



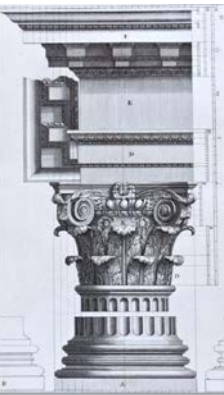
Issues Related to the
Probaton
Violation
Guidelines

2020 STUDY



Issues or Concerns

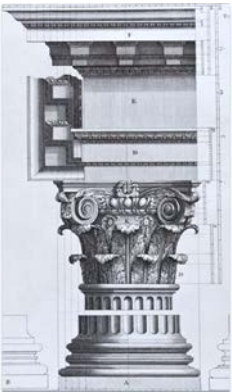
1. Arrest Factors
2. Date Arrested on Capias/Probation Violation
3. Court Hearing Information Not Available
4. CCAP



Issue 1:

Scoring New Arrests During Current Supervision Period Includes:

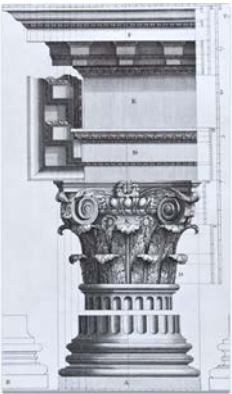
1. Arrests for offenses that are dismissed or defendant found not guilty
2. Utilized for defendants convicted of the violation before resolution of the new offense



Issue 1:

Scoring New Arrests During Current Supervision Period Includes:

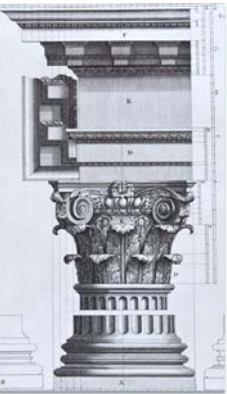
1. Incorporating new law violations (Condition 1) into the sentencing guidelines may reduce the need for this factor
2. Staff will be sensitive to this issue as analysis begins



Issue 2:

Identifying Date Arrested on Capias/Violation

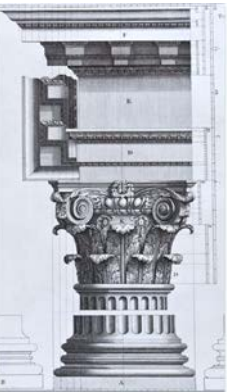
1. Currently the absconder factor is scored up to the violation hearing date
2. Difficult to identify date arrested for the capias/violation from available data sources



Issue 2:

Identifying Date Arrested on Capias/Violation

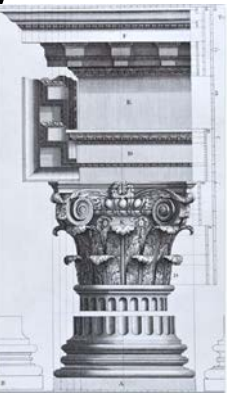
1. Staff will attempt to identify arrest dates from court and criminal history records
2. Any suggestions for a better source of data?



Issue 3:

Testimony and evidence presented in the hearing is not available

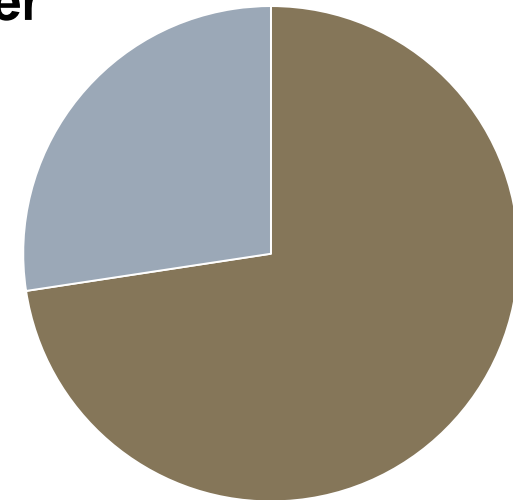
- Current Sources Limited to
 - Information on behavior while supervised
 - Major Violation Report
 - Criminal history in Virginia (not out-of-state)
 - Departure reasons



Q4: In the jurisdiction in which you sit most often, are probation officers routinely present during violation hearings when the original offense was a felony?

Answered: 146 Skipped: 2

Probation officer
is not usually
present
27.4%



Probation
officer is
usually
present
72.6%

Q7: What sources of information do you routinely use when determining what the punishment will be for a supervised probation violation?

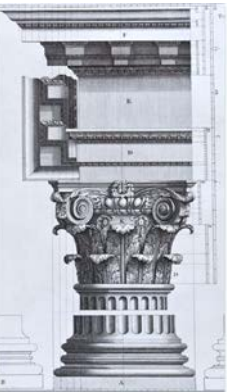
Answered: 145 Skipped: 3

Answer Choices	Percent
Major Violation Report prepared by the Probation Officer	99.3%
✓ Testimony from the probationer	89.7%
Probation Violation Guidelines (for “technical” violators only)	88.3%
Previous court records	73.1%
✓ Testimony from the Probation Officer	62.1%
✓ Testimony from other parties	46.9%
COMPAS risk/needs assessment results	21.4%
Other (please specify)	17.2%

Issue 3:

Testimony and evidence presented in the hearing is not available

- Any suggestions on how to capture court testimony?



Issue 4:

CCAP is not Scored the Same as Detention/Diversions Alternative Programs

1. CCAP is different population than Detention/Diversions
2. Violation of CCAP is not scored at all on PVG
3. PVG recommendation potentially changing offender behavior (e.g., not scored on PVG & jail credit)

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 ↓ <input type="text"/>
B. Property	3	
C. Traffic/Weapon	24	
D. Other	1	
E. Drug	13	

◆ Previous Adult Probation Revocation Events *(Federal, State and Local)*

Number of Violation Events: 1 - 2	7	<input type="text"/>
3 or more	10	

◆ New Felony Arrests

Number of Counts: 1 - 3	4	<input type="text"/>
4 or more	18	

◆ Never Reported to/Unsuccessful Discharge from following Programs

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

◆ Condition Violated *score only the violation receiving the highest points*

2. Fail to report any arrests within 3 days to probation officer	17	<input type="text"/>
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 ↓ <input type="text"/>
B. Property	4	
C. Weapon	16	
D. DWI or Habitual Offender	3	
E. Other	1	
F. Drug	5	

◆ Previous Adult Probation Revocation Events *(Federal, State and Local)*

Number of Violation Events: 1 - 2	4	<input type="text"/>
3 or more	16	

◆ New Arrests for Crimes Against Person

Number of Counts: 0	0	<input type="text"/>
1	4	
2	15	
3 - 4	30	
5 or more	38	

◆ New Arrests for Nonperson Crimes

Number of Counts: 0 - 1	0	<input type="text"/>
2	9	
3 - 4	12	
5 or more	19	

◆ Months until First Noncompliant Incident

10 months or less	28	<input type="text"/>
11 months to 22 months	22	
23 months or more	0	

◆ Unsuccessful Discharge from Detention Center Program _____ If YES, add 30 → **30**

◆ Never Reported to Drug Treatment/Drug Education Program

Number: 1 - 2	9	<input type="text"/>
3 or more	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	<input type="text"/>
3 months to 24 months	9	
25 months or more	12	

Total Score →

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

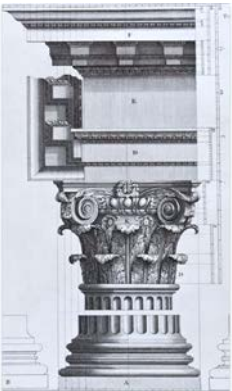
Issue 4:

CCAP is not Scored the Same as Detention/Diversions Alternative Programs

1. CCAP is different population than Detention/Diversions
2. Violation of CCAP is not scored at all on PVG
3. PVG recommendation potentially changing offender behavior (e.g., not scored on PVG & jail credit)
4. Proposal to suspended completion of sentencing guidelines for CCAP violations

APPROVED

DECLINED





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2020 STUDY

