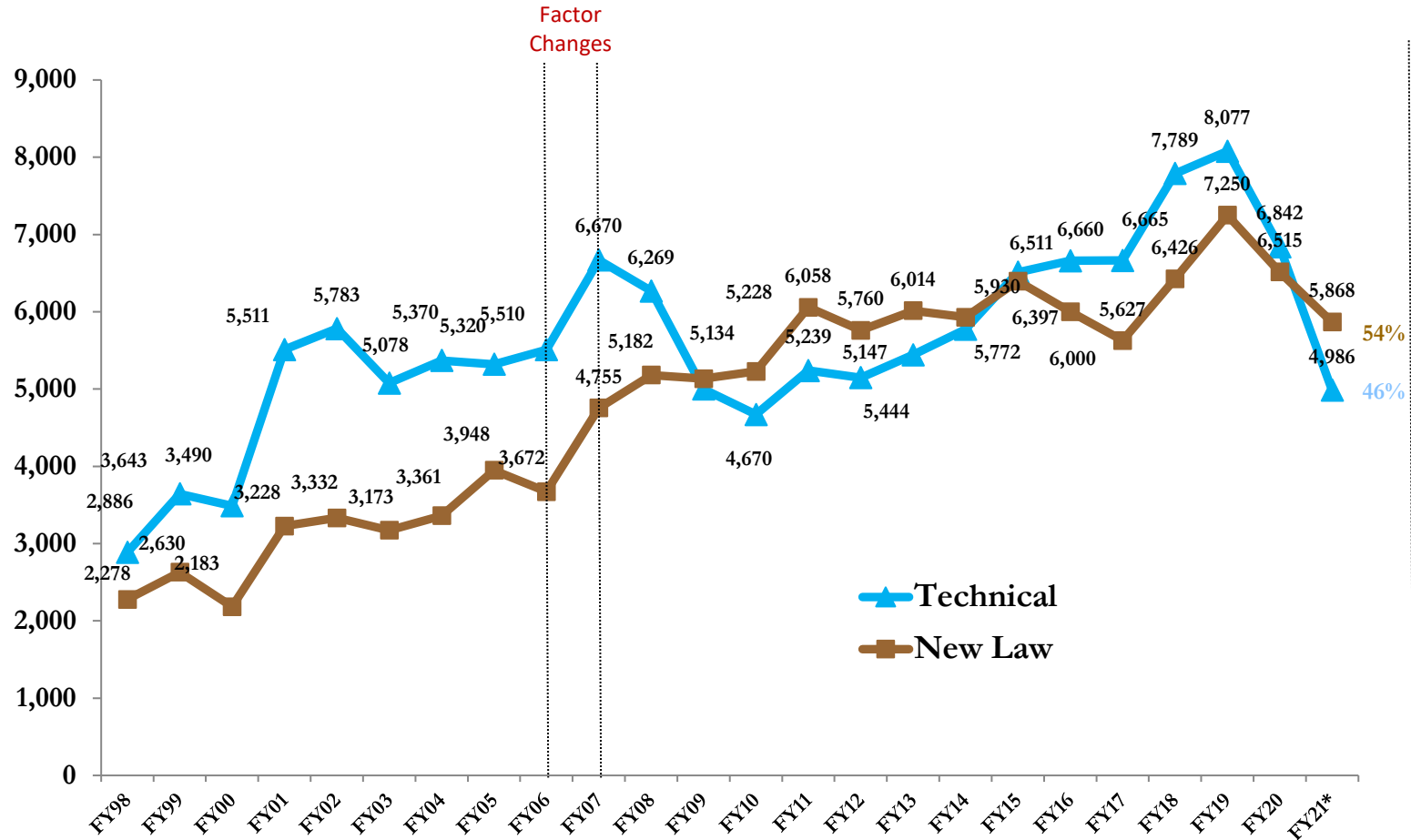


*Preliminary* FY2021 Report:  
**Sentencing Revocation Reports  
& Probation Violation Guidelines**

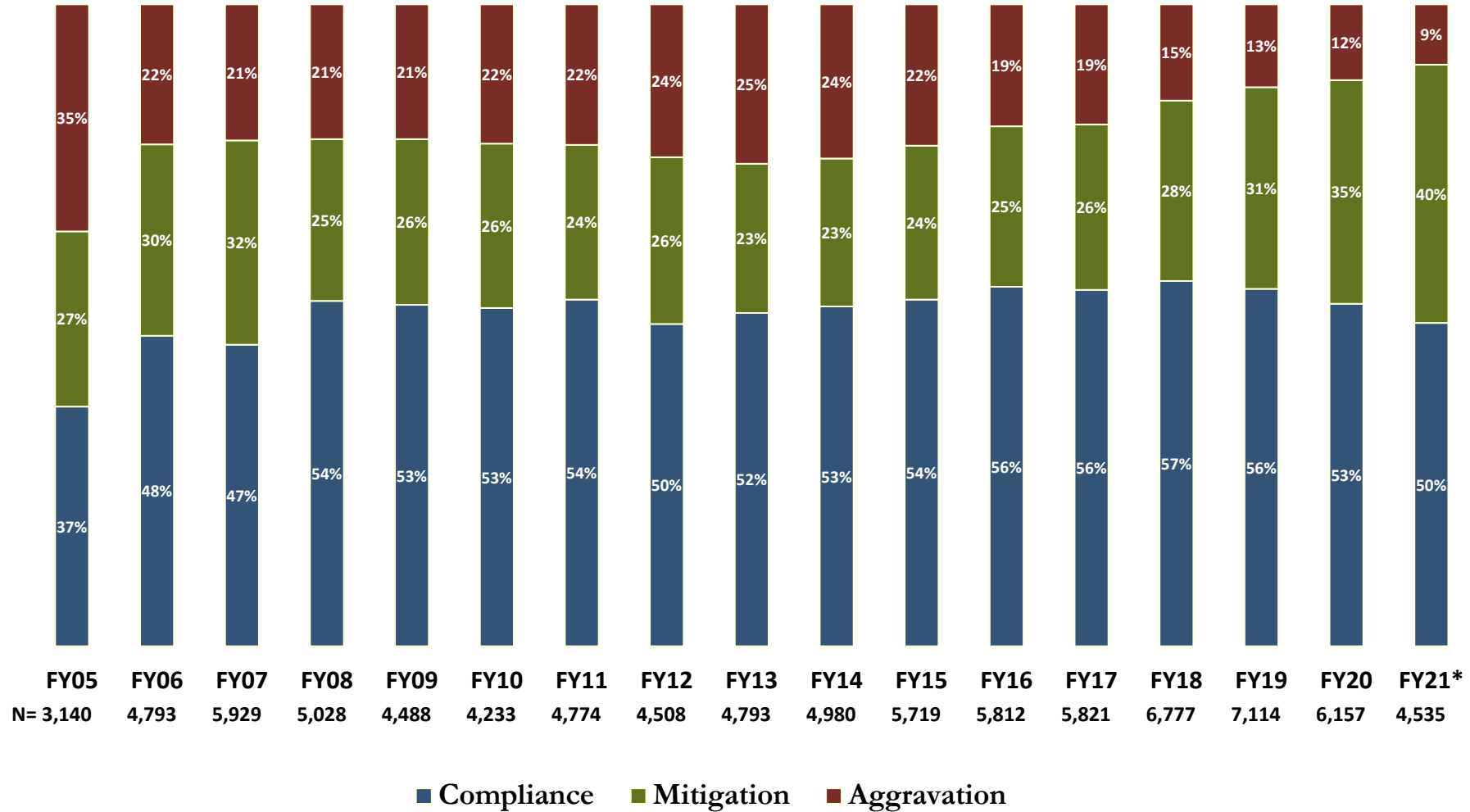


## Sentencing Revocation Reports Received for Technical and New Law Violations\* FY1998 - FY2021 (Preliminary)



\*Note: Includes cases received by July 21, 2021 for cases found in violation with no missing conditions (Data for May-June 2021, are incomplete)

## Probation Violation Guidelines – Technical Violations Concurrence by Fiscal Year FY2005 – FY2021 (Preliminary)



Note: FY21 includes cases received by July 21, 2021, for cases found in violation with no missing conditions (Data incomplete for May-June 2021). Some of the cases identified as technical violations were excluded because concurrence could not be calculated.



# Fiscal Year 2021

Technical Violations

*(Preliminary)*

## Concurrence by Circuit – FY2021 (Preliminary)

Circuit Name	Circuit	Concurrence	Mitigation	Aggravation	No. of Cases
Chesapeake	1	57.5%	27.9%	14.6%	219
Virginia Beach	2	59.8%	31.5%	8.7%	184
Portsmouth	3	33.8%	66.2%	.0%	65
Norfolk	4	34.9%	58.1%	7.0%	129
Suffolk Area	5	37.0%	51.3%	11.8%	119
Sussex Area	6	53.8%	28.2%	17.9%	39
Newport News	7	46.1%	53.9%	.0%	76
Hampton	8	29.0%	68.8%	2.2%	93
Williamsburg Area	9	54.7%	36.7%	8.7%	150
South Boston Area	10	69.6%	20.3%	10.1%	79
Petersburg Area	11	43.6%	45.5%	10.9%	55
Chesterfield Area	12	53.7%	41.3%	5.0%	218
Richmond City	13	32.5%	67.5%	.0%	77
Henrico	14	46.2%	48.7%	5.1%	195
Fredericksburg Area	15	40.9%	51.9%	7.1%	364
Charlottesville Area	16	52.7%	39.1%	8.3%	169
Arlington Area	17	42.9%	42.9%	14.3%	14
Alexandria	18	.0%	100.0%	.0%	2
Fairfax	19	44.1%	50.0%	5.9%	68
Loudoun Area	20	47.1%	42.6%	10.3%	68
Martinsville Area	21	59.6%	29.8%	10.6%	94
Danville Area	22	58.5%	32.7%	8.8%	205
Roanoke Area	23	41.2%	46.4%	12.3%	211
Lynchburg Area	24	46.7%	43.8%	9.5%	137
Staunton Area	25	43.8%	44.3%	12.0%	192
Harrisonburg Area	26	59.6%	30.5%	9.9%	394
Radford Area	27	64.9%	25.3%	9.8%	174
Bristol Area	28	62.3%	25.1%	12.6%	223
Buchanan Area	29	50.0%	33.0%	17.0%	294
Lee Area	30	49.1%	40.3%	10.7%	159
Prince William Area	31	49.2%	43.1%	7.7%	65

## Sorted Concurrence by Circuit – FY2021 (Preliminary)

Circuit Name	Circuit	Concurrence	Mitigation	Aggravation	No. of Cases
South Boston Area	10	69.6%	20.3%	10.1%	79
Radford Area	27	64.9%	25.3%	9.8%	174
Bristol Area	28	62.3%	25.1%	12.6%	223
Virginia Beach	2	59.8%	31.5%	8.7%	184
Harrisonburg Area	26	59.6%	30.5%	9.9%	394
Martinsville Area	21	59.6%	29.8%	10.6%	94
Danville Area	22	58.5%	32.7%	8.8%	205
Chesapeake	1	57.5%	27.9%	14.6%	219
Williamsburg Area	9	54.7%	36.7%	8.7%	150
Sussex Area	6	53.8%	28.2%	17.9%	39
Chesterfield Area	12	53.7%	41.3%	5.0%	218
Charlottesville Area	16	52.7%	39.1%	8.3%	169
Buchanan Area	29	50.0%	33.0%	17.0%	294
Prince William Area	31	49.2%	43.1%	7.7%	65
Lee Area	30	49.1%	40.3%	10.7%	159
Loudoun Area	20	47.1%	42.6%	10.3%	68
Lynchburg Area	24	46.7%	43.8%	9.5%	137
Henrico	14	46.2%	48.7%	5.1%	195
Newport News	7	46.1%	53.9%	.0%	76
Fairfax	19	44.1%	50.0%	5.9%	68
Staunton Area	25	43.8%	44.3%	12.0%	192
Petersburg Area	11	43.6%	45.5%	10.9%	55
Arlington Area	17	42.9%	42.9%	14.3%	14
Roanoke Area	23	41.2%	46.4%	12.3%	211
Fredericksburg Area	15	40.9%	51.9%	7.1%	364
Suffolk Area	5	37.0%	51.3%	11.8%	119
Norfolk	4	34.9%	58.1%	7.0%	129
Portsmouth	3	33.8%	66.2%	.0%	65
Richmond City	13	32.5%	67.5%	.0%	77
Hampton	8	29.0%	68.8%	2.2%	93
Alexandria	18	.0%	100.0%	.0%	2

**Probation Violation Guidelines – Technical Violations**  
**Technical Conditions Cited**  
**FY2021 (Preliminary)**

<b>Conditions Cited</b>	<b>Percent of Cases*</b>	<b>Number</b>
8 – Use, etc., Drugs	59.2%	2,688
6 – Fail to Follow Instructions	58.5%	2,656
11 - Abscond	35.8%	1,626
12 – Special Conditions	20.8%	944
10 – Change Residence or Leave VA	16.1%	731
4 – Fail to Report	12.0%	546
2 – Fail to Report Arrests	2.9%	132
7 – Use Alcohol	2.1%	97
3 – Fail to Maintain Employment	1.3%	60
5 – Fail to Allow Visit	0.8%	36
9 – Use, etc., Firearm	0.6%	26

\*Note: FY21 includes cases received by July 21, 2021, for cases found in violation with no missing conditions (Data incomplete for May-June 2021). Percent of cases will not add to 100% because more than one condition may have been violated.

**Probation Violation Guidelines – Technical Violations**  
**Type of Special Conditions Cited**  
**FY2021 (Preliminary)**

Special Condition(s) Cited	Percent	Number
FINANCIAL	34.7	328
SUBSTANCE ABUSE	23.4	221
MISSING	17.7	167
SEX OFFENDER CONDITIONS/INSTRUCTIONS	5.7	54
SUPERVISION, SPECIFIC REQUIREMENT	3.9	37
PROGRAM - UNKNOWN TYPE	2.2	21
RESIDENTIAL	2.2	21
COMMUNITY SERVICE	2.1	20
COURT/DOC RESTRICTIONS	2.1	20
EMPLOYMENT	1.9	18
MENTAL HEALTH	1.3	12
RELIGIOUS BASED PROGRAM	0.7	7
ALTERNATIVE TO INCARCERATION	0.5	5
EDUCATION	0.4	4
MEDICAL	0.4	4
COOPERATION WITH COURT OR PO	0.2	2
EMPLOYMENT	0.1	1
MISCELLANEOUS	0.2	2

Note: FY21 includes cases received by July 21, 2021, for cases found in violation with no missing conditions (Data incomplete for May-June 2021).



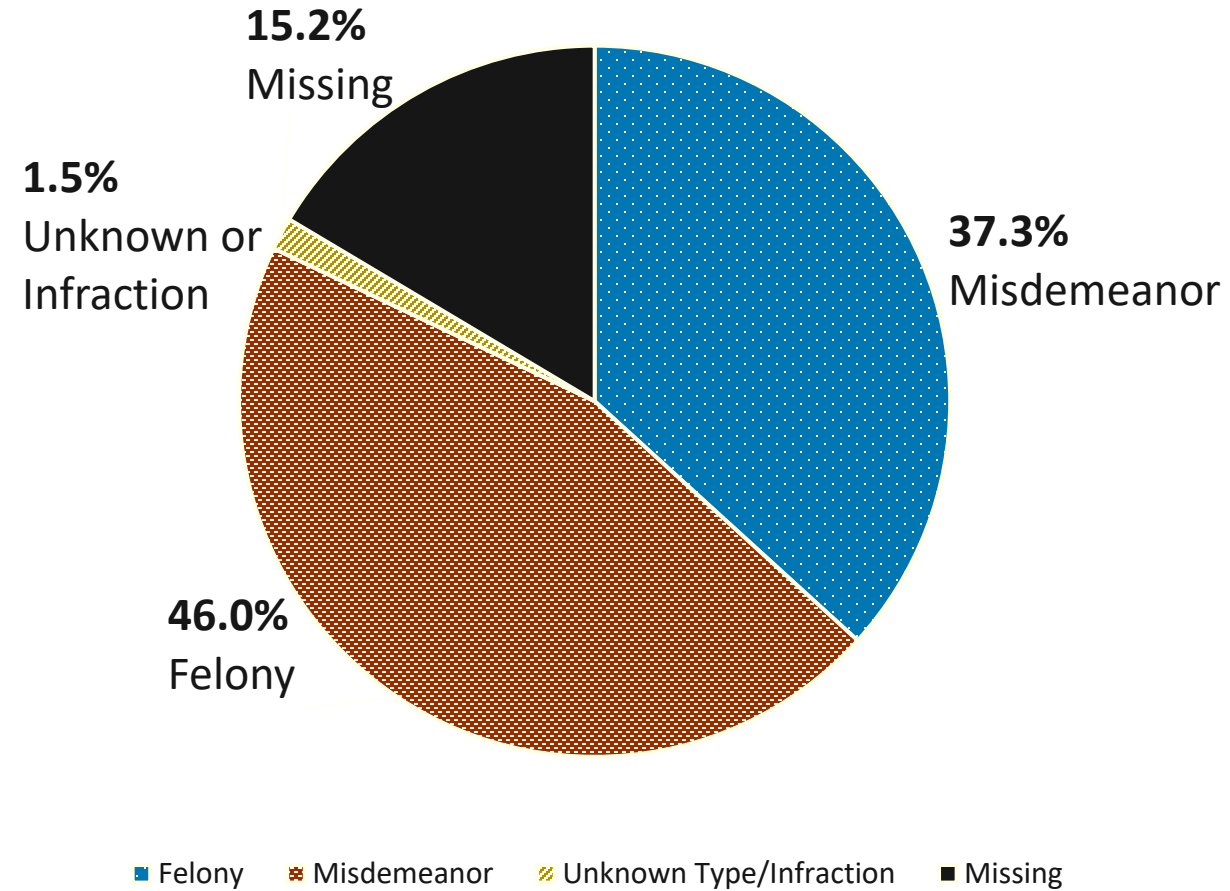


# Fiscal Year 2021

New Law Violations

*(Preliminary)*

**Probation Violation Guidelines – Most Serious New Law Violations  
Felony or Misdemeanor  
FY2021 (Preliminary)**



## New Law Violation by Type of Most Serious New Offense\* – FY2021 (Preliminary)

Prefix	Percent	Total	Prefix	Percent	Total
Drugs	21.4%	1253	Registration, Traffic	0.1%	7
Missing	15.2%	893	Dangerous Conduct	0.1%	5
Larceny	13.9	813	Accessory to an Offense	0.1%	4
Assault	7.7	453	Extortion	0.1%	4
License, Traffic	5.8%	343	Animal	0.1%	3
Driving Intoxicated, Traffic	5.4%	315	Computer	0.1%	3
Weapon	3.9%	227	Perjury	0.1%	3
Fraud	3.4%	201	Professions/Occupation	0.1%	3
Obscenity	3.0%	175	DMV Documents	0.0%	2
Reckless Driving, Traffic	2.2%	127	Local Ordinance	0.0%	2
Obstruction of Justice	2.1%	125	Motorcycle, Traffic	0.0%	2
Burglary	1.6%	95	Bond Violation	0.0%	1
Paraphernalia, Drug	1.6%	95	Fail to obey Sign, Traffic	0.0%	1
Trespass	1.4%	82	Gambling	0.0%	1
Sex Offender Registry	1.2%	71	Game, Fish and Wildlife	0.0%	1
Fail to Appear	1.2%	68	Good Behavior Violation	0.0%	1
Contempt	1.0%	60	Highway/Transportation	0.0%	1
Vandalism	1.0%	56	Local Supervision Violation	0.0%	1
Protective Order	.09%	52	Money Laundering	0.0%	1
Robbery	.08%	48	Pretrial Supervision	0.0%	1
Hit and Run, Traffic	0.6%	38	Size, Weight, Traffic	0.0%	1
Family, Neglect	0.6%	37	Solicitation	0.0%	1
Prisoner	0.4%	26	Stalking	0.0%	1
Sexual Assault	0.4%	22	Tax Evasion	0.0%	1
Adulterate Drug Test	0.4%	21	Terroristic Threats	0.0%	1
Disorderly Conduct	0.3%	19	Violent Activities	0.0%	1
Rape	0.3%	19			
Kidnapping	0.3%	18			
Murder	0.3%	15			
Arson	0.2%	12			
Telephone	0.1%	8			
Alcohol	0.1%	7			
Equipment, Traffic	0.1%	7			
Escape	0.1%	7			
Moving Violation, Traffic	0.1%	7			
			<b>Total</b>		<b>5868</b>

**\*NOTE:**

Defendants may have a combination of felonies and misdemeanors in one event. This chart does not describe all the convictions, just the most serious conviction. Defendants may have pending charges that have not been adjudicated at the time of the violation hearing.

## Most Serious New Law Violation by Class\* – FY2021 (Preliminary)

Class	Percentage	Number
Class 1 Misdemeanor (12 Months)	30.6%	1797
Class 5 Felony (10 Years)	16.1%	945
Missing	15.2%	894
Class 6 Felony (5 Years)	14.8%	867
Unclassed Felony (5 to Life)	12.7%	746
Class 4 Misdemeanor (Fine)	2.5%	148
Type Not Clear (0-Life)	2.2%	127
Unclassed Misdemeanor (0-12 Months)	1.4%	85
Class 2 Misdemeanor (6 Months)	1.2%	69
Class 4 Felony (10 Years)	0.7%	41
Class 3 Felony (20 Years)	0.5%	32
Conspiracy Unclassed Felony (5 Years - 20 Years)*	0.3%	20
Class 2 Felony (Life)	0.3%	16
Attempted Unclassed Felony (5 Years- Life)	0.3%	15
Traffic Infraction (Fine)	0.3%	15
Class 3 Misdemeanor (Fine)	0.2%	13
Local Ordinance (Fine)	0.2%	11
Local Ordinance (12 Months)	0.2%	9
Attempted Class 5 Felony (5 years)	0.1%	6
Attempted Class 6 Felony (5 Years)	0.1%	4
Conspiracy Class 5 Felony (10 Years)*	0.1%	3
Attempted Class 1 Felony (Life)	0.0%	1
Attempted Class 3 Felony (10 Years)	0.0%	1
Conspiracy Class 2 Felony (10 Years)*	0.0%	1
Conspiracy Class 6 Felony (5 years)*	0.0%	1
Local Ordinance (6 Months)	0.0%	1
<b>Total</b>		<b>5868</b>

**\*NOTE:**

Defendants may have a combination of felonies and misdemeanors in one event. This chart does not describe all the convictions, just the most serious conviction. Defendants may have pending charges that have not been adjudicated at the time of the violation hearing.

# Fiscal Year 2022

New Probation  
Violation Guidelines  
Were Approved That  
Better Reflect  
Judicial Sentencing



# New Probation Violation Guidelines – Effective July 1, 2021

## Technical and New Laws

### Probation Violation Guidelines Worksheet – TV 3/SCV Third or Subsequent Technical Violation or Any Special Condition Violations

Offender Name: \_\_\_\_\_

Base Guidelines on the Current Most Serious Primary Offense: \_\_\_\_\_  Original Sentencing was Incarceration/CCAP

ICOTS Case for Supervision of Current Primary Transferred to: State Abv: \_\_\_\_\_

Amount of Total Revocable Time at Hearing/Sentencing:  Life + \_\_\_\_\_  
(This Court Only)

◆ **Dates (use to score factors three and four)**  
Earliest Original Sentencing Date \_\_\_\_\_ Start of Current Supervision Period \_\_\_\_\_

◆ **Number of Felony Revocation Events for Current Offense(s) (This Court Only)** → 0

Current Revocation Event Only ..... 2  
One Revocation Event Prior to Current Revocation Event ..... 12  
Two or More Revocation Events Prior to Current Revocation Event ..... 24

◆ **Prior Felony Revocation(s) Before Original Sentencing Date (This Court Only)**

One Prior Felony Revocation ..... 18  
Two or More Prior Felony Revocations ..... 19

◆ **Felony Offense Conviction(s) Between Original Sentencing Date and Start of Current Supervision (ALL Courts)** — If YES, add 13 → 0

◆ **Condition 8 Violation: Drug Violation** — If YES, add 7 → 0 0

◆ **Condition 11 Violation: Abscond** — If YES, add 10 → 0

Last date whereabouts were known \_\_\_\_/\_\_\_\_/\_\_\_\_ Date whereabouts verified \_\_\_\_/\_\_\_\_/\_\_\_\_

◆ **Primary Offense VCC Prefix of SEX, RAP, OBS or Violation of Sex Offender Special Conditions (Court or DOC)** — If YES, add 22 → 0

**Recommendation Score** → \_\_\_\_\_

Go to SRR Cover Sheet and fill out the violation guidelines recommendation range.

Score	Guidelines Sentence
<input type="checkbox"/> Under 19	Time served to 6 months
<input type="checkbox"/> 19 to 33	3 months to 1 year
<input type="checkbox"/> 34 to 43	1 year to 1 year 6 months
<input type="checkbox"/> 44 or more	1 year to 4 years

### Probation Violation Guidelines Worksheet – New Law F New Felony Conviction

Offender Name: \_\_\_\_\_

Base Guidelines on the Current Most Serious Primary Offense: \_\_\_\_\_  Original Sentencing was Incarceration/CCAP

ICOTS Case for Supervision of Current Primary Transferred to: State Abv: \_\_\_\_\_

Amount of Total Revocable Time at Hearing/Sentencing:  Life + \_\_\_\_\_  
(This Court Only)

◆ **Dates**  
Earliest Original Sentencing Date \_\_\_\_\_ Start of Current Supervision Period \_\_\_\_\_

◆ **Number of Felony Revocation Events for Current Offense(s) (This Court Only)** → 0

Current Revocation Event Only ..... 0  
One or More Revocation Events Prior to Current Revocation Event ..... 10

◆ **Condition 1 Violation: New Felony Conviction(s) for Offenses Committed During Current Supervision Period (ALL Courts)**

A. Number of New Person Felony Convictions (Counts) \_\_\_\_\_ X 20 → \_\_\_\_\_

B. Number of New Non-Person Felony Convictions (Counts) \_\_\_\_\_ X 2 → \_\_\_\_\_

New Conviction(s)							
Counts	Most Serious VCC	Offense Date	Sent./Conv. Date	F/PS	State	Effective Sentence Years Months Days	Pending Sentence
_____	_____	____/____/____	____/____/____	_____	_____	____/____/____	<input type="checkbox"/>
_____	_____	____/____/____	____/____/____	_____	_____	____/____/____	<input type="checkbox"/>
Sum of Total/Effective (Active) Sentences for All New Convictions (including counts not listed above): _____							

◆ **New Felony or Misdemeanor Conviction Is Similar Behavior to the Most Serious Current Primary Offense Listed Above (Refer to Appendix 4)** — If YES, add 7 → 0 0

**Recommendation Score** → \_\_\_\_\_

Go to SRR Cover Sheet and fill out the violation guidelines recommendation range.

Score	Guidelines Sentence
<input type="checkbox"/> 1 to 7	Time served to 1 year
<input type="checkbox"/> 8 to 15	6 months to 1 year 6 months
<input type="checkbox"/> 16 to 22	8 months to 2 years
<input type="checkbox"/> 23 or more	15 months to 4 years

Go to Cover sheet and fill out the violation guidelines recommendation range.

### Probation Violation Guidelines Worksheet – New Law M New Misdemeanor or Lesser Conviction

Offender Name: \_\_\_\_\_

Base Guidelines on the Current Most Serious Primary Offense: \_\_\_\_\_  Original Sentencing was Incarceration/CCAP

ICOTS Case for Supervision of Current Primary Transferred to: State Abv: \_\_\_\_\_

Amount of Total Revocable Time at Hearing/Sentencing:  Life + \_\_\_\_\_  
(This Court Only)

◆ **Dates (use to score factors three and four)**  
Earliest Original Sentencing Date \_\_\_\_\_ Start of Current Supervision Period \_\_\_\_\_

◆ **Number of Felony Revocation Events for Current Offense(s) (This Court Only)** → 0

Current Revocation Event Only ..... 2  
One Revocation Event Prior to Current Revocation Event ..... 12  
Two or More Revocation Events Prior to Current Revocation Event ..... 24

◆ **Prior Felony Revocation(s) Before Original Sentencing Date (This Court Only)**

One Prior Felony Revocation ..... 18  
Two or More Prior Felony Revocations ..... 19

◆ **Felony Offense Conviction(s) Between Original Sentencing Date and Start of Current Supervision (ALL Courts)** — If YES, add 13 → 0

◆ **Condition 1 Violation: New Misdemeanor Conviction(s) for Offenses Committed During Current Supervision Period (ALL Courts)**

New Misdemeanor Conviction Is Similar Behavior to Current Primary Offense (Refer to Appendix 4) ..... 9  
Any Other New Misdemeanor Convictions ..... 1

New Conviction(s)							
Counts	Most Serious VCC	Offense Date	Sent./Conv. Date	F/PS	State	Effective Sentence Years Months Days	Pending Sentence
_____	_____	____/____/____	____/____/____	_____	_____	____/____/____	<input type="checkbox"/>
_____	_____	____/____/____	____/____/____	_____	_____	____/____/____	<input type="checkbox"/>
Sum of Total/Effective (Active) Sentences for All New Convictions (including counts not listed above): _____							

◆ **Condition 8 Violation: Drug Violation** — If YES, add 7 → 0 0

◆ **Condition 11 Violation: Abscond** — If YES, add 10 → 0

Last date whereabouts were known \_\_\_\_/\_\_\_\_/\_\_\_\_ Date whereabouts verified \_\_\_\_/\_\_\_\_/\_\_\_\_

◆ **Primary Offense VCC Prefix of SEX, RAP, OBS or Violation of Sex Offender Special Conditions (Court or DOC)** — If YES, add 22 → 0

**Recommendation Score** → \_\_\_\_\_

Go to SRR Cover Sheet and fill out the violation guidelines recommendation range.

Score	Guidelines Sentence
<input type="checkbox"/> Under 19	Time served to 6 months
<input type="checkbox"/> 19 to 33	3 months to 1 year
<input type="checkbox"/> 34 to 43	1 year to 1 year 6 months
<input type="checkbox"/> 44 or more	1 year to 4 years

# New Probation Violation Guidelines – Effective July 1, 2021

## TV3 – Reflects Historical Sentences (Before Statutory Requirements)

### Probation Violation Guidelines Worksheet ❖ TV 3/SCV

**Third or Subsequent Technical Violation or Any Special Condition Violations**

Offender Name: \_\_\_\_\_

Base Guidelines on the Current Most Serious Primary Offense:            Original Sentencing was Incarceration/CCAP

ICOTS Case for Supervision of Current Primary Transferred to: State Abv: \_\_\_\_\_

Amount of Total Revocable Time at Hearing/Sentencing:  Life +

(This Court Only) Years Months Days

❖ **Dates (use to score factors three and four)**

Earliest Original Sentencing Date \_\_\_\_\_ Start of Current Supervision Period \_\_\_\_\_

❖ **Number of Felony Revocation Events for Current Offense(s) (This Court Only)** →

Current Revocation Event Only .....2  
 One Revocation Event Prior to Current Revocation Event .....12  
 Two or More Revocation Events Prior to Current Revocation Event .....24

❖ **Prior Felony Revocation(s) Before Original Sentencing Date (This Court Only)** →

One Prior Felony Revocation .....18  
 Two or More Prior Felony Revocations .....19

❖ **Felony Offense Conviction(s) Between Original Sentencing Date and Start of Current Supervision (ALL Courts)** — If YES, add 13 →

❖ **Condition 8 Violation: Drug Violation** — If YES, add 7 →

❖ **Condition 11 Violation: Abscond** — If YES, add 10 →

Last date whereabouts were known \_\_\_/\_\_\_/\_\_\_ Date whereabouts verified \_\_\_/\_\_\_/\_\_\_

❖ **Primary Offense VCC Prefix of SEX, RAP, OBS or Violation of Sex Offender Special Conditions (Court or DOC)** — If YES, add 22 →

**Recommendation Score** →

Go to SRR Cover Sheet and fill out the violation guidelines recommendation range.

Score	Guidelines Sentence
<input type="checkbox"/> Under 19.....	Time served to 6 months
<input type="checkbox"/> 19 to 33.....	3 months to 1 year
<input type="checkbox"/> 34 to 43.....	1 year to 1 year 6 months
<input type="checkbox"/> 44 or more.....	1 year to 4 years

*Preliminary* FY2021 Report:  
**Sentencing Revocation Reports  
& Probation Violation Guidelines**

