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FY2025

# CONCURRENCE WITH SENTENCING GUIDELINES

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# FY2025

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**PRELIMINARY**

**PRELIMINARY ANALYSIS:**  
GUIDELINES FOR FY 2025 ARE STILL BEING  
SUBMITTED BY THE COURTS AND CODED BY  
STAFF

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# FY2025

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Beginning July 1, 2023, *SWIFT!* became the required method for submitting Guidelines to the Commission.

At this point, in FY2025, there were 17,867 Sentencing Guidelines submitted to the Commission.

# FY2025

## 17,867 Sentencing Guidelines

**Largest numbers submitted:**

**Harrisonburg Area**

**Fredericksburg Area**

**Radford Area**

**Virginia Beach**

**Staunton Area**

**Roanoke Area**

**Lynchburg Area**

**Together = 51% of all case submitted**

<b>Circuit #</b>	<b>Circuit Name</b>	<b>Number of Cases</b>
1	Chesapeake	484
2	Virginia Beach	1,022
3	Portsmouth	87
4	Norfolk	427
5	Suffolk Area	430
6	Sussex Area	386
7	Newport News	384
8	Hampton	418
9	Williamsburg Area	562
10	South Boston Area	477
11	Petersburg Area	334
12	Chesterfield Area	631
13	Richmond City	362
14	Henrico	912
15	Fredericksburg Area	1,420
16	Charlottesville Area	653

# FY2025

## 17,867 Sentencing Guidelines

**Largest numbers submitted:**

**Harrisonburg Area**

**Fredericksburg Area**

**Radford Area**

**Virginia Beach**

**Staunton Area**

**Roanoke Area**

**Lynchburg Area**

**Together = 51% of all case submitted**

<b>Circuit #</b>	<b>Circuit Name</b>	<b>Number of Cases</b>
17	Arlington Area	120
18	Alexandria	91
19	Fairfax	338
20	Loudoun Area	262
21	Martinsville Area	352
22	Danville Area	562
23	Roanoke Area	830
24	Lynchburg Area	750
25	Staunton Area	919
26	Harrisonburg Area	1,501
27	Radford Area	1,264
28	Bristol Area	600
29	Buchanan Area	505
30	Lee Area	450
31	Prince William Area	331
<b>TOTAL</b>		<b>17,867</b>

# FY2025 – Modification of Sentence

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## ◆ Final Disposition Fill In After Sentence Has Been Pronounced

### Modification of Recommendation Based on Substantial Assistance, Acceptance of Responsibility or Expression of Remorse

The decision to modify the guidelines recommendation must be made by the judge. If the recommended low end is 3 years or less, the low end is adjusted to no incarceration. If recommended low end is more than 3 years, the low end is reduced by 50%.

If accepted by the court the

Adjusted Range is: 0 0 0 TO 0 6 0  Years Months Days Years Mo Days Life

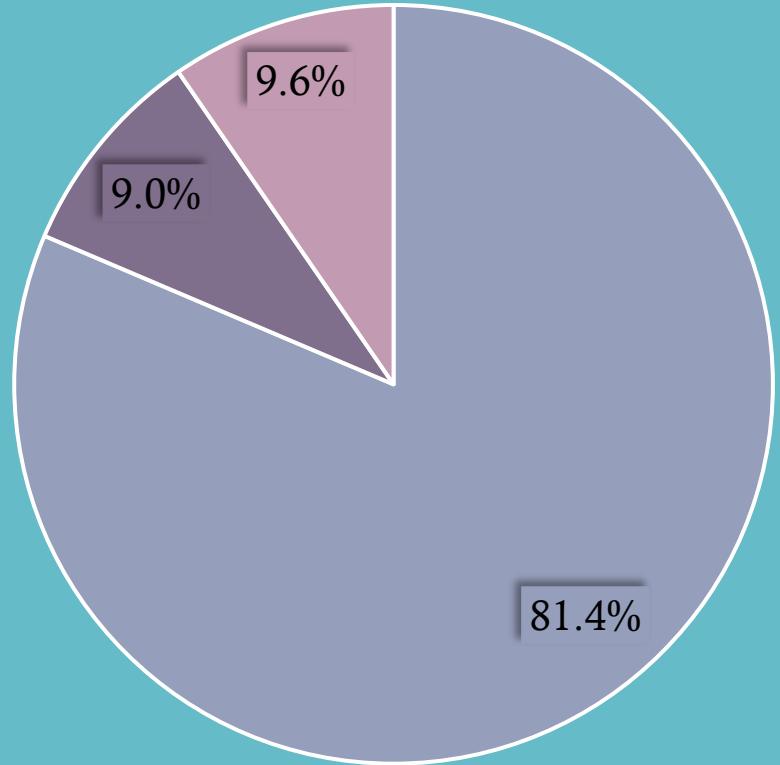
The Modification of Recommendation box was checked in 17.8% of all cases

- Just over half brought into concurrence
- Remainder had sentences already in concurrence

# FY2025 – Overall Concurrence

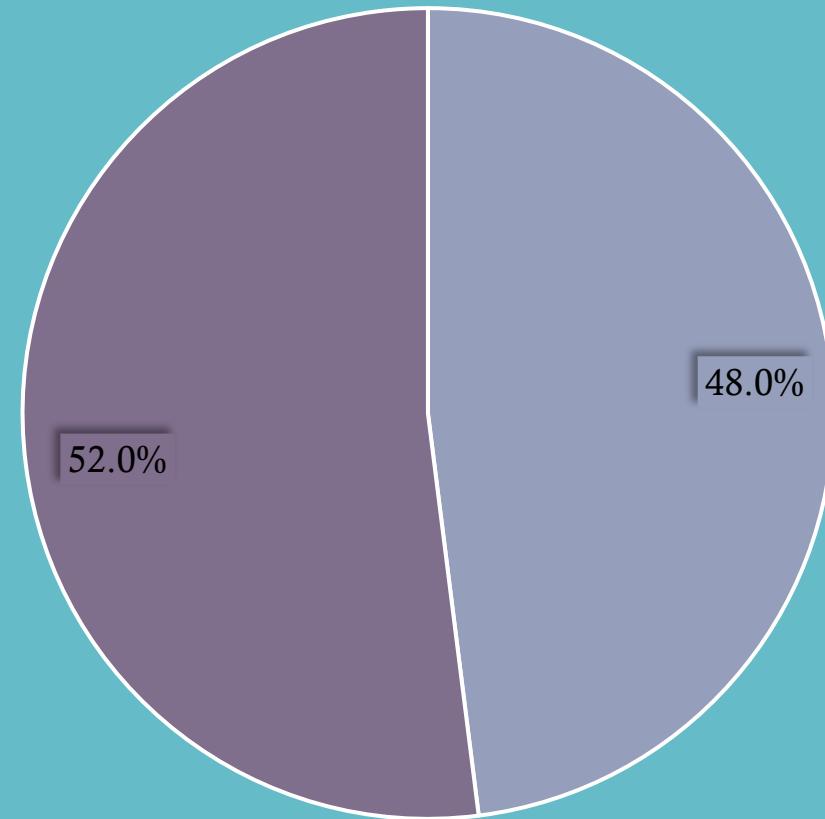
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Overall Concurrence



■ Compliance ■ Aggravation ■ Mitigation

Direction of Departure



■ Aggravation ■ Mitigation

# FY2025 – Dispositional Concurrence\*

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<b>Recommended Disposition</b>	<b>Actual Disposition</b>		
	Probation	Incarceration 1 day – 6 months	Incarceration > 6 months
Probation	71.6%	23.4%	5.0%
Incarceration 1 day – 6 months	19.0%	71.8%	9.2%
Incarceration > 6 months	11.4%	12.7%	75.9%

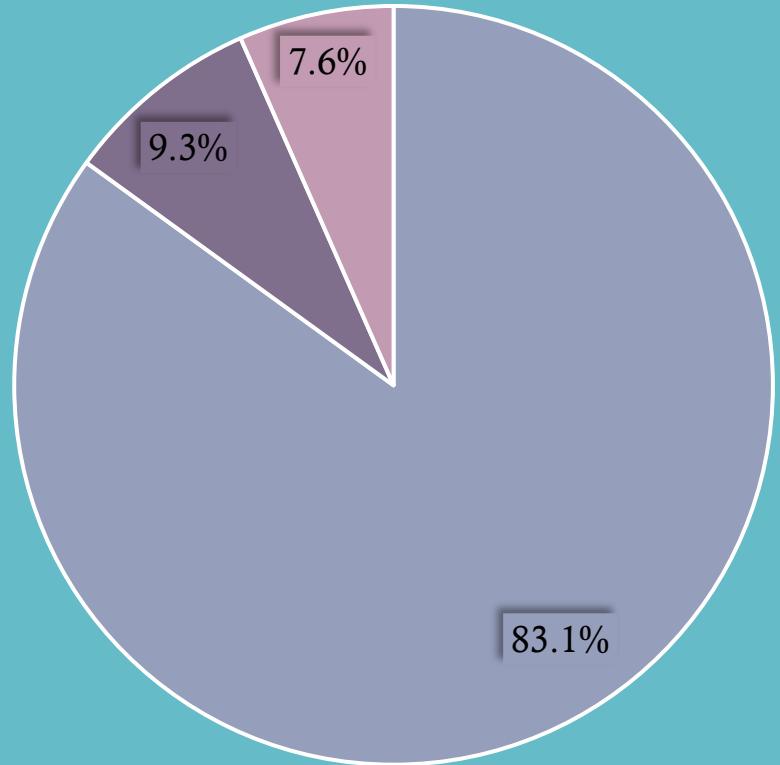
\*Includes modified recommendation based on substantial assistance, acceptance of responsibility, or expression of remorse

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# FY2025 – Durational Concurrence

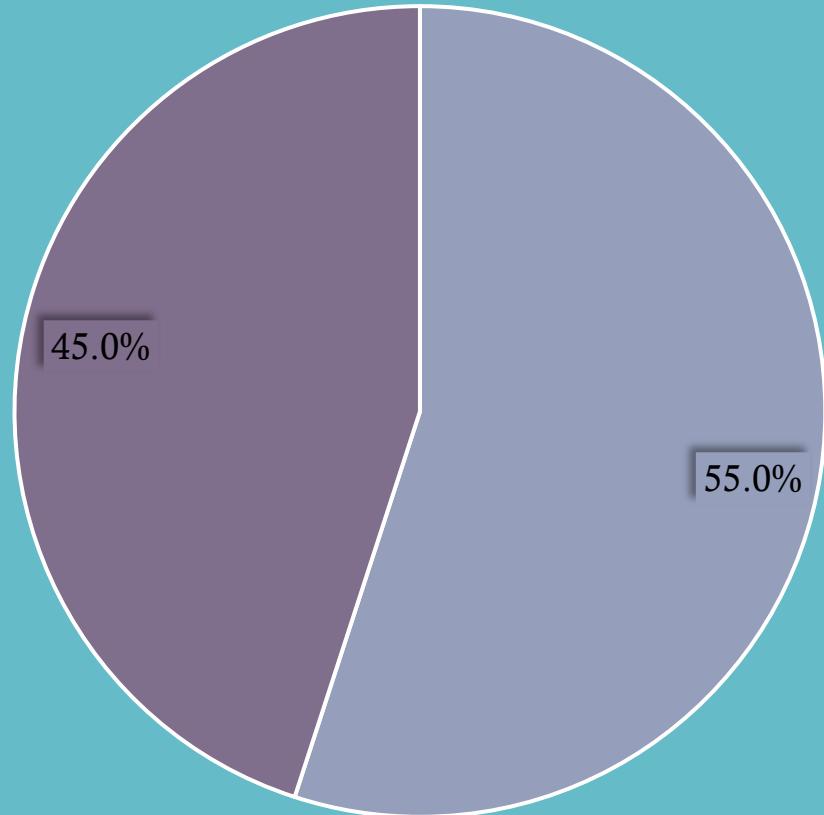
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Durational Concurrence



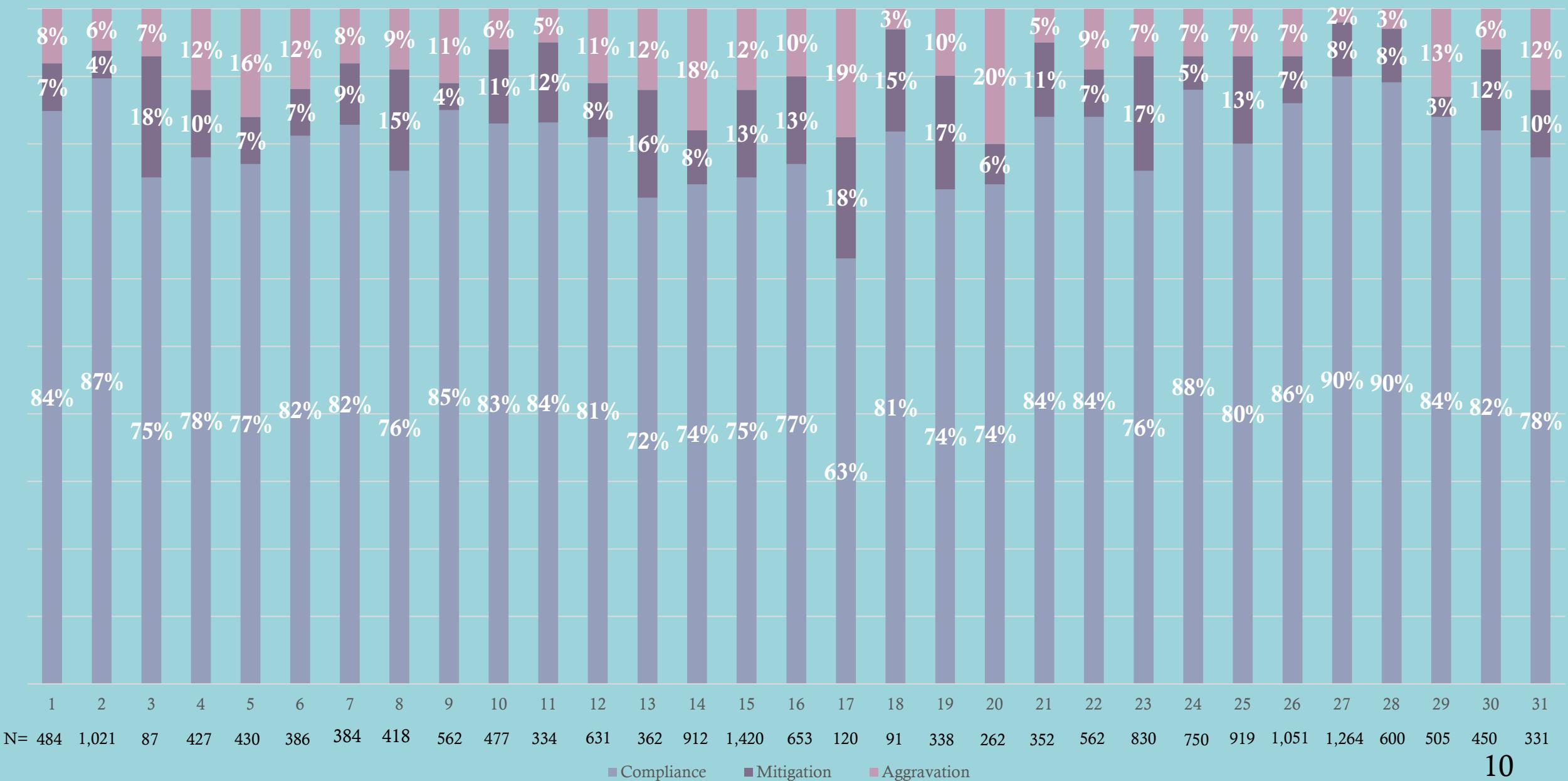
■ Compliance ■ Aggravation ■ Mitigation

Direction of Departure

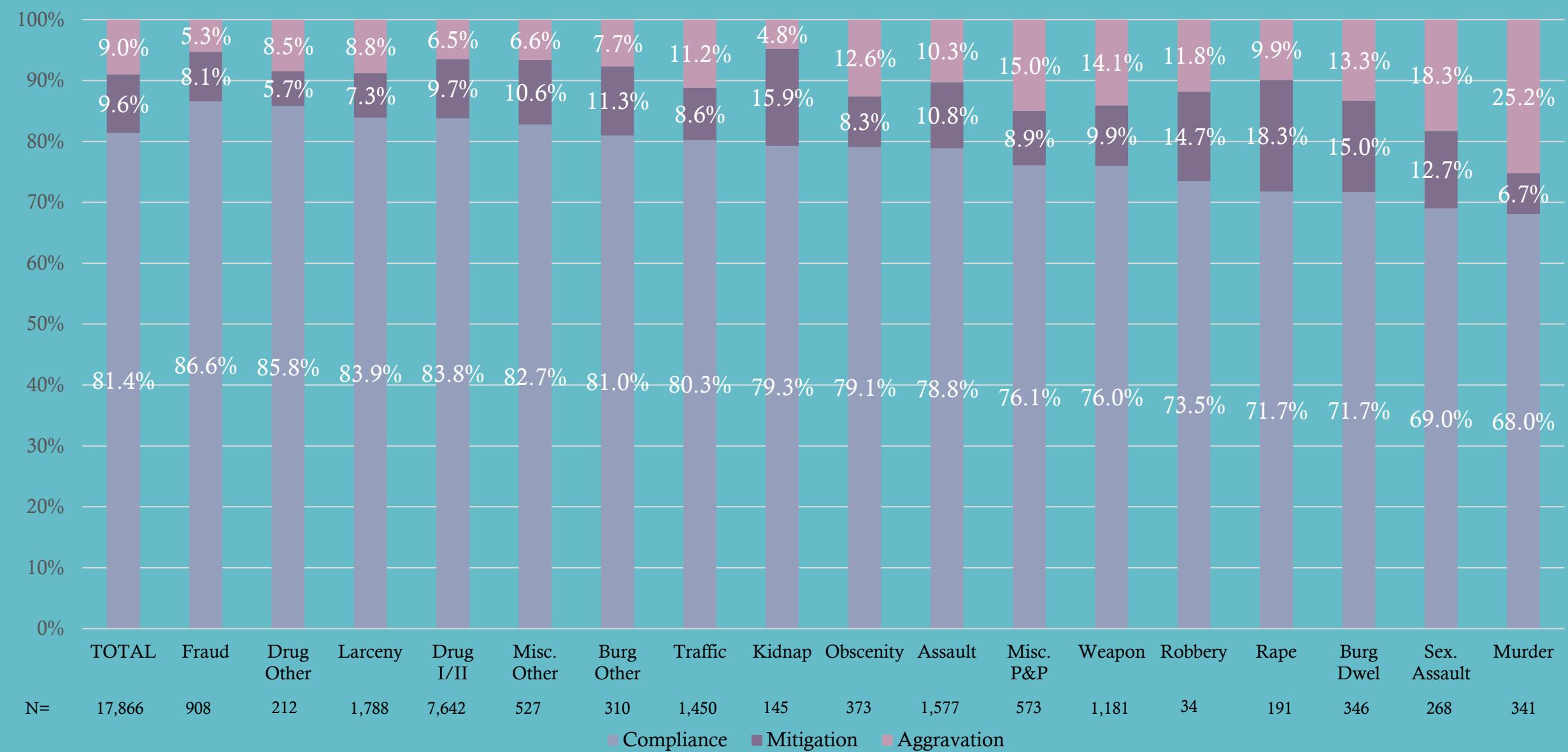


■ Aggravation ■ Mitigation

# FY2025 – Concurrence by Circuit



# FY2025 – Concurrence by Offense Group



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QUESTIONS?

COMMENTS?

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FY2025

SENTENCING REVOCATION  
REPORTS AND  
PROBATION VIOLATION  
GUIDELINES

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Beginning July 1, 2023, *SWIFT!* became the required method for submitting Guidelines to the Commission.

In FY2025 some Guidelines continue to be prepared outside of *SWIFT!* requiring staff to manually key in the guidelines resulting in a delay in those cases being added to the system.

At this point, in FY2025, there were 16,596 Sentencing Revocation Reports submitted to the Commission for violation of felony supervised probation, suspended sentences or good behavior.

## 16,596 Sentencing Revocation Reports submitted.

### Largest numbers submitted:

Fredericksburg area

Harrisonburg area

Staunton area

Radford area

Danville

Virginia Beach

Buchanan area

15	Fredericksburg	1568	9.4
26	Harrisonburg Area	1451	8.7
25	Staunton Area	1107	6.7
27	Radford Area	1018	6.1
22	Danville Area	895	5.4
2	Virginia Beach	833	5.0
29	Buchanan Area	801	4.8
28	Bristol Area	707	4.3
1	Chesapeake	690	4.2
14	Henrico	690	4.2
16	Charlottesville Area	621	3.7
12	Chesterfield Area	589	3.5
21	Martinsville Area	584	3.5
30	Lee Area	549	3.3
9	Williamsburg Area	539	3.2
24	Lynchburg Area	467	2.8
10	South Boston Area	445	2.7
23	Roanoke Area	423	2.5
4	Norfolk	387	2.3
5	Suffolk Area	324	2.0
6	Sussex Area	309	1.9
31	Prince William Area	268	1.6
13	Richmond City	265	1.6
11	Petersburg Area	223	1.3
19	Fairfax	191	1.2
7	Newport News	169	1.0
8	Hampton	156	0.9
20	Loudoun	154	0.9
3	Portsmouth	102	0.6
17	Arlington Area	36	0.2
18	Alexandria	35	0.2
Total	Total	16596	100.0

# FY2025

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**16,596 Sentencing Revocation  
Reports submitted.**

**Fewest numbers submitted:**

**Alexandria**  
**Arlington**  
**Portsmouth**  
**Loudoun area**  
**Hampton**

15	Fredericksburg	1568	9.4
26	Harrisonburg Area	1451	8.7
25	Staunton Area	1107	6.7
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11	Petersburg Area	223	1.3
19	Fairfax	191	1.2
7	Newport News	169	1.0
8	Hampton	156	0.9
20	Loudoun	154	0.9
3	Portsmouth	102	0.6
17	Arlington Area	36	0.2
18	Alexandria	35	0.2
Total	Total	16596	100.0

**16,596 Sentencing Revocation Reports received by the Commission**

**Cases removed from analysis:**

251 cases – Not found in violation

154 cases – Taken under advisement

243 cases – Violation of Good Behavior

1,361 cases - Type of violation not identified on SRR, CCAP removal,  
Local Probation, Procedural cases

**Remaining 14,586 included in analysis**

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**Concurrence could be calculated for 12,971 cases**

**Cases excluded:**

**Guidelines were not applicable:**

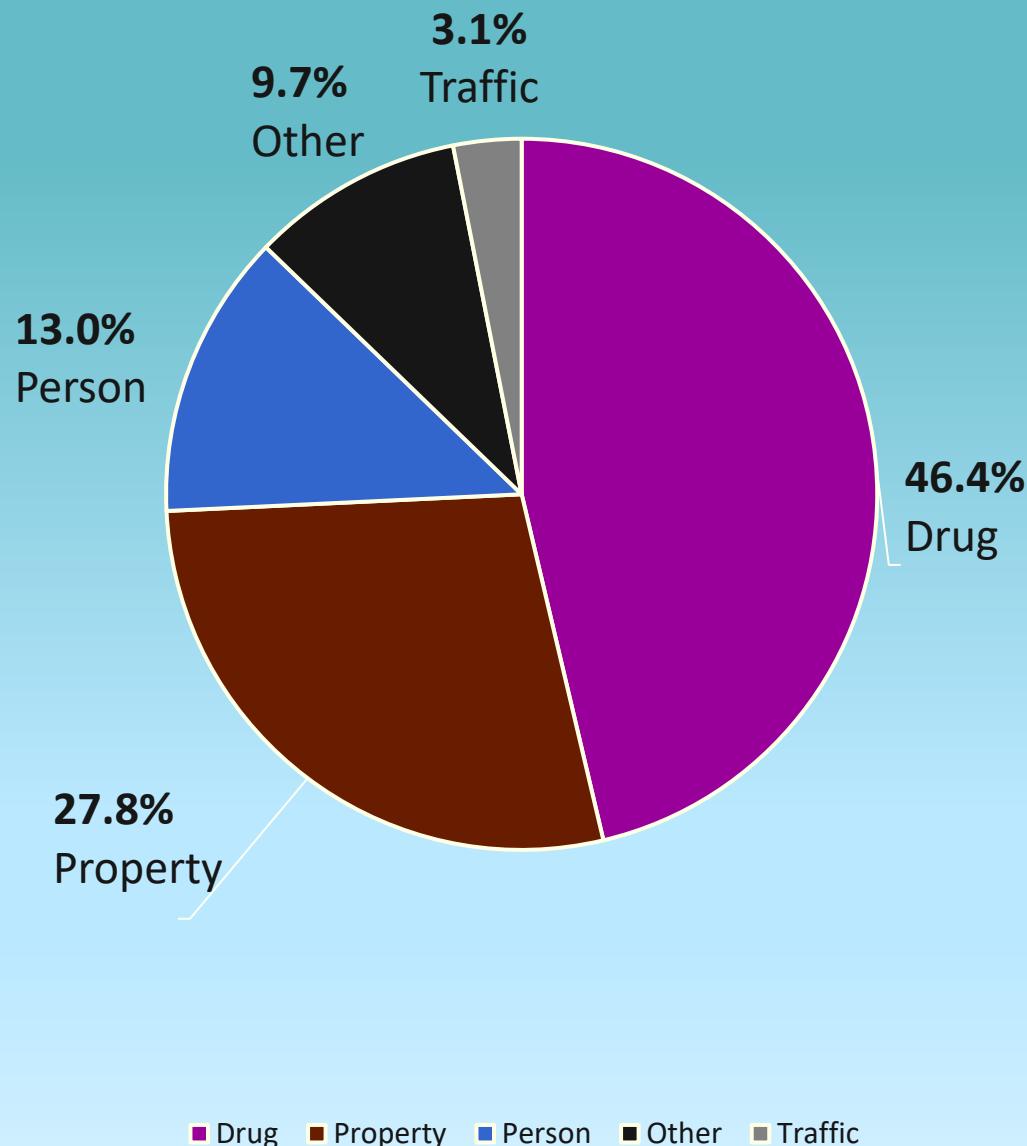
- Parole eligible offense
- First Offender violation
- Misdemeanor original offense
- Offender not on supervised probation

**Guidelines incomplete/Outdated forms**

**Not found in violation**

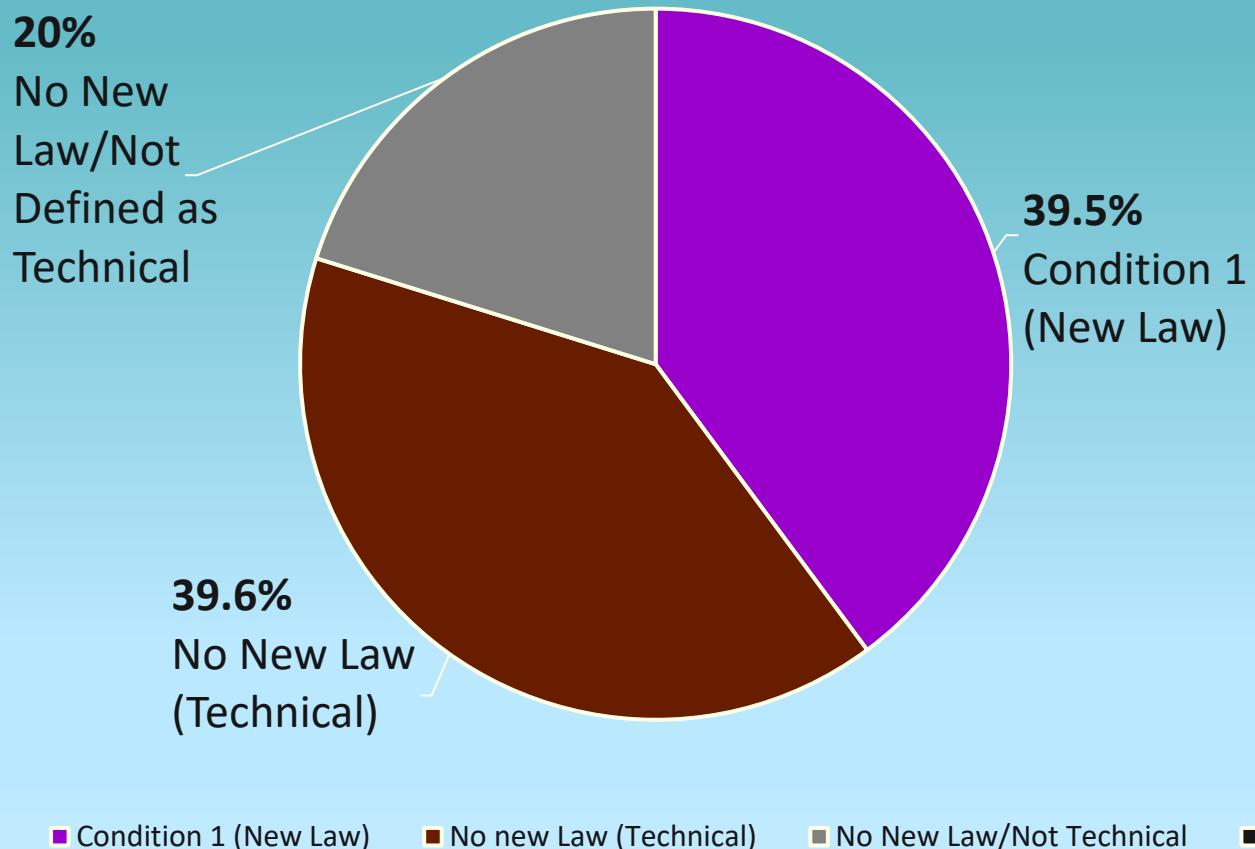
## Probation Violation Guidelines – Most Serious Primary Offense

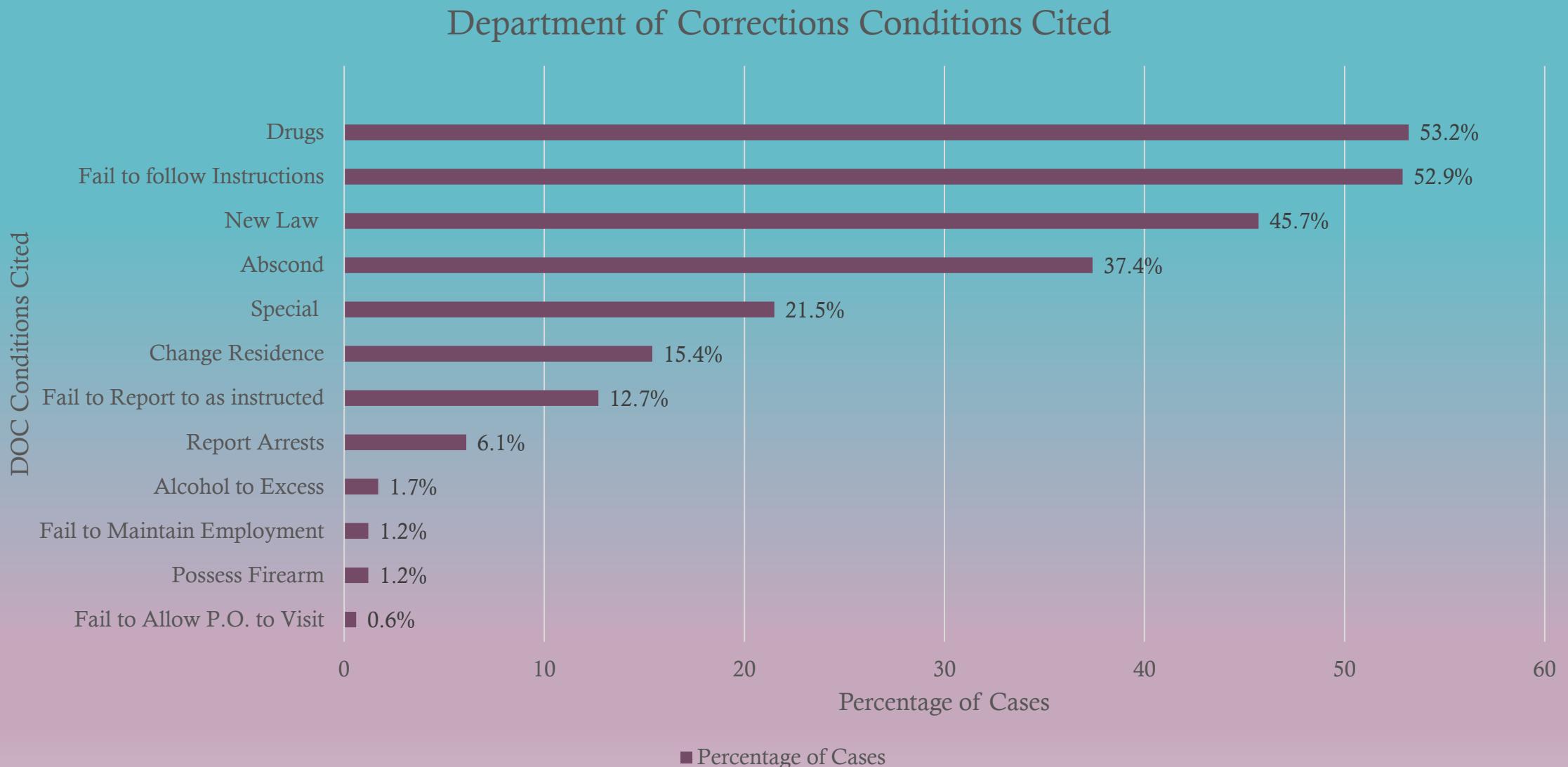
FY2025



## Probation Violation Guidelines – Judge Found in Violation by Type

FY2025





\*More than one condition may be cited in a Major Violation Report.

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## **Sex Offender Special Instructions and Confirmed Gang and Security Threat Group (STG) Special Conditions**

Historically special conditions were any conditions that were more specific than the traditional conditions of probation

§ 19.2-306.1 (effective July 1, 2021) did not specifically identify how the court should respond to behavior that was in direct violation of a court order or of a specific requirement authorized by the court

Conduct previously included as a failure to follow the P.O.'s instructions or a number of other conditions may now be classified as special (not defined in § 19.2-306.1) Special Conditions were only cited in about 21.5% of probation violation cases.

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Probationers who were supervised for sex offenders illustrates the potential impact of classifying or not classifying a violation as a special condition.

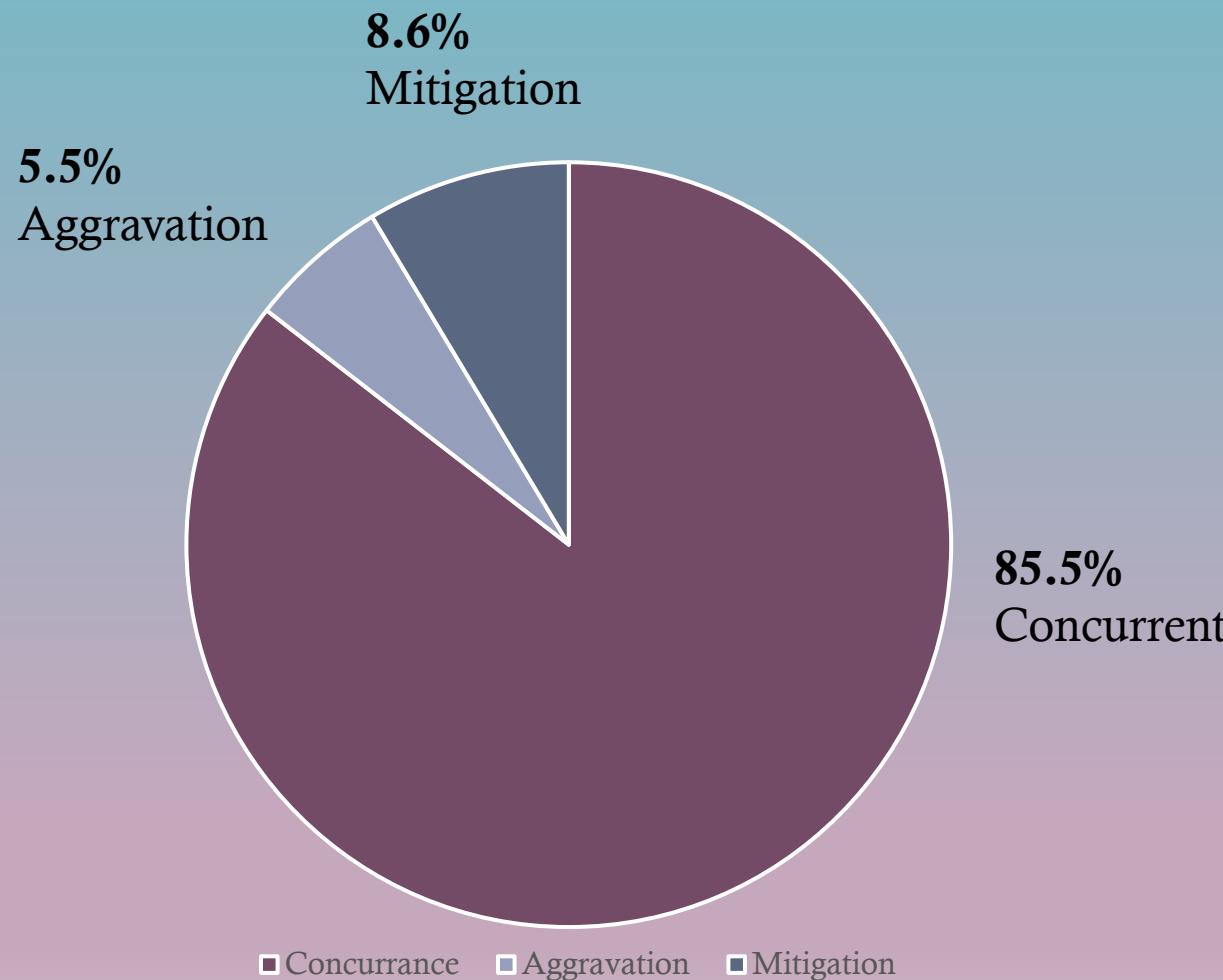
For FY2025, out of 418 violators previously convicted of sex offenses and 289 violators previously convicted of possess child pornography were not identified as being in violation of special conditions or for new law violations.

In most cases, the violation was cited as condition 6 (failure to follow probation officer's instructions.) In those cases listed as technical violations only, the court was statutorily limited to no time for the first violation and 0 to 14 days for the second.

Of these 418 cases, there were 162 cases that appear to be restricted by § 19.2-306.1. For the remaining cases, guidelines would apply- but judges could sentence up to total amount of revocable time.

The full impact of individual policies cannot be reflected here.

## Probation Violation Guidelines – Overall Concurrence



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## Court of Appeals and Supreme Court Decisions

**Guidelines were modified in 2024 to provide historically-based recommendations in every case.**

-Judge decides if the restrictions of § 19.2-306.1 apply

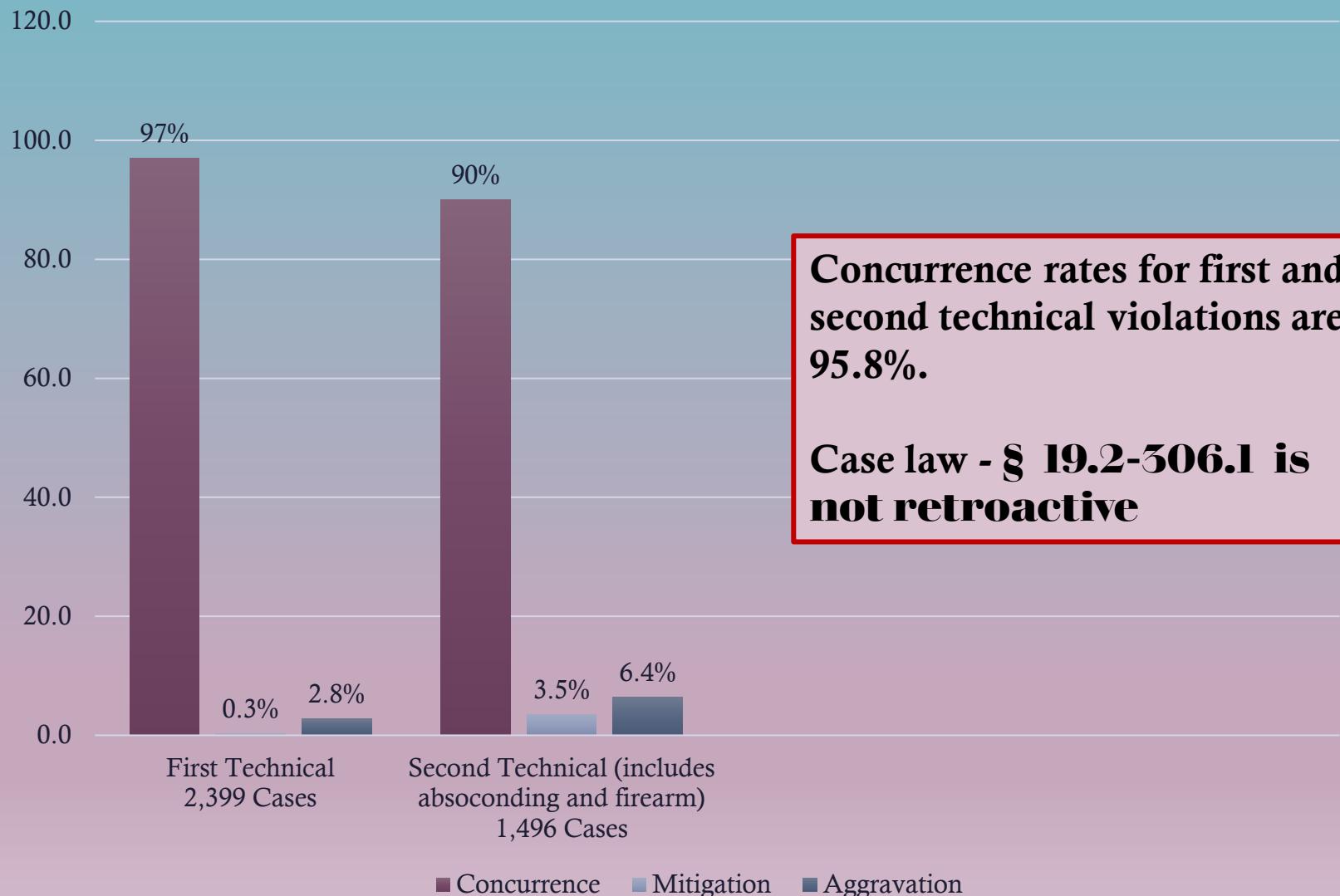
-Removes Probation Officer from making that determination prior to completing Sentencing Revocation Report

\*Multiple decisions created circumstances where similarly-situated individuals would not receive the same guidelines recommendation.

\*Some probation violators had been sanctioned under the new statutory requirements, while others were sanctioned under the old law.

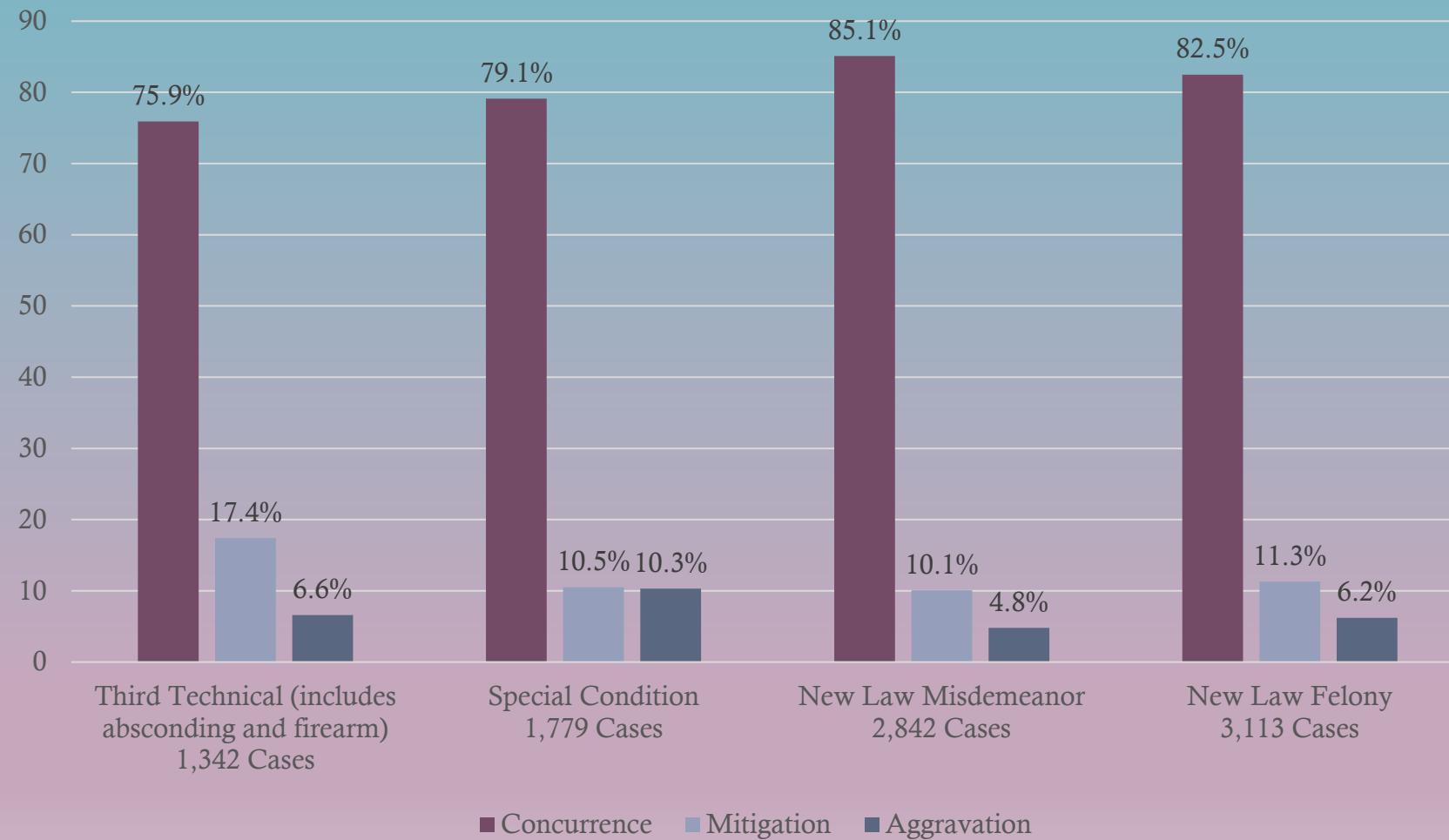
# Probation Violation Guidelines

## Concurrence with Good Rehabilitation Potential



# Probation Violation Guidelines

## Concurrence with Good Rehabilitation Potential



Excluding Guidelines that reflect statutory requirements concurrence rates are between 76% and 85% with concurrence being slightly higher for new law violations.

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## Procedural Violations

- Probationer returned to court for behavior that occurred during an earlier period of supervision  
(Most likely for a new law violation)
- Court previously decided to revoke, extend, or release defendant from probation without knowing about or addressing the alleged violation
- Commission Policy is to mark “Procedural” box and no recommendation is calculated
- 110 Procedural cases identified in FY2025
- 38 cases did not receive active incarceration
- Median sentence of nine months in cases where incarceration was imposed

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# Questions?