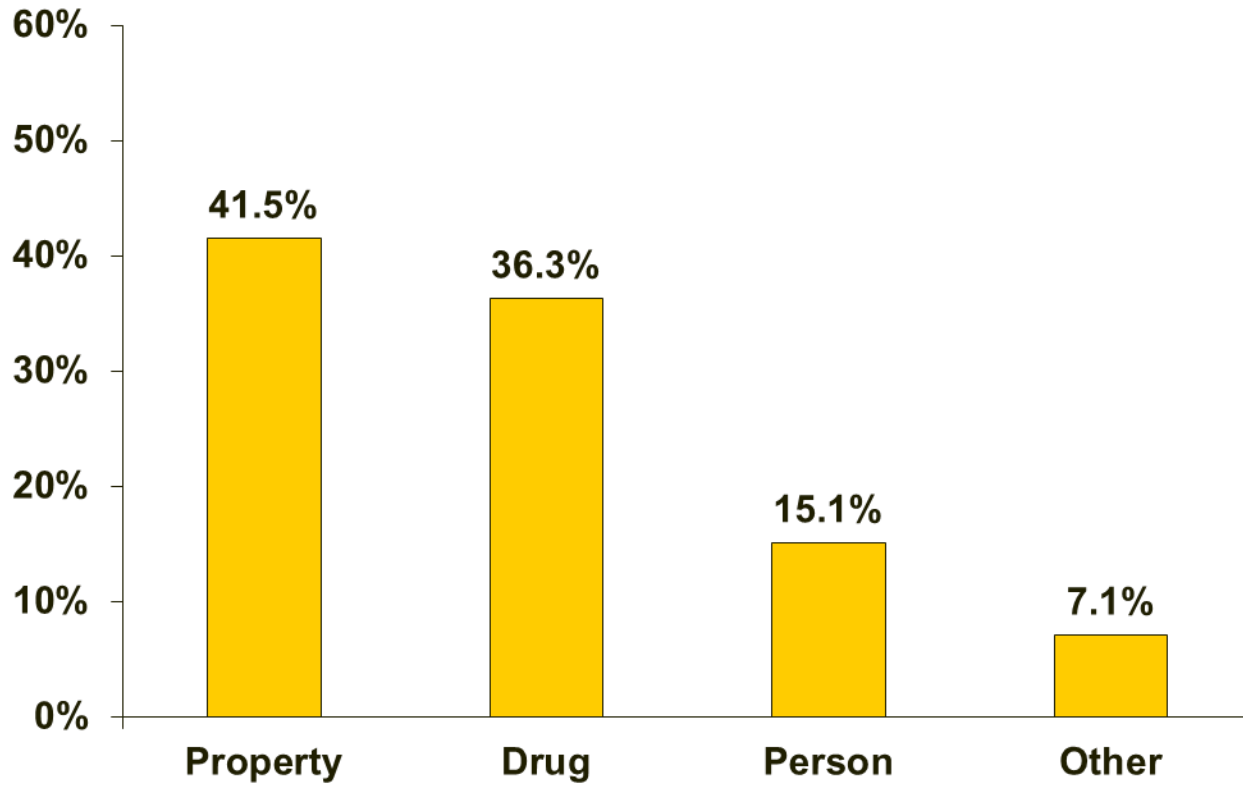


Sentencing Revocation Reports Received FY2010 (Preliminary)

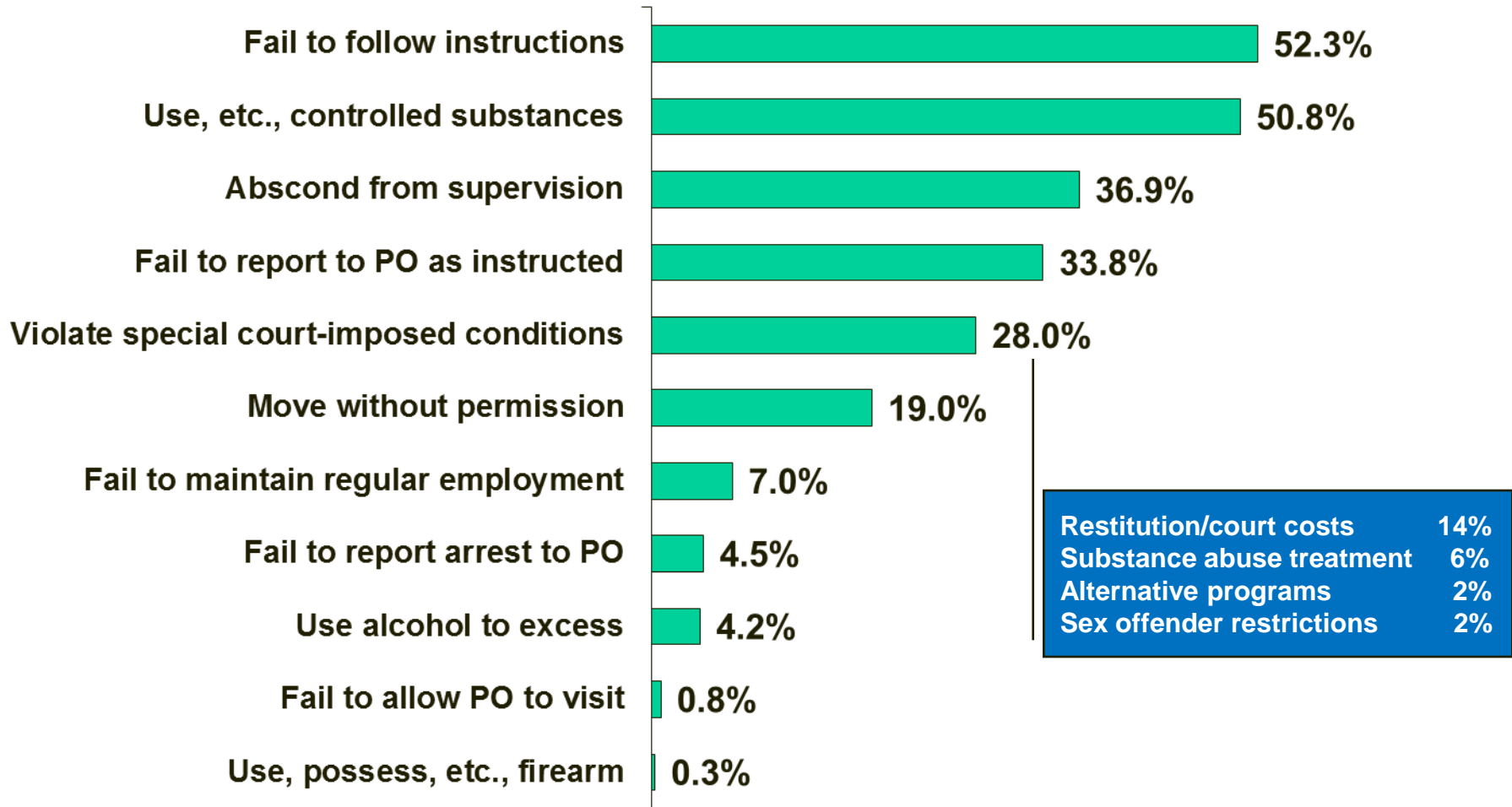


* Cases are not included in compliance analysis if the guidelines do not apply (the case involves a parole-eligible offense, first offender violation, misdemeanor original offense, or the offender was not on supervised probation), if the guidelines forms were incomplete, or if outdated forms were prepared.

Probation Violation Guidelines Cases by Type of Original Offense FY2010 (Preliminary)



Types of Violations Cited in Probation Violation Guidelines Cases FY2010 (Preliminary)



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

FY2006-FY2007 Worksheet

FY2008-2010 Worksheet

Probation Violation Guidelines ❖ Section A Offender Name: _____

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.

New factors were added

◆ Original Disposition was Incarceration _____ If YES, add 1 →

◆ Original Felony Offense Type _____
 A. Drug 10
 B. Person 14
 C. Traffic/Weapon 24
 D. Other 1
 E. Property 3
 Score

◆ Original Felony Offense Type _____
 A. Drug 10
 B. Person 14
 C. Traffic/Weapon 24
 D. Other 0
 Score

◆ Previous Adult Probation Revocation Events _____
 Number: 1- 2 7
 3 or more 10
 Score

◆ Previous Capias/Revocation Requests _____
 Number: 1 7
 2 or more 9
 Score

Existing factors were adjusted

◆ Never Reported to /Unsuccessful Discharge from following Programs _____
 Community service, Day Reporting, Employment and/or Residential programs 15
 Detention or Diversion Center 18
 Score

◆ New Felony Arrests _____
 Number: 1 - 3 2
 4 or more 16
 Score

◆ Condition(s) Violated: _____
 Score factors A to D and enter the total
 A. Change residence or leave Commonwealth of Virginia without permission 0
 B. Use, possess, distribute controlled substances or paraphernalia 16
 C. Abscond from supervision 17
 D. Any other condition(s) (except new conviction) 1
 Enter A to D Total

◆ 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

◆ Absconded 13 months or more _____ If YES, add 5 →

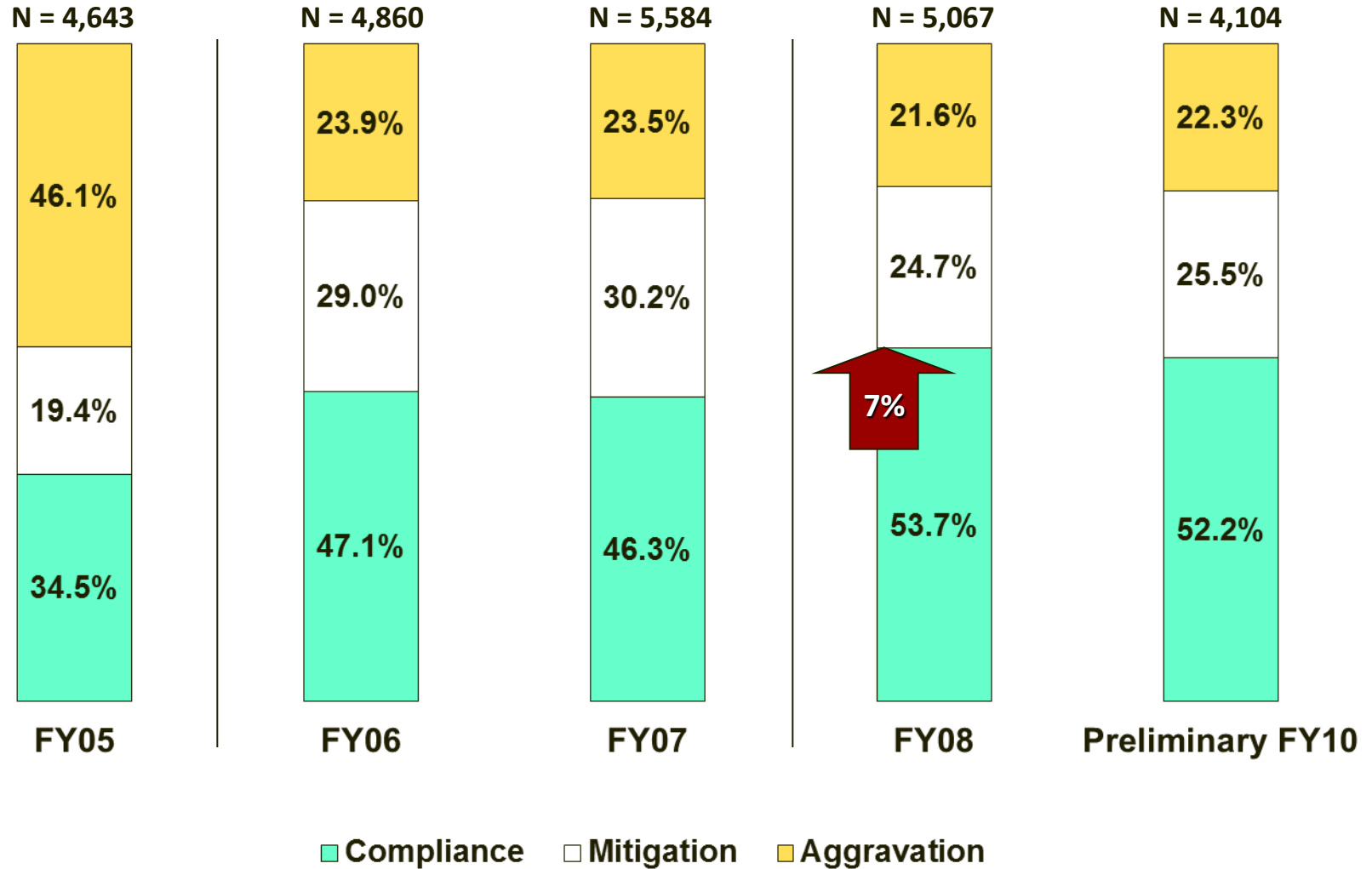
◆ Time Absconded _____
 Less than 6 months 0
 6 months to 1 year 10
 More than 1 year 17
 Score

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**.

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**.

◆ Condition(s) Violated: _____
 3. Fail to maintain employment/report changes in employment 17
 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
 Score

Probation Violation Guidelines Compliance and Direction of Departures FY2005 – FY2010 (Preliminary)



Probation Violation Guidelines

Dispositional Compliance and Direction of Departures

FY2010 (Preliminary)

RECOMMENDED DISPOSITION ↓	ACTUAL DISPOSITION		
	Probation	Jail up to 12 Months	Prison 1 Year or More
Probation	44.2%	44.8%	11.0%
Jail up to 12 Months	17.3%	68.3%	14.5%
Prison 1 Year or More	14.2%	34.4%	51.3%

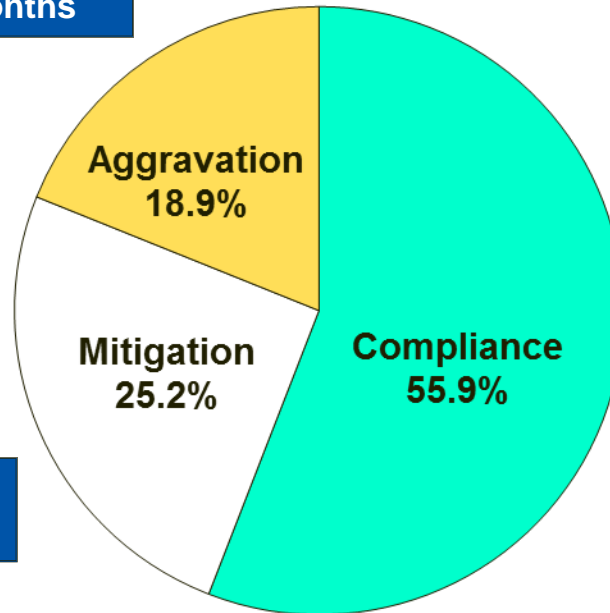
↓	↓
Median Jail Sentence 5.2 months	Median Prison Sentence 1.5 years

Probation Violation Guidelines

Durational Compliance and Direction of Departures*

FY2010 (Preliminary)

Above high end of range
by median 8 months



Below low end of range
by median 9 months

* Includes only cases recommended for and receiving jail or prison incarceration

Probation Violation Guidelines

Most Frequently Cited Departure Reasons

FY2010 (Preliminary)

Mitigation (25.5%)

- 509 of 1,047 have written departure reasons

- Most frequently cited:
 - Sentenced to alternative sanction
 - Judicial discretion
 - Progress in rehabilitation
 - Plea agreement

Aggravation (22.3%)

- 418 of 916 have written departure reasons

- Most frequently cited:
 - Fail to follow instructions on probation
 - 2nd or subsequent revocation
 - Poor attitude or potential for rehabilitation
 - Absconded from supervision