

### VIRGINIA CRIMINAL SENTENCING COMMISSION







## Possession of Child Pornography – Proposed Study Options –

## House Bill 504 and Senate Bill 433 2014 General Assembly

#### VIRGINIA ACTS OF ASSEMBLY -- 2014 SESSION

#### CHAPTER 100

An Act to delay proposed modifications to the discretionary sentencing guidelines; possession of child pornography.

[H 504]

Approved March 3, 2014

#### Be it enacted by the General Assembly of Virginia:

1. § 1. The proposed modifications to the discretionary sentencing guidelines for convictions related to

the possession of child porn Virginia adopted by the § 17.1-803 of the Code of subdivision 10 of § 17.1-8 Sentencing Commission sh convictions related to the § 18.2-374.1:1 and compidiscretionary sentencing go Report shall supersede the unless otherwise provided b

#### **SUMMARY AS PASSED:**

Delay proposed modifications to the discretionary sentencing guidelines; possession of child pornography. Provides that proposed modifications to the discretionary sentencing guidelines for possession of child pornography adopted by the Virginia Criminal Sentencing Commission shall not become effective until July 1, 2016. The Commission will review these guidelines and complete its review by December 1, 2015. Any proposed modification in the Commission's 2015 Annual Report shall supersede the current proposed modifications.



#### Option 1 (Presented at April 14, 2014 meeting)

- Use entire data collection instrument
- Travel to Circuit Court Clerks' and Commonwealth's Attorneys' offices to gather data from files
- Analyze and test factors based on data collected

#### Option 2

- Use pared-down data collection instrument
- Limit travel to localities with more than 10 cases
- For remaining localities, ask Commonwealth's Attorneys' Offices to complete pared-down form
- Analyze and test factors based on data collected

#### Option 3

 Add FY2014 data to the analysis and retest proposed changes presented in 2013 Annual Report



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# 2014 Child Pornography Study

Offender Name

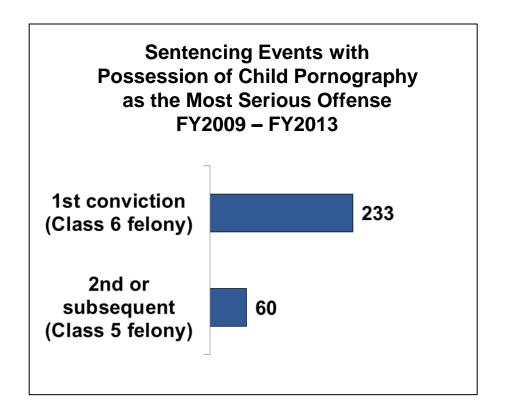
DCN

15. Ex-significant other 16. Other position of trust 17. Other relationship 99. Unknown		12. Youth leader	 	8 Collein 7. Ulicle/Adilic		4. Step-parent/step-grandparent	•	<ol> <li>None</li> <li>Babysitter</li> </ol>	I. Subject's Relationship with Offender:		<ul><li>H. Subject Type:</li><li>1. Identified (by law enforcement) subject(s)</li></ul>	ሚ	2. Female 3. Roth	=			<ul><li>2. No</li><li>9. Unknown</li></ul>		D. Altered Any Image to Create/Enhance Child Porn?	3. Minor – group unknown	<ol> <li>Prepubescent (Prior to puberty)</li> <li>Post pubescent</li> </ol>	C. Child Type		<ol> <li>5. 10-12 (Middle School)</li> <li>6. 13-17 (Teenage)</li> </ol>		2. 1-3 (Toddier) 3. 4-5 (Pre-School)	Ċ	Age Group (Check All That Apply):	A. Age of Youngest Minor Subject: (99 = Unk.)	Offender/
2 Tobacco / Heroin 3 Marijuana 8 Other Schedule I/II drug 4 Cocaine 9 Prescription drug	1 0 0	Codes for Substances Used/Given:	1. Yes	offense)?	<ul><li>9. Unknown</li><li>S. Offender a Registered Sex Offender (at time of</li></ul>		2. Medium	유	2. No 9. Hakaawa	Q. Offender Psychosexual Assessment Done?		P. Use of Material to "Groom" Minors?	1. Yes	O. Employment Provides (or Offender Has) Access to Minors at Time of Offense?	9. Unknown	3. Yes-	<ol> <li>Yes – mentally incapacitated</li> <li>Yes – physically incapacitated</li> </ol>	N. Any Sub	(See Codes Below)		L. Substances Used by Subject:		1. Yes	K. Offender provided Drugs/Alcohol to Subject (At	4. Both used 9. Unknown	3. Victim used	<ol> <li>None</li> <li>Offender used</li> </ol>	Production of Any Image)	nk.) J. Drug/Alcohol Use (At Time of Recording or	Offender/Subject Characteristics

## Content/Collecting Behavior

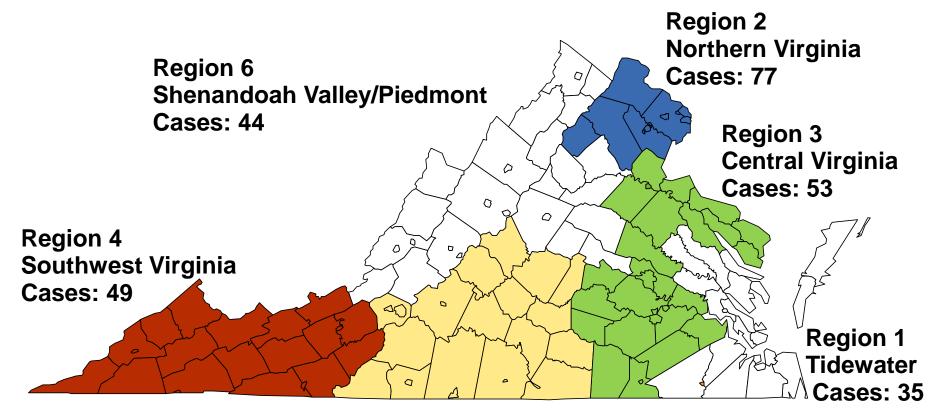
AA. How Was Child Porn Obtained? (Check All that Apply)  1. Internet/downloaded  2. Email  3. Obtained from the subject  4. Texted via cell phone/smartphone  5. Through a social network  6. Hardcopy (magazine, publication, by mail)  7. Part of a group/ring/community of users  8. Produced by offender  9. Other means  99. Unknown	<ol> <li>Through Peer-to-Peer (P2P) File-Sharing         Programs</li> <li>Through Child Porn "Online Communities"</li> <li>Other Means</li> <li>Unknown</li> <li>Offender Posted Material to Internet?</li> <li>No</li> <li>Yes – if so, then list website</li> <li>Unknown</li> </ol>	9. Bondage 10. Urination/defecation 11. Bestiality 12. Defendant appeared in child porn 99. Unknown X. Defendant Produced Child Porn? 1. No 2. Yes 9. Unknown Y. Defendant Distributed/Retransmitted Child Porn? 1. No	<ol> <li>W. Types of Sex Conduct Depicted (Check All that Apply)</li> <li>Genitals/exposure</li> <li>Masturbation</li> <li>Oral penetration (or attempt)</li> <li>Anal penetration (or attempt)</li> <li>Sexual intercourse (or attempt)</li> <li>Contact between adult and minor</li> <li>Contact between minors</li> <li>Physically violent (incl. sadism/masochism)</li> </ol>	Porn Investigation  2. Reported 3. Computer/Phone/Device Repair or Resale 4. Sex/Child Abuse Case 5. Developing Picture 6. Sent E-mail/Web 7. Cell phone/Smart phone 8. Other means 9. Unknown U. Number of Still Images:(9999 = Unk.) V. Number of Videos:(9999 = Unk.) If Yes, Longest Length?	T. How Was Child Porn Initially <u>Discovered?</u> 1. During Sting — Online Solicitation or Child
5. Yes, preparer unknown 9. Unknown 1I. Data/Information Source: 1. Police report 2. Prosecutor's files 3. Victim/witness statement 4. Court records 5. PSI report 6. Defendant (defendant's version in PSI) 7. Combination of multiple sources 9. Unknown	<u>ا</u> ک	If Pled Guilty, then Sentencing Agreement?  1.No 2.Yes 9.Unknown FF. Also Possessed Adult Pornography? 1. No 2. Yes 3. Unknown If Yes, What Percentage of Porn Involved Children?	EE. Pled Guilty?  1. No 2. Yes 9. Unknown  If Pled Guilty, then Plea Agreement?  1.No 2.Yes 9.Unknown	CC. Date of Most Recent Involvement with Child Porn/Most Recent Download Date:  DD. Security Measures Taken to Avoid Detection (Check All that Apply)  1. None 2. Passwords for computer login 3. Software to erase browsing history 4. Encryption/locking of files 5. Other measures 6. Unknown	BB. Date of Initial Involvement with Child Porn/Earliest Download Date:

#### **Study Option 1**





#### **Study Option 1**



Region 5
Southside Virginia

Cases: 35



## Study Option 1 Cost Estimate – Field Work

	Region 1 Tidewater	Region 2 Northern	•	Region 4 Southwest	Region 5 Southside	Region 6 Shenandoah	TOTAL
Number of cases	35	77	53	49	35	44	293
Number of localities to visit	15	6	13	14	12	16	76
Number of localities per day	2	2	2	2	2	2	
Number of field days	7.5	4.0	6.5	7.0	6.0	8.0	39
Number of staff per team	2	2	2	2	2	2	
Number of trips	2	2	2	2	2	2	
Staff time	\$ 2,723	\$ 1,452	\$ 2,360	\$ 2,541	\$ 2,178	\$ 2,904	
Lodging	\$ 1,068	\$ 352	\$ 830	\$ 950	\$ 664	\$ 996	
Meals	\$ 704	\$ 352	\$ 616	\$ 616	\$ 528	\$ 704	
Vehicle/Gas	\$ 571	\$ 294	\$ 498	\$ 514	\$ 440	\$ 587	
TOTAL	\$ 5,066	\$ 2,450	\$ 4,303	\$ 4,621	\$ 3,811	\$ 5,192	\$ 25,443



Extra field day due to large number of cases in Fairfax

## Study Option 1 Cost Estimate - Total

Field work	\$ 25,443
Keying, cleaning, and analysis of data 2 staff, 1.5 months each	\$ 16,576
TOTAL	\$ 42,019



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#### 2014 Child Pornography Study

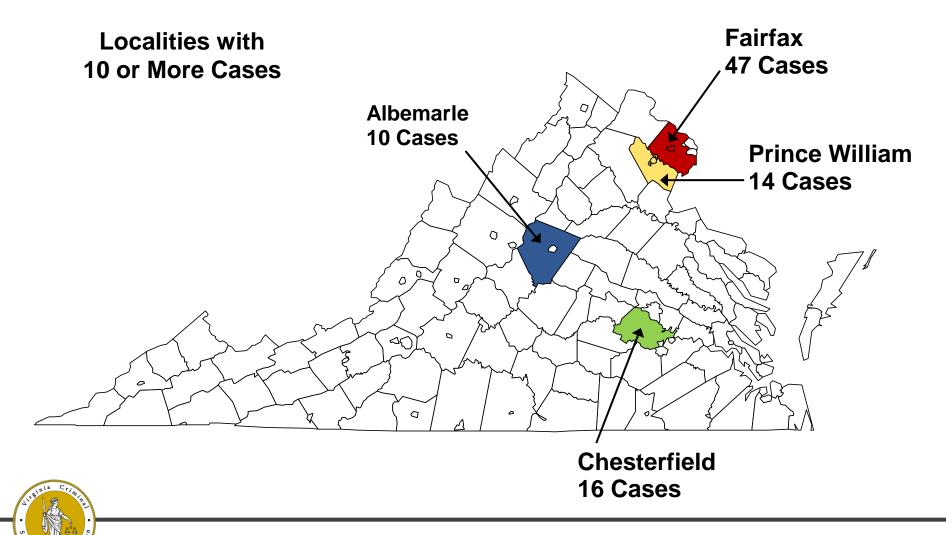
DCN	Offender Name
Offender/Subj	ect Characteristics
A. Age of Youngest Minor Subject: (99 = Unk.)  B. Age Group (Check All That Apply):  1. Under 1 (Infant)  2. 1-3 (Toddler)  3. 4-5 (Pre-School)  4. 6-9 (Elementary School)  5. 10-12 (Middle School)  6. 13-17 (Teenage)  9. Unknown	J. Drug/Alcohol Use (At Time of Recording or Production of Any Image)  1. None 2. Offender used 3. Victim used 4. Both used 9. Unknown K. Offender provided Drugs/Alcohol to Subject (At Time of Recording or Production of Any Image)
C. Child Type  1. Prepubescent (Prior to puberty)  2. Post pubescent  3. Minor – group unknown	1. Yes 2. No 9. Unknown L. Substances Used by Subject: (See Codes Below) M. Substances Used by Offender:
D. Altered Any Image to Create/Enhance Child Porn?  1. Yes  2. No  9. Unknown	(See Codes Below)  N. Any Subject Mentally or Physically Incapacitated?  1. Yes — mentally incapacitated  2. Yes — physically incapacitated  3. Yes — both
E. Age of Oldest Minor Subject: (99 = Unk.)  F. Gender(s) of Minor Subject(s) Depicted:  1. Male 2. Female 3. Both 9. Unknown	4. No 9. Unknown  O. Employment Provides (or Offender Has) Access to Minors at Time of Offense?  1. Yes 2. No
G. Number of Different Subjects: (999 = Unknown)  H. Subject Type:  1. Identified (by law enforcement) subjects	9. Unknown P. Use of Material to "Groom" Minors? 1. Yes 2. No 9. Unknown
2. Anonymous subject(s) 3. Both identified and anonymous sy I. Subject's Relationship with Offender: 1. None 2. Rabysitter	Q. Offender Psychosexual Assessment Done?  1. Yes  2. No  9. Unknown  R. If Psychosexual Assessment Done, Risk Level?
<ul> <li>Subject's Relationship to Offender:</li> <li>1. Stranger/None</li> <li>2. Known to Victim (not relative or step-parent)</li> </ul>	Low     Medium     High     Normalist Sex Offender (at time of offense)?     No     No     No     No     No     No
<ul> <li>3. Relative (not step-parent)</li> <li>4. Step-Parent</li> <li>5. Other Position of Trust</li> <li>17. Other relationship 99. Unknown</li> </ul>	Codes for Substances Used/Given:  0 None 5 Methamphetamine 10 Other 1 Alcohol 6 Ecstasy 99 Missing 2 Tobacco 7 Heroin 3 Marijuana 8 Other Schedule I/II drug
17. Other relationship 99. Unknown	4 Cocaine 9 Prescription drug

#### Content/Collecting Behavior

T. How Was Child Porn Initially <u>Discovered</u> ?  1. During Sting – Online Solicitation or Child Porn Investigation	BB. Date of Initial Involvement with Child Porn/Earlies Download Date:
2. Reported	CC. Date of Most Recent Involvement with Child
3. Computer/Phone/Device Repair or Resale	Porn/Most Recent Download Date:
4. Sex/Child Abuse Case	
5. Developing Picture	DD. Security Measures Taken to Avoid Detection
6. Sent E-mail/Web	(Check All that Apply)
7. Cell phone/Smart phone	1. None
8. Other means	<ol><li>Passwords for computer login</li></ol>
9. Unknown	<ol><li>Software to erase browsing history</li></ol>
U. Number of Still Images: (9999 = Unk.)	<ol><li>Encryption/locking of files</li></ol>
V. Number of Videos: (9999 = Unk.) If Yes, Longest Length?	5. Other measures
If Yes, Longest Length?	6. Unknown
W. Types of Sex Conduct Depicted (Check All that Apply	EE. Pled Guilty?
1. Genitals/exposure	1. No
2. Masturbation	2. Yes
Oral penetration (or attempt)	9. Unknown
4. Anal penetration (or attempt)	
5. Sexual intercourse (or attempt)	If Pled Guilty, then Plea Agreement?
6. Contact between adult and minor	1.No
7. Contact between minors	2.Yes
8. Physically violent (incl. sadism/masochism)	9.Unknown
9. Bondage	
10. Urination/defecation	If Pled Guilty, then Sentencing Agreement?
11. Bestiality	1.No
12. Defendant appeared in child porn	2.Yes
99. Unknown X. Defendant Produced Child Porn?	9. Unknown
1. No	FF. Also Possessed Adult Pornography?  1. No
2. Yes	2. Yes
9. Unknown	3. Unknown
Y. Defendant Distributed/Retransmitted Child Porn?	If Yes, What Percentage of Porn Involved
1. No	Children?
2. Through Peer-to-Peer (P2P) File-Sharing	GG. Images Introduced Into Evidence?
Programs	1. No
3. Through Child Porn "Online Communities"	2. Yes
4. Other Means	3. Unknown
9. Unknown	HH. Victim Impact Statement Submitted?
Z. Offender Posted Material to Internet?	1. No
1. No	<ol><li>Yes, prepared by subject</li></ol>
2. Yes – if so, then list website	3. Yes, prepared by parent
9. Unknown	<ol><li>Yes, prepared by other person</li></ol>
AA. How Was Child Porn <u>Obtained</u> ? (Check All that Apply	<ol><li>Yes, preparer unknown</li></ol>
Internet/downloaded	9. Unknown
2. Email	II. Data/Information Source:
Obtained from the subject	Police report
4. Texted via cell phone/smartphone	<ol><li>Prosecutor's files</li></ol>
5. Through a social network	<ol><li>Victim/witness statement</li></ol>
6. Hardcopy (magazine, publication, by mail)	4. Court records
7. Part of a group/ring/community of users	5. PSI report
8. Produced by offender	6. Defendant (defendant's version in PSI)
9. Other means	7. Combination of multiple sources
99. Unknown	9. Unknown

ender used a Peer-to-Peer (P2P) -Sharing Program?
Yes
No
Unknown
ender participated in a child nography "online community"?
Yes
No
Unknown

#### **Study Option 2**



## Sentencing Events with Possession of Child Pornography as the Most Serious Offense by Jurisdiction FY2009 – FY2013

bemarle 10 leghany 2 Nelson 1 Charlottesville mherst 1 New Kent 1 Chesapeake lington 5 Northampton 1 Colonial Heights lugusta 1 Northumberland 1 Fredericksburg ediford 8 Pittsylvania 2 Hampton and 1 Powhatan 1 Hopewell luchanan 2 Prince George 2 Lynchburg luckingham 1 Prince William 14 Martinsville lampbell 1 Pulaski 3 Newport News larroll 4 Richmond County 1 Norfolk linesterfield 16 Roanoke County 3 Portsmouth lairfax County 47 Rockbridge 2 Radford luquier 6 Rockingham 3 Richmond City lederick 4 Scott 2 Salem loucester 1 Smyth 4 Staunton loochland 1 Spotsylvania 7 Suffolk loucester 1 Smyth 4 Staunton loochland 1 Spotsylvania 7 Suffolk loucester 1 Tazewell 3 Waynesboro lanover 3 Warren 3 Williamsburg lenico 8 Washington 2 Winchester loudoun 3 Wythe 3		Cases		Cases	
Nelson 1 Charlottesville Chesapeake Clington 5 Northampton 1 Colonial Heights Diagusta 1 Northumberland 1 Fredericksburg Colonial Heights Pittsylvania 2 Hampton and 1 Powhatan 1 Hopewell Cuchanan 2 Prince George 2 Lynchburg Cuckingham 1 Prince William 14 Martinsville Campbell 1 Pulaski 3 Newport News Carroll 4 Richmond County 1 Norfolk County 4 Rockbridge 2 Radford County 4 Rockbridge 2 Radford County 4 Rockbridge 2 Radford County C	ccomack	1	Middlesex	1	Alexandria
mherst 1 New Kent 1 Chesapeake dington 5 Northampton 1 Colonial Heights digusta 1 Northumberland 1 Fredericksburg edford 8 Pittsylvania 2 Hampton and 1 Powhatan 1 Hopewell duchanan 2 Prince George 2 Lynchburg duckingham 1 Prince William 14 Martinsville ampbell 1 Pulaski 3 Newport News arroll 4 Richmond County 1 Norfolk mesterfield 16 Roanoke County 3 Portsmouth airfax County 47 Rockbridge 2 Radford auquier 6 Rockingham 3 Richmond City auquier 6 Rockingham 3 Richmond City auquier 6 Roshingham 3 Richmond City auduer 7 Roshingham 3 Richmond City auduer 8 Roshingham 3 Richmond City auduer 9 Roshingham 9 Roshingham 9 Richmond City auduer 9 Roshingham 9 R	lbemarle	10	Montgomery	7	Buena Vista
Ilington 5 Northampton 1 Colonial Heights agusta 1 Northumberland 1 Fredericksburg edford 8 Pittsylvania 2 Hampton and 1 Powhatan 1 Hopewell Lichanan 2 Prince George 2 Lynchburg Lickingham 1 Prince William 14 Martinsville ampbell 1 Pulaski 3 Newport News arroll 4 Richmond County 1 Norfolk Pointsetrield 16 Roanoke County 3 Portsmouth airfax County 47 Rockbridge 2 Radford Richmond City Livanna 1 Russell 6 Roanoke City Ederick 4 Scott 2 Salem loucester 1 Smyth 4 Staunton Staufford 1 Spotsylvania 7 Suffolk Pointset 1 Stafford 3 Virginia Beach Pointset 1 Tazewell 3 Waynesboro anover 3 Warren 3 Williamsburg Pointset 1 Wise 5 Date of the points and 1 Wise 5 Date of the	Alleghany	2	Nelson	1	Charlottesville
agusta 1 Northumberland 1 Fredericksburg edford 8 Pittsylvania 2 Hampton and 1 Powhatan 1 Hopewell Luchanan 2 Prince George 2 Lynchburg Luckingham 1 Prince William 14 Martinsville ampbell 1 Pulaski 3 Newport News arroll 4 Richmond County 1 Norfolk mesterfield 16 Roanoke County 3 Portsmouth airfax County 47 Rockbridge 2 Radford Roanoke City Lederick 4 Scott 2 Salem loucester 1 Smyth 4 Staunton Spotsylvania 7 Suffolk rayson 1 Stafford 3 Virginia Beach reene 1 Tazewell 3 Waynesboro anover 3 Warren 3 Williamsburg Pouls of the state of t	Amherst	1	New Kent	1	Chesapeake
edford 8 Pittsylvania 2 Hampton and 1 Powhatan 1 Hopewell uchanan 2 Prince George 2 Lynchburg uckingham 1 Pulaski 3 Newport News arroll 4 Richmond County 1 Norfolk nesterfield 16 Roanoke County 3 Portsmouth airfax County 47 Rockbridge 2 Radford auquier 6 Rockingham 3 Richmond City uvanna 1 Russell 6 Roanoke City ederick 4 Scott 2 Salem loucester 1 Smyth 4 Staunton lochland 1 Spotsylvania 7 Suffolk rayson 1 Stafford 3 Virginia Beach reene 1 Tazewell 3 Waynesboro anover 3 Warren 3 Williamsburg loudoun 3 Wythe 3 loudoun 3 Wythe 3 loudoun 4 York 5	Arlington	5	Northampton	1	<b>Colonial Heights</b>
and 1 Powhatan 1 Hopewell Lynchburg Lyckingham 1 Prince George 2 Lynchburg Martinsville Martinsv	\ugusta	1	Northumberland	1	Fredericksburg
Lynchburg Lynchanan  2 Prince George 2 Lynchburg Martinsville Martinsville Martinsville Martinsville Martinsville Martinsville Newport News Record Lynchburg Lynchburg Lynchburg Lynchburg Lynchburg Lynchburg Martinsville Martinsville Martinsville Martinsville Newport News Record Lynchburg Lynchbu	Bedford	8	Pittsylvania	2	Hampton
Prince William 14  Prince William 14  Pulaski 3  Newport News Portsmouth Rockbridge 2  Radford Rockingham 3  Richmond City Portsmouth Radford Rockingham 3  Richmond City Rockingham 4  Rockingham 3  Richmond City Rockingham 4  Rocking	Bland	1	Powhatan	1	Hopewell
Ampbell 1 Pulaski 3 Newport News Ampbell 4 Richmond County 1 Norfolk News Ampbell 16 Roanoke County 3 Portsmouth Ampter County 47 Rockbridge 2 Radford Rockingham 3 Richmond City News Ampter Cit	Buchanan	2	Prince George	2	Lynchburg
Arroll 4 Richmond County 1 Norfolk The sterfield 16 Roanoke County 3 Portsmouth The sterfield 16 Roanoke County 3 Portsmouth The sterfield 16 Roanoke County 3 Portsmouth The sterfield 16 Roanoke County 3 Radford The sterfield 17 Rockbridge 2 Radford The sterfield 2 Radford The sterfield 2 Radford The sterfield 3 Roanoke City The sterfield 3 Radford The sterfield 4	Buckingham	1	Prince William	14	Martinsville
Resterfield 16 Roanoke County 3 Rockbridge 2 Radford Ruquier 6 Rockingham 3 Richmond City Roanoke City Rederick 4 Scott 2 Salem Roucester 1 Smyth 4 Staunton Spotsylvania 7 Suffolk Roanoke City Roanoke County Roanoke City Roanoke County Roanoke City Roa	Campbell	1	Pulaski	3	Newport News
Rockbridge 2 Radford Ruquier 6 Rockingham 3 Richmond City Ruvanna 1 Russell 6 Roanoke City Rederick 4 Scott 2 Salem Rockbridge 7 Suffolk Roanoke City Rockbridge 8 Radford Rockingham 3 Richmond City Roanoke City Salem Staunton Spotsylvania 7 Suffolk Virginia Beach Rockbridge 2 Radford Rockbridge Roanoke City Salem Staunton Spotsylvania 7 Suffolk Virginia Beach Roanoke City Suffolk Virginia Beach Roanoke City Suffolk Virginia Beach Virginia	Carroll	4	Richmond County	1	Norfolk
Ruquier 6 Rockingham 3 Richmond City Ruyanna 1 Russell 6 Roanoke City Rederick 4 Scott 2 Salem Staunton Smyth 4 Staunton Sochland 1 Spotsylvania 7 Suffolk Prayson 1 Stafford 3 Virginia Beach Preene 1 Tazewell 3 Waynesboro Manover 3 Warren 3 Williamsburg Penrico 8 Washington 2 Winchester Mise 5 Sudoun 3 Wythe 3 Souisa 4 York 5	Chesterfield	16	Roanoke County	3	Portsmouth
uvanna 1 Russell 6 Roanoke City ederick 4 Scott 2 Salem loucester 1 Smyth 4 Staunton oochland 1 Spotsylvania 7 Suffolk rayson 1 Stafford 3 Virginia Beach reene 1 Tazewell 3 Waynesboro anover 3 Warren 3 Williamsburg enrico 8 Washington 2 Winchester oudoun 3 Wythe 3 ouisa 4 York 5	airfax County	47	Rockbridge	2	Radford
rederick 4 Scott 2 Salem floucester 1 Smyth 4 Staunton cochland 1 Spotsylvania 7 Suffolk rayson 1 Stafford 3 Virginia Beach reene 1 Tazewell 3 Waynesboro renover 3 Warren 3 Williamsburg renrico 8 Washington 2 Winchester remes City 1 Wise 5 roudoun 3 Wythe 3 rouisa 4 York 5	auquier	6	Rockingham	3	Richmond City
loucester 1 Smyth 4 Staunton cochland 1 Spotsylvania 7 Suffolk rayson 1 Stafford 3 Virginia Beach reene 1 Tazewell 3 Waynesboro anover 3 Warren 3 Williamsburg enrico 8 Washington 2 Winchester comes City 1 Wise 5 coudoun 3 Wythe 3 couisa 4 York 5	luvanna	1	Russell	6	Roanoke City
oochland 1 Spotsylvania 7 Suffolk rayson 1 Stafford 3 Virginia Beach reene 1 Tazewell 3 Waynesboro anover 3 Warren 3 Williamsburg enrico 8 Washington 2 Winchester mes City 1 Wise 5 oudoun 3 Wythe 3 ouisa 4 York 5	rederick	4	Scott	2	Salem
rayson 1 Stafford 3 Virginia Beach reene 1 Tazewell 3 Waynesboro anover 3 Warren 3 Williamsburg enrico 8 Washington 2 Winchester endoun 3 Wythe 3 Unisa 4 York 5	Bloucester	1	Smyth	4	Staunton
reene 1 Tazewell 3 Waynesboro anover 3 Warren 3 Williamsburg enrico 8 Washington 2 Winchester ames City 1 Wise 5 audoun 3 Wythe 3 audia 4 York 5	Goochland	1	Spotsylvania	7	Suffolk
Anover 3 Warren 3 Williamsburg Enrico 8 Washington 2 Winchester Emmes City 1 Wise 5 Endoun 3 Wythe 3 Endoun 4 York 5	Grayson	1	Stafford	3	Virginia Beach
enrico 8 Washington 2 Winchester ames City 1 Wise 5 audoun 3 Wythe 3 audisa 4 York 5	Greene	1	Tazewell	3	Waynesboro
nmes City 1 Wise 5 oudoun 3 Wythe 3 ouisa 4 York 5	lanover	3	Warren	3	Williamsburg
oudoun 3 Wythe 3 ouisa 4 York 5	lenrico	8	Washington	2	Winchester
ouisa 4 York 5	ames City	1	Wise	5	
<b>=</b>	-oudoun	3	Wythe	3	
inenburg 2 Total Case	_ouisa	4	York	5	
	unenburg	2			Total Case

## Study Option 2 Cost Estimate – Field Work

	Fairfax	Chesterfield	Prince William	Albemarle	TOTAL
Number of cases	47	16	14	10	81
Number of staff per team	2	2	2	2	
Number of field days	3	1	1	1	6
Staff time	\$ 1,089	\$ 363	\$ 363	\$ 363	
Lodging	\$ 352	\$ 0	<b>\$</b> 0	\$ 0	
Meals	\$ 264	\$ 0	<b>\$</b> 0	\$ 0	
Vehicle/Gas	\$ 166	\$ 0	\$ 73	\$ 63	
TOTAL	\$ 1,871	\$ 363	\$ 436	\$ 426	\$ 3,096



## Study Option 2 Cost Estimate - Total

Field work	\$ 3,096
Sending out data collection forms & follow-up with Commonwealth's Attorneys' Offices 2 staff, 5 days each	\$ 1,815
Keying, cleaning, and analysis of data 2 staff, 1.0 month each	\$ 11,051
TOTAL	\$ 15,962



#### Option 1 (Presented at April 14, 2014 meeting)

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- For remaining localities, ask Commonwealth's Attorneys' Offices to complete pared-down form
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#### Option 3

 Add FY2014 data to the analysis and retest proposed changes presented in 2013 Annual Report



## Study Option 3 Cost Estimate - Total

Analysis of data 2 staff, 1.0 week each

\$ 2,541



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#### **Option 3**

 Add FY2014 data to the analysis and retest proposed changes presented in 2013 Annual Report Estimated Cost: \$ 42,019

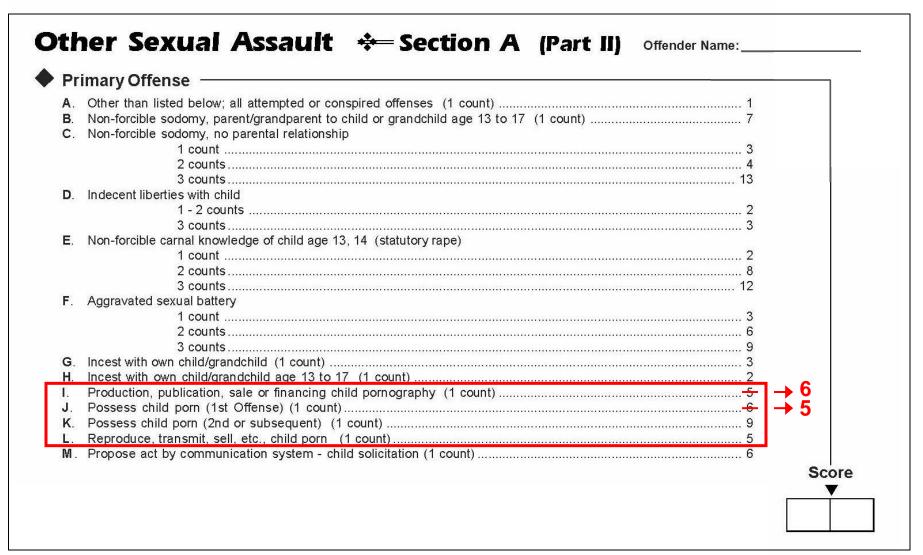
Estimated Cost: \$ 15,962





Actual versus Recommended Prison Incarceration Rates for Possession/Reproduction of Child Pornography Offenses (§ 18.2-374.1:1) FY2009 – FY2013 (Preliminary)

Possession/Reproduction Offenses	Actual Practice	Recommended under Current Sentencing Guidelines
Probation or Incarceration Up to 6 Months	33.4%	30.9%
Incarceration More than 6 months (Range includes prison)	66.6%	69.1%
	more clo	guidelines could be osely aligned to the n incarceration rate



Primary Offense Additional Counts Total the maximum programs: 5 - 26		_
lit Additional Offense factor and increase points for	certain offenses	
Additional Offenses		
Primary offense OTHER THAN	Primary offense	
<u>Production or Possession of Child Porn</u> § 18.2-374.1 or § 18.2-374.1:1(A,B)	<u>Production or Possession</u> § 18.2-374.1 or § 18.2-374.	
Maximum Penalty Points	Maximum Penalty	Points
Years: 5 – 26 1 27 – 52 2	Years: 5 – 26	2 3
53 or more 3	53 or more	
Number 1		1

Actual versus Recommended Prison Sentences
Possession of Child Pornography Offenses (§ 18.2-374.1:1)
FY2009 – FY2013

1 count Recommended Recommended under Existing under Proposed Actual Sentencing Sentencing **Guidelines Practice Guidelines** Mean Sentence 2.3 years 3.2 years 2.3 years **Median Sentence** 1.7 years 2.5 years 1.9 years For cases scored on Section C,

the proposed guidelines better

reflect actual sentencing practices

Other Sexual Assault 🚓 Section	C Offender	Name:		
Primary Offense			Other	
J. Entice, etc., minor to perform in porn; take part in child porn	68	34	17	
Produce child porn; finance child porn     1 count	100	50	25	
2 counts	216	. 108	54	
L. Possess child porn (1st Offense)  1 count	<del>ca</del> 48	<del>34</del> 24	<u>+7</u> 12	Fewer points
M. Possess child porn (2nd or subsequent)  1 count	<sub>100</sub> .76	<u>50</u> .38	<u>25</u> -19	for possession
N. Reproduce, transmit, sell, etc., child porn 1 count	100	50	25	offenses







**Discussion**