



# VIRGINIA CRIMINAL SENTENCING COMMISSION



## Revision of Probation Violation Guidelines Update

**June 5, 2017**

# **Legislative Directive for Probation Violation Guidelines**

## **2003 Appropriations Act**

- In 2003, the General Assembly directed the Commission to develop discretionary sentencing guidelines for probation violators returned to court for reasons other than a new criminal conviction (“technical violations”).
- To develop these guidelines, the Commission examined historical judicial sanctioning practices in revocation hearings.
- In its *2003 Annual Report*, the Commission recommended that the probation violation guidelines be implemented statewide and the recommendation was accepted by 2004 General Assembly.
- Statewide use began July 1, 2004.



# Probation Violation Guidelines (PVG)

## Revised in FY2008

### Probation Violation Guidelines Section A

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

◆ Original Disposition was Incarceration \_\_\_\_\_ If YES, add 1 →

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

A. Person .....	15	Score	13
B. Property .....	3		4
C. Traffic/Weapon .....	24		16
D. Other .....	1		3
E. Drug .....	13		1

◆ Previous Adult Probation Revocation Events \_\_\_\_\_

Number of Violations:	1 - 2 .....	7	Score	4
Events:	3 or more .....	10		16

◆ New Felony Arrests \_\_\_\_\_

Number of Counts:	1 - 3 .....	4	Score	0
	4 or more .....	18		4

◆ Never Reported to/Unsuccessful Discharge from following Programs \_\_\_\_\_

Community service, day reporting, employment programs and/or residential programs.....	15	Score	15
Detention or Diversion Center.....	18		0

◆ Condition Violated score only the violation receiving the highest points \_\_\_\_\_

2. Fail to report any arrests within 3 days to probation officer .....	17
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

◆ 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**.

### Probation Violation Guidelines Section C

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

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

A. Person .....	13	Score	13
B. Property .....	4		4
C. Weapon .....	16		16
D. DWI or Habitual Offender .....	3		3
E. Other .....	1		1
F. Drug .....	5		5

◆ Previous Adult Probation Revocation Events \_\_\_\_\_

Number of Violation Events: 1 - 2 .....	4	Score	4
Events: 3 or more .....	16		16

◆ New Arrests for Crimes Against Person \_\_\_\_\_

Number of Counts: 0 .....	0	Score	0
1 .....	4		4
2 .....	15		15
3 - 4 .....	30		30
5 or more .....	38		38

◆ New Arrests for Nonperson Crimes \_\_\_\_\_

Number of Counts: 0 - 1 .....	0	Score	0
2 .....	9		9
3 - 4 .....	12		12
5 or more .....	19		19

◆ Months until First Noncompliant Incident \_\_\_\_\_

10 months or less .....	28	Score	28
11 months to 22 months .....	22		22
23 months or more .....	0		0

◆ Unsuccessful Discharge from Detention Center Program \_\_\_\_\_ If YES, add 30 →

◆ Never Reported to Drug Treatment/Drug Education Program \_\_\_\_\_

Number: 1 - 2 .....	9	Score	9
3 or more .....	16		16

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

◆ Violated Sex Offender Restrictions \_\_\_\_\_ If YES, add 5 →

◆ Time Absconded \_\_\_\_\_

2 months or less .....	0	Score	0
3 months to 24 months .....	9		9
25 months or more .....	12		12

**Total Score** \_\_\_\_\_

See Probation Violation Guidelines Section C  
Recommendation Table for guidelines sentence range.

# **Preparation of Sentencing Revocation Report (SRR) and Probation Violation Guidelines (PVG)**

**Since July 1, 2010, the Appropriation Act has specified that a Sentencing Revocation Report and, if applicable, the Probation Violation Guidelines, must be presented to the court and reviewed by the judge for any violation hearing conducted pursuant to § 19.2-306.**

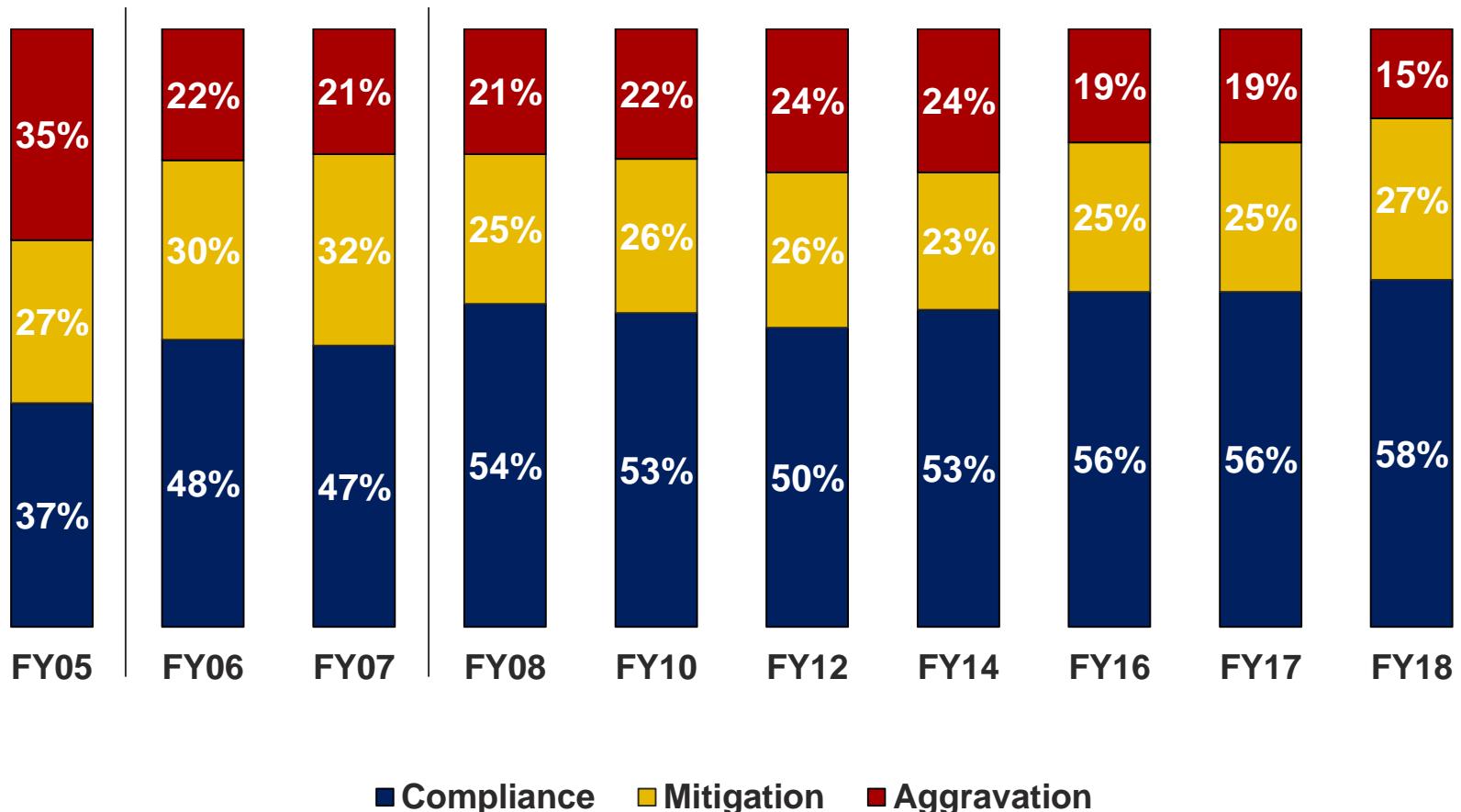
**See Item 40 of Chapter 2  
(Appropriation Act) adopted by  
the 2018 General Assembly,  
Special Session I**



# Probation Violation Guidelines for Technical Violations

## Compliance by Fiscal Year

### FY2005 – FY2018



Note: Analysis includes only cases in which the probationer was found in violation and the probation officer indicated the specific conditions violated. Analysis excludes cases with scoring errors.

## New Study Approved

- Although past amendments to the probation violation guidelines have increased compliance, the compliance rate remains relatively low.
- In 2016, the Commission approved a new study that will provide the foundation needed to revise the guidelines used in revocation cases.
- The goal is to improve the utility of the probation violation guidelines for Virginia's judges.



# **Considerations for Revision of Probation Violation Guidelines**

- **Multiple criminal justice practitioners have requested that the Commission revise the guidelines associated with probation violations by:**
  - **Modifying existing factors,**
  - **Accounting for additional factors beyond those currently covered,**
  - **Addressing proportionality issues, and**
  - **Expanding probation violation guidelines to cover “New Law” (Condition 1) violators.**



# **Challenges for Revision of the Probation Violation Guidelines**

- The Commission is not receiving SRRs and PVGs for all of the revocation hearings handled in circuit court.
- Sanctioning practices for probation violations continue to vary substantially.
- The Commission has received requests to add factors to the probation violation guidelines that are not currently recorded on those forms.
- The Department of Corrections frequently adapts its policies and is currently introducing a new tool for probation officers that is expected to change the way officers handle violation behaviors.



# Judicial Survey

**As part of the study, the Commission approved a survey to seek input and guidance from circuit court judges.**

**The Commission opted to administer the survey after Labor Day 2018.**

**Staff will send out the survey during the week of September 10, 2018.**



## VIRGINIA CRIMINAL SENTENCING COMMISSION

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### Probation Violation Guidelines Judicial Survey

In 2003, the General Assembly directed the Sentencing Commission to develop discretionary sentencing guidelines for felony offenders who are determined by the court to be in violation of their probation supervision for reasons other than a new criminal conviction (i.e., technical violators). The General Assembly's mandate specified that violation guidelines were to be based on an examination of historical judicial sanctioning patterns in revocation hearings. Pursuant to the 2003 directive, the Commission examined sanctioning practices for violations of community supervision not involving a new conviction. Using the results of this empirical study, the Commission developed historically-based sentencing guidelines applicable to these offenders. These guidelines took effect on July 1, 2004, and were refined in 2007.

Judicial concurrence with the supervised probation violation guidelines has remained significantly lower than the overall compliance rate with the sentencing guidelines for felony offenses. The Commission recently approved a new study of probation violations that will provide the foundation needed to revise the guidelines used in revocation cases. To do this, the Commission is seeking input and guidance from circuit court judges through a survey. Responding to the survey will provide the Commission with valuable information to improve the utility of the guidelines for Virginia's judges.

**The survey does not include any identifying information and responses to the survey will be completely anonymous.**

Completion of the survey should take less than 30 minutes.

The Commission looks forward to receiving your input by **TBD**. Your assistance is greatly appreciated.

To complete the survey online, please use the link below:

[https://www.surveymonkey.com/r/VCSC\\_PVG](https://www.surveymonkey.com/r/VCSC_PVG)

## **Other Sources of Input**

- **Commission staff could develop special surveys to seek input from Commonwealth's Attorneys, probation officers and defense attorneys.**
  - Surveys could be administered to these groups during the winter.
- **Would the Commission like staff to proceed with development of surveys for these groups?**





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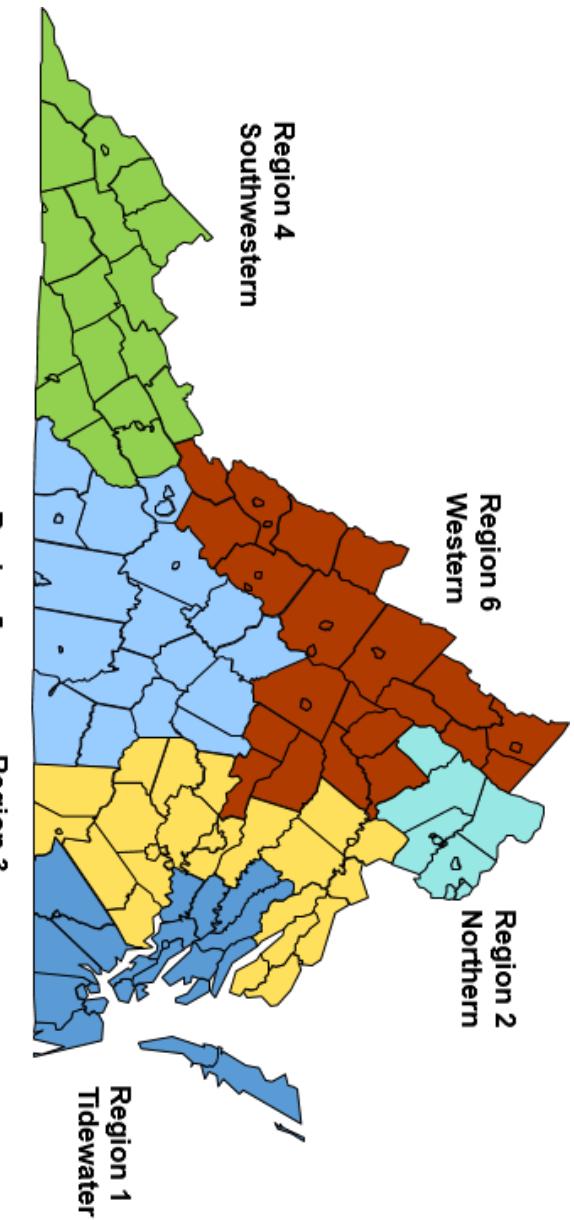


## Probation Violation Guidelines Judicial Survey

The first set of questions pertains to local practices in your jurisdiction.

1. In which region do you sit most often?

- Region 1 – Tidewater
- Region 2 – Northern
- Region 3 – Central
- Region 4 – Southwestern
- Region 5 – Southside
- Region 6 – Western



2. In the jurisdiction in which you sit most often, is a probation violation usually handled by the original sentencing judge or is a probation violation usually handled by any judge in the jurisdiction?

- Original sentencing judge
- Any active judge
- Any judge, including retired judges

**3. In the jurisdiction in which you sit most often, if a probation officer initiates supervised probation revocation proceedings for a Condition 1 (new law) violation, at what point do you usually hold the hearing for the alleged violation?**

- When the offender has been arrested, but not convicted, of the new charge(s)
- After the offender has been convicted of the new charge(s)
- It varies depending on: (please describe)

**4. In the jurisdiction in which you sit most often, are probation officers routinely present during violation hearings when the original offense was a felony?**

- Yes
- No

**5. Does the jurisdiction in which you sit most often have a Public Defender Office?**

- Yes
- No

**6. Does the jurisdiction in which you sit most often have a Drug Court program?**

- Yes
- No



## Probation Violation Guidelines Judicial Survey

The following questions ask about the way you approach probation violation hearings and sanctions.

**7. What sources of information do you routinely use when determining what the punishment will be for a supervised probation violation? (Please check all that apply)**

- Major Violation Report prepared by the Probation Officer
- Testimony from the probationer
- Testimony from other parties
- Probation Violation Guidelines (for "technical" violators only)
- Previous court records
- COMPAS risk/needs assessment results
- Other (please specify)

**8. While the underlying sentence cannot be increased, if a probationer is brought back to court multiple times for violations stemming from the same original offense, do you typically increase the punishment for a violation at each successive revocation?**

- Yes
- No

**9. For offenders found in violation of supervised probation, do you believe that the sanction should include at least one day in jail?**

Always      Most of the time      Sometimes      Rarely      Never

- 
- 
- 
- 
-

**10. Are there circumstances in which you might not order a probation violator to serve any pre/post-jail time related to the revocation?**

- Yes
- No

If yes, please describe such circumstances.

**11. When sentencing supervised probation violators, how do you typically structure the sentence?**

- Reimpose all/some of the revocable time then re-suspend all/some of the time and specify terms and conditions of supervised probation
- Impose a term for the violator to serve and continue on supervised probation (either the same terms and conditions previously imposed or with added conditions)
- Both of the above, depending on the circumstances
- Other (please specify)

**12. Under what circumstances might you release an individual with one or more previous violations from probation supervision prior to the end of the supervision term set forth at the original sentencing hearing? (Please check all that apply)**

- Individual has had sufficient period of compliance
- Individual successfully completed program/ treatment
- Individual has a new conviction for (e.g., health issues, age) which he will be supervised
- Individual is no longer a risk to public safety
- Individual is not amenable to supervision
- Individual has a new conviction for which he will receive more incarceration time than what he could receive for the violation
- Other (please describe)



## Probation Violation Guidelines Judicial Survey

The following questions ask about the factors that are important to you when sentencing violators.

Your responses to the following questions will inform the Commission as to which factors you consider when sentencing individuals for violations of supervised probation and how important those factors are in your sentencing decision.

**13. When sentencing individuals for violations of supervised probation, please indicate the importance of each of the following factors in your sentencing decision. Use the scale shown below, where 1 means “not at all important” and 5 means “extremely important.” Mark the number that best fits your opinion. Mark “N/A” if a factor is not applicable or is not typically an issue in your jurisdiction.**

### Factors related to the original offense and original sentencing hearing

	Not at all important	1	2	3	4	5	Extremely important	N/A
Type of original felony offense for which the individual is on probation	<input type="radio"/>							
Original sentence ordered by the court	<input type="radio"/>							
Sentencing guidelines recommendation for original offense	<input type="radio"/>							



## Probation Violation Guidelines Judicial Survey

**14. When sentencing individuals for violations of supervised probation, please indicate the importance of each of the following factors in your sentencing decision. Use the scale shown below, where 1 means “not at all important” and 5 means “extremely important.” Mark the number that best fits your opinion. Mark “N/A” if a factor is not applicable or is not typically an issue in your jurisdiction.**

### Factors related to violation behaviors generally

	Not at all important	Somewhat important	Extremely important			
	1	2	3	4	5	N/A
Total number of revocations stemming from this specific felony offense	<input type="radio"/>					
Number of violations during the current supervision period (since last revocation)	<input type="radio"/>					
Number of different conditions violated	<input type="radio"/>					
Number of repeated violations of the same type	<input type="radio"/>					
Violation behavior that is similar to underlying offense (e.g., alcohol, driving)	<input type="radio"/>					
Months until the first noncompliance incident	<input type="radio"/>					
Length of time between the last violation hearing and commission of new violation(s)	<input type="radio"/>					

	Not at all important 1	Somewhat important 3	Extremely important 5	N/A
Probationer admitted to violations/ substance use	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Probationer never reported to a program ordered by the court	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Probationer never reported to a program as instructed by probation officer	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Number of positive drug tests/ admissions of use	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Probationer has made positive progress in treatment/program	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Unsuccessful discharge from a residential program for non-medical reasons (e.g., detention center)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Length of time absconded (since last revocation)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Absconded but stayed in area (since last revocation)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Absconded and left region (since last revocation)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Absconded but did not incur any new arrests (since last revocation)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Violation of sex offender restrictions ordered by the court (excluding registry provisions)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Violation of sex offender restrictions ordered by the probation officer	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

	Not at all important 1	Somewhat important 2	Extremely important 5	N/A
	1	2	3	4
Actions taken by probation officer to address violations prior to court hearing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Failure to pay fines/costs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Failure to pay restitution	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**15. When sentencing individuals for violations of supervised probation, please indicate the importance of each of the following factors in your sentencing decision. Use the scale shown below, where 1 means “not at all important” and 5 means “extremely important.” Mark the number that best fits your opinion. Mark “N/A” if a factor is not applicable or is not typically an issue in your jurisdiction.**

**Factors related to substance use**

	Not at all important 1	2	3 Somewhat important	4	5 Extremely important	N/A
Probationer has a substance use history prior to the offense for which he/she is on probation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Number of positive tests/admissions for heroin	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Number of positive tests/admissions for cocaine	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Number of positive tests/admissions for methamphetamine	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Number of positive tests/admissions for marijuana	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Number of positive tests/admissions for prescription opioids	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Probationer has an addiction to drugs or alcohol	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Probationer was actively engaged in treatment at the time of violation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



## Probation Violation Guidelines Judicial Survey

**16. When sentencing individuals for violations of supervised probation, please indicate the importance of each of the following factors in your sentencing decision. Use the scale shown below, where 1 means “not at all important” and 5 means “extremely important.” Mark the number that best fits your opinion. Mark “N/A” if a factor is not applicable or is not typically an issue in your jurisdiction.**

### Factors related to new offense behavior

	Not at all important 1	Somewhat important 2	Extremely important 5	N/A
New misdemeanor arrest	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
New felony arrest	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Whether the new arrest is the same type as the original felony (e.g., property, violent, etc.)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
New misdemeanor conviction	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
New felony conviction	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**17. When sentencing individuals for violations of supervised probation, please indicate the importance of each of the following factors in your sentencing decision. Use the scale shown below, where 1 means “not at all important” and 5 means “extremely important.” Mark the number that best fits your opinion. Mark “N/A” if a factor is not applicable or is not typically an issue in your jurisdiction.**

**Factors related to prior record**

	Not at all important 1	2	3 Somewhat important	4	5 Extremely important	N/A
Number of prior probation revocations in adult criminal record	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Number of prior misd. convictions in criminal record	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Number of prior felony convictions in criminal record	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Number of prior state-responsible prison sentences served (sentences of 1 year or more)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Number of prior local-responsible jail sentences served (sentences of 1 day to 12 months)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Length of criminal record (time period over which criminal record spans)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Juvenile record of delinquency	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Number of opportunities for rehabilitation not successfully completed (lifetime)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**18. When sentencing individuals for violations of supervised probation, please indicate the importance of each of the following factors in your sentencing decision. Use the scale shown below, where 1 means “not at all important” and 5 means “extremely important.” Mark the number that best fits your opinion. Mark “N/A” if a factor is not applicable or is not typically an issue in your jurisdiction.**

**Factors related to probationer characteristics, behavior, family and peers**

	Not at all Important 1	2	3 Somewhat important	4	5 Extremely important	N/A
Probationer's cooperativeness with probation officer	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Probationer used disrespectful language toward probation officer or court	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Positive support network (e.g., family, friends)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Gang membership or activity	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Anti-social peers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Offender's positive behaviors (e.g., attending treatment or NA/AA meetings, employed, etc.)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Employment status (employed or working regularly?)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Stability of residence	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Age of probationer	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Gender of probationer	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Probationer has children to care for/ support	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**19. When sentencing individuals for violations of supervised probation, please indicate the importance of each of the following factors in your sentencing decision. Use the scale shown below, where 1 means “not at all important” and 5 means “extremely important.” Mark the number that best fits your opinion. Mark “N/A” if a factor is not applicable or is not typically an issue in your jurisdiction.**

**Factors related to the violation hearing**

	Not at all important 1	2	3	4	Extremely important 5	N/A
Treatment/program resources available in your jurisdiction(s)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Risk and/or needs assessment for probationer (e.g., DOC's COMPAS tool)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Length of time served in jail pending violation hearing (if any)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Probation violation guidelines recommendation (for a technical violation)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Amount of revocable time remaining	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Recommendation of Commonwealth's attorney	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Request of defense attorney	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Probationer has been revoked or has a violation pending in another court	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Probationer is serving/ will serve time for a new offense	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



## Probation Violation Guidelines Judicial Survey

**20. Please describe any other factors you consider when sanctioning probation violators that were not listed in the previous factor questions.**

**21. When you determine the sentence for a supervised probation violation, what three factors are most important to you?**

- #1
- #2
- #3

**22. In the jurisdiction in which you sit most often, do you feel that sufficient and effective alternatives to incarceration are available for the court?**

- Yes
- No
- If not, please describe how this circumstance is likely to affect your sentencing decision for a probation violation.

**23. Is there information you regularly ask from the probation officer or the probationer in court that is not in the Major Violation Report (MVR)?**

- Yes  
 No

If yes, please elaborate.

**24. When sanctioning probation violators, in what way(s) does the amount of revocable time remaining affect your sentencing decision?**



## Probation Violation Guidelines Judicial Survey

The final set of questions pertains to the implementation and use of probation violation guidelines.

**25. In your opinion, in what circumstances should the probation violation guidelines apply? (Please check all that apply)**

- Violations arising from technical violations only
- Violations arising from a new misdemeanor arrest
- Violations arising from a felony arrest
- Violations arising from a new misdemeanor conviction
- Violations arising from a new felony conviction

**26. What format would you prefer for probation violation guidelines?**

- Worksheets listing factors to be scored (current format)
- Grid or matrix (e.g., a two-dimensional table taking into consideration fewer factors)
- No preference
- Other (please specify)

**27. What do you think would make the probation violation guidelines more helpful?**

**28. Is there anything else you would like to communicate to the Sentencing Commission regarding probation violation guidelines?**