VIRGINIA CRIMINAL
SENTENCING COMMISSION



Discussion of Cover Sheet Modifications to Record Additional Offender Demographic Information

June 5, 2017

Background

Impetus for Sentencing Guidelines in Virginia

- **In December 1983, a Governor's task force on sentencing released findings based on a small-scale study documenting evidence of sentencing disparities.**
- **Virginia's Chief Justice formed judicial committee to examine the issue.**
- **No statewide sentencing data were available for the judicial committee to examine.**
- **The Department of Corrections was directed to standardize and automate the pre-sentence investigation (PSI) report prepared for judges, establishing a comprehensive database on sentencing (February 1985).**

Impetus for Sentencing Guidelines in Virginia

- **In 1987, analysis of historical sentencing decisions revealed evidence of unwarranted sentencing disparity.**
- **Findings were presented to circuit court judges.**
- **Circuit court judges voted to pursue development and testing of sentencing guidelines.**
- **Chief Justice formed a judicial committee charged with developing a blueprint for a sentencing guidelines system.**
- **After pilot testing, voluntary guidelines were implemented statewide in 1991.**

Virginia's Sentencing Reform Legislation (1994)

<u>Goals of Sentencing Reform</u>:

Abolish parole

Establish truth-in-sentencing (minimum 85% time served)

Target violent felons for longer terms of incarceration

Keep the average time served the same for nonviolent felons

Redirect lowest-risk nonviolent felons to less costly sanctions

Expand alternative punishment options for nonviolent felons

Reduce sentencing disparities

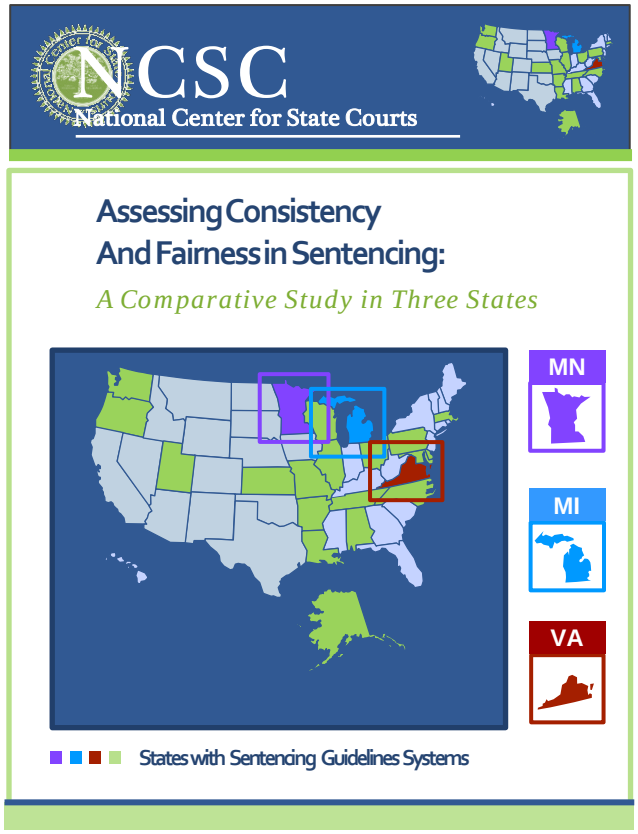
Create a sentencing commission to oversee voluntary guidelines system

Sentencing reform provisions took effect for felonies committed on or after January 1, 1995.

Study by the

National Center for State Courts

National Center for State Courts (NCSC) Study

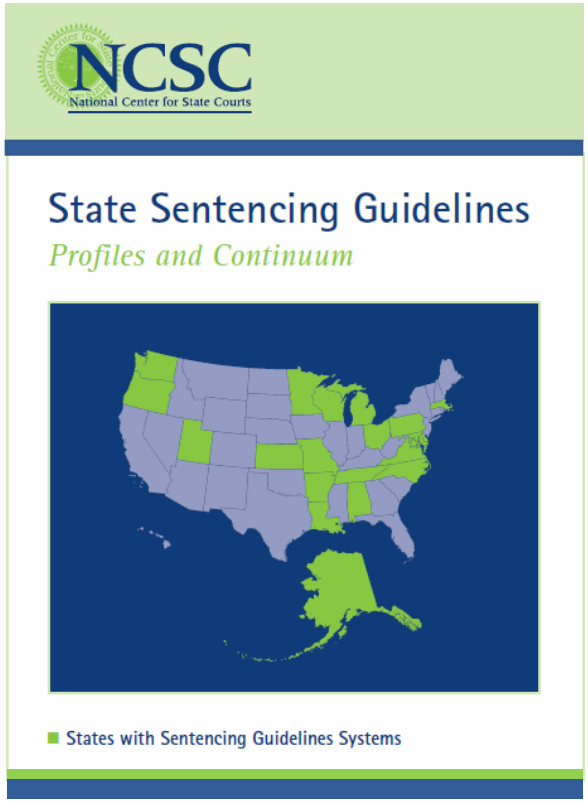


Examining the practices in three states, the research addresses three questions:

(1) Are actual sentences predictable using the prescribed elements and mechanics of the guidelines systems?

(2) Do more serious offenders receive proportionally greater punishment as prescribed by the guidelines?

(3) Are sentences under the aegis of guidelines fair in the sense of being non-discriminatory, thereby minimizing the effects of extra-legal elements, such as age, race, gender and geographic location?



Sentencing Guidelines Systems Comparative Factors

Is there an enforceable rule related to guideline use?

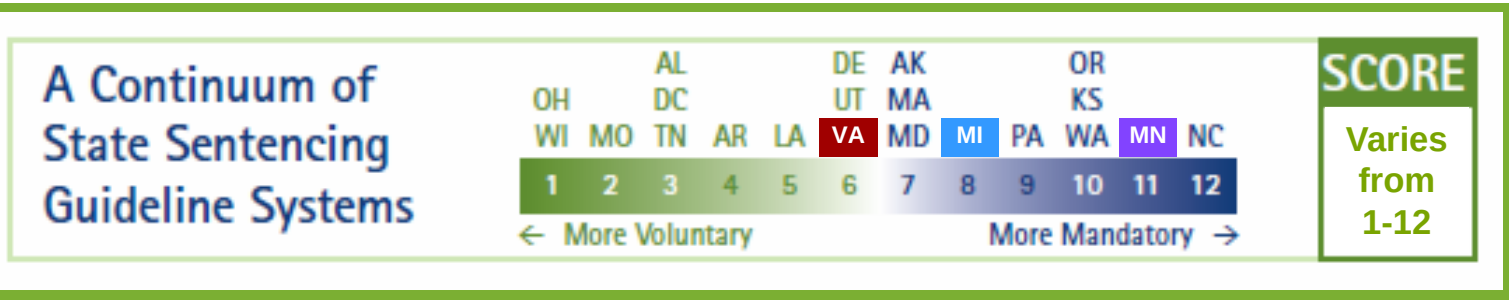
Is the completion of a worksheet or structured scoring form required?

Does a Sentencing Commission regularly report on guideline compliance?

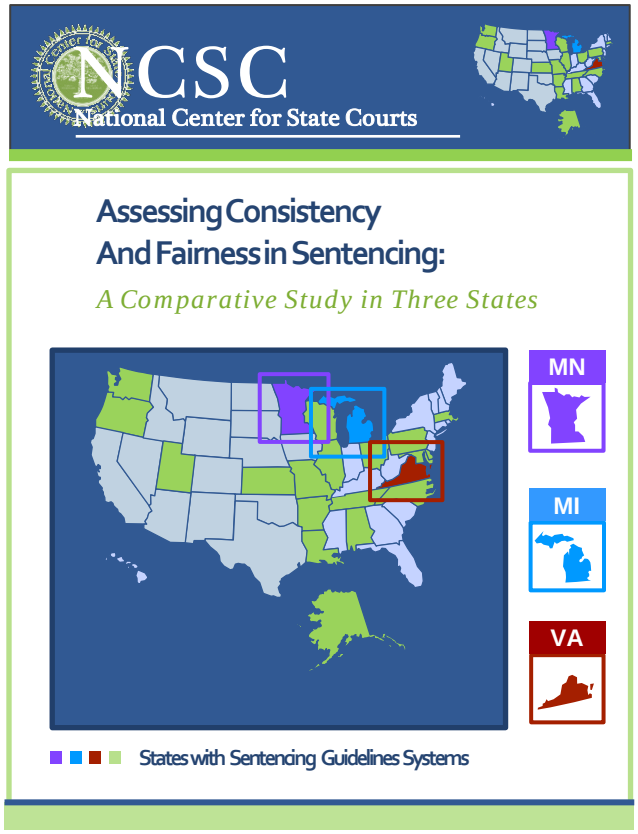
Are compelling and substantial reasons required for departures?

Are written reasons required for departures?

Is there appellate review of defendant-based challenges related to sentencing guidelines?



National Center for State Courts (NCSC) Study



2009

Findings

Guidelines systems make sentences more predictable.

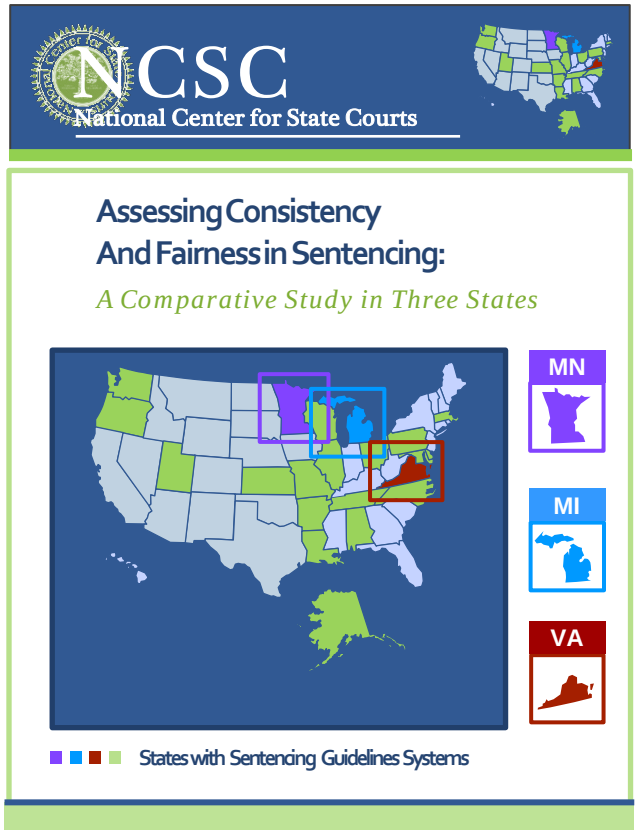
Guidelines effectively limit undesirable sentencing disparity.

Guidelines make sentencing patterns more transparent.

State officials have options when designing guidelines.

Active participation by a Sentencing Commission is an essential element of effective guidelines.

National Center for State Courts (NCSC) Study



2009

Findings

Virginia showed no substantively significant discrimination in sentencing outcomes.

Because Virginia's guidelines are voluntary, there is more room for judges to treat offenders differently.

However, there is no evidence to suggest that there is systematic discrimination that rises to the level of statistical significance in Virginia.

Demographic Information Collected on Guidelines Forms in Other States

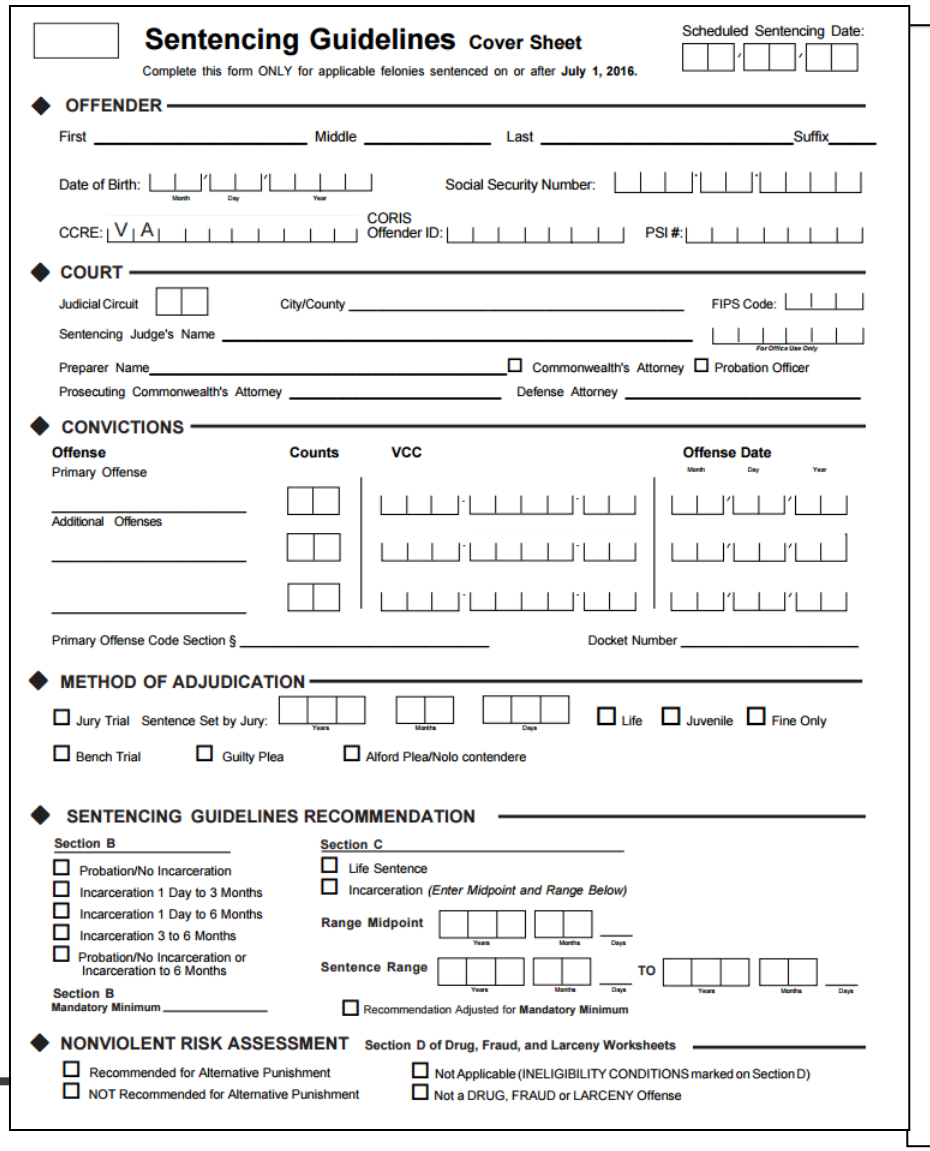
Demographic Information Recorded on Guidelines Forms in Other States and in the Federal System

	Defendant Name	Date of Birth	Gender	Race	Ethnicity	Judge Name	Case Number	Victim Race	Victim Age
Federal System	✓						✓		
Alabama	✓					✓	✓		
Arkansas	✓	✓					✓		
Kansas	✓						✓		
Maryland	✓	✓	✓	✓	✓	✓	✓		
Massachusetts	✓	✓	✓	✓	✓	✓	✓		
Minnesota	✓	✓	✓	✓	✓		✓		
Missouri	✓	✓	✓			✓	✓		
North Carolina	✓	✓	✓	✓		✓	✓		
Pennsylvania	✓	✓	✓	✓		✓	✓		✓
Utah	✓								
Washington	✓	✓	✓	✓	✓	✓			
District of Columbia*	✓	✓ (Age Group)	✓				✓		

*** Based on data available for download at: https://scdc.dc.gov/node/1192395**

Virginia's Sentencing Guidelines Forms

Virginia's Sentencing Guidelines Coversheet



Sentencing Guidelines Cover Sheet

Complete this form ONLY for applicable felonies sentenced on or after **July 1, 2016.**

Scheduled Sentencing Date: ___/___/___

OFFENDER

First _____ Middle _____ Last _____ Suffix____

Date of Birth: ___/___/___ (Month / Day / Year) Social Security Number: ___-___-____

CCRE: VA_____ CORIS Offender ID: _____ PSI #: _____

COURT

Judicial Circuit ____ City/County _____ FIPS Code: _____

Sentencing Judge's Name _____ (For Office Use Only)

Preparer Name_____ ☐ Commonwealth's Attorney ☐ Probation Officer

Prosecuting Commonwealth's Attorney _____ Defense Attorney _____

CONVICTIONS

Offense	Counts	VCC	Offense Date (Month / Day / Year)
Primary Offense			
Additional Offenses			

Primary Offense Code Section § _____ Docket Number _____

METHOD OF ADJUDICATION

☐ Jury Trial Sentence Set by Jury: ___ (Years) ___ (Months) ___ (Days) ☐ Life ☐ Juvenile ☐ Fine Only

☐ Bench Trial ☐ Guilty Plea ☐ Alford Plea/Nolo contendere

SENTENCING GUIDELINES RECOMMENDATION

Section B

☐ Probation/No Incarceration
☐ Incarceration 1 Day to 3 Months
☐ Incarceration 1 Day to 6 Months
☐ Incarceration 3 to 6 Months
☐ Probation/No Incarceration or Incarceration to 6 Months

Section B Mandatory Minimum _____

Section C

☐ Life Sentence
☐ Incarceration *(Enter Midpoint and Range Below)*

Range Midpoint ___ (Years) ___ (Months) ___ (Days)

Sentence Range ___ (Years) ___ (Months) ___ (Days) **TO** ___ (Years) ___ (Months) ___ (Days)

☐ Recommendation Adjusted for **Mandatory Minimum**

NONVIOLENT RISK ASSESSMENT **Section D of Drug, Fraud, and Larceny Worksheets**

☐ Recommended for Alternative Punishment
☐ NOT Recommended for Alternative Punishment
☐ Not Applicable (INELIGIBILITY CONDITIONS marked on Section D)
☐ Not a DRUG, FRAUD or LARCENY Offense

Final Disposition **Fill In After Sentence Has Been Pronounced**

SENTENCE

	Years	Months	Days
Total Time Imposed Before Suspension ☐ Life Sentence +			
Total Effective Time to Serve ☐ Life Sentence +			

☐ Sentenced to Time Served

Post Release

Post Release Term § 18.2-10			
Post Release Supervision Period § 19.2-295.2(A)			

Probation Period (Supervised) § 19.2 - 303 ☐ Indefinite			

Check all that apply

☐ Incarceration Sentence to Run Concurrently With Another Sentencing Event
☐ Written Plea Agreement Accepted (Rule 3A:8(c) (1) (A) or (C))
☐ Plea and Recommendation Accepted (Rule 3A:8 (c) (1) (B))
☐ Oral Sentence Recommendation Accepted

☐ Restitution $_____ ☐ Fine $_____

Other Sentencing Programs *(check all that apply)*

☐ Day Reporting
☐ Diversion Center Incarceration
☐ Electronic Monitoring
☐ Unsupervised Probation/Good Behavior
☐ § 18.2-251/§ 18.2-258.1
☐ Substance Abuse Treatment
☐ Community-Based Program _____
☐ Detention Center Incarceration
☐ Drug Court
☐ Intensive Probation
☐ Youthful Offender
☐ Other _____

(Office Use Only: Other / CSP)

REASON FOR DEPARTURE
Must be completed pursuant to § 19.2-298.01(B)

(Office Use Only)

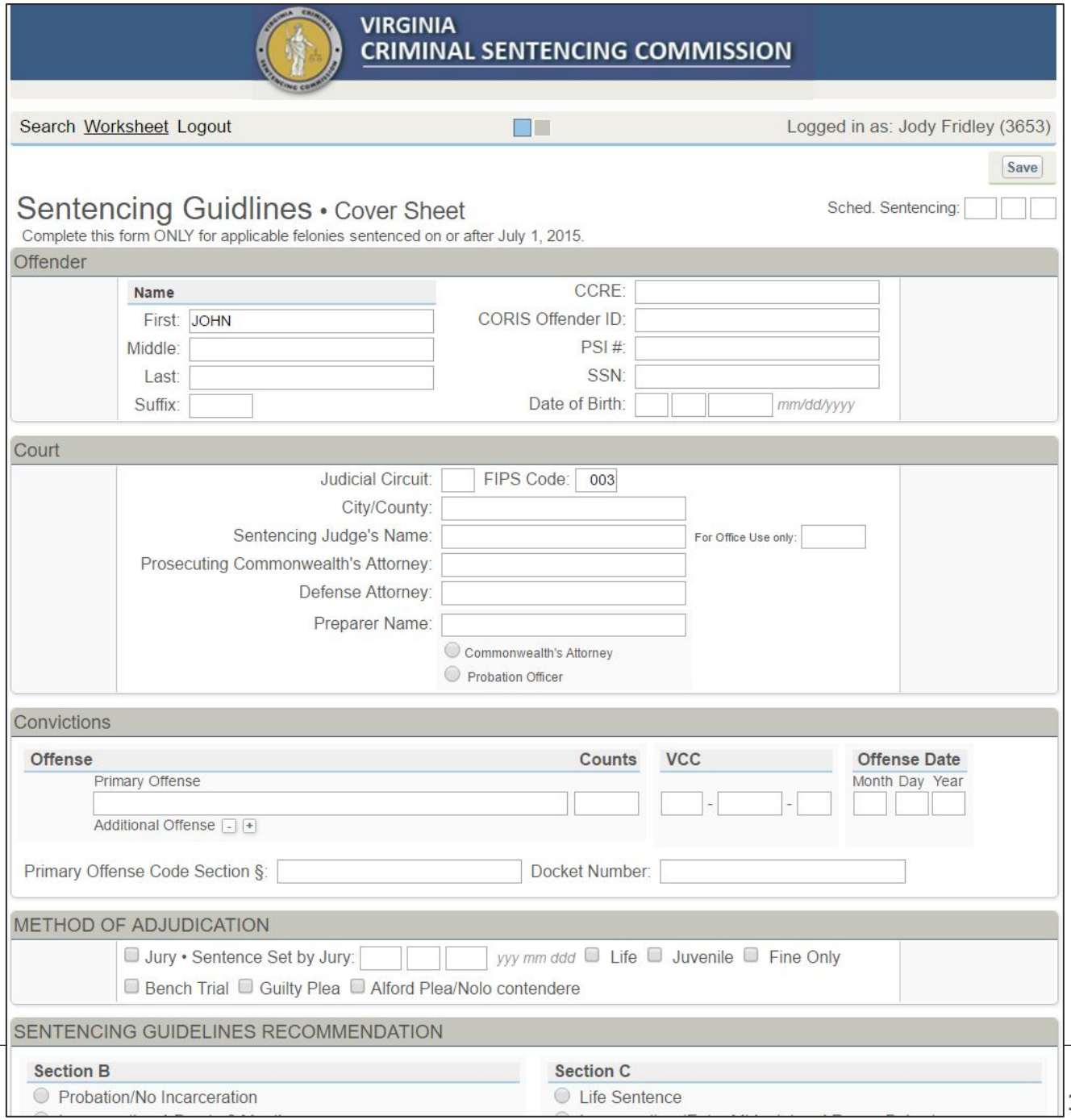
_____

SENTENCING DATE

___/___/___ (Month / Day / Year)

_____
Judge's Signature

SWIFT!



VIRGINIA
CRIMINAL SENTENCING COMMISSION

Search Worksheet Logout

Logged in as: Jody Fridley (3653)

Save

Sentencing Guidlines • Cover Sheet

Sched. Sentencing:

Complete this form ONLY for applicable felonies sentenced on or after July 1, 2015.

Offender

Name
First: JOHN
Middle:
Last:
Suffix:

CCRE:
CORIS Offender ID:
PSI #:
SSN:
Date of Birth: mm/dd/yyyy

Court

Judicial Circuit: FIPS Code: 003
City/County:
Sentencing Judge's Name:
Prosecuting Commonwealth's Attorney:
Defense Attorney:
Preparer Name:
Commonwealth's Attorney
Probation Officer

For Office Use only:

Convictions

Offense	Counts	VCC	Offense Date (Month Day Year)
Primary Offense		- -	
Additional Offense [-] [+]			

Primary Offense Code Section §:
Docket Number:

METHOD OF ADJUDICATION

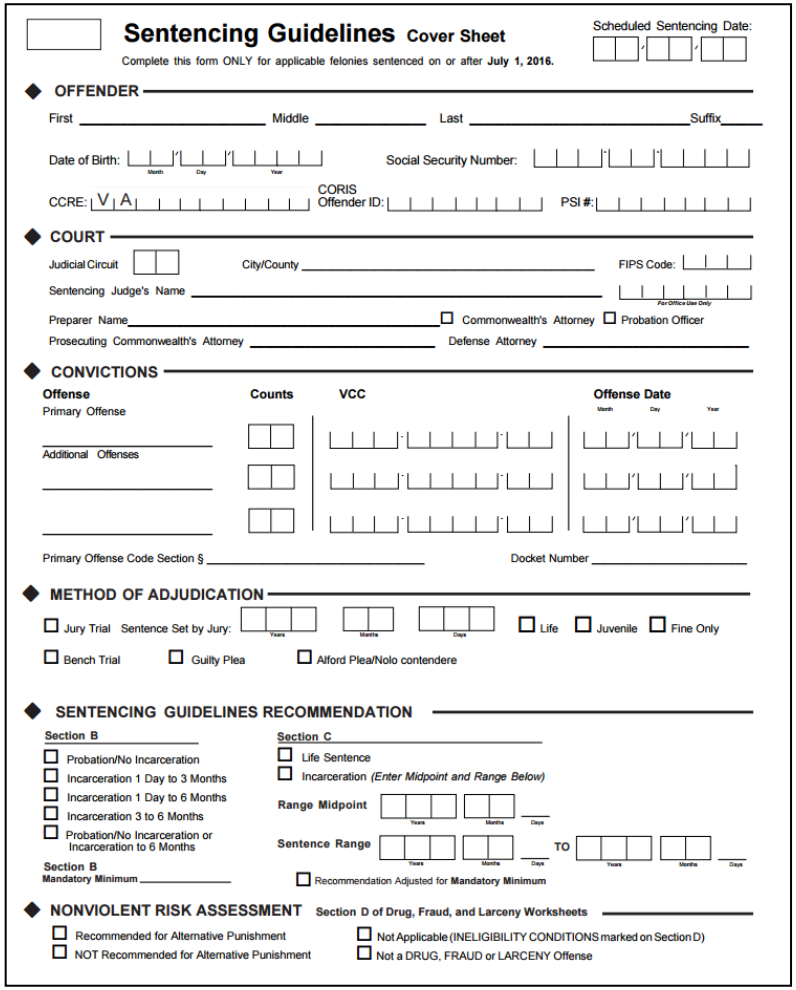
Jury • Sentence Set by Jury: yyy mm ddd Life Juvenile Fine Only
Bench Trial Guilty Plea Alford Plea/Nolo contendere

SENTENCING GUIDELINES RECOMMENDATION

Section B
Probation/No Incarceration

Section C
Life Sentence

Discussion



Sentencing Guidelines Cover Sheet

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◆ **OFFENDER**

First _____ Middle _____ Last _____ Suffix____

Date of Birth: ___/___/___ (Month / Day / Year) Social Security Number: ___-___-____

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Prosecuting Commonwealth's Attorney _____ Defense Attorney _____

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Primary Offense			
_____	☐☐	___-___-___	___/___/___
Additional Offenses			
_____	☐☐	___-___-___	___/___/___
_____	☐☐	___-___-___	___/___/___

Primary Offense Code Section § _____ Docket Number _____

◆ **METHOD OF ADJUDICATION**

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