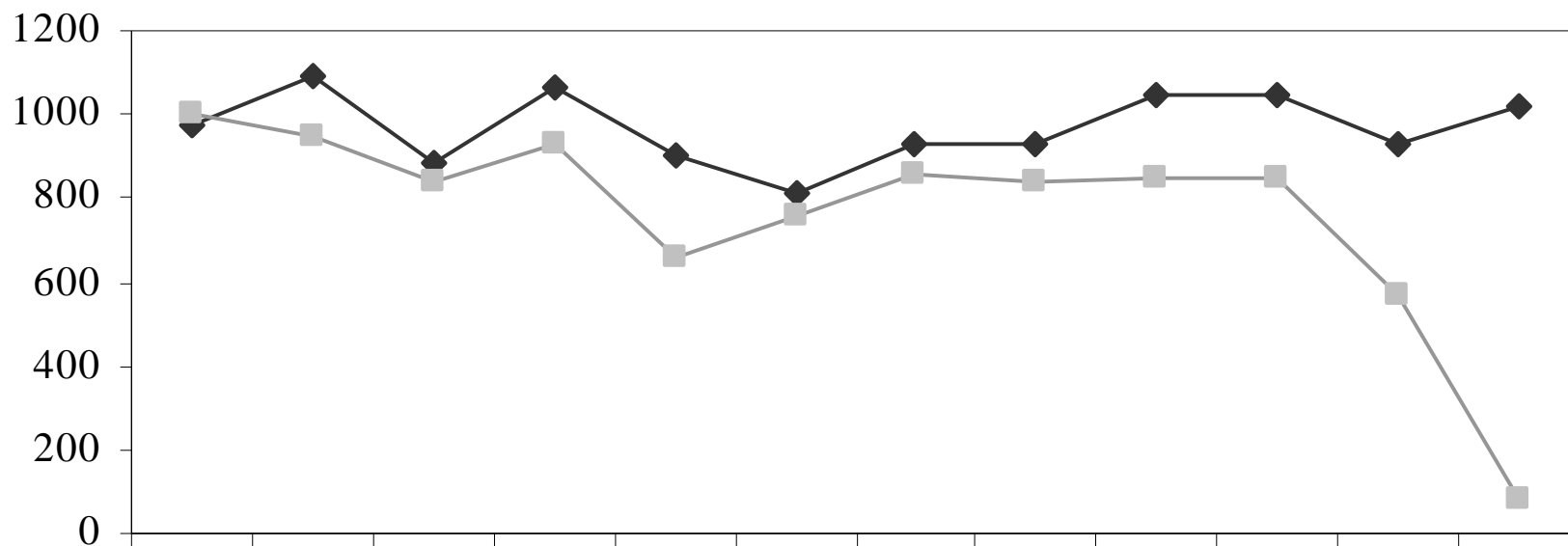




Preliminary FY2009

Sentencing Revocation Reports
& Probation Violation Guidelines

Sentencing Revocation Reports Received by Month FY2008 vs. Preliminary FY2009



	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN
◆ FY2008	970	1096	885	1066	903	816	928	927	1050	1043	927	1023
■ FY2009	1000	948	840	929	662	760	859	841	844	844	568	81

Preliminary FY2009

Sentencing Revocation Reports (SRRs) by Judicial Circuit

Circuit Number	Circuit Name	Preliminary FY09
1	Chesapeake	420
2	Virginia Beach	201
3	Portsmouth	357
4	Norfolk	742
5	Suffolk Area	346
6	Sussex Area	91
7	Newport News	301
8	Hampton	314
9	Williamsburg Area	269
10	South Boston Area	183
11	Petersburg Area	60
12	Chesterfield Area	199
13	Richmond City	443
14	Henrico	436
15	Fredericksburg Area	416
16	Charlottesville Area	264
17	Arlington Area	102
18	Alexandria	220
19	Fairfax	433
20	Loudoun Area	178
21	Martinsville Area	164
22	Danville Area	367
23	Roanoke Area	313
24	Lynchburg Area	294
25	Staunton Area	268
26	Harrisonburg Area	433
27	Radford Area	519
28	Bristol Area	265
29	Buchanan Area	253
30	Lee Area	99
31	Prince William Area	225
	<i>Missing</i>	1
	Total	9176

•Highest Number Received Preliminary FY09

- Norfolk (Circuit 4)
- Radford Area (Circuit 27)
- Richmond (Circuit 13)
- Henrico (Circuit 14)



Preliminary FY2009

Technical

vs.

New Law Violations

Technical vs. New Law Violations

New Law Violation:

Condition 1

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

____-____-____

____-____-____

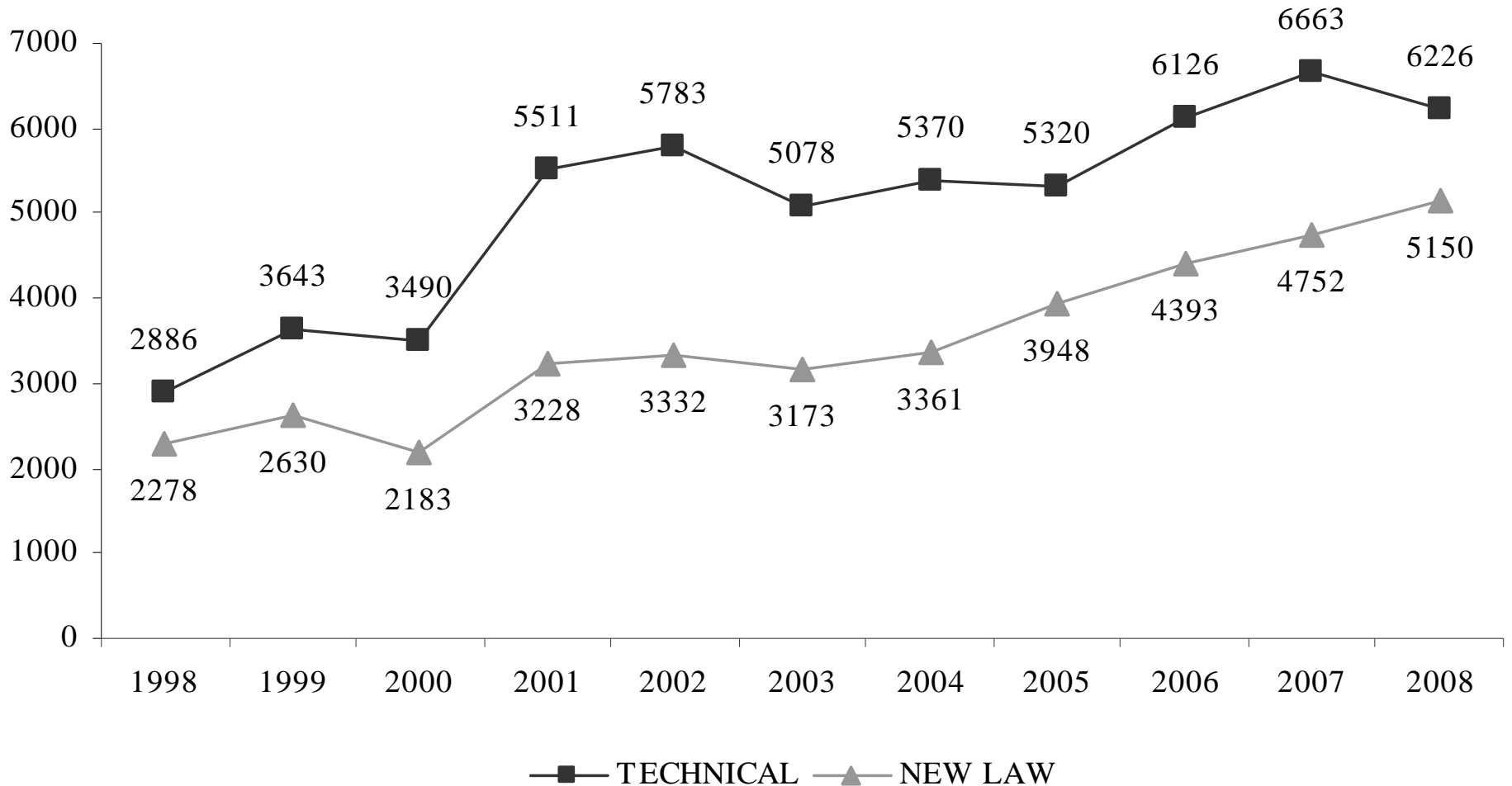
Location of Arrest:
 Virginia Out of State or Federal

Technical Violations:

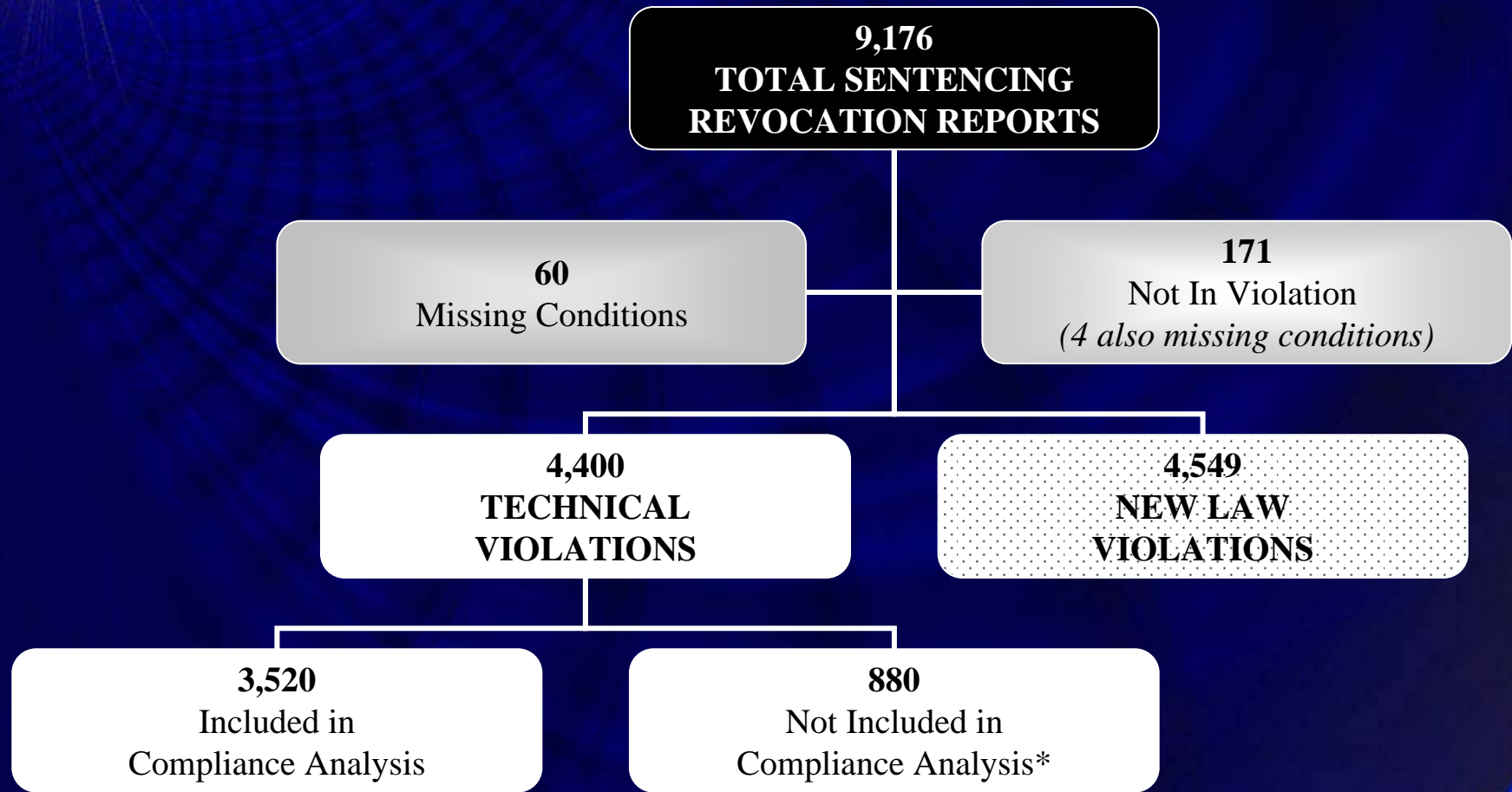
Conditions 2 – 11 & Special Conditions

FY1998 - FY2008

Technical vs. New Law Violations

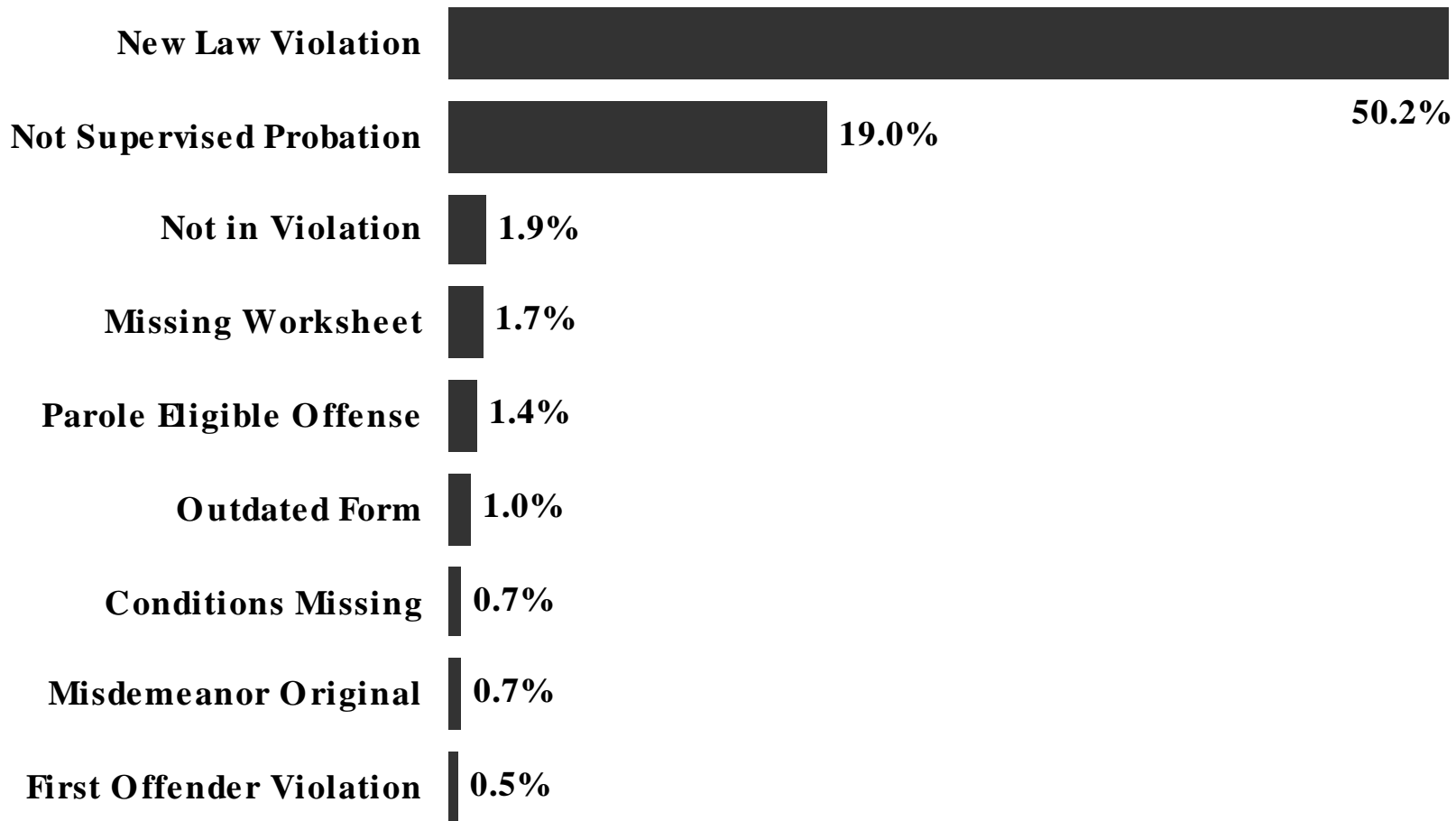


Preliminary FY2009 Sentencing Revocation Reports



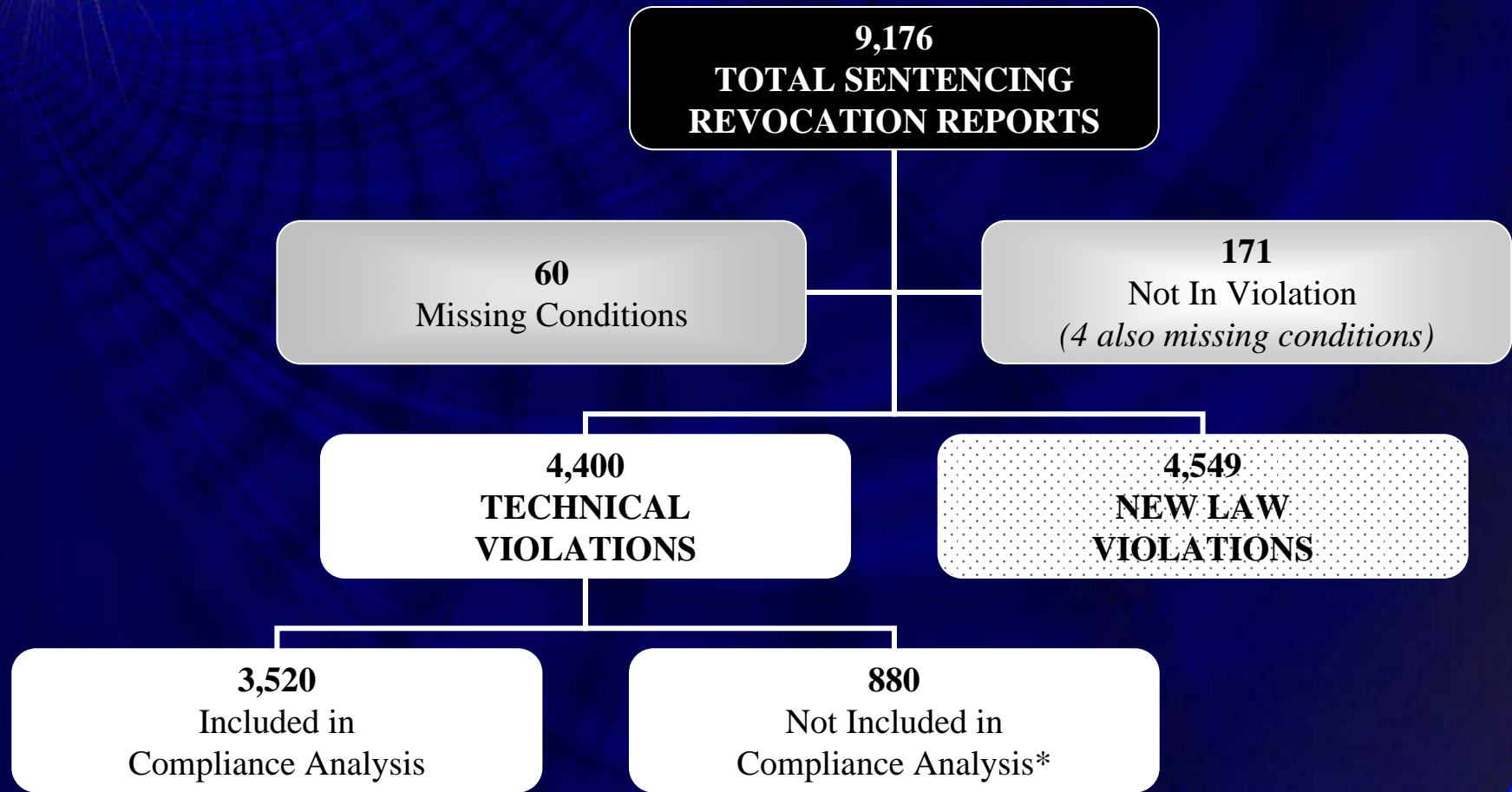
**Cases are not included in compliance analysis if the guidelines do not apply (the case involves a parole-eligible offense, first offender violation, misdemeanor original offense, or the offender was not on supervised probation), if the guidelines forms were incomplete, or if outdated forms were prepared.*

Preliminary FY2009 Reasons Cases Excluded from Probation Violation Guidelines Compliance Analysis (n=9,176)



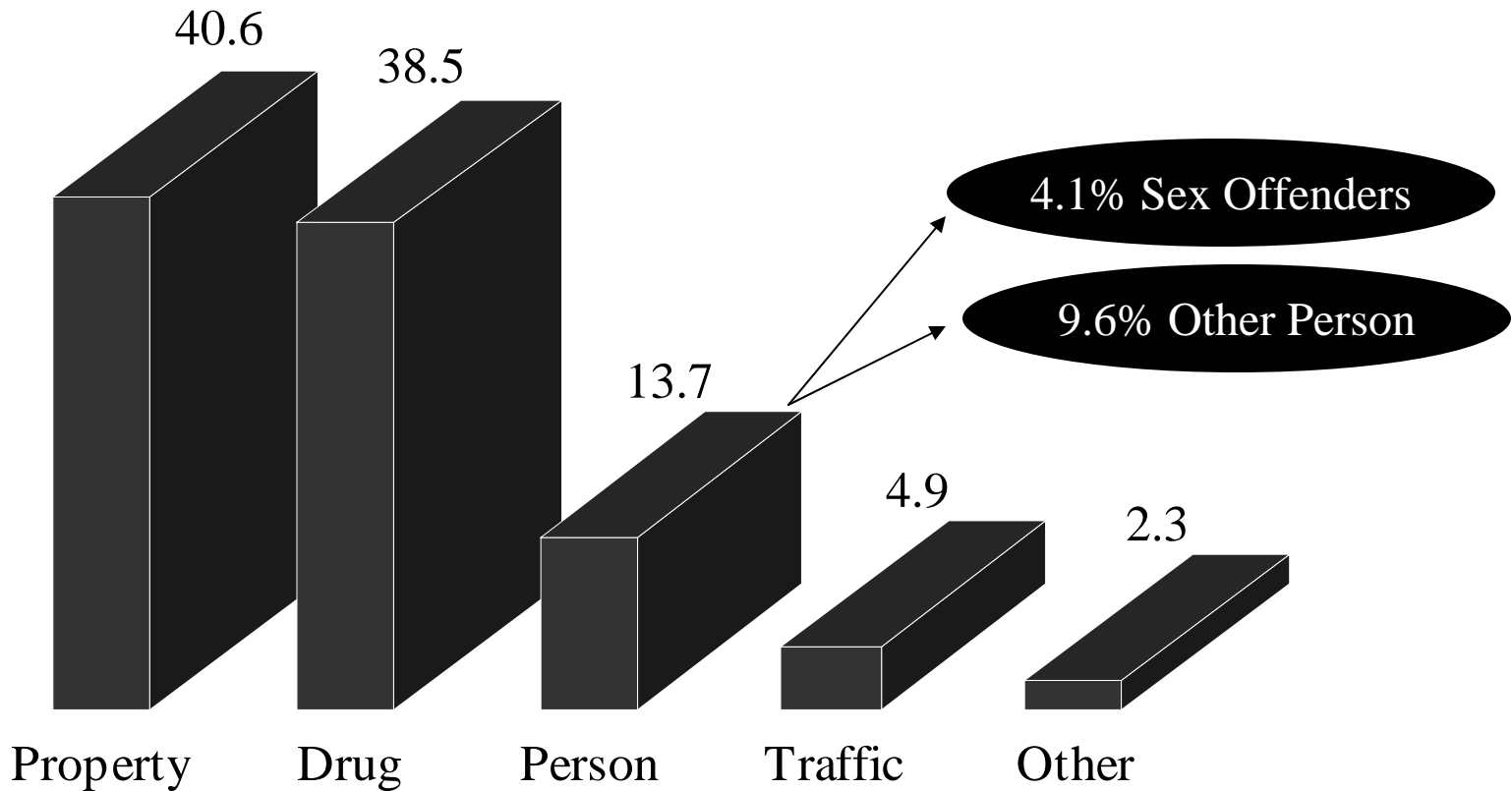
**Percentages do not total 100% because there may be multiple reasons that cases cannot be used in compliance analysis.*

Preliminary FY2009 Sentencing Revocation Reports



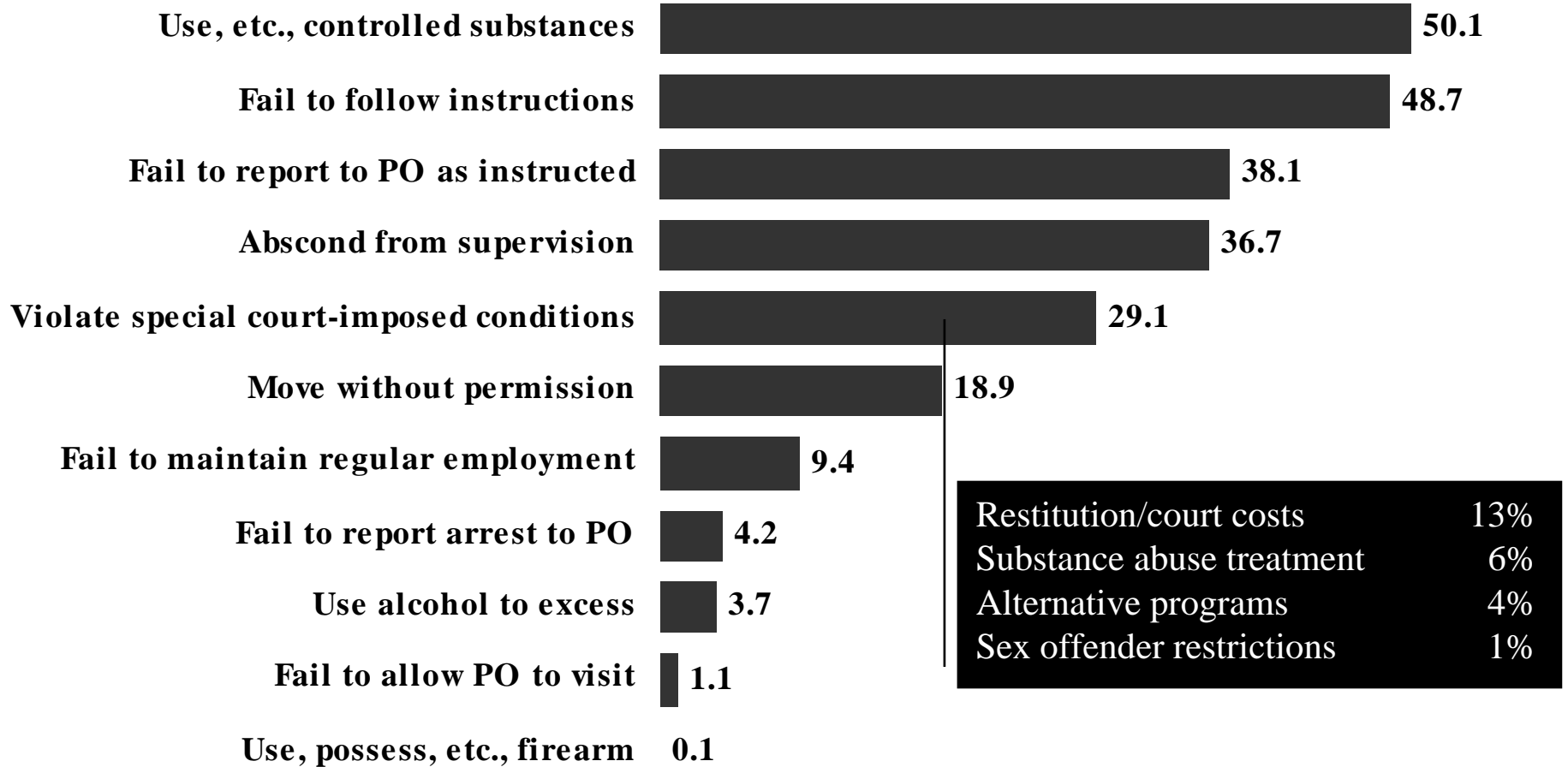
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Preliminary FY2009 Probation Violation Guideline Cases by Type of Original Offense* n=3,520



*Offense categories from "Appendix E: Offense Types" in the 3rd Edition Sentencing Revocation Report & Probation Violation Guidelines manual.

Preliminary FY2009 Conditions Cited in Probation Violation Guidelines Cases* n=3,520



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

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.

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

A. Drug	10	Score ▼ <input style="width: 40px; height: 20px;" type="text"/>
B. Person	14	
C. Traffic/Weapon	24	
D. Other	0	

◆ **Previous Capias/Revocation Requests**

Number: 1	7	▼ <input style="width: 40px; height: 20px;" type="text"/>
2 or more	9	

◆ **New Felony Arrests**

Number: 1 - 3	2	▼ <input style="width: 40px; height: 20px;" type="text"/>
4 or more	16	

◆ **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

◆ **Condition(s) Violated:** _____
 Score factors A to D and enter the total

A. Change residence or leave Commonwealth of Virginia without permission	0	<input style="width: 20px; height: 20px;" type="text"/>	+ + + + = Enter A to D Total	▼ <input style="width: 40px; height: 20px;" type="text"/>
B. Use, possess, distribute controlled substances or paraphernalia	16	<input style="width: 20px; height: 20px;" type="text"/>		
C. Abscond from supervision	17	<input style="width: 20px; height: 20px;" type="text"/>		
D. Any other condition(s) (except new conviction)	1	<input style="width: 20px; height: 20px;" type="text"/>		

◆ **Time Absconded**

Less than 6 months	0	▼ <input style="width: 40px; height: 20px;" type="text"/>
6 months to 1 year	10	
More than 1 year	17	

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**.

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. Drug	10	Score ▼ <input style="width: 40px; height: 20px;" type="text"/>
B. Person	14	
C. Traffic/weapon	24	
D. Other	1	
E. Property	3	

◆ **Previous Adult Probation Revocation Events**

Number: 1- 2	7	▼ <input style="width: 40px; height: 20px;" type="text"/>
3 or more	10	

◆ **New Felony Arrests**

Number: 1 - 3	2	▼ <input style="width: 40px; height: 20px;" type="text"/>
4 or more	18	

◆ **Never Reported to /Unsuccessful Discharge from following Programs** —▶

Community service, Day Reporting, Employment and/or Residential programs.....15
 Detention or Diversion Center.....18

◆ **Condition(s) Violated:** _____
 Score factors A to D and enter the total

4. Fail to report as instructed	18	▼ <input style="width: 40px; height: 20px;" type="text"/>
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 _____▶

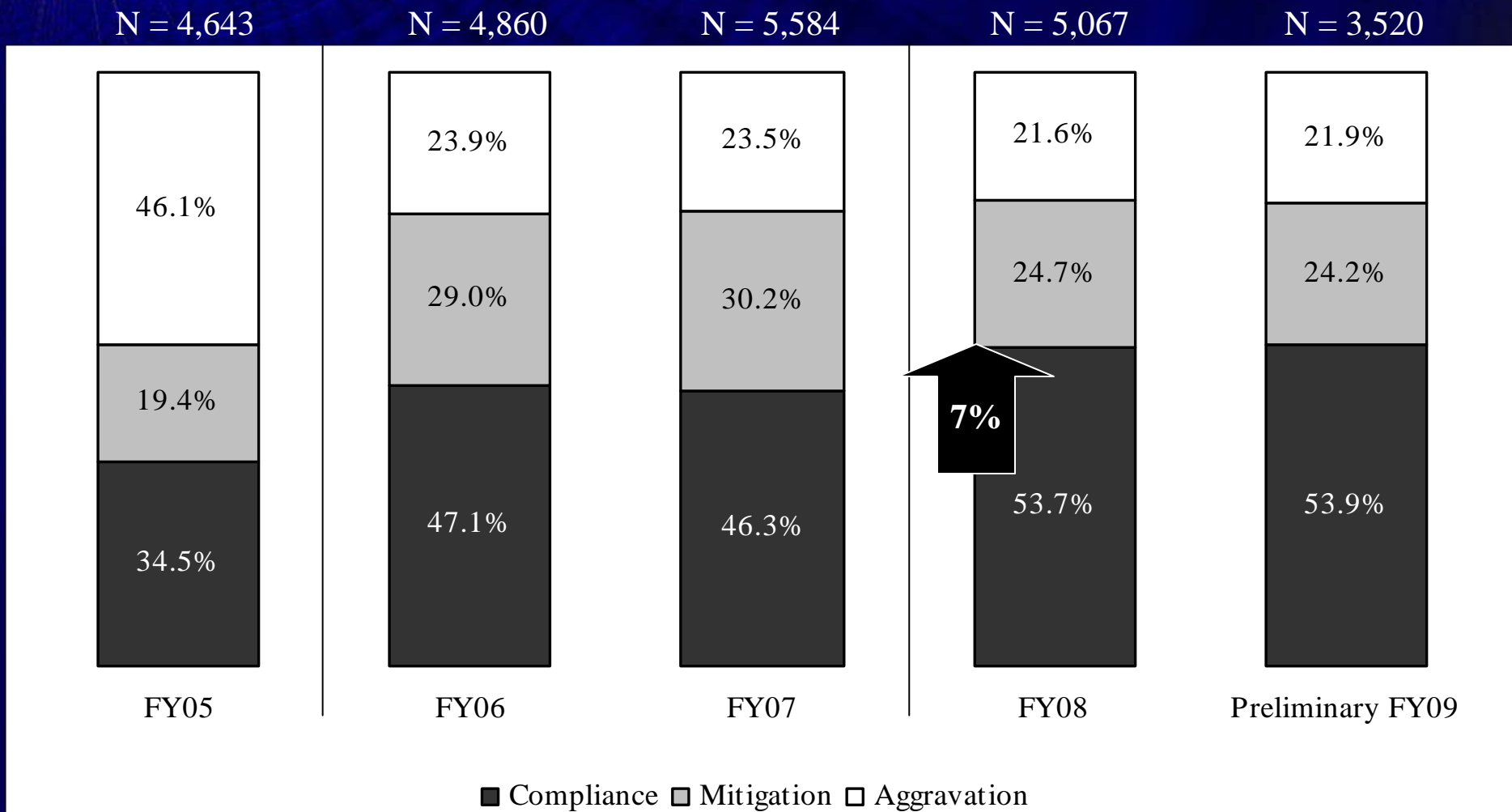
If total is 36 or less, the recommendation is **Probation/No Incarceration**.
 If total is 37 or more, go to **Section C Worksheet**.

New factors were added

Existing factors were adjusted

Point values were increased

FY2005 – Preliminary FY2009 Probation Violation Guidelines Compliance and Direction of Departures



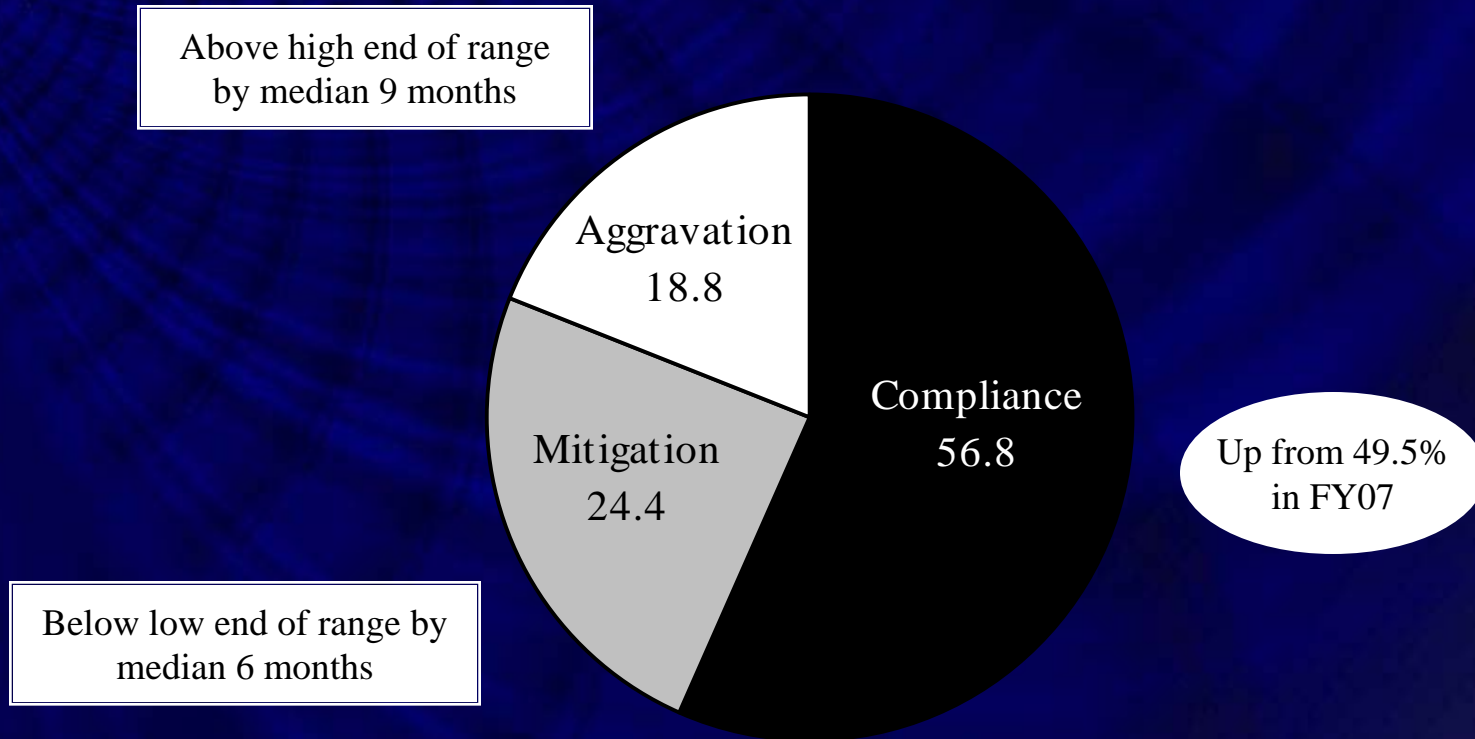
Preliminary FY2009 Probation Violation Guidelines Dispositional Compliance and Direction of Departures

RECOMMENDED DISPOSITION	ACTUAL DISPOSITION		
	<i>Probation</i>	<i>Jail <= 12m</i>	<i>Prison >= 1y</i>
<i>Probation</i>	45.1	42.2	12.7
<i>Jail <= 12m</i>	15.5	69.4	15.1
<i>Prison >= 1y</i>	13.4	30.9	55.7
Total	20.7	51.4	37.9

Median
Jail
Sentence
5 mos

Median
Prison
Sentence
18 mos

Preliminary FY2009 Probation Violation Guidelines Durational Compliance and Direction of Departures*



**Includes cases recommended for jail or prison incarceration only.*

Preliminary FY2009
Probation Violation Guidelines
Most Frequently Cited Departure Reasons

Mitigation (24.2%)

- 376 of 824 have written departure reasons
- Most frequently cited:
 - Progress in rehabilitation
 - Mitigating facts of the case
 - Plea agreement
 - Substance abuse issues
 - Offender's health
 - Minimal prior record
 - Needs to pay costs/restitution

Aggravation (21.9%)

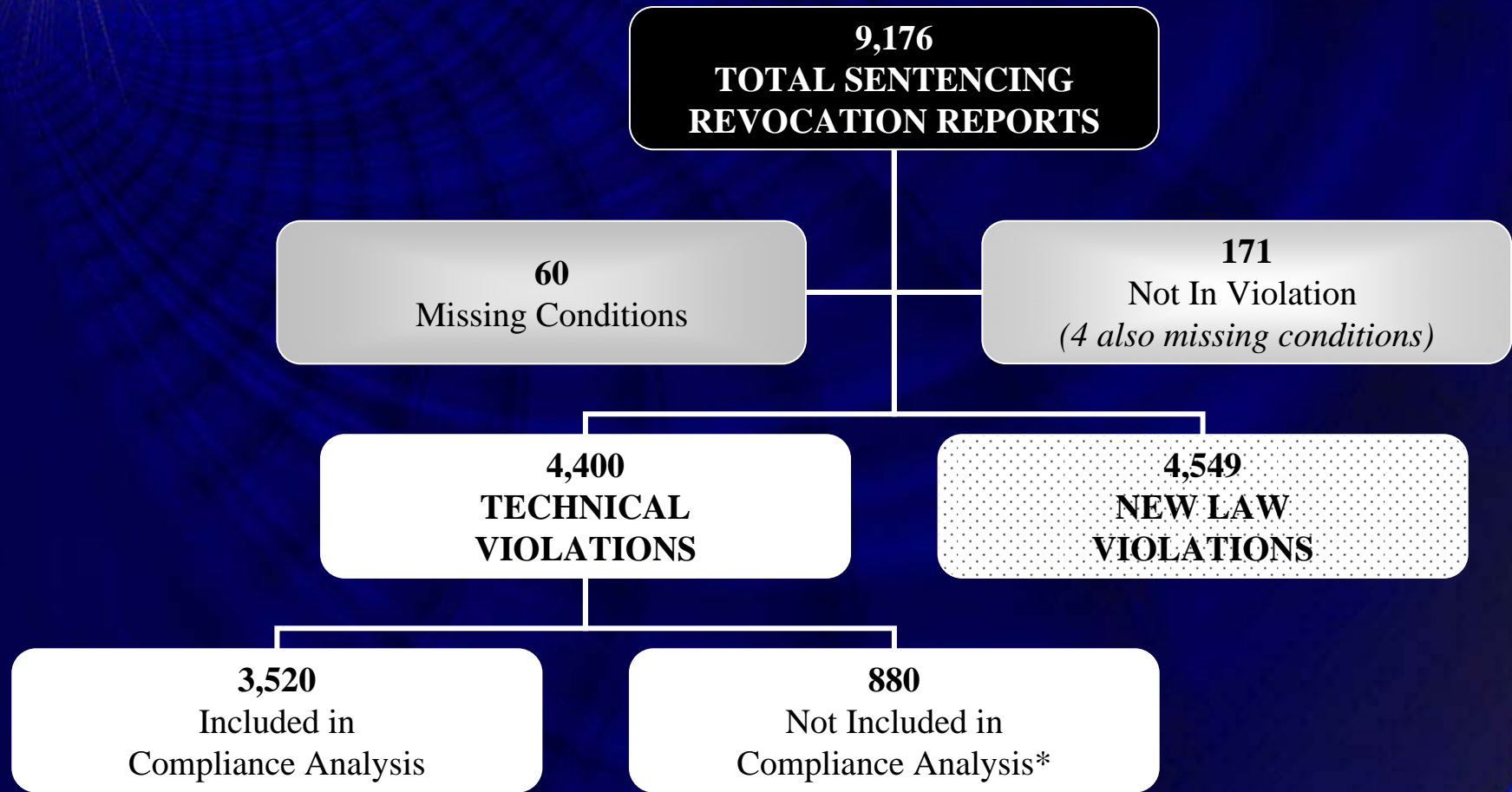
- 393 of 743 have written departure reasons
- Most frequently cited:
 - 2nd/subsequent revocation
 - Poor rehabilitation potential
 - Fail to follow instructions
 - Substance abuse issues
 - Absconded from supervision
 - Failed alternative treatment program
 - Needs rehab through jail/prison



Preliminary FY2009

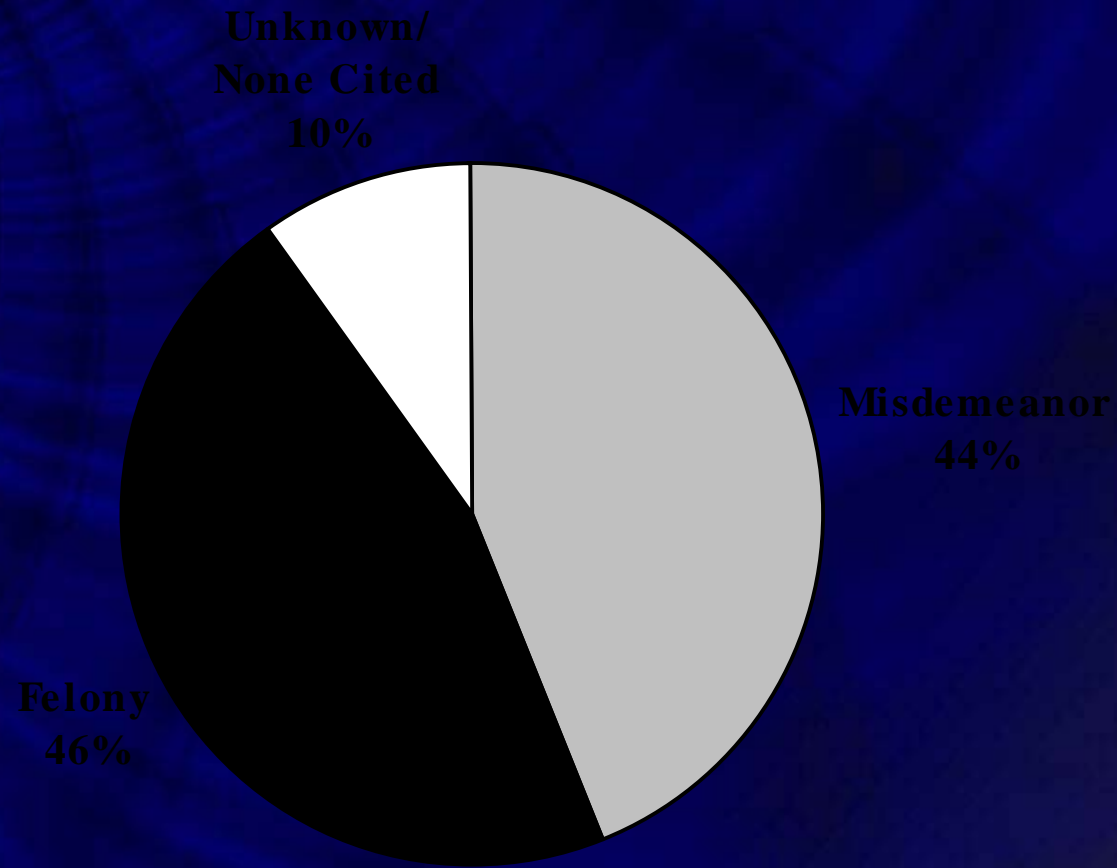
New Law Violations

Preliminary FY2009 Sentencing Revocation Reports

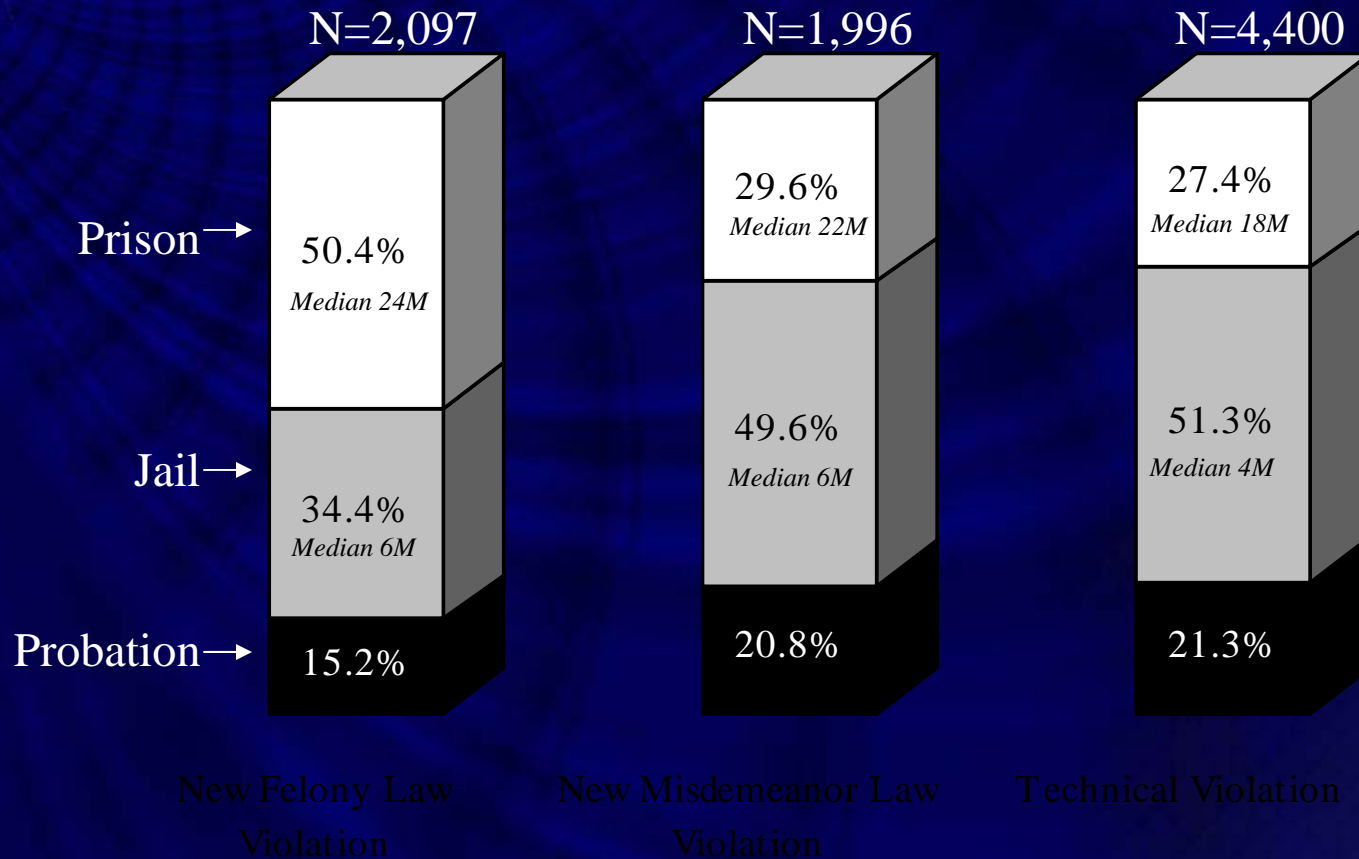


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Preliminary FY2009
Sentencing Revocation Reports
Type of New Law Violations
(n=4,549)



Preliminary FY2009 Sentencing Revocation Reports Disposition Received by Type of Violation



■ Probation ■ Jail ≤ 12 mos ■ Prison ≥ 1 yr