



Virginia Sentencing Guidelines

Preliminary
FY2016 Report

September 12, 2016

FY 2016 - Cases Coded and Keyed*

	2015	2016	Total
JAN		1,870	
FEB		1,975	
MAR		2,071	
APR		1,904	
MAY		1,708	
JUN		1,901	
JUL	1,973		
AUG	2,008		
SEP	1,898		
OCT	2,052		
NOV	1,738		
DEC	1,812		
TOTAL	11,481	11,429	22,910

*Keyed as of September 1, 2016 (Includes all forms received)

FY 2016 - Cases Received by County - FIPS

ACCOMACK	64
ALBEMARLE	204
ALLEGHANY	172
AMELIA	40
AMHERST	125
APPOMATTOX	47
ARLINGTON	334
AUGUSTA	206
BATH	25
BEDFORD	166
BLAND	8
BOTETOURT	149
BRUNSWICK	33
BUCHANAN	105
BUCKINGHAM	34
CAMPBELL	192
CAROLINE	59
CARROLL	157
CHARLES CITY	12
CHARLOTTE	31

CHESTERFIELD	1109
CLARKE	59
CRAIG	1
CULPEPER	188
CUMBERLAND	29
DICKENSON	104
DINWIDDIE	88
ESSEX	39
FAIRFAX COUNTY	828
FAUQUIER	209
FLOYD	41
FLUVANNA	31
FRANKLIN COUNTY	125
FREDERICK	293
GILES	86
GLOUCESTER	115
GOOCHLAND	23
GRAYSON	90
GREENE	8
GREENSVILLE	120

HALIFAX	154
HANOVER	367
HENRICO	1107
HENRY	184
HIGHLAND	3
ISLE OF WIGHT	78
JAMES CITY	78
KING & QUEEN	22
KING GEORGE	69
KING WILLIAM	30
LANCASTER	26
LEE	59
LOUDOUN	347
LOUISA	120
LUNENBURG	52
MADISON	27
MATHEWS	18
MECKLENBURG	197
MIDDLESEX	40
MONTGOMERY	218

NELSON	37
NEW KENT	41
NORTHAMPTON	42
NORTHUMBERLAND	28
NOTTOWAY	68
ORANGE	90
PAGE	139
PATRICK	39
PITTSYLVANIA	173
POWHATAN	60
PRINCE EDWARD	112
PRINCE GEORGE	66
PRINCE WILLIAM	666
PULASKI	174
RAPPAHANNOCK	6
RICHMOND COUNTY	18
ROANOKE COUNTY	229
ROCKBRIDGE	155
ROCKINGHAM	287
RUSSELL	167

SCOTT	251
SHENANDOAH	33
SMYTH	153
SOUTHAMPTON	125
SPOTSYLVANIA	288
STAFFORD	506
SURRY	6
SUSSEX	34
TAZEVELL	411
WARREN	181
WASHINGTON	218
WESTMORELAND	66
WISE	258
WYTHE	170
YORK	126

N=22,910 (8 – FIPS not included on cover sheet)

FY 2016 - Cases Received by City - FIPS

ALEXANDRIA	69
BRISTOL	206
BUENA VISTA	38
CHARLOTTESVILLE	99
CHESAPEAKE	781
COLONIAL HEIGHTS	167
DANVILLE	283
FAIRFAX CITY	1
FALLS CHURCH	1
FREDERICKSBURG	232
HAMPTON	362
HARRISONBURG	178
HOPEWELL	90
LEXINGTON	5
LYNCHBURG	367
MARTINSVILLE	97

NEWPORT NEWS	542
NORFOLK	1026
NORTON	1
PETERSBURG	20
PORTSMOUTH	430
RADFORD	54
RICHMOND CITY	959
ROANOKE CITY	409
SALEM	20
STAUNTON	154
SUFFOLK	321
VIRGINIA BEACH	1121
WAYNESBORO	167
WILLIAMSBURG	62
WINCHESTER	272
MISSING	8

Lists of Cases Received Will Be Sent To:
Chief Judges, Circuit Court Clerks and Commonwealth's Attorneys

**Preliminary FY2016 Report:
General Compliance**

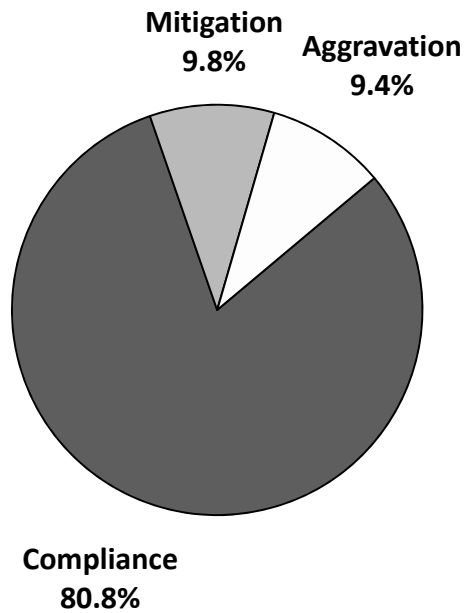


**Preliminary FY2016 Report
Judicial Agreement
with Guideline Recommendations**

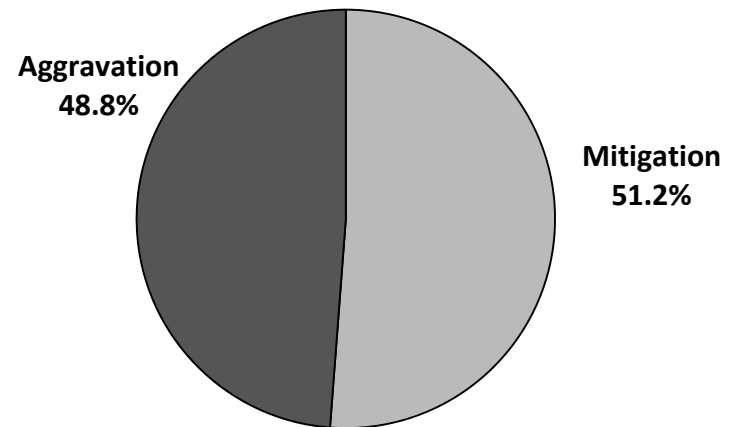
General Compliance:

The degree to which judges agree with the overall guidelines recommendation.

Overall Compliance Rate



Direction of Departures



N=22,217 (Excludes old worksheets, non-guidelines offenses and cases missing sentencing information or a guidelines recommendation)

Preliminary FY2016 Report
Judicial Agreement
with Type of Recommended Disposition

Dispositional Compliance:

The degree to which judges agree with the type of sanction recommended.

RECOMMENDED DISPOSITION	ACTUAL DISPOSITION		
	Probation/No Incarceration	Incarceration 6 months or less	Incarceration over 6 months
Probation/No Incarceration	73.6%	22.7%	3.8%
Incarceration 6 months or less	12.3%	78.6%	9.2%
Incarceration over 6 months	6.1%	7.3%	86.6%

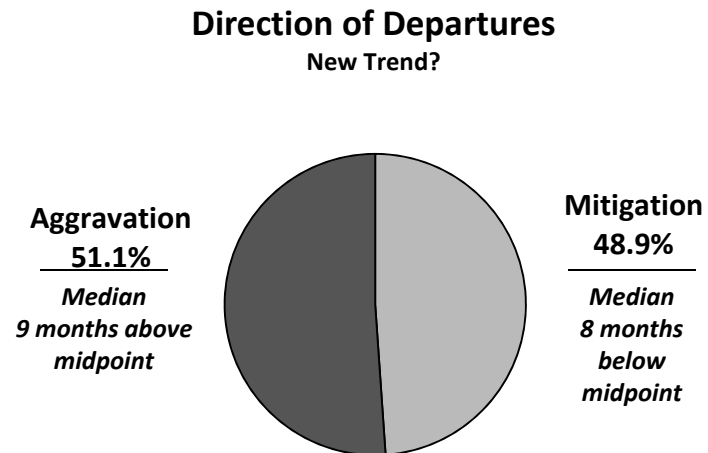
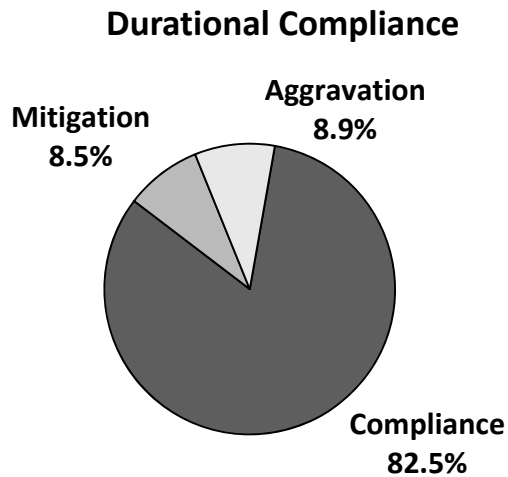
N=22,217 (Excludes old worksheets, non-guidelines offenses and cases missing sentencing information or a guidelines recommendation)

Preliminary FY2016 Report

Judicial Agreement with Sentence Length

Durational Compliance:

The degree to which judges agree with the sentence length in cases in which defendants are recommended for jail/prison and receive at least one day incarceration.



N=15,291 (Incarceration recommended with a disposition of incarceration (missing 235))

**Preliminary FY2016 Report:
Departure Reasons**



Preliminary FY2016 Report

Most Frequently Cited Departure Reasons

Mitigation (n=2,182)

- Plea agreement 783 (36%*)
- Sentenced to alternative 217 (10%*)
- Judicial discretion 197 (9%*)
- Cooperated with authorities 182 (8%*)
- No significant prior record 165 (8%*)
- Facts of the case 159 (7%*)
- Court proceedings 158 (7%*)
- Recommendation of CA 141 (7%*)
- Offender's health issues 114 (5%*)
- Rehabilitation potential 73 (3%*)
- Victim's Request 67 (3%*)

n=332 (15%) missing a departure reason

* Of mitigating cases requiring departure reason

Aggravation (n=2,082)

- Plea agreement 528 (25%**)
- Flagrancy of offense/facts of case 380 (18%**)
- Severity/type of prior record 254 (12%**)
- Multiple counts involved in event 199 (10%**)
- Recommendation of jury 104 (5%**)
- Poor rehabilitation potential 103 (5%**)
- Drugs involved 99 (5%**)
- Degree of injury 91 (4%**)
- Type of victim (child, etc.) 88 (4%**)

n=284 (14%) missing a departure reason

** Of aggravating cases requiring departure reasons

**Preliminary FY2016 Report:
Compliance by Circuit**

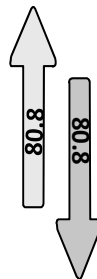


**Preliminary FY2016
Sorted By Circuit**

Circuit Name	Circuit	Compliance	Mitigation	Aggravation	No. of Cases
Chesapeake	1	80.3%	10.0%	9.7%	762
Virginia Beach	2	85.5%	7.1%	7.4%	1213
Portsmouth	3	80.0%	15.7%	4.2%	426
Norfolk	4	82.5%	10.0%	7.5%	998
Suffolk Area	5	77.2%	7.9%	14.9%	509
Sussex Area	6	81.3%	8.5%	10.2%	343
Newport News	7	86.8%	6.2%	7.0%	532
Hampton	8	81.0%	13.4%	5.6%	357
Williamsburg Area	9	79.0%	9.1%	11.9%	481
South Boston Area	10	83.3%	7.7%	9.0%	646
Petersburg Area	11	83.9%	9.5%	6.6%	273
Chesterfield Area	12	84.5%	7.3%	8.1%	1253
Richmond City	13	63.1%	29.3%	7.6%	936
Henrico	14	77.0%	9.8%	13.2%	1086
Fredericksburg Area	15	77.0%	8.2%	14.8%	1649
Charlottesville Area	16	84.6%	7.3%	8.1%	765
Arlington Area	17	81.7%	9.0%	9.3%	333
Alexandria	18	75.4%	10.1%	14.5%	69
Fairfax	19	77.1%	11.7%	11.2%	751
Loudoun Area	20	84.2%	5.3%	10.5%	562
Martinsville Area	21	84.6%	10.7%	4.7%	318
Danville Area	22	76.3%	9.3%	14.4%	570
Roanoke Area	23	78.3%	13.1%	8.6%	640
Lynchburg Area	24	81.7%	9.8%	8.5%	870
Staunton Area	25	77.1%	14.5%	8.3%	1045
Harrisonburg Area	26	86.4%	6.8%	6.8%	1418
Radford Area	27	86.3%	6.9%	6.9%	888
Bristol Area	28	88.0%	4.8%	7.3%	565
Buchanan Area	29	76.9%	9.0%	14.2%	756
Lee Area	30	82.9%	8.0%	9.1%	539
Prince William Area	31	83.4%	9.1%	7.5%	656

**Preliminary FY2016
Sorted By Compliance**

Circuit Name	Circuit	Compliance	Mitigation	Aggravation	No. of Cases
Bristol Area	28	88.0%	4.8%	7.3%	565
Newport News	7	86.8%	6.2%	7.0%	532
Harrisonburg Area	26	86.4%	6.8%	6.8%	1418
Radford Area	27	86.3%	6.9%	6.9%	888
Virginia Beach	2	85.5%	7.1%	7.4%	1213
Martinsville Area	21	84.6%	10.7%	4.7%	318
Charlottesville Area	16	84.6%	7.3%	8.1%	765
Chesterfield Area	12	84.5%	7.3%	8.1%	1253
Loudoun Area	20	84.2%	5.3%	10.5%	562
Petersburg Area	11	83.9%	9.5%	6.6%	273
Prince William Area	31	83.4%	9.1%	7.5%	656
South Boston Area	10	83.3%	7.7%	9.0%	646
Lee Area	30	82.9%	8.0%	9.1%	539
Norfolk	4	82.5%	10.0%	7.5%	998
Lynchburg Area	24	81.7%	9.8%	8.5%	870
Arlington Area	17	81.7%	9.0%	9.3%	333
Sussex Area	6	81.3%	8.5%	10.2%	343
Hampton	8	81.0%	13.4%	5.6%	357
Chesapeake	1	80.3%	10.0%	9.7%	762
Portsmouth	3	80.0%	15.7%	4.2%	426
Williamsburg Area	9	79.0%	9.1%	11.9%	481
Roanoke Area	23	78.3%	13.1%	8.6%	640
Suffolk Area	5	77.2%	7.9%	14.9%	509
Staunton Area	25	77.1%	14.5%	8.5%	1045
Fairfax	19	77.1%	11.7%	11.2%	751
Fredericksburg Area	15	77.0%	8.2%	14.8%	1649
Henrico	14	77.0%	9.8%	13.2%	1086
Buchanan Area	29	76.9%	9.0%	14.2%	756
Danville Area	22	76.3%	9.3%	14.4%	570
Alexandria	18	75.4%	10.1%	14.5%	69
Richmond City	13	63.1%	29.3%	7.6%	936



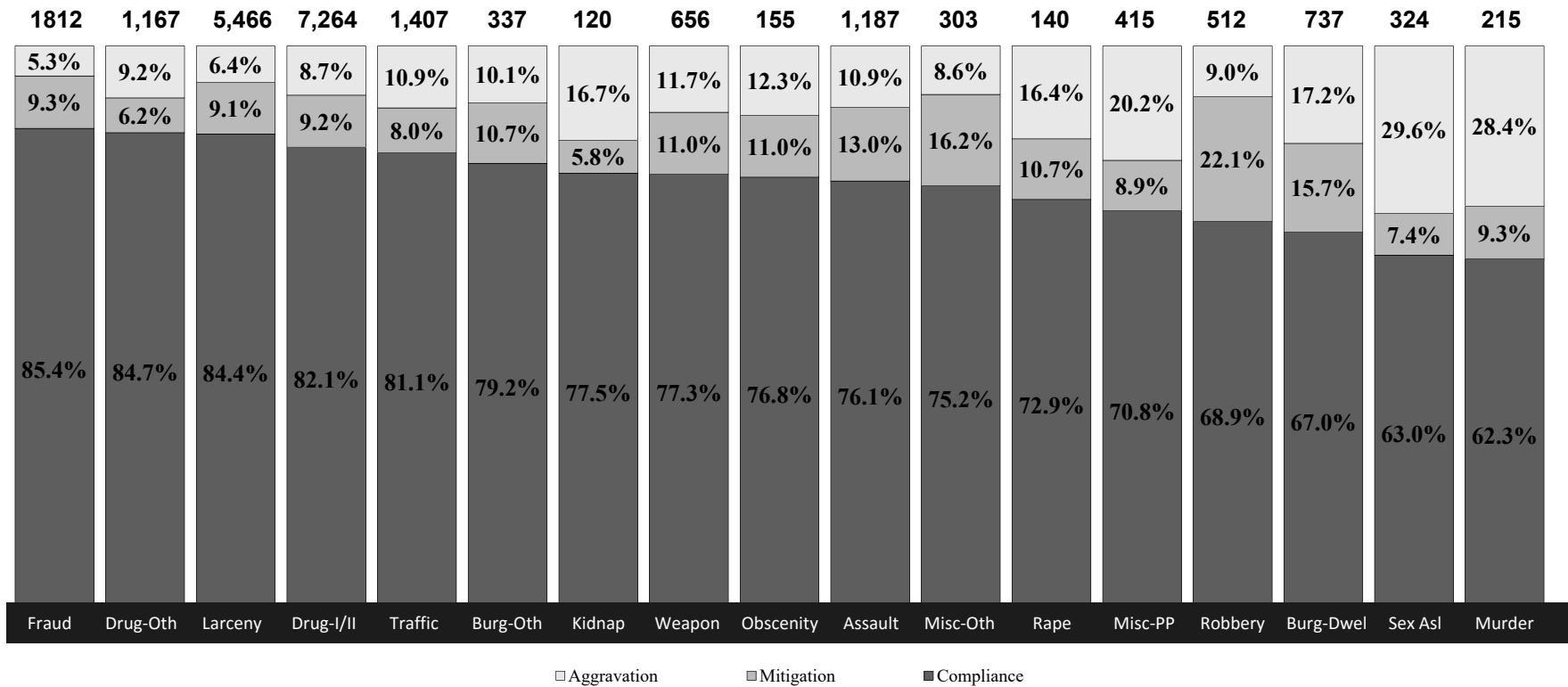
Highest aggravation:
-Circuit 5 (Suffolk Area)
14.9%

Highest mitigation:
-Circuit 13 (Richmond City)
29.3%

**Preliminary FY2016 Report:
Compliance by Offense Type**

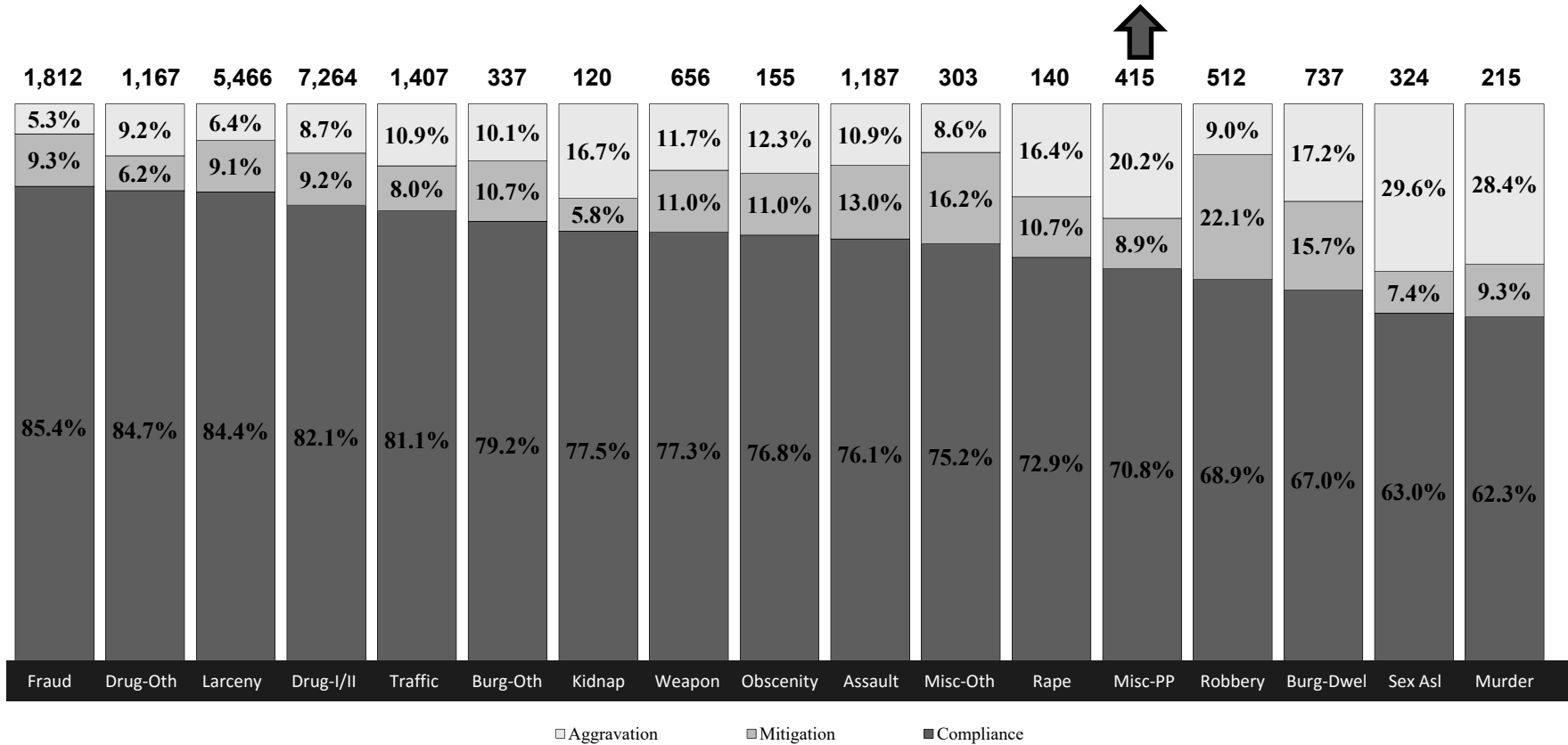


Preliminary FY2016 Report Compliance by Type of Offense



Preliminary FY2016 Report Compliance by Type of Offense

Offense	Aggravation Rate (Total #)	
Extortion	25%	(n=25)
Arson Occupied	32%	(n=19)
Shoot/Vehicle	33%	(n=12)
Child Abuse		
Serious Inj.	38%	(n=50)
Endangerment	24%	(n=29)

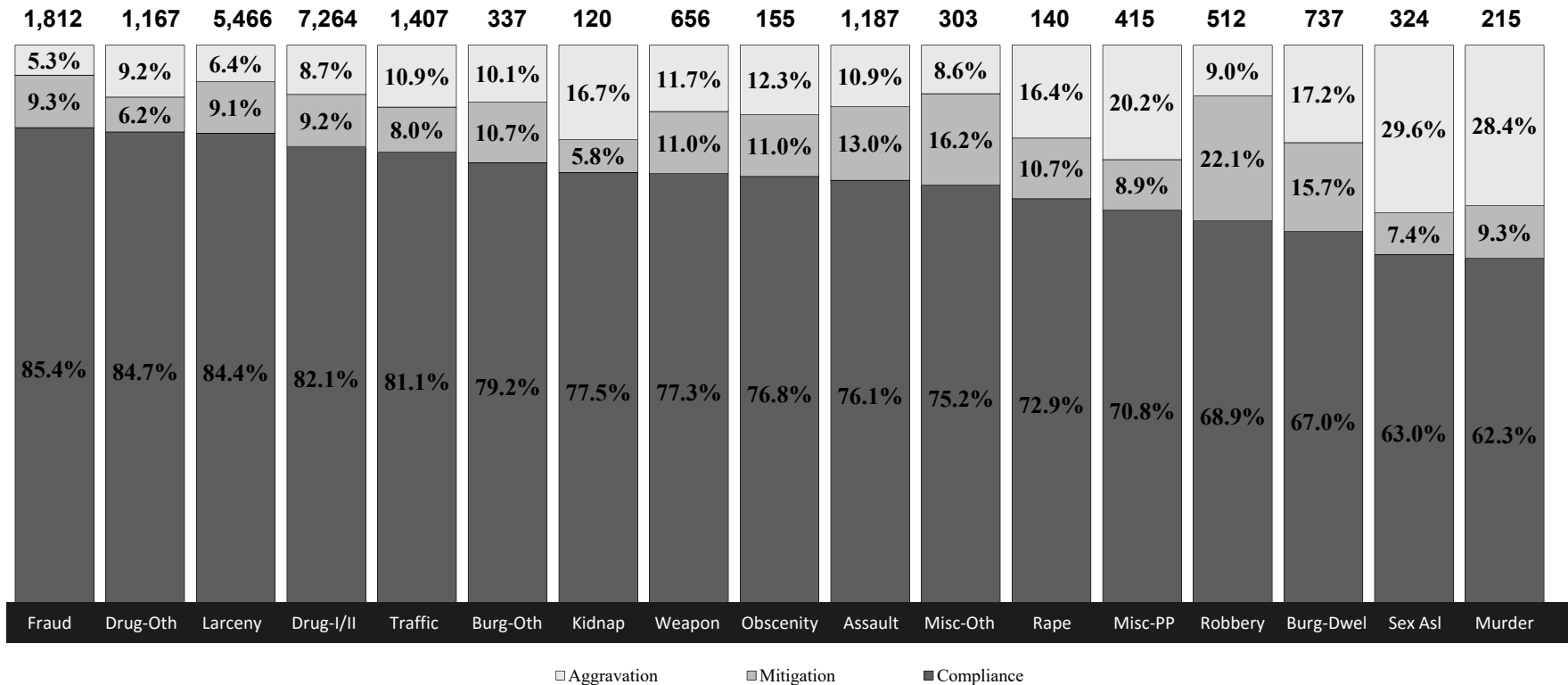


Preliminary FY2016 Report Compliance by Type of Offense

Aggravated Sexual Battery child 13,14 & Indecent Liberties offenses have high aggravation rates.
Revised scores effective July 1, 2016 (FY 2017)

Offense	Aggravation Rate (Total #)
ASB Injury	38% (n=8)
Prostitution	43% (n=14)

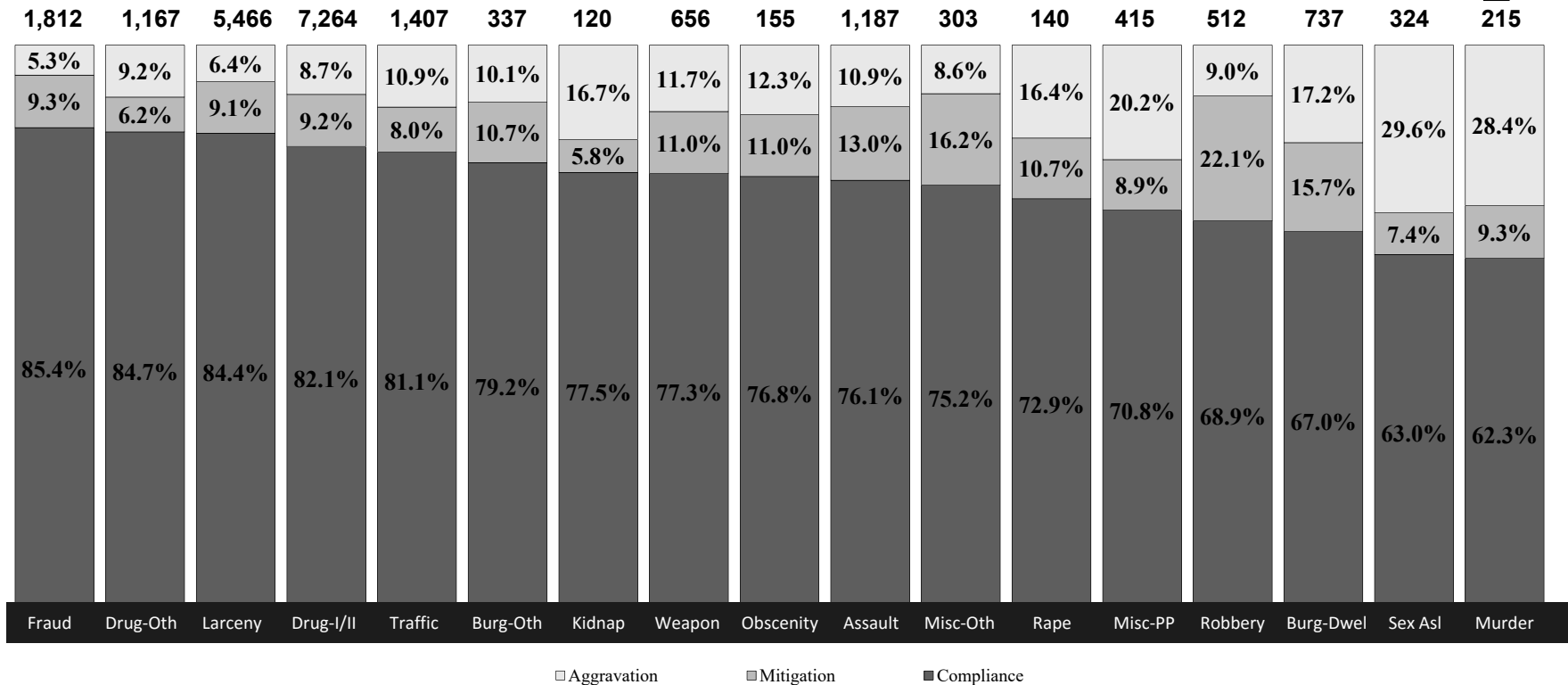
100% Aggravation:
ASB Weapon (n=1), Sodomy Parent - Victim 13-17 (n=3) & Incest (Parent - Victim 13-17) (n=2)



Preliminary FY2016 Report Compliance by Type of Offense

Vehicular Involuntary Manslaughter and Voluntary Manslaughter have high aggravation rates. Revised scores effective July 1, 2016 (FY 2017)

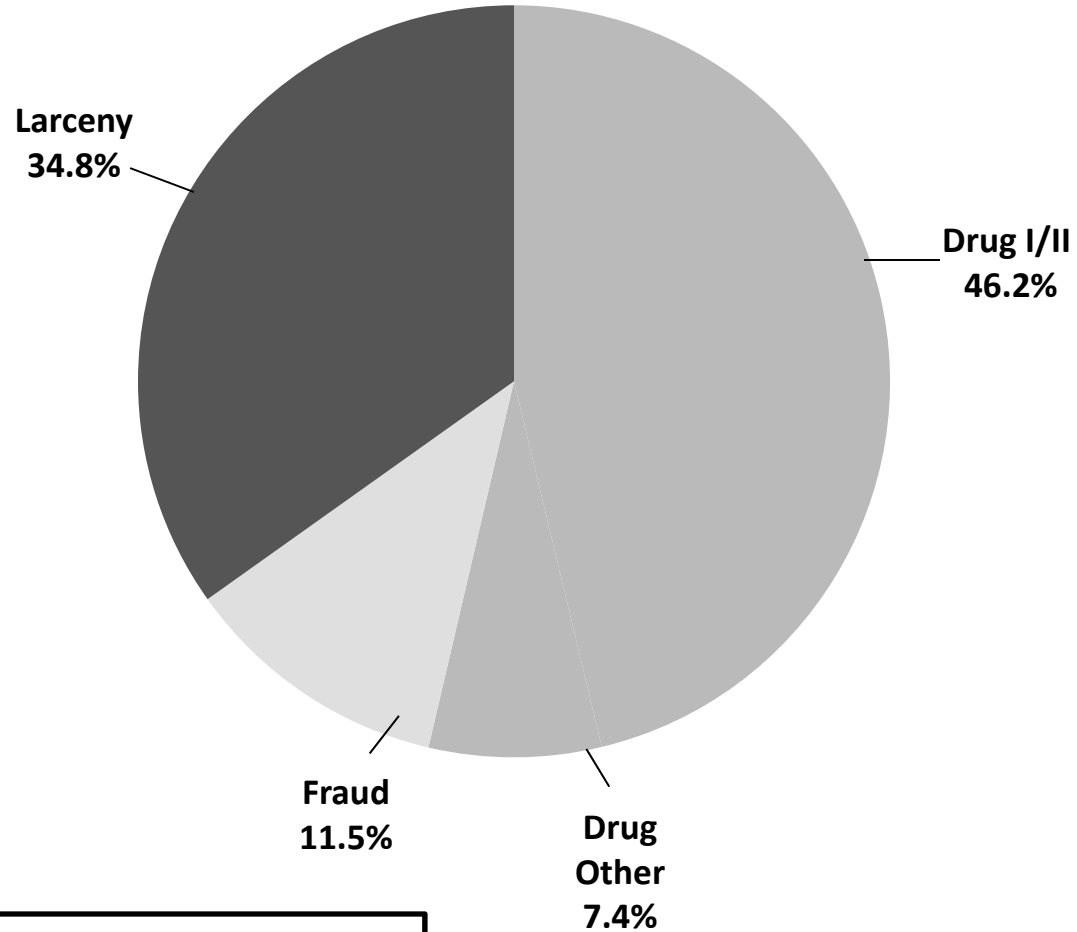
Offense	Aggravation Rate (Cases)	
Invol. Manslaughter	52%	(n=31)
Felony	38%	(n=8)



**Preliminary FY2016 Report:
Nonviolent Risk Assessment**
Effective July 1, 2013



Preliminary FY2016 Report
Nonviolent Offenders Eligible for Risk Assessment
by Type of Offense



15,709 Drug, Fraud & Larceny Cases
- 9,117 Excluded: Ineligible, Errors, 1,236 Missing
6,592 Analyzed

**Preliminary FY2016
Nonviolent Offenders Eligible for Risk Assessment**

<u>Offense</u>	<u>Mitigation</u>	<u>Compliance</u>		<u>Aggravation</u>	<u>Number of Cases</u>
		<u>Alternative</u>	<u>Traditional</u>		
Drug	7%	28% →	87%	← 59%	3,303
Fraud	10%	32% →	87%	← 55%	815
Larceny	8%	7% →	87%	← 80%	2,474
All Risk Cases	8%	20% →	87%	← 67%	6,592

N=6,592

Preliminary FY2016
Nonviolent Offenders Eligible for Risk Assessment

Recommended for and Received an Alternative	20.4%	n= 1346
Recommended and Incarcerated	28.4%	n= 1869
Not Recommended and Received Alternative	13.1%	n= 864
Not Recommended and Incarcerated	38.1%	n= 2513

Of offenders recommended for alternative sanctions,
the proportion who received an alternative

42%

Of offenders recommended for alternative sanctions,
the proportion who received an alternative

In cases without Plea Agreement 38% - In cases with Plea Agreement 46%

**Preliminary FY2016 Report:
Compliance for New Offenses Modified
July 1, 2015**



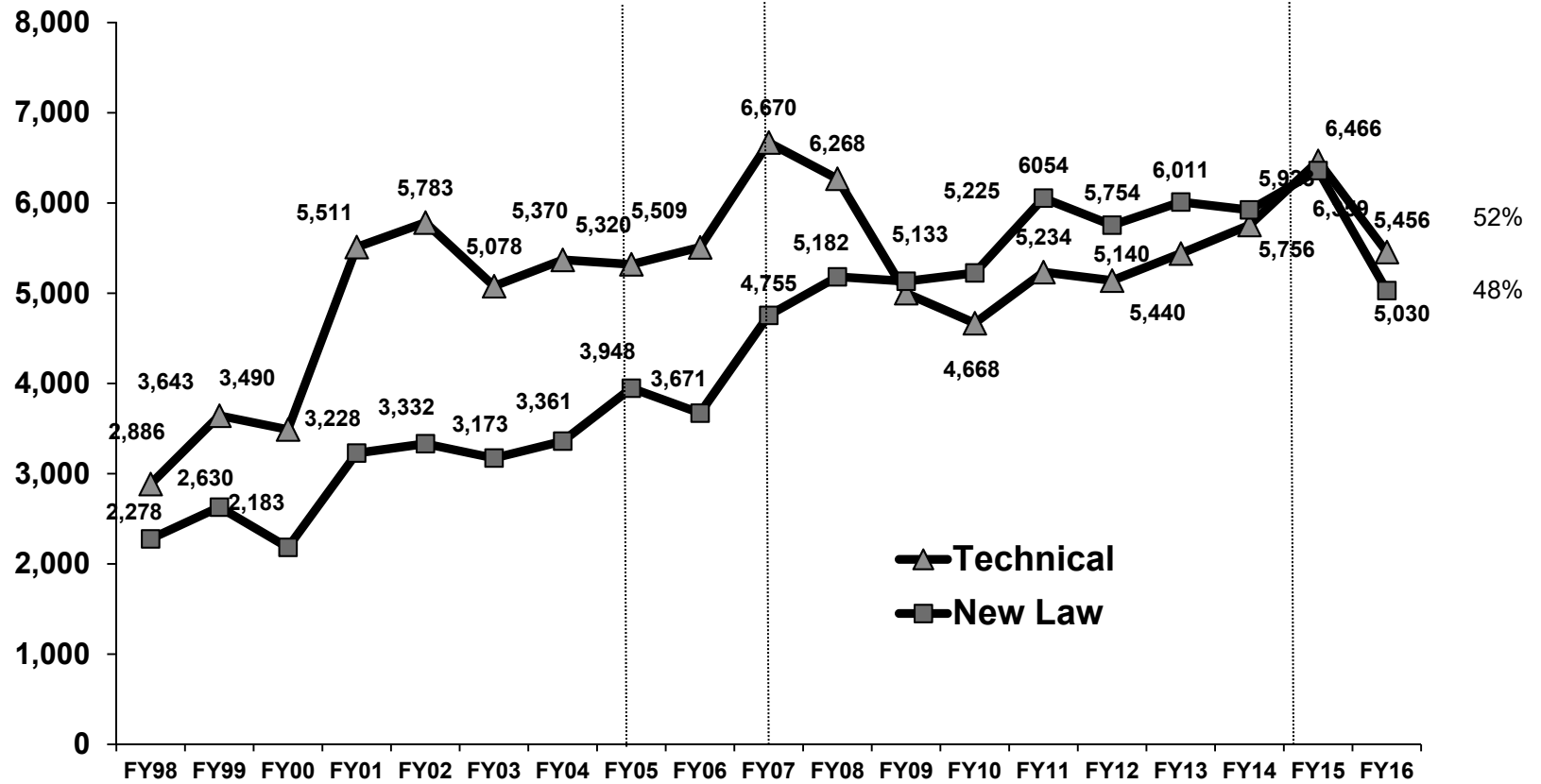
Preliminary FY2016
New Guidelines Offenses

Offense	Concurrence	Mitigation	Aggravation	#Cases
Sell Schedule IV Drug	-	-	-	n= 0
Obtain Info to Defraud – 2nd	73.9%	17.4%	8.7%	n= 23
Receive Stolen Credit Card w/Intent	78.6%	21.4%	0.0%	n=14

**Preliminary FY2016 Report:
Sentencing Revocation Reports &
Probation Violation Guidelines**



Sentencing Revocation Reports Received for Technical and New Law Violations* FY1998 - FY2016 (Preliminary)

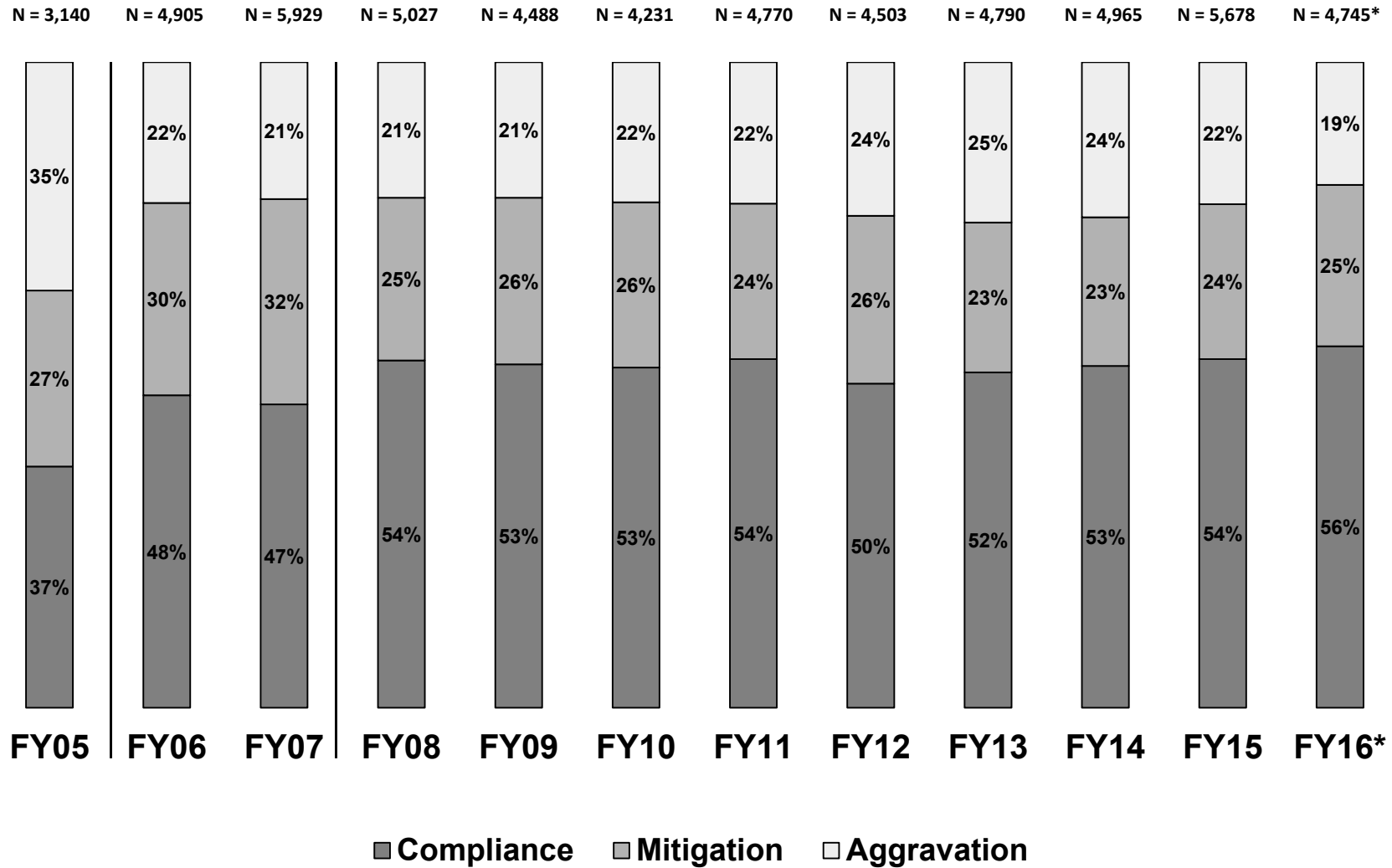


*Note: Includes cases received by June 20, 2016 for cases found in violation with no missing conditions (FY16 - Data for May and June are incomplete)

Probation Violation Guidelines – “Technicals”

Compliance by Fiscal Year

FY2005 – FY2016 (Preliminary)



*Note: FY16 includes cases received by June 20, 2016 for cases found in violation with no missing conditions (Missing cases sentenced in May and June 2016)

