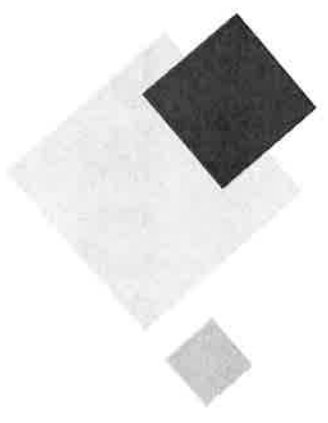


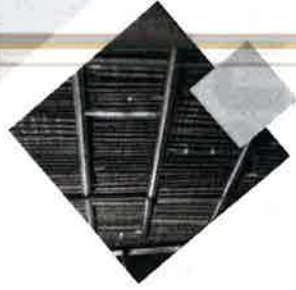
ISSUES FROM THE FIELD

The hotline, texting support and training seminars are important sources of input and feedback from criminal justice professionals around the Commonwealth.



ISSUES FROM THE FIELD

- Scoring CCAP violations on the probation violation guidelines
 - Propose not scoring removal from CCAP for health reasons as a probation violation
 - Enforcing the 30-day rule for the completion of the probation violation guidelines
 - Request to populate **SWIFT!** with JDR data for adults charged with felony offenses



ISSUES FROM THE FIELD

● Scoring CCAP violations on the probation violation guidelines

The Department of Corrections modified the Detention and Diversion Centers. CCAP was described as a new program for a different population of offenders.

As a result, CCAP violations are not scored on the guidelines because the current population was not analyzed. In the future, data may support adding CCAP to the probation violation guidelines.

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 _____ Score

- A. Prison 15
- B. Probation 3
- C. Traffic/Weapon 24
- D. Other 1
- E. Drug 13

◆ Previous Adult Probation Revocation Events _____
Number of Revocation Events: 1-2 3 or more 7 10

◆ New Felony Arrests _____
Number of Counts: 1-3 4 or more 4 16

◆ Never Reported to/Unsuccessful Discharge from following Programs _____
Community service, day reporting, employment programs and/or residential programs, Detention or Diversion Center 15 18

◆ Never Reported to/Unsuccessful Discharge from following Programs

Community service, day reporting, employment programs and/or residential programs.....15
 Detention or Diversion Center.....18

◆ 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 0

ISSUES FROM THE FIELD

- Propose not scoring removal from CCAP for health reasons as a probation violation

The Department of Corrections advised that they must start a violation procedure to get the offender from CCAP to court.

Users find it difficult to identify the condition violated and the recommendation based on a violation of special conditions results in the same points as someone who violated the rules of CCAP.

Possible recommendation For 2019?

- 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, be truthful, cooperative, and report
 - 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) _____



Sentencing Revocation Report

Use Form Complete

◆ OFFENDER

First _____ Middle _____ Suffix _____
 LAST _____
 Date of Birth: / / Social Security Number: _____
 SUI/CORIS _____ CORIS _____
 Offender ID _____

◆ COURT

Judicial Circuit _____ City/County _____ I/PIS Code _____
 Judge's Name _____

Range _____ to _____
 Recommendation Exceeds Revocable Time of _____
 Deferred Filing of Sentencing Do not complete this form
 Parole Eligible Case
 Revocation Other Than Probation

ISSUES FROM THE FIELD

- Enforcing the 30-day rule for the completion of the probation violation guidelines

Within 30 Days of Hearing/Sentencing

If Condition 1 is not cited, then the SRR should be prepared and attached to the probation violation guidelines and submitted to the court, through locally established procedures, no more than thirty (30) days prior to the violation hearing. In this case, the SRR and probation guidelines cannot be prepared outside the 30 days. Any forms prepared in advance are invalid and must be updated and completed within the established time frames before being submitted to the court. There is no timeframe for completing the SRR for a Condition 1, new law conviction.

◆ Sentencing Revocation Report

Background

Under § 17.1-801.7 of the Code of Virginia, it is the responsibility of the Commission to monitor sentencing practices in felony cases throughout the Commonwealth. While the Commonwealth maintains a wide array of sentencing information on felons at the time they are initially sentenced in circuit court, information on the re-imposition of suspended prison time for felons returned to court for violation of the conditions of community supervision was, until 1997, largely unavailable and its impact difficult to assess.

In 1997, the Commission teamed with the Department of Corrections (DOC) to implement a procedure for systematically gathering data on the reasons for, and the outcome of, community supervision violation proceedings in Virginia's circuit courts. With DOC's assistance, the Commission developed a simple one-page form (the Sentencing Revocation Report, or SRR) to capture this information. Following the violation hearing, the completed form is submitted to the Commission.

The Commission believes that the imposition of suspended time is a vital facet in the punishment of offenders. Together, the SRR and the Commission's community corrections revocation data system serve as an important link in our knowledge of the sentencing of offenders from initial sentencing through release from community supervision.

In 2010 and in every year since, the General Assembly included the requirement to compile and review the Sentencing Revocation Report in all suspended sentences, good behavior and probation violation cases and to review applicable Probation Violation Guidelines before sentencing. Below are the requirements included in the budget language.

Completion Responsibility

Revocations Etc., of Circuit Court Felony Sentences

The Sentencing Revocation Report (SRR) is prepared for every case, show cause or revocation request submitted to the court for an offender who has violated the conditions of a suspended sentence for a felony offense. This includes violations of probation, post-release supervision administered by the court, good behavior terms, community-based programs and suspended sentences.

Prepared by Probation Officer or Commonwealth's Attorney

The Commonwealth's attorney, state probation officer or local probation officer, **whenever available, the capias or revocation request for a felony violation, completes the front side of the SRR and forwards it to the court, through locally-established procedures.** The front side of the SRR documents offender, court, and case information including the reasons for capias, show cause or revocation requests. Condition 1 is cited: "Fail to obey all Federal, State and local laws and ordinances," **when there is a new conviction that violates the conditions of the suspended sentence (new law conviction).** The court may determine that a deferred finding satisfies the requirements for a new law conviction, a violation of Condition 1. If Condition 1 is cited, then the SRR should be attached to the capias or revocation request.

Within 30 Days of Hearing/Sentencing

If Condition 1 is not cited, then the SRR should be prepared and attached to the probation violation guidelines and submitted to the court, through locally established procedures, no more than thirty (30) days prior to the violation hearing. In this case, the SRR and probation guidelines cannot be prepared outside the 30 days. Any forms prepared in advance are invalid and must be updated and completed within the established time frames before being submitted to the court. There is no timeframe for completing the SRR for a Condition 1, new law conviction.

One SRR/Guidelines Per Event

The judge must receive a SRR for every felony violation sentencing event and when appropriate, sentencing guidelines. One SRR may cover multiple violations for an offender in one court. If none is available in the case file, either the attorney for the Commonwealth or probation officer must be prepared to provide a copy to the court.

ISSUES FROM THE FIELD

- Request to populate **SWIFT!** with JDR data for adults charged with felony offenses

Attorneys are requesting that **SWIFT!** utilize JDR data to populate guidelines. Attorneys want to begin the guidelines process at the JDR level. Similar to the process used at the General District Court level.

It took years to obtain Circuit and General District Court data. Juvenile court data, even for adults, is even more restricted.

If the Commission agrees, staff can begin to look into the feasibility of obtaining JDR data for adults.



VIRGINIA
CRIMINAL SENTENCING COMMISSION

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Guidelines Search

Record Type New Drafts

Court: Tazewell County

Court Type: Circuit General District

Guidelines: Cover Sheet

Defendant: [] []

Search results: New-Tazewell County-Circuit

Name [] Docket no [] Charge [] Offense Date [] Hearing Date []