



Virginia Child Protection Accountability System § 63.2-1530

REPORTING REQUIREMENTS

Text in effect from and after July 1, 2012

Title 63.2 Welfare (Social Services)

Chap. 15 Child Abuse And Neglect, §§ 63.2-1500 — 63.2-1529

Art. 6 Virginia Child Protection Accountability System, § 63.2-1530

§ 63.2-1530. Virginia Child Protection Accountability System. —

A. The Virginia Child Protection Accountability System (the System) is created to collect and make available to the public information on the response to reported cases of child abuse and neglect in the Commonwealth. The Department shall establish and maintain the System. The Board shall promulgate regulations to implement the provisions of this section.

B. The following information shall, notwithstanding any state law regarding privacy or confidentiality of records, be included in the System and made available to the public via a website maintained by the Department and in print format:

1. From the Department: (i) the total number of complaints alleging child abuse, neglect, or a combination thereof received; (ii) the total number of complaints deemed valid pursuant to § 63.2-1508; (iii) the total number of complaints investigated by the Department pursuant to subsection I of §§ 63.2-1503 and 63.2-1505; (iv) the total number of cases determined to be founded cases of abuse or neglect; and (v) the total number of cases resulting in a finding that the complaint was founded resulting in administrative appeal. Information reported pursuant to clause (v) shall be reported by total number of appeals to the local department, total number of appeals to the Department, and total number of appeals by outcome of the appeal. For each category of information required by this subdivision, the Department shall also report the total number of cases by type of abuse; by gender, age, and race of the alleged victim; and by the nature of the relationship between the alleged victim and alleged abuser.

2. From the Department of State Police, annually, in a format approved by the Department of Social Services, arrest and disposition statistics for violations of §§ 18.2-48, 18.2-61, 18.2-63, 18.2-64.1, 18.2-67.1, 18.2-67.2, 18.2-67.3, 18.2-67.4, 18.2-355, 18.2-361, 18.2-366, 18.2-370 through 18.2-370.2, 18.2-371, 18.2-371.1, 18.2-374.1, 18.2-374.1:1, 18.2-374.3, 18.2-387, and 40.1-103 for inclusion in the Child Protection Accountability System.

3. From every circuit court in the Commonwealth for which data is available through the statewide Case Management System: (i) the total number of (a) misdemeanor convictions appealed from the district court to the circuit court, (b) felony charges certified from the district court to the circuit court, and (c) charges brought by direct indictment in the circuit court that involve a violation of any Code section set forth in subdivision 2; (ii) the total number of cases appealed, certified, or transferred to the court or brought by direct indictment in the circuit court involving a violation of any Code section set forth in subdivision 2 that result in a trial, including the number of bench trials and the number of jury trials; and (iii) the total number of trials involving a violation of any Code section set forth in

subdivision 2 resulting in (a) a plea agreement, (b) transfer to another court, (c) a finding of not guilty, (d) conviction on a lesser included offense, or (e) conviction on all charges, by type of trial.

4. From the Virginia Criminal Sentencing Commission, information on sentences imposed for offenses listed in subdivision 2, including (i) the name of the sentencing judge, (ii) the offense or offenses for which a sentence was imposed, (iii) the age of the victim and offender, (iv) the relationship between the victim and the offender, (v) the locality in which the offense occurred, (vi) the sentence imposed and the actual time served, (vii) whether the sentence was an upward or downward departure from the sentencing guidelines or within the sentencing guidelines, and (viii) the reasons given for the departure, if any, from the sentencing guidelines.

5. From the Office of the Executive Secretary of the Supreme Court of Virginia, information by locality on cases from the Juvenile and Domestic Relations District Courts' Case Management System involving (i) children alleged to be abused or neglected, including (a) the number of petitions filed, (b) the number of cases in which an emergency removal order was issued, (c) the number of cases in which a preliminary removal order was issued prior to an adjudicatory hearing, (d) the number of cases in which a preliminary removal order or a preliminary child protective order or both were issued at a preliminary hearing, and (e) the number of cases in which a preliminary child protective order or a child protective order was issued other than at a preliminary hearing; and (ii) family abuse cases, including (a) the number of family abuse emergency protective orders issued by magistrates and juvenile and domestic relations district courts pursuant to § 16.1-253.4, (b) the number of family abuse protective petitions filed, and (c) the number of family abuse protective orders issued pursuant to § 16.1-279.1.

Information required to be reported pursuant to subdivisions 1 through 5 shall be reported annually in a format approved by the Department of Social Services and aggregated by locality.

C. Data collected pursuant to subsection B shall be made available to the public on a website established and maintained by the Department and shall also be made readily available to the public in print format. Information included in the System shall be presented in such a manner that no individual identifying information shall be included. (2009, c. 445; 2010, cc. 664, 726; 2012, cc. 113, 661.)



Virginia Child Protection Accountability System § 63.2-1530

REPORTING REQUIREMENTS

- 🔗 Legislation
- 🔗 Data Requests
- 🔗 Offenses Included
- 🔗 Case Details
- 🔗 Departure Reasons
- 🔗 Report

- ❖ Even with the data available online, the Commission still receives FOIA requests for the data.
- ❖ Data provided as required by FOIA.





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- ❖ Abuse and neglect of children § 18.2-371.1
- ❖ Cruelty and injuries to children § 40.1-103
- ❖ Contributing to delinquency of minor § 18.2-371
- ❖ Kidnapping § 18.2-48
- ❖ Rape § 18.2-61
- ❖ Carnal knowledge § 18.2-63, 18.2-64.1
- ❖ Forcible sodomy § 18.2-67.1
- ❖ Object sexual penetration § 18.2-67.2
- ❖ Aggravated sexual battery § 18.2-67.3
- ❖ Sexual battery § 18.2-67.4
- ❖ Detaining, etc., person for prostitution § 18.2-355
- ❖ Crimes against nature § 18.2-361
- ❖ Incest § 18.2-366
- ❖ Indecent liberties § 18.2-370 through § 18.2-370.1
- ❖ Offenses prohibiting proximity to children § 18.2-370.2
- ❖ Child pornography § 18.2-374.1 to § 18.2-374.1:1
- ❖ Using communication system to facilitate crimes with minors § 18.2-374.3
- ❖ Indecent exposure § 18.2-387





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- 🔗 Departure Reasons
- 🔗 Proposed Report

- ❖ Name of sentencing judge
- ❖ Offense or offenses
- ❖ Age of the offender
- ❖ Age of the victim
- ❖ Relationship between the victim and the offender
- ❖ Locality in which the offense occurred
- ❖ Sentence imposed
- ❖ Actual time served
- ❖ Whether the sentence was within the sentencing guidelines range or was an upward or downward departure from the sentencing guidelines
- ❖ Reasons given for the departure, if any, from the sentencing guidelines



Virginia Child Protection Accountability Reporting - § 63.2-1530

The Virginia Criminal Sentencing Commission (VCSC) submits this report as required by the provisions of § 63.2-1530.

Data Source

The data for this report are generated from the VCSC's Sentencing Guidelines Data System. The VCSC develops and maintains sentencing guidelines for most felony offenses. Circuit Court judges are provided with the sentencing guidelines recommendations. Virginia's sentencing guidelines are voluntary and a judge may depart from the guidelines and sentence an offender to a term longer or shorter than the guidelines recommend. Once an offender has been sentenced, the sentencing guidelines forms are sent to the VCSC and the information is automated. The automated data are based on the information recorded on the sentencing guidelines forms.

The VCSC's Sentencing Guidelines Data System is based on sentencing events. A sentencing event includes all of the offenses for which an offender is sentenced in the same court on the same day. Therefore, the sentencing information that is available reflects the sentence given for the entire event; sentencing information for each individual offense in the event is not collected.

The VCSC report includes sentencing events in which the offender has been convicted of an offense specified in § 63.2-1530(B)(2) of the *Code of Virginia*. That offense may not be the primary, or most serious, offense in the event if the offender was convicted of multiple charges.

The Sentencing Guidelines Data System only contains those sentencing events in which the primary offense is covered by the Guidelines. The primary offense is identified based on Sentencing Guidelines instructions.

Virginia's Sentencing Guidelines forms are available on the VCSC website (www.vcsc.virginia.gov).

Important Note:

The VCSC report includes sentencing events in which the offender has been convicted of an offense specified in § 63.2-1530(B)(2). For some of the offenses listed in § 63.2-1530(B)(2), the victim may be an adult or a child. Accordingly, the VCSC report includes sentencing events in which the victim of the offense was an adult. In some cases, data are insufficient to determine if the victim was an adult or a child.

Definitions

Sentencing Date: The date the offender was sentenced, as reported on the Sentencing Guidelines form.

Victim's Age: The exact age of the victim is not identified in available sources. The victim's age is determined by statutes that only apply to children of a specific age or based on the age range scored on the Sentencing Guidelines (i.e., the score assigned to the "Offender Relationship with Victim" factor on the Sentencing Guidelines' Sex Offender Risk Assessment worksheet; this factor is not applicable in all cases).

Offender's Age: The age of the offender on the date of offense for the primary offense (most serious offense as determined by Sentencing Guidelines rules).

Relationship: Users are cautioned when using this information because the exact relationship is frequently not available. When the relationship is not available, N/A is reported. When information is available, the relationship is determined based on the score recorded on the Sentencing Guidelines (i.e., the score assigned to the "Offender Relationship with Victim" factor on the Sentencing Guidelines' Sex Offender Risk Assessment worksheet). In other cases, the score may be the same for two different types of relationships and both are printed in this column.

Concluded By: This identifies how the offender was found guilty of the crime(s). "Guilty Plea" – Offender pled guilty to the crime(s); "Bench Trial" - A trial held before a judge without a jury; "Jury Trial" – A trial when the jury determines the finding of guilt; "Combination" – Charges in the event were concluded by different types of trials or a trial and a guilty plea. When information is available that a plea agreement was accepted by the court, "Plea Agreement" also appears in this column.

SG Judge: The name of the sentencing judge reported on the Sentencing Guidelines form.

Imposed Time: The sentence announced by the judge. This covers all offenses in the sentencing event. For most offenses, the judge may suspend all or part of this sentence. The suspension of time may be contingent upon the offender fulfilling specific requirements, such as probation supervision or an alternative to incarceration.

Sentencing Date	Victim's Age*	Offender's Age*	Relationship*	Concluded By*	SG Judge*	Total Imposed Time*	Effective Time*
Conviction Description*				Statute	Felony/Misdemeanor *	SG Compliance*	

NAME OF COUNTY / CITY

<u>10/25/2012</u>	Unknown	45	N/A*	Guilty Plea	Judge [REDACTED]	4Y 0M 0D	0Y 0M 90D
Possess child porn (first offense)				18.2-374.1:1(A)	F		Within SG

Departure Reason(s):

THIS IS CHILD PORNOGRAPHY. PROBATION SIMPLY WILL NOT DO.

<u>11/13/2012</u>	Unknown	21	Stranger	Guilty Plea	Judge [REDACTED]	5Y 0M 0D	0Y 0M 0D
Indecent liberties with child under age 15				18.2-370(A)	F		Below SG

Departure Reason(s):

THE 1 DAY DEVIATION IS PREDICATED ON THE PLEA AGREEMENT AND THE FACT THE CHILD'S PARENTS DID NOT WANT TO OFFER HIS TESTIMONY.

<u>1/25/2013</u>	Age 13 or 14	21	Known to Victim	Guilty Plea	Judge [REDACTED]	5Y 0M 0D	0Y 9M 0D
Carnal knowledge/Statutory Rape Age of victim 13, 14				18.2-63(A)	F		Within SG

<u>2/11/2013</u>	Unknown	22	Known to Victim	Guilty Plea & Plea Agreement	Judge [REDACTED]	20Y 0M 0D	1Y 0M 0D
Aggravated sexual battery - mental				18.2-67.3(A,2)	F		Below SG

Departure Reason(s):

THIS DEVIATION IS BASED ON THIS BEING A WRITTEN PLEA AGREEMENT. THE CW MOTION THAT THE PART OF DIMINISH WANT TO PUT THE VICTIM THROUGH THE ORDEAL OF TESTIFYING BEFORE A J

<u>2/21/2013</u>	Age 13 or 14	47	Known to Victim	Guilty Plea			
Carnal knowledge/Statutory Rape Age of victim 13, 14				18.2-63(A)			
Indecent liberties with child under age 15				18.2-370(A)			

Departure Reason(s):

THE CRIMES (5 OF THEM) WERE AGAINST A 13 YEAR OLD CHILD AND THE NATURE AND DETAILS OF HIS CONDUCT IS TH

<u>2/22/2013</u>	Unknown	30	N/A*	Guilty Plea			
Disregard police command to stop, endangerment				46.2-817(B)			
Gross, wanton, or reckless care for child				18.2-371.1(B)			

- ❖ Name of sentencing judge
- ❖ Offense or offenses
- ❖ Age of the offender
- ❖ Age of the victim (*Range*)
- ❖ Relationship between victim and offender (*Sex Offender Risk Assessment*)
- ❖ Locality in which the offense occurred
- ❖ Sentence imposed
- ❖ Actual time served (*Effective Time*)
- ❖ Whether the sentence was within the sentencing guidelines range or was an upward or downward departure from the sentencing guidelines
- ❖ Reasons given for the departure, if any, from the sentencing guidelines



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- ❖ In June of 2012, Commission members voted to report the departure reason as recorded on the sentencing guidelines cover sheet.
- ❖ Previously, departure reasons were based on the staff's categorization of the judge's reasons for departing from the guidelines recommendation.





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- ❖ Each circuit court judge is mailed a copy of the report(s) for his or her jurisdiction(s) prior to posting on the Department of Social Services website?

Sentencing Date	Victim's Age*	Offender's Age*	Relationship*	Concluded By*		SG Judge*	Total Imposed Time*	Effective Time*	
				Statute	Felony/Misdemeanor *				SG Compliance*
NAME OF COUNTY / CITY									
10/25/2012	Unknown	45	N/A*	Guilty Plea 18.2-374.1(1A)	F	Judge ██████████	4Y 0M 0D	0Y 0M 0D Within SG	
<i>Departure Reason(s):</i> THIS IS CHILD PORNOGRAPHY. PROBATION EMPLOY WILL NOT DO.									
11/13/2012	Unknown	21	Stranger	Guilty Plea 18.2-370(A)	F	Judge ██████████	5Y 0M 0D	0Y 0M 0D Below SG	
<i>Departure Reason(s):</i> THE 1 DAY DEVIATION IS PREDICATED ON THE PLEA AGREEMENT AND THE FACT THE CHILD'S PARENTS DO NOT WANT TO OFFER HIS TESTIMONY.									
1/25/2013	Age 13 or 14	21	Known to Victim	Guilty Plea 18.2-63(A)	F	Judge ██████████	5Y 0M 0D	0Y 9M 0D Within SG	
<i>Departure Reason(s):</i> CARNAL KNOWLEDGE/STATUTORY RAPE AGE OF VICTIM 13, 14									
2/11/2013	Unknown	22	Known to Victim	Guilty Plea & Plea Agreement 18.2-67.3(A,2)	F	Judge ██████████	20Y 0M 0D	1Y 0M 0D Below SG	
<i>Departure Reason(s):</i> THIS DEVIATION IS BASED ON THIS BEING A WRITTEN PLEA AGREEMENT. THE DW MOTION THAT THE PART OF DIMINISHED CAPACITY (AN ADULT) AND HIS PARENTS SUPPORT THIS DISPOSITION BECAUSE THEY DO NOT WANT TO PUT THE VICTIM THROUGH THE ORDEAL OF TESTIFYING BEFORE A J.									
2/21/2013	Age 13 or 14	47	Known to Victim	Guilty Plea 18.2-63(A)	F	Judge ██████████	15Y 0M 0D	7Y 6M 0D Above SG	
<i>Departure Reason(s):</i> THE CRIMES (S) OF THEM WERE AGAINST A 13 YEAR OLD CHILD AND THE NATURE AND DETAILS OF HIS CONDUCT IS THE JUSTIFICATION. (ILLEGIBLE) I SHOULD HAVE DEVIATED MORE ON THE UPWARD SIDE.									
2/22/2013	Unknown	30	N/A*	Guilty Plea 46.2-817(B)	F	Judge ██████████	4Y 0M 0D	2Y 2M 0D Within SG	
<i>Departure Reason(s):</i> GROSS, WANTON, OR RECKLESS CARE FOR CHILD									

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* See the first two pages of this report for definitions



Sentencing Date	Victim's Age*	Offender's Age*	Relationship*	Concluded By*	SG Judge*	Total Imposed Time*	Effective Time*
Conviction Description*				Statute	Felony/Misdemeanor *	SG Compliance*	

NAME OF COUNTY / CITY

<u>10/25/2012</u>	Unknown	45	N/A*	Guilty Plea	Judge [REDACTED]	4Y 0M 0D	0Y 0M 90D
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<u>11/13/2012</u>	Unknown	21	Stranger	Guilty Plea	Judge [REDACTED]	5Y 0M 0D	0Y 0M 0D
Indecent liberties with child under age 15				18.2-370(A)	F		Below SG

Departure Reason(s):

THE 1 DAY DEVIATION IS PREDICATED ON THE PLEA AGREEMENT AND THE FACT THE CHILD'S PARENTS DID NOT WANT TO OFFER HIS TESTIMONY.

<u>1/25/2013</u>	Age 13 or 14	21	Known to Victim	Guilty Plea	Judge [REDACTED]	5Y 0M 0D	0Y 9M 0D
Carnal knowledge/Statutory Rape Age of victim 13, 14				18.2-63(A)	F		Within SG

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Aggravated sexual battery - mental				18.2-67.3(A,2)	F		Below SG

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<u>2/21/2013</u>	Age 13 or 14	47	Known to Victim	Guilty Plea	Judge [REDACTED]	15Y 0M 0D	7Y 6M 0D
Carnal knowledge/Statutory Rape Age of victim 13, 14				18.2-63(A)	F		Above SG
Indecent liberties with child under age 15				18.2-370(A)	F		

Departure Reason(s):

THE CRIMES (5 OF THEM) WERE AGAINST A 13 YEAR OLD CHILD AND THE NATURE AND DETAILS OF HIS CONDUCT IS THE JUSTIFICATION. [ILLEGIBLE], I SHOULD HAVE DEVIATED MORE ON THE UPWARD SIDE.

<u>2/22/2013</u>	Unknown	30	N/A*	Guilty Plea	Judge [REDACTED]	4Y 0M 0D	2Y 2M 0D
Disregard police command to stop, endangerment				46.2-817(B)	F		Within SG
Gross, wanton, or reckless care for child				18.2-371.1(B)	F		