



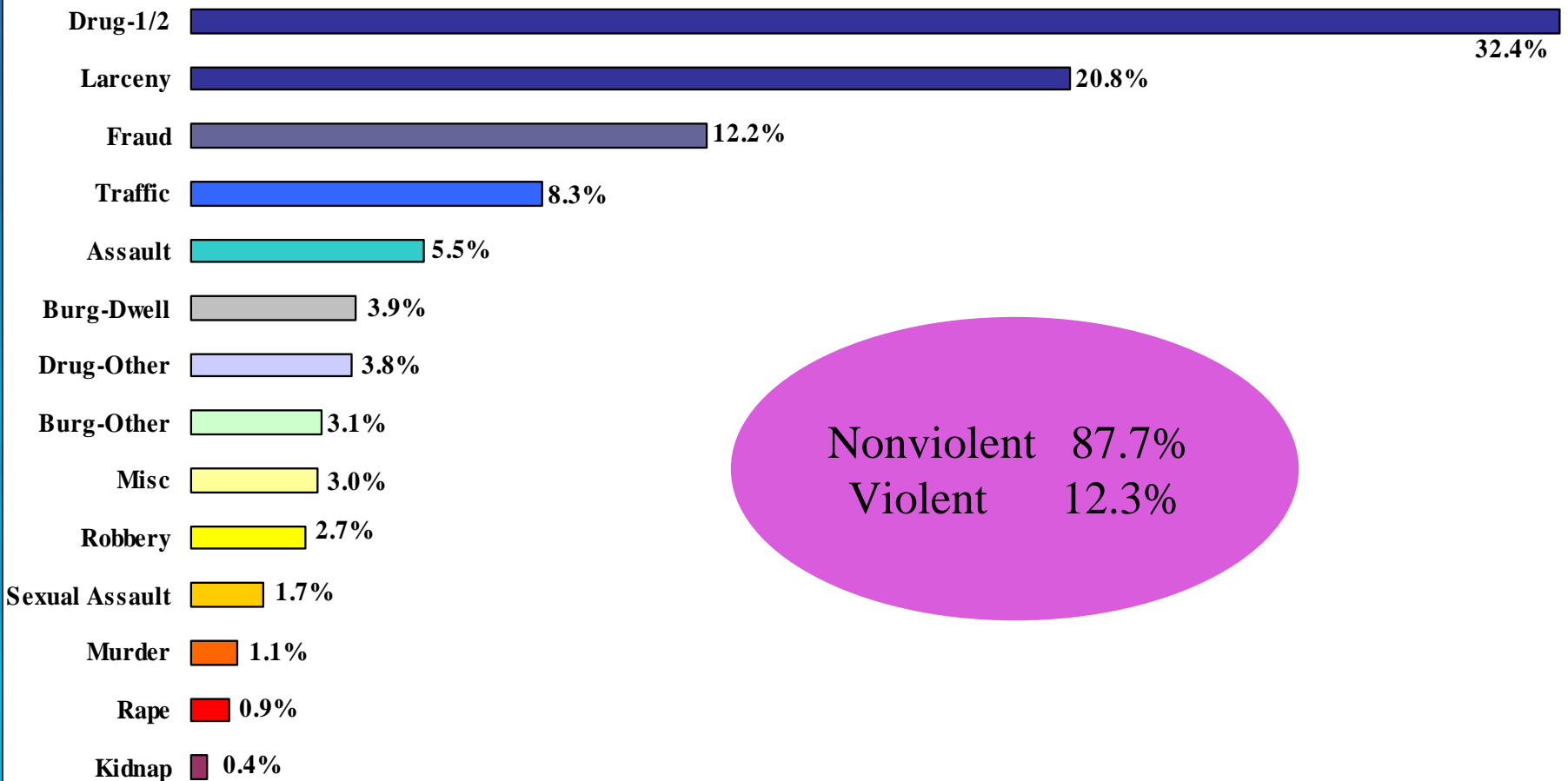
JUDICIAL CONCURRENCE

Preliminary FY2006

FY2006 Guideline Worksheets

Coded & Keyed as of 3/10/06

(N=5,304)





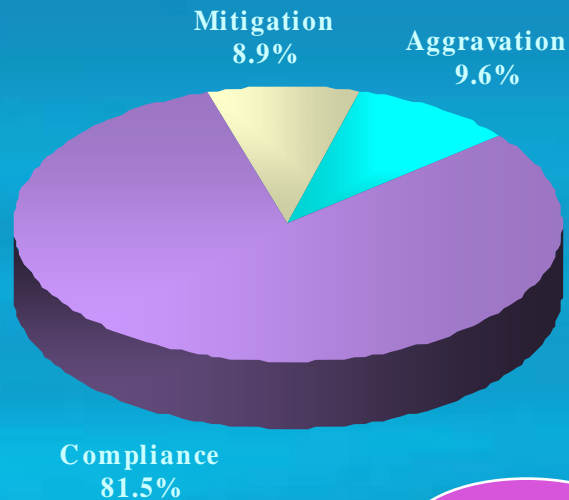
GENERAL COMPLIANCE

Judicial Agreement with Guideline Recommendations *Preliminary FY2006*

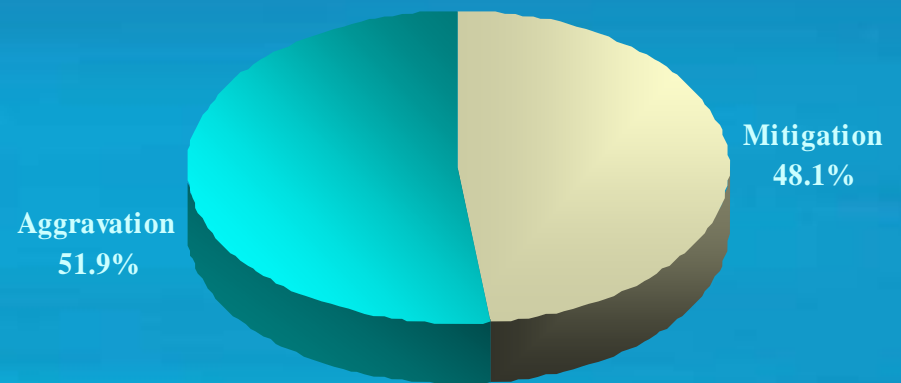
General Compliance:

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

Overall Compliance Rate



Direction of Departures



FY05
81.2%

Recommended vs. Actual Disposition Preliminary FY2006

Dispositional Compliance:

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

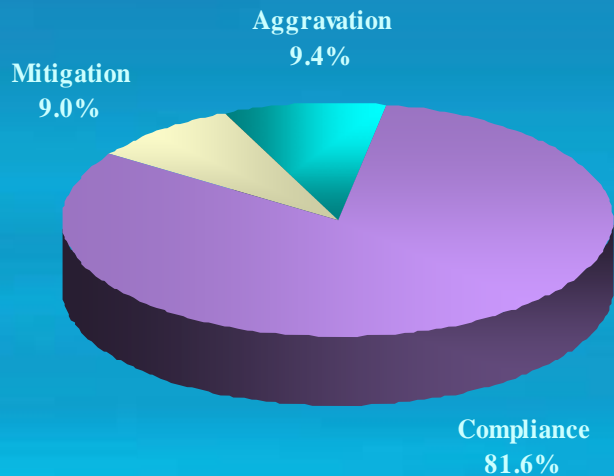
Recommended Disposition	Actual Disposition		
	<i>Probation / No Incarceration</i>	<i>Incarceration less than 6 months</i>	<i>Incarceration over 6 months</i>
<i>Probation/No Incarceration</i>	74.4%	21.9%	3.6%
<i>Incarceration less than 6 months</i>	9.3%	79.3%	11.4%
<i>Incarceration over 6 months</i>	4.7%	7.9%	87.4%

Judicial Agreement with Sentence Length Preliminary FY2006

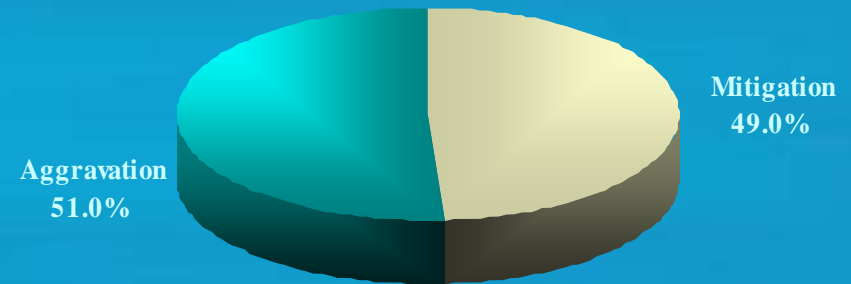
Durational compliance:

The degree to which judges agree with the **sentence length** recommended in jail and prison cases.

Durational Compliance



Direction of Departures





DEPARTURE REASONS

Most Frequently Cited Departure Reasons

Mitigating (8.9%)

- Plea Agreement
- Cooperative with Authorities
- Good Potential for Rehabilitation
- Sentenced to Alternative Sanction
- Recommendation of CA/PO

Aggravating (9.6%)

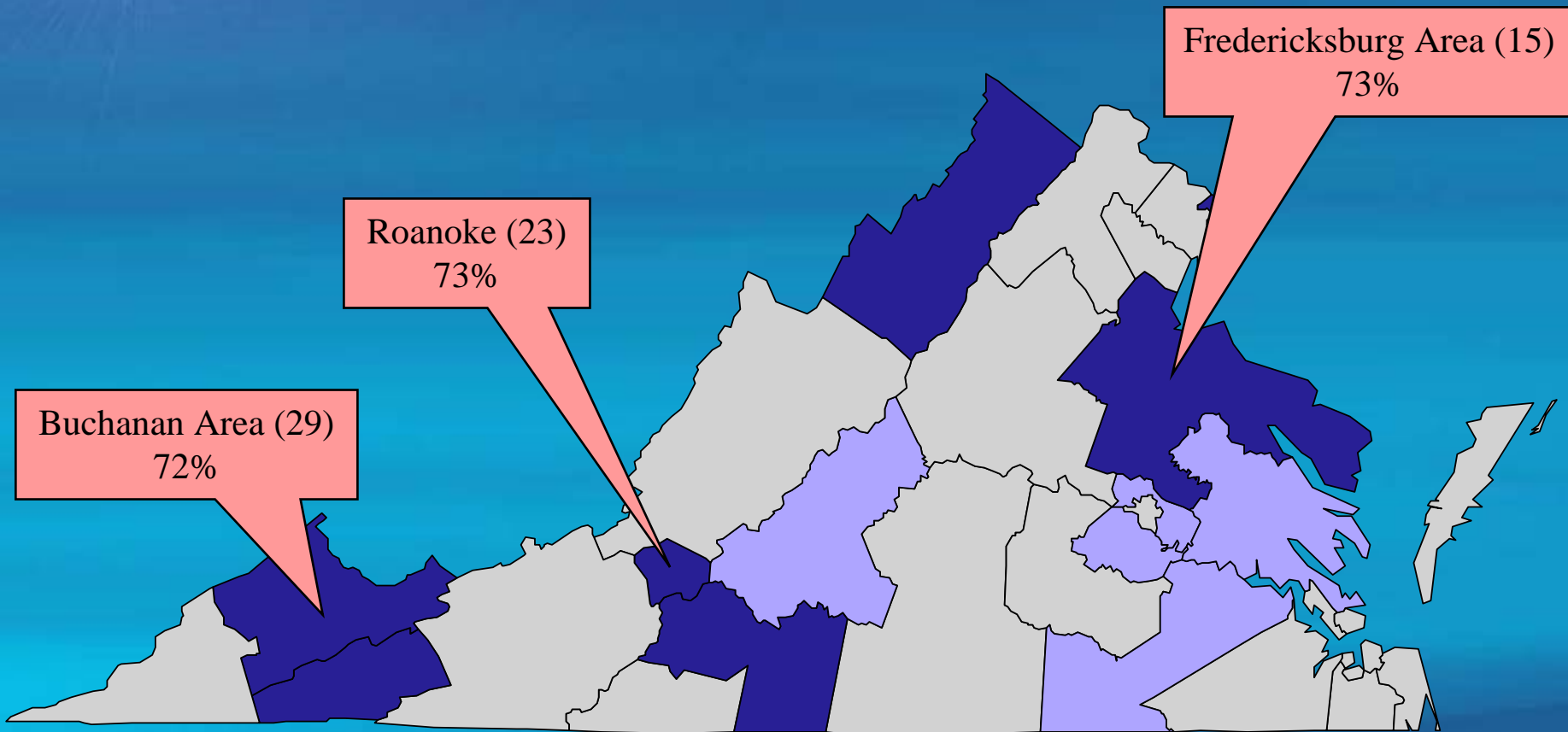
- Plea Agreement
- Flagrancy of the Offense
- Previous Conviction for Same Offense
- Guidelines Recommendation Too Low
- Poor Potential for Rehabilitation



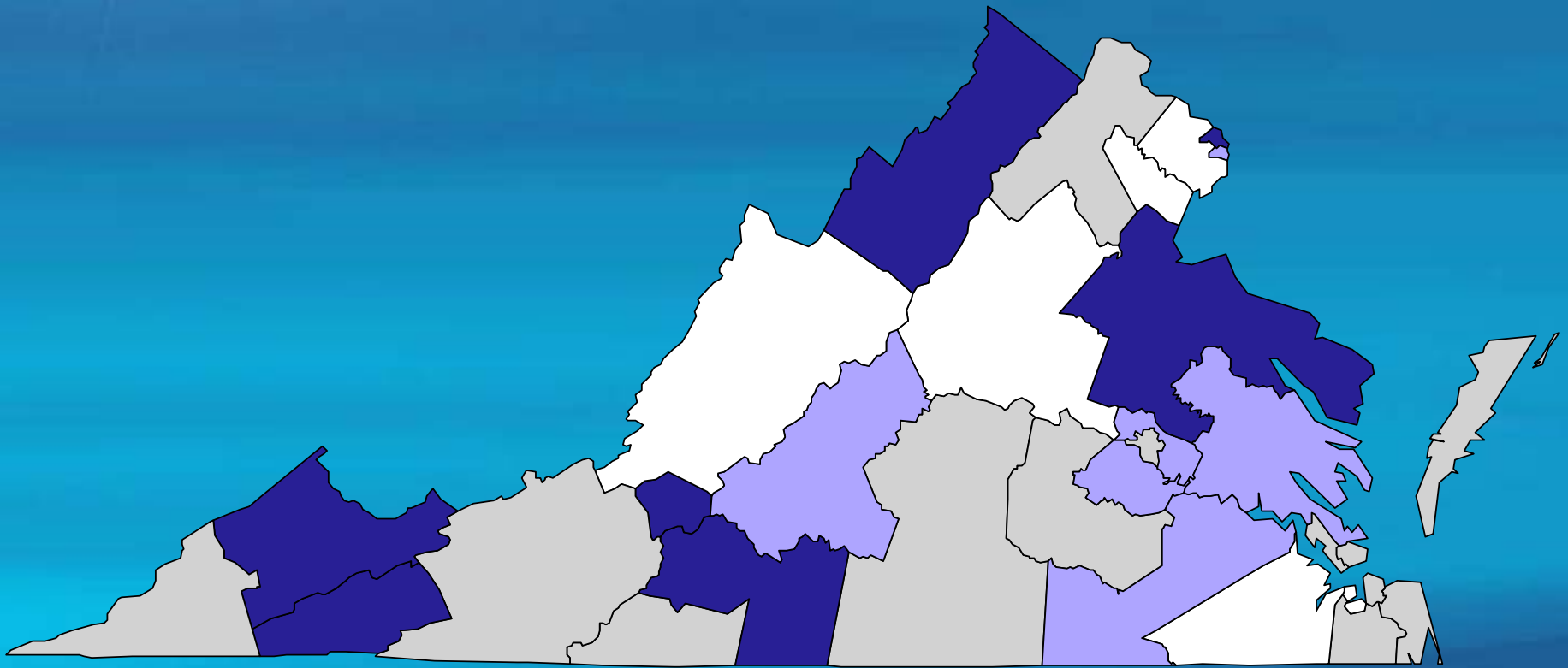
COMPLIANCE
BY JUDICIAL CIRCUIT

Circuit	Circuit Name	Circuit Number	Compliance	Mitigation	Aggravation	Number of Cases
	Alexandria	18	76.4%	9.0%	14.6%	89
	Arlington Area	17	74.0%	5.0%	21.0%	119
	Bristol Area	28	75.8%	13.2%	11.0%	91
	Buchanan Area	29	72.2%	10.2%	17.6%	108
	Charlottesville Area	16	82.5%	7.2%	10.3%	97
	Chesapeake	1	87.2%	5.4%	7.4%	202
	Chesterfield Area	12	79.1%	7.2%	13.7%	249
	Danville Area	22	74.5%	7.8%	17.7%	141
	Fairfax	19	82.8%	6.9%	10.3%	262
	Fredericksburg Area	15	73.0%	9.7%	17.3%	329
	Hampton	8	86.5%	7.6%	5.9%	119
	Harrisonburg Area	26	73.4%	14.5%	12.1%	207
	Henrico	14	79.2%	9.2%	11.6%	251
	Lee Area	30	85.3%	8.0%	6.7%	75
	Loudoun Area	20	87.8%	7.5%	4.7%	106
	Lynchburg Area	24	77.2%	15.5%	7.3%	220
	Martinsville Area	21	88.7%	8.5%	2.8%	71
	Newport News	7	85.0%	6.4%	8.6%	187
	Norfolk	4	86.3%	8.8%	4.9%	365
	Petersburg Area	11	89.9%	5.8%	4.3%	69
	Portsmouth	3	80.6%	12.4%	7.0%	186
	Prince William Area	31	79.8%	5.8%	14.4%	104
	Radford Area	27	94.1%	3.6%	2.3%	221
Richmond City	13	84.4%	8.0%	7.6%	275	
Roanoke Area	23	73.1%	14.6%	12.3%	130	
South Boston Area	10	86.6%	10.4%	3.0%	134	
Staunton Area	25	84.3%	9.4%	6.3%	256	
Suffolk Area	5	81.1%	10.4%	8.5%	106	
Sussex Area	6	77.3%	10.7%	12.0%	75	
Virginia Beach	2	85.8%	7.6%	6.6%	316	
Williamsburg Area	9	78.8%	9.2%	12.0%	142	

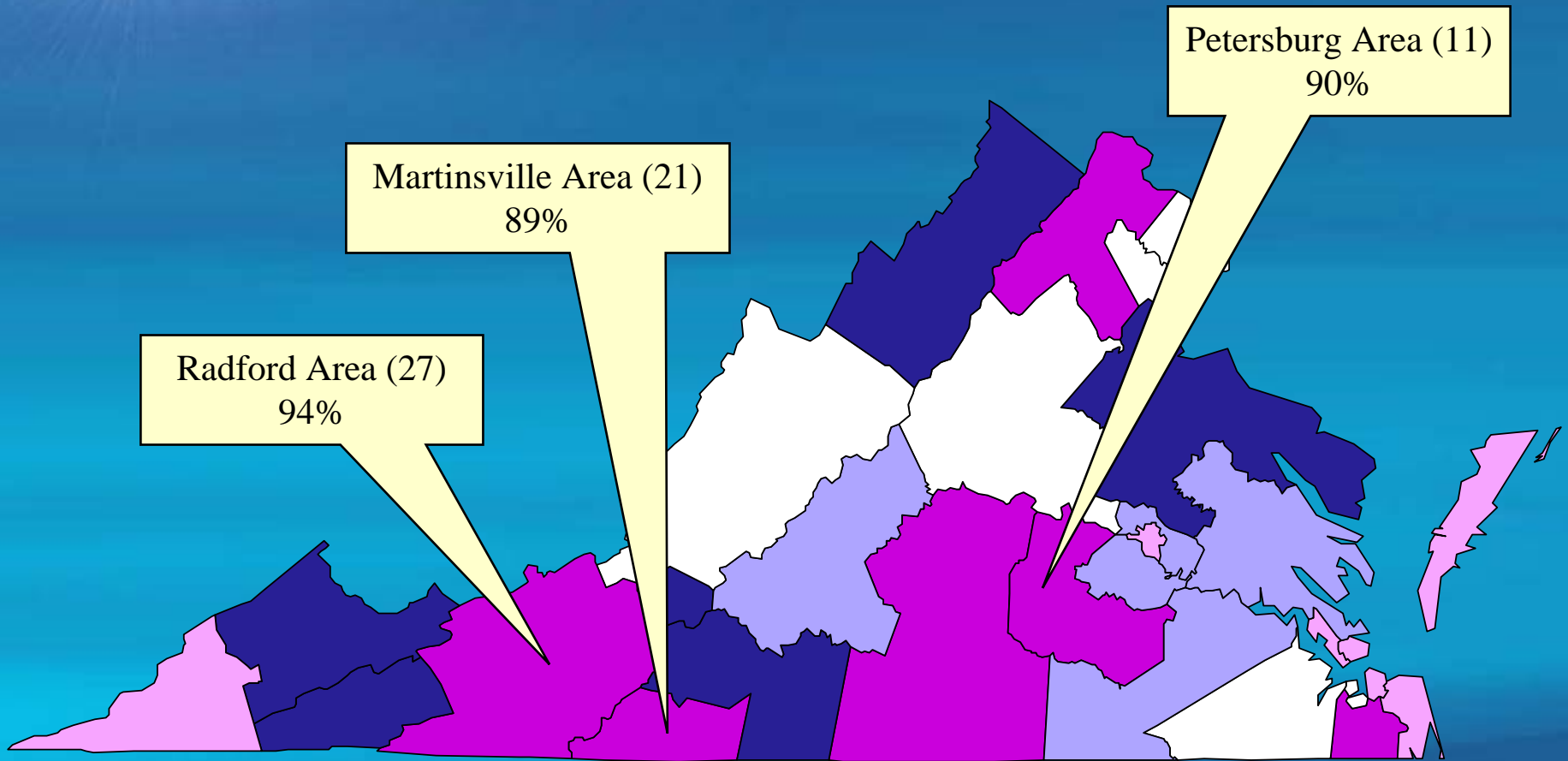
Compliance by Judicial Circuit Preliminary FY2006



Compliance by Judicial Circuit Preliminary FY2006

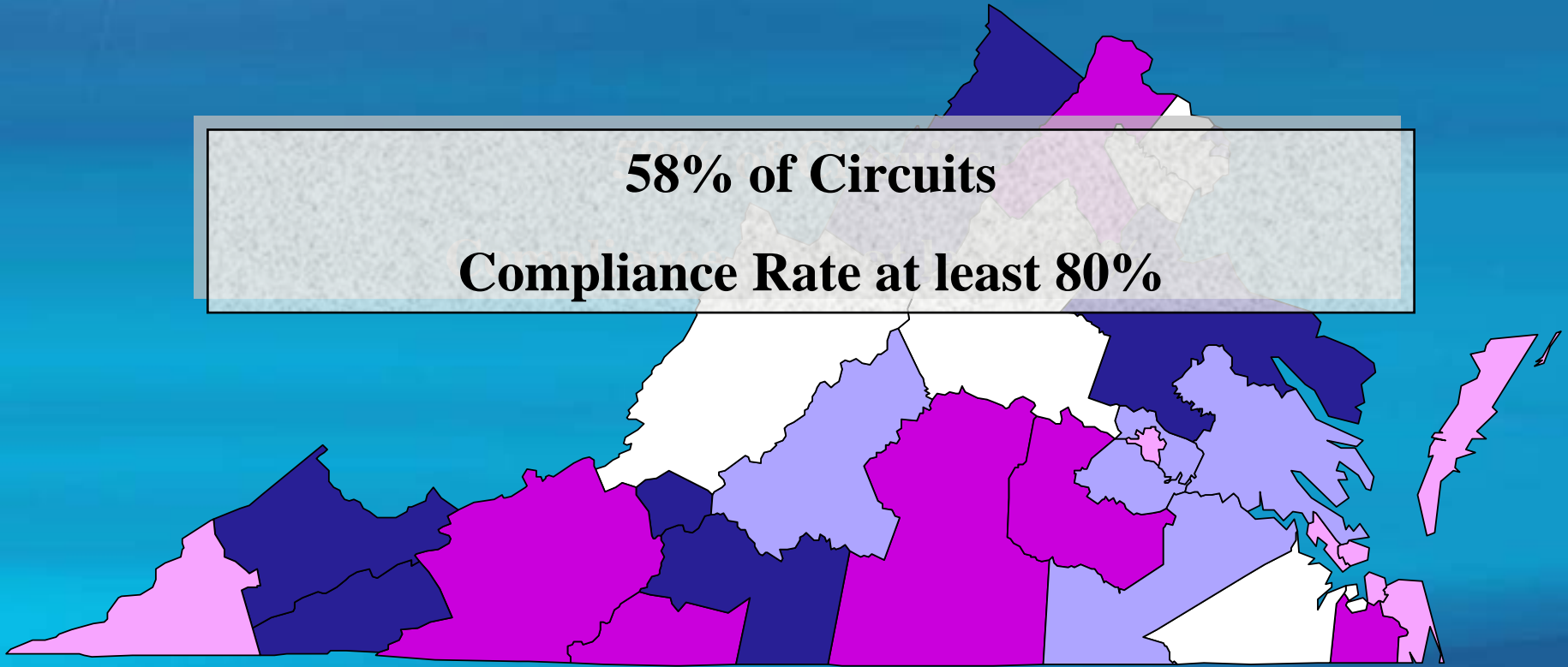


Compliance by Judicial Circuit Preliminary FY2006



Compliance by Judicial Circuit Preliminary FY2006

58% of Circuits
Compliance Rate at least 80%

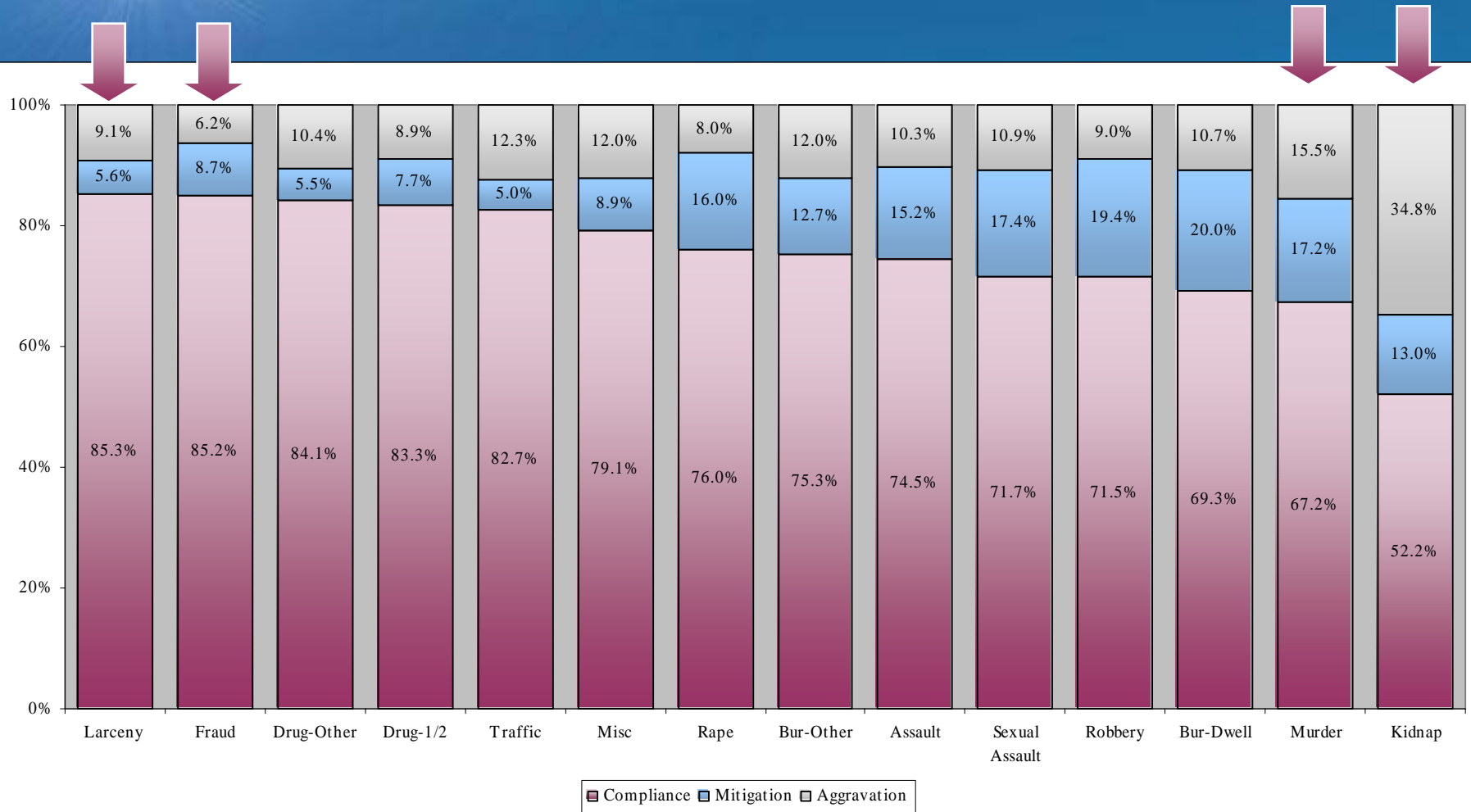




JUDICIAL CONCURRENCE BY TYPE OF OFFENSE

Judicial Concurrence by Type of Offense

Preliminary FY2006





NONVIOLENT RISK ASSESSMENT

Nonviolent Risk Assessment

Nonviolent Risk Assessment Section D

Offender Name: _____

◆ Ineligibility Conditions

- A. Was the offender recommended for **Probation/No Incarceration** on Section B? Yes No
- B. Do any of the offenses at sentencing involve the sale, distribution, or possession with intent, etc. of cocaine of a combined quantity of 28.35 grams (1 ounce) or more? Yes No
- C. Are any prior record offenses violent (Category I/II listed in Table A of the Guidelines Manual)? Yes No
- D. Are any of the offenses at sentencing violent (Category I/II listed in Table A of the Guidelines Manual)? Yes No

If answered **YES** to **ANY**, go to "Nonviolent Risk Assessment Recommendations" on cover sheet and check Not Applicable. If answered **NO** to **ALL**, complete remainder of Section D worksheet.

◆ Offense Type *Select the type of primary offense* _____

Drug	3	
Fraud	3	
Larceny	11	

◆ **Additional Offense(s)** _____ If YES, add 5 → 0

◆ Offender *Score factors A to D and enter the total score* _____

A. Offender is a male	8	<input type="checkbox"/>	+		
B. Offender's age at time of offense					
Younger than 30 years	13	<input type="checkbox"/>		+	
30 - 40 years	8	<input type="checkbox"/>			
41 - 46 years	1	<input type="checkbox"/>			
Older than 46 years	0	<input type="checkbox"/>			
C. Offender not regularly employed	9	<input type="checkbox"/>	+		
D. Offender at least 26 years of age & never married	6	<input type="checkbox"/>			
				=	Enter A to D Total

◆ **Arrest or Confinement Within Past 18 Months** (prior to instant offenses) _____ If YES, add 6 → 0

◆ Prior Felony Convictions and Adjudications *Select the combination of adult and juvenile felony convictions/adjudications that characterizes the offender's prior record.* _____

Adult felony convictions only	3	
Juvenile felony convictions or adjudications only	6	
Both adult and juvenile felony convictions/adjudications	9	

◆ Prior Adult Incarcerations _____

Number: 1 - 2	3	
3 - 4	6	
5 or more	9	

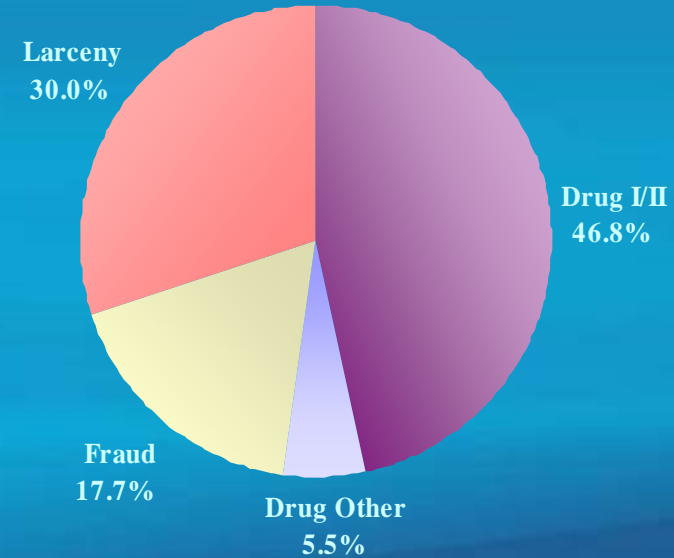
Total Score _____ →

- 35 or less, check Recommended for Alternative Punishment.
 36 or more, check NOT Recommended for Alternative Punishment.

Go to Cover Sheet and fill out Nonviolent Risk Assessment Recommendations.

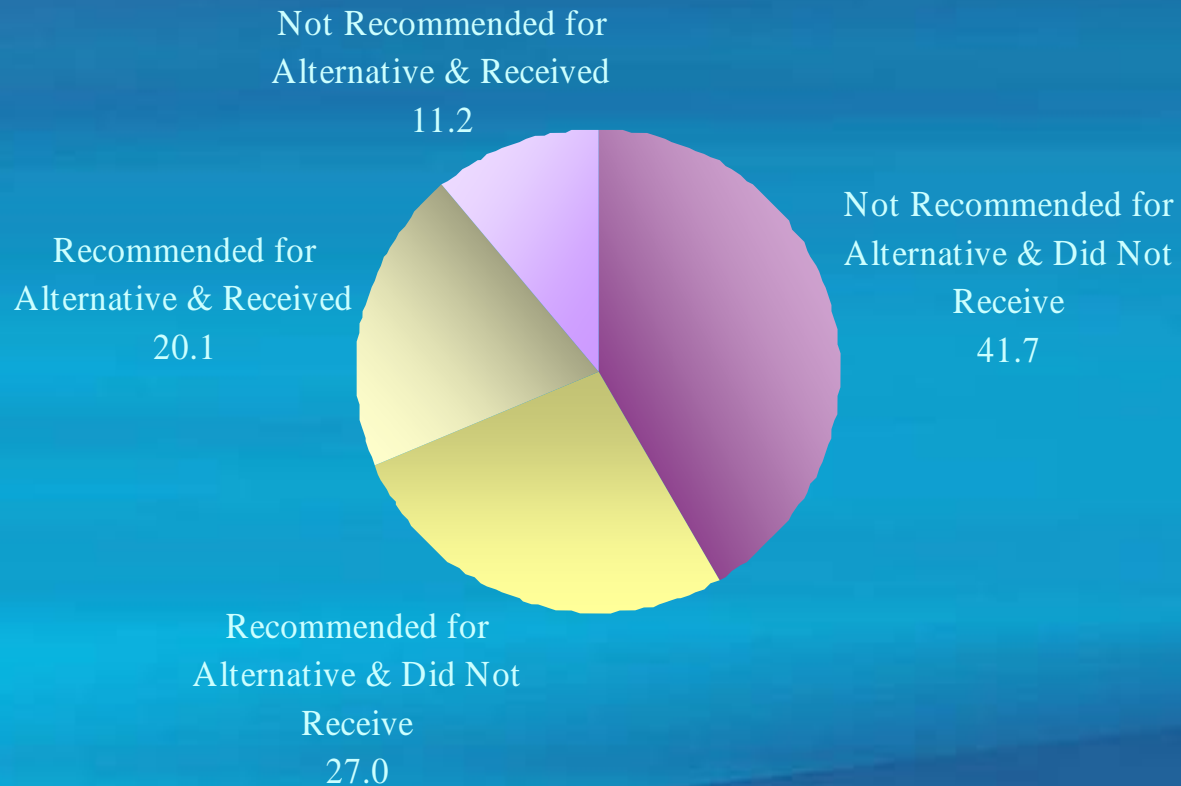
Nonviolent Risk Assessment Preliminary FY2006

- Drug, Fraud, & Larceny
- Purpose: To recommend alternative sanctions for offenders who are statistically less likely to recidivate
 - Shorter jail sentence
 - Probation
 - Treatment Programs



Nonviolent Risk Assessment Preliminary FY2006

Eligible Risk Assessment Cases Alternative Sanctions Recommended & Received





SEX OFFENDER RISK ASSESSMENT

Sex Offender Risk Assessment

Other Sexual Assault ~~❖~~ Section A (Part I) Offender Name: _____

Offenses Not Applicable for Risk Assessment:

Risk Assessment is **NOT APPLICABLE** if the primary offense is adultery, bestiality, bigamy, non-forcible sodomy, or prostitution.
(Go to Section A (Part II))

◆ **Offender's Age at Time of Offense** _____

Younger than 35 years	12	
35 to 46 years	4	
Older than 46 years	0	

◆ **Less than 9th Grade Education** _____ If YES, add 4 → 0

◆ **Not Regularly Employed** _____ If YES, add 5 → 0

◆ **Offender's Relationship with Victim** _____

Victim Under Age 10	Relative	0	
	Known to victim (not relative or step-parent)	4	
	Stranger	4	
	Step-parent	9	
Victim Age 10 or more	Relative	2	
	Known to victim (not relative or step-parent)	3	
	Stranger	8	
	Step-parent	2	

◆ **Aggravated Sexual Battery (Primary Offense §18.2-67.3)** _____

No penetration or attempted penetration of victim	0	0
Penetration or attempted penetration of victim	4	

◆ **Location of Offense** _____

Place of employment	0	
Shared victim/offender residence	3	
Outdoors	3	
Motor Vehicle	4	
Victim's residence (not offender's)	5	
Offender's residence or other residence	9	
Location other than listed	3	

◆ **Prior Adult Felony/Misdemeanor Arrests for Crimes Against Person** _____

Number: 0 Felonies	1 - 3 Misdemeanors	1	
	4+ Misdemeanors	8	
1 Felony	0 - 2 Misdemeanors	5	
	3+ Misdemeanors	8	
2+ Felonies	0 - 3 Misdemeanors	8	
	4+ Misdemeanors	15	

◆ **Prior Incarcerations/Commitments** _____ If YES, add 3 → 0

◆ **Prior Treatment** _____

Prior mental health commitment	0	
Prior mental health treatment	2	
Prior alcohol or drug treatment	3	
No prior treatment	4	

Risk Score _____ →

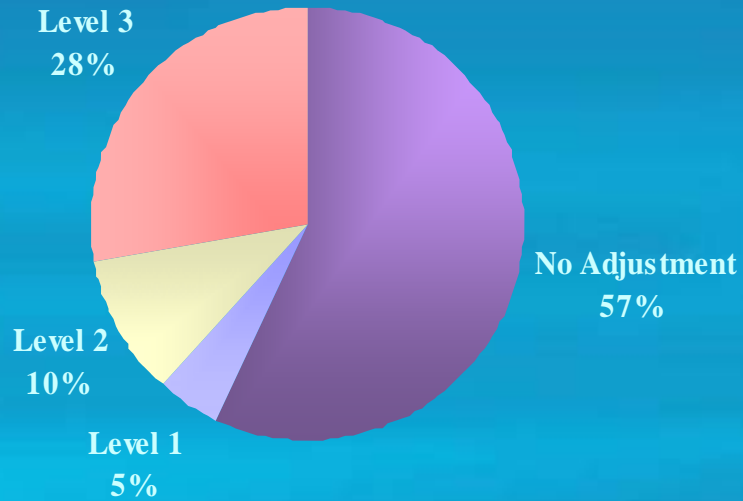
Risk Level (Risk Score)	<input type="checkbox"/> 44 or more	Level 1
	<input type="checkbox"/> 34 - 43	Level 2
	<input type="checkbox"/> 28 - 33	Level 3
	<input type="checkbox"/> up to 27	No Adjustment

Sex Offender Risk Assessment Preliminary FY2006

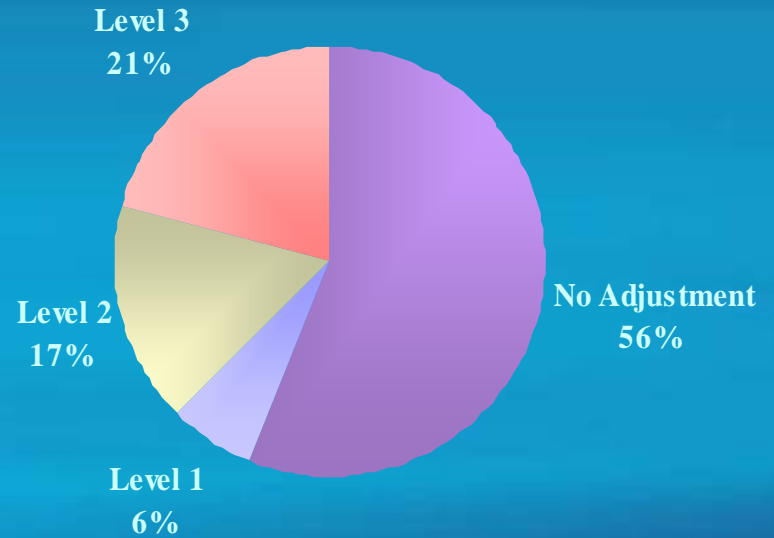
- Rape & Other Sexual Assault
- Purpose:
 - To extend the upper end of the guidelines recommendation for sex offenders who are statistically more likely to recidivate

Sex Offender Risk Assessment Preliminary FY2006

Other Sexual Assault Risk Levels
(n=92)

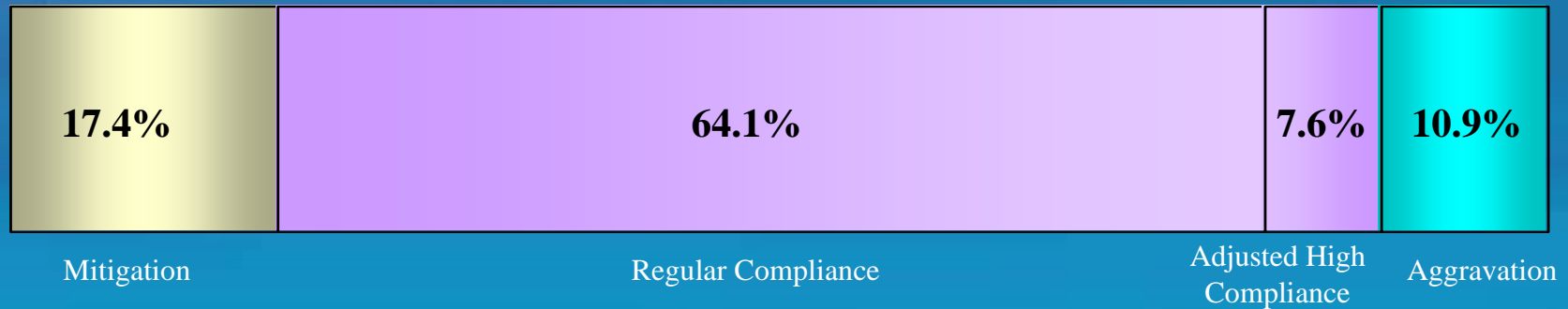


Rape Risk Levels
(n=50)

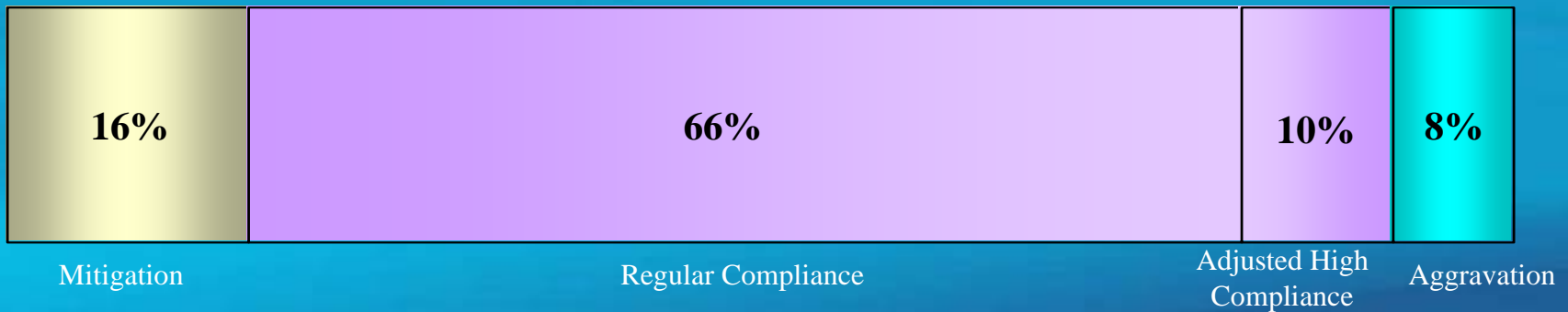


Sentencing in Sex Offender Cases Preliminary FY2006

Other Sexual Assault Cases (n=92)



Rape Cases (n=50)

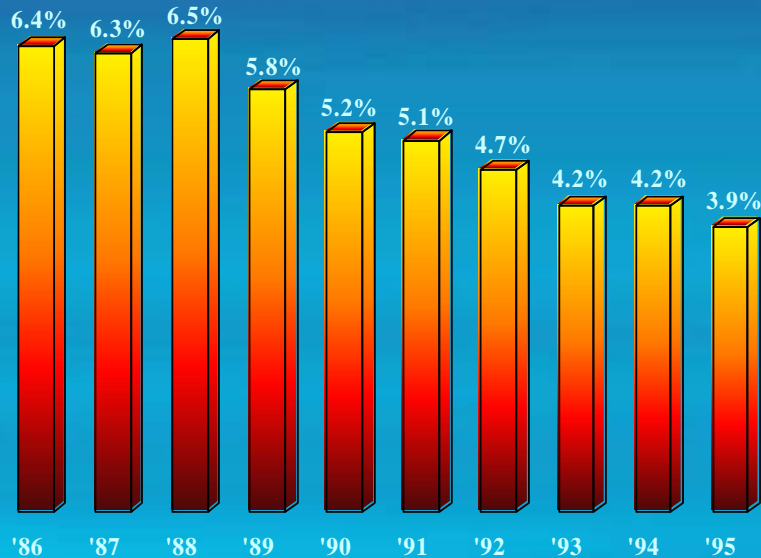




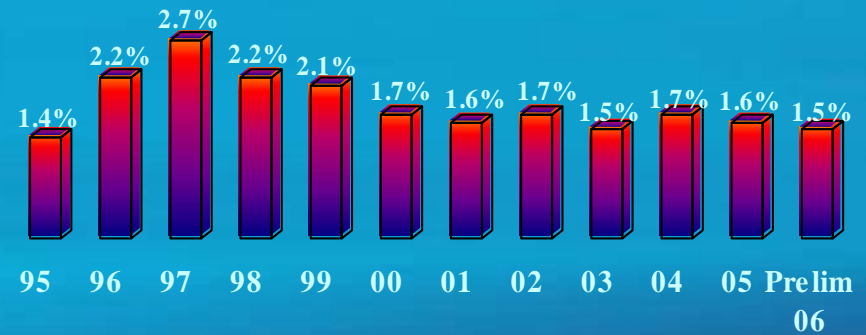
JURY SENTENCING

Jury Sentencing Parole vs. Truth-in-Sentencing

Parole System

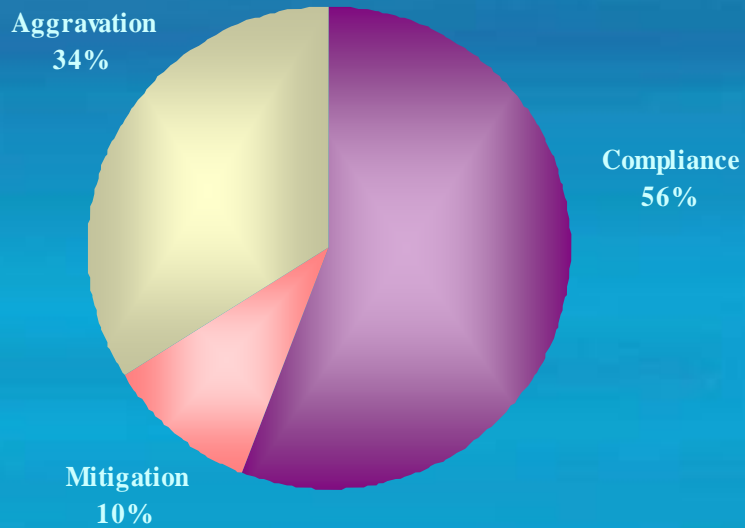


Truth-in-Sentencing

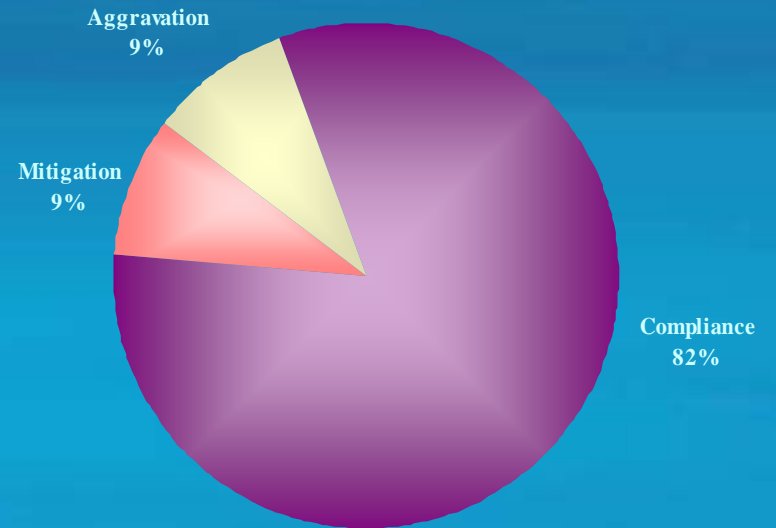


Jury vs. Non-Jury Sentencing

Jury Cases
(N=77)



Non-Jury Cases
(N=5,227)



A bright sunburst graphic with rays emanating from a central point, located in the upper left corner of the slide.

SENTENCING REVOCATION REPORTS
&
PROBATION VIOLATION GUIDELINES

July 1, 2005 – December 31, 2005

Circuit Name	Judicial Circuit	Frequency
Alexandria	18	107
Arlington Area	17	26
Bristol Area	28	81
Buchanan Area	29	112
Charlottesville Area	16	107
Chesapeake	1	312
Chesterfield Area	12	129
Danville Area	22	222
Fairfax	19	227
Fredericksburg Area	15	118
Hampton	8	152
Harrisonburg Area	26	202
Henrico	14	154
Lee Area	30	23
Loudoun Area	20	98
Lynchburg Area	24	136
Martinsville Area	21	123
Newport News	7	200
Norfolk	4	68
Petersburg Area	11	28
Portsmouth	3	193
Prince William Area	31	177
Radford Area	27	132
Richmond City	13	245
Roanoke Area	23	123
South Boston Area	10	102
Staunton Area	25	113
Suffolk Area	5	114
Sussex Area	6	46
Virginia Beach	2	169
Williamsburg Area	9	117
Total		4156

Number of Sentencing Revocation Reports (SRRs) Received by Circuit

- Technical & New Law Violations (Condition 1)
- Probation, Suspended Sentence, Good Behavior, etc., Violations
- Current & Old Forms

Probation Violation Guidelines

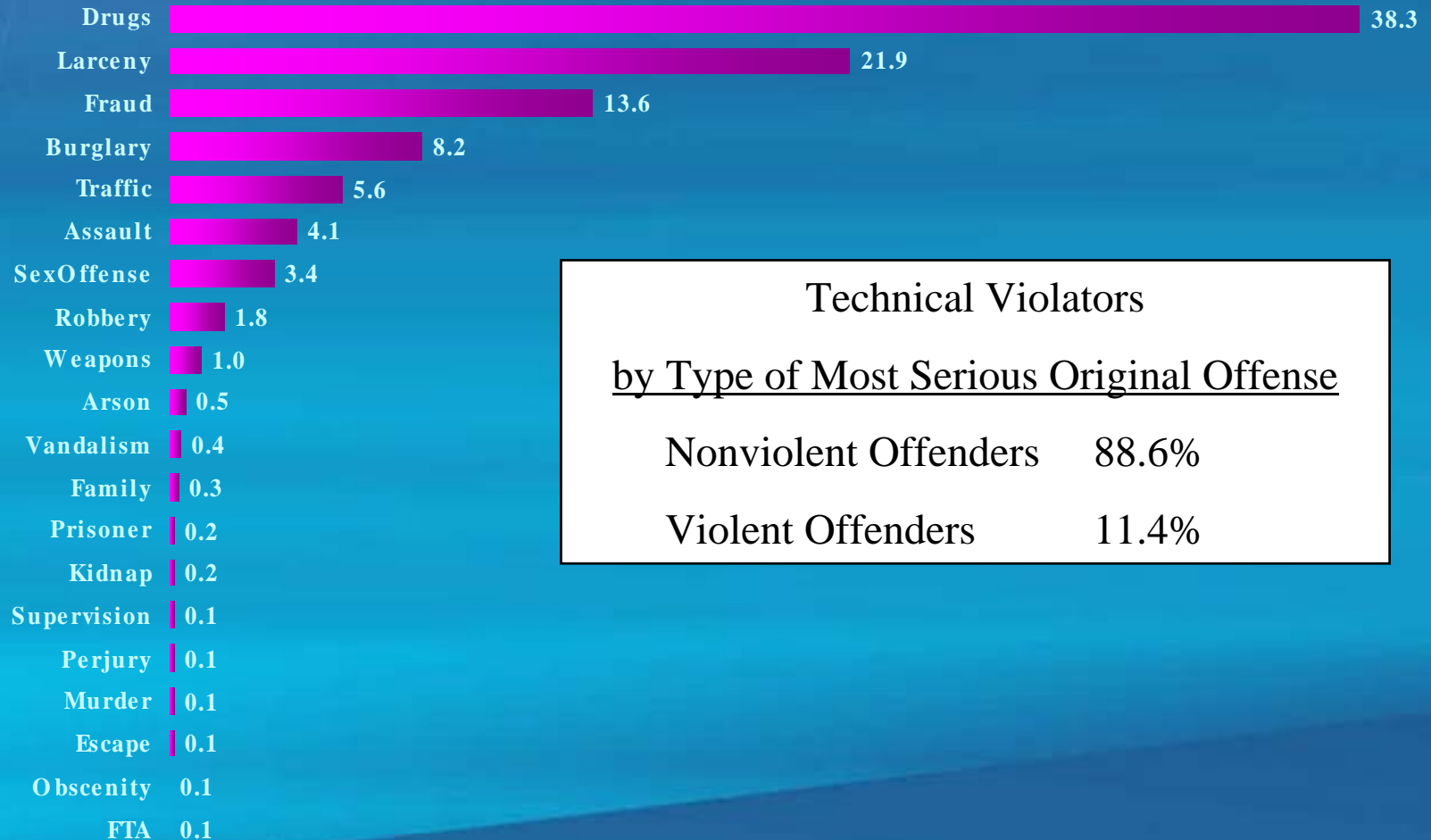
- Issues
 - Number of SRRs & guidelines received by Circuit
 - Number of revocations received that are missing guidelines (9%)
 - Number of guidelines received on old forms
 - 19%
 - Significant changes in FY2006
 - Letter to specific jurisdictions reminding them to use new forms

Probation Violation Guidelines

Sentenced July 1, 2005 – December 31, 2005

(n=1,791)

Percentage of Violation Guidelines Received by Type of Original Offense



Technical Violators

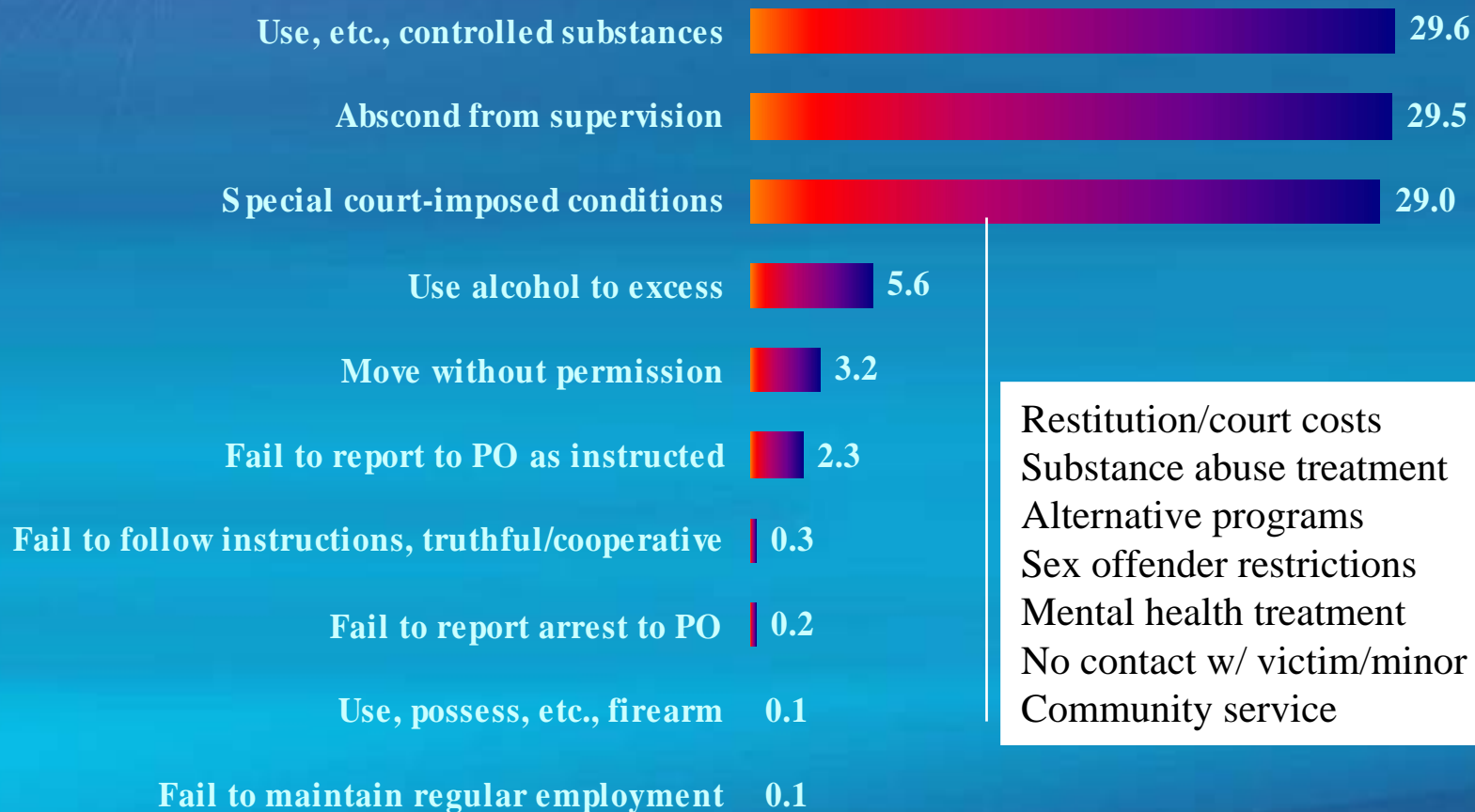
by Type of Most Serious Original Offense

Nonviolent Offenders 88.6%

Violent Offenders 11.4%

Conditions Cited in Technical Violation Cases

(*n=1,791*)



Restitution/court costs	46%
Substance abuse treatment	25%
Alternative programs	11%
Sex offender restrictions	3%
Mental health treatment	2%
No contact w/ victim/minor	2%
Community service	2%

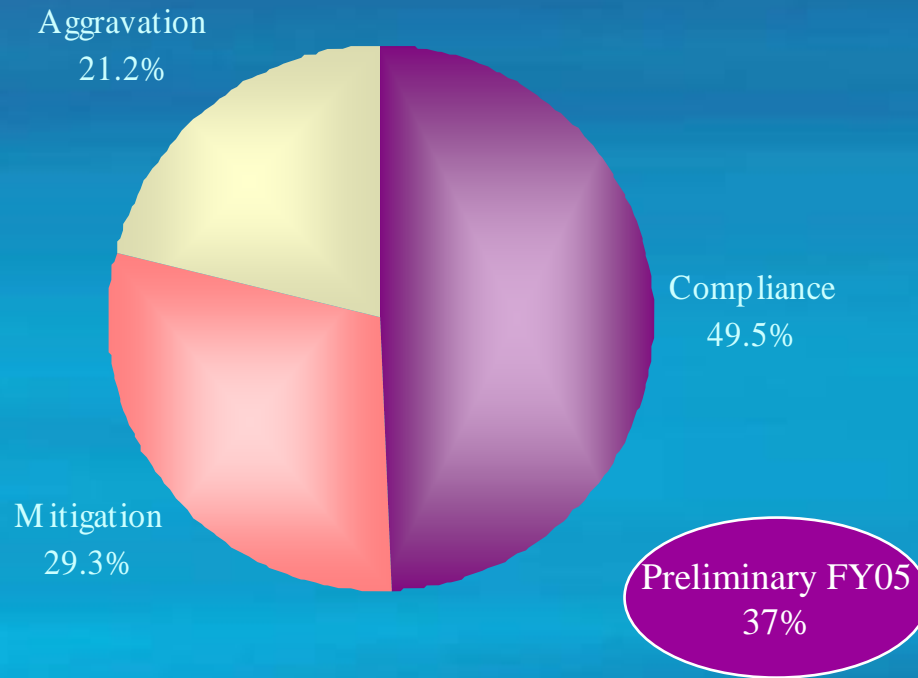


PROBATION VIOLATION GUIDELINES
JUDICIAL CONCURRENCE

July 1, 2005 – December 31, 2005

PVG Judicial Concurrence

Preliminary FY2006



Dispositional Compliance

Recommended Disposition	Actual Disposition Received		
	<i>Probation</i>	<i>Jail <= 12m</i>	<i>Prison >= 1y</i>
<i>Probation</i>	44.8	42.1	13.1
<i>Jail <= 12m</i>	17.1	72.4	10.5
<i>Prison >=1y</i>	12.0	36.1	51.9

Durational Compliance

Aggravation
17.1

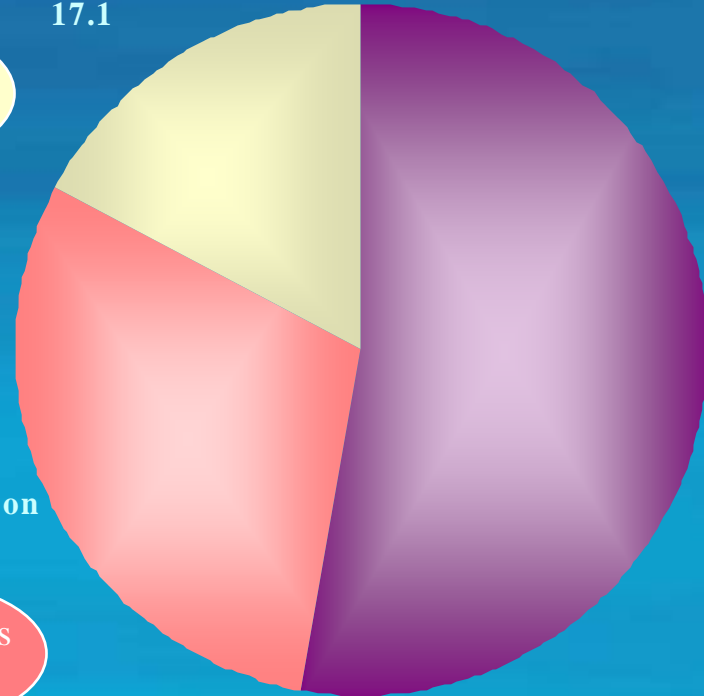
Avg 9 months
above

If recommended for probation,
avg 6 month sentence

Mitigation
30.1

Avg 9 months
below

Compliance
52.8



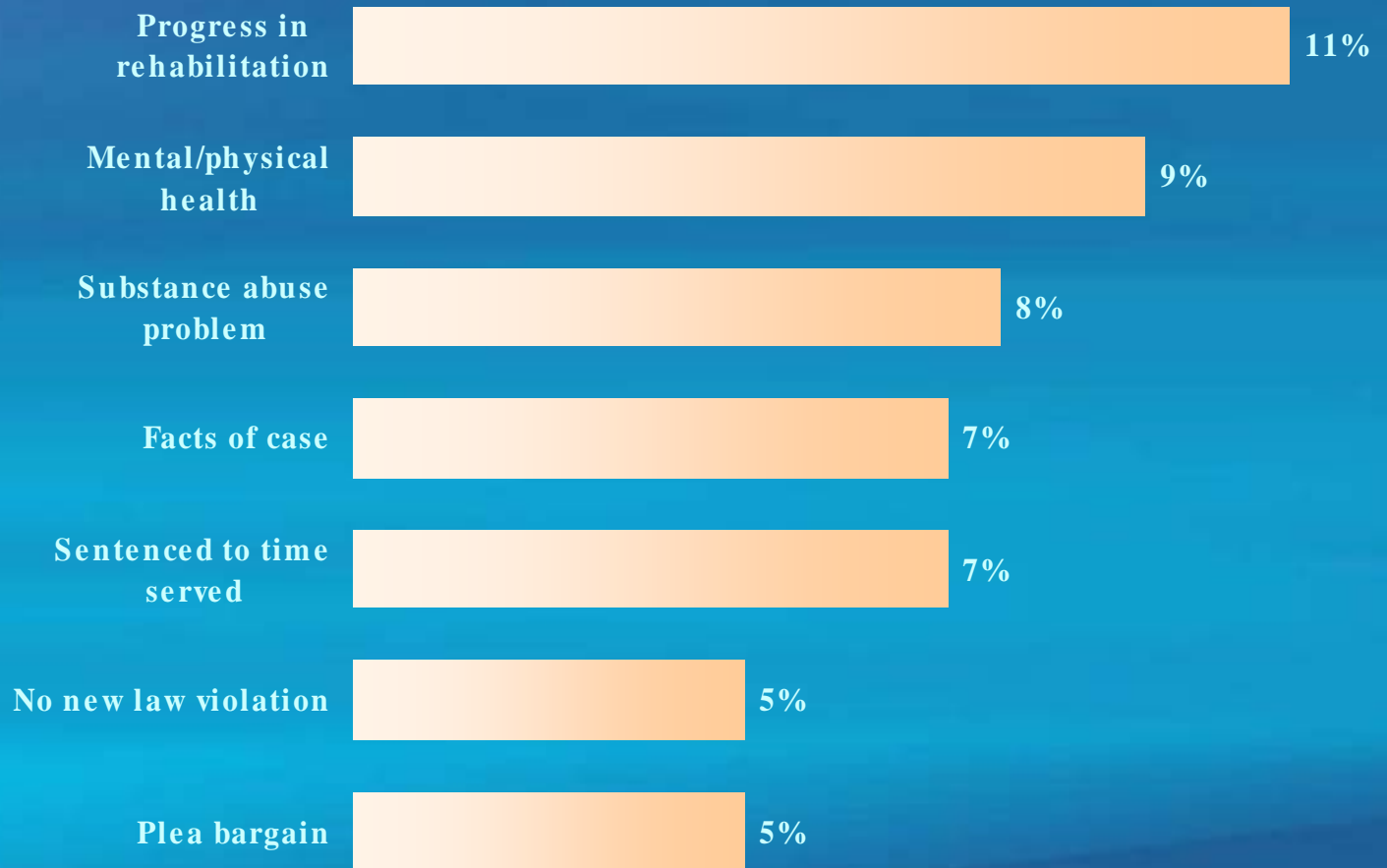


DEPARTURE REASONS

Reasons for Mitigating

(Of 525 cases, 300 have written departure reasons)

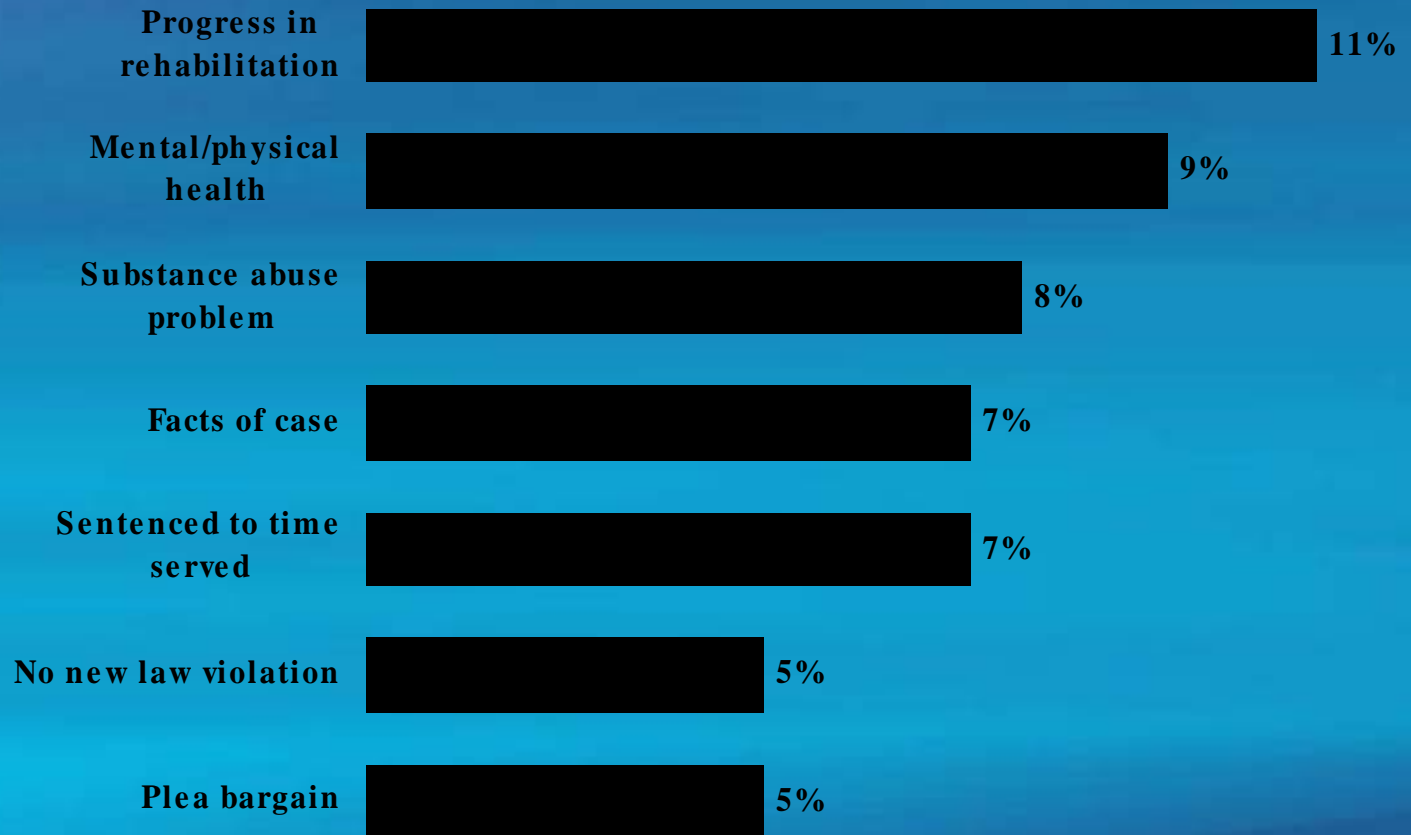
43%
NO REASON



Reasons for Mitigating

(Of 525 cases, 300 have written departure reasons)

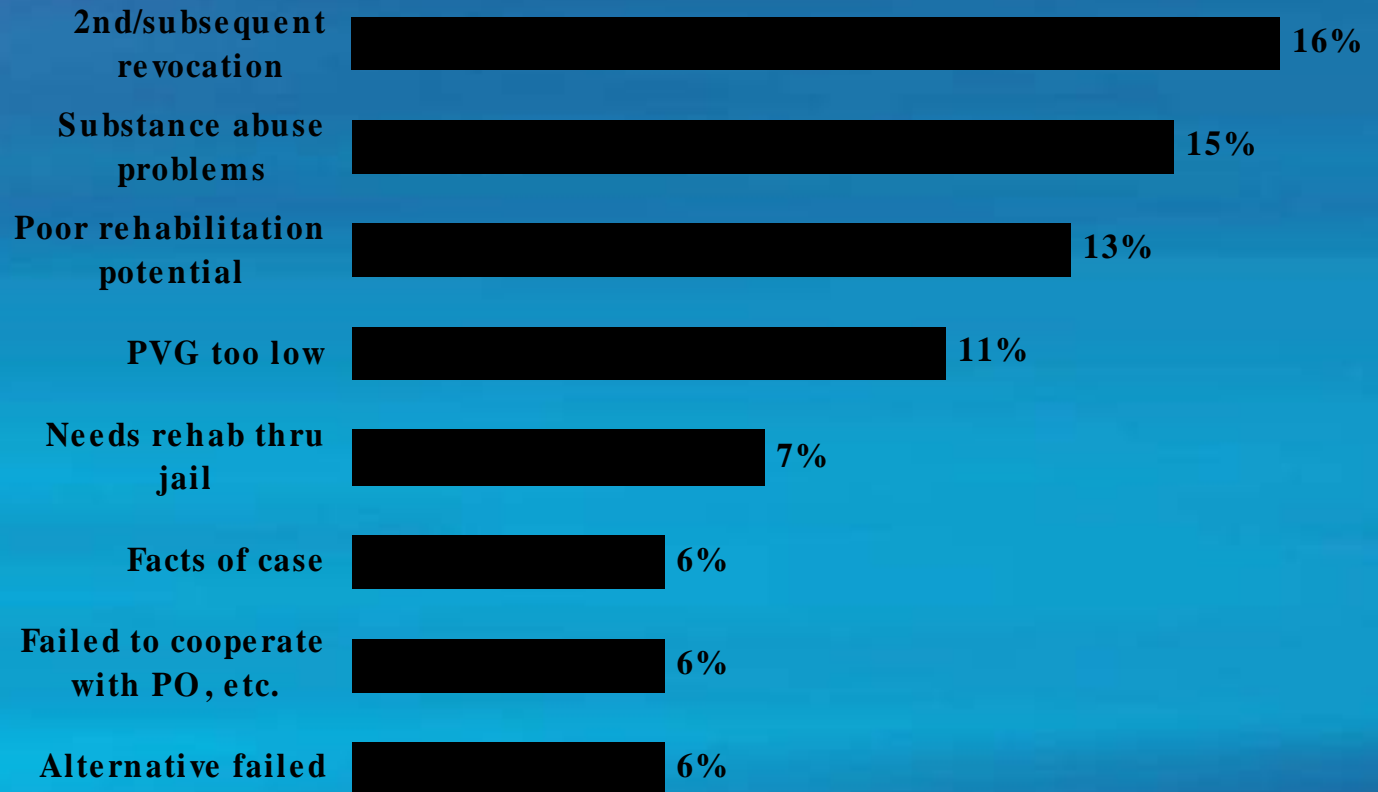
43%
No Reason



Reasons for Aggravating

(Of 380 cases, 220 have written departure reasons)

42%
No Reason

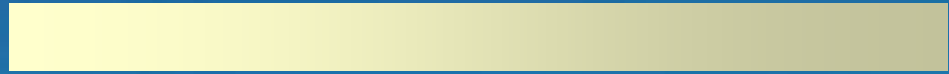


Reasons for Aggravating

(Of 380 cases, 220 have written departure reasons)

42%
NO REASON

2nd/subsequent
revocation



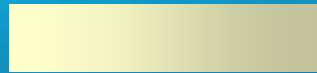
16%

2nd/subsequent revocation

5%

- Original offense
 - 50% drug
 - 44% property
- Conditions cited
 - 50% drug/alcohol violations
- Average departure sentences
 - Jail/prison cases = 9 months above recommended high
 - Aggravating probation cases = 2.5 months average sentence

Alternative failed

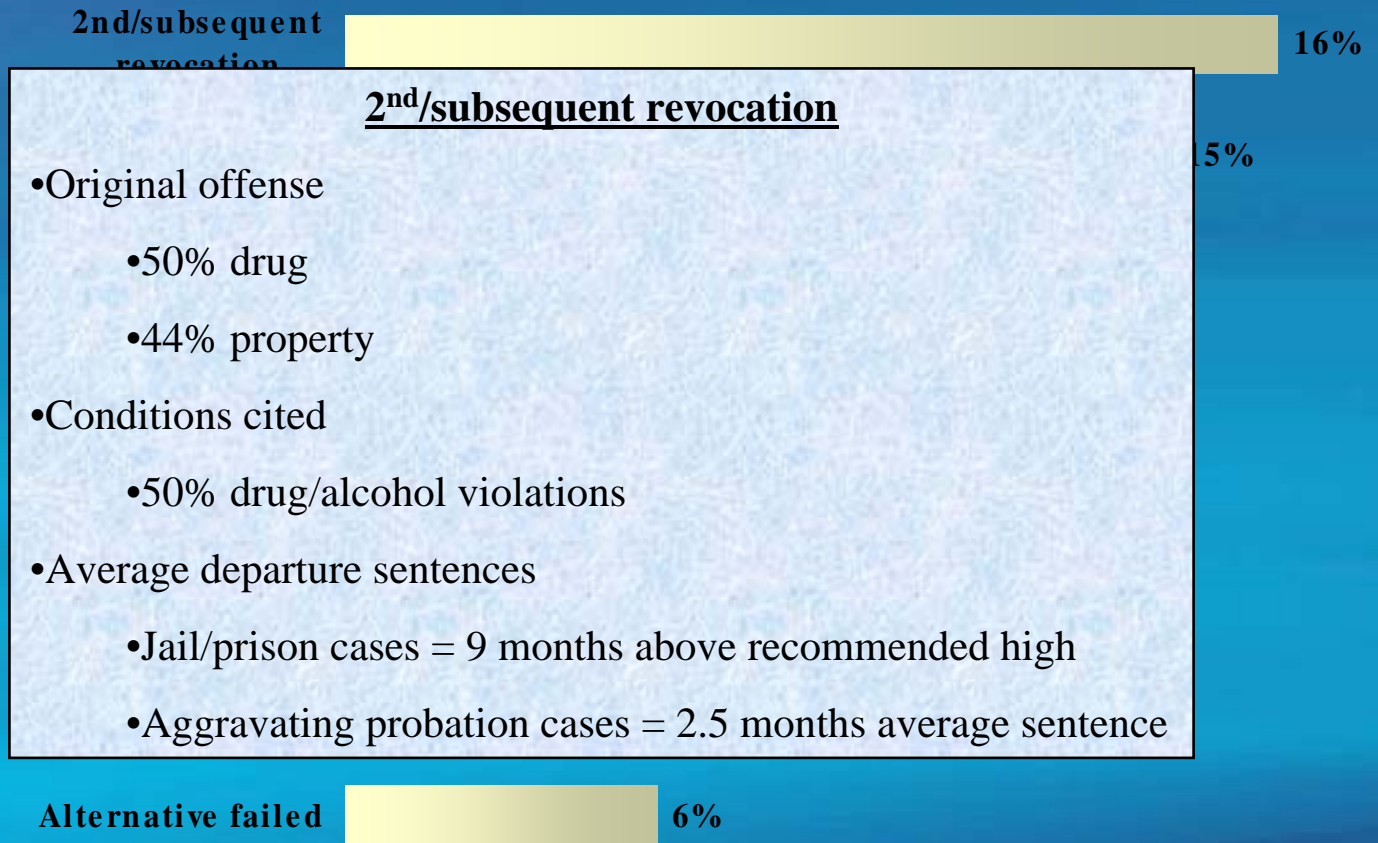


6%

Reasons for Aggravating

(Of 380 cases, 220 have written departure reasons)

42%
NO REASON



Reasons for Aggravating

(Of 380 cases, 220 have written departure reasons)

2nd/subsequent
revocation

16%

Guidelines Too Low

5%

- Original offense
 - 52% property
 - 22% drug
 - 22% person (incl. sex offenses)
- Conditions cited
 - 43% drug/alcohol violations
- Average departure sentences
 - Jail/prison cases = 11.5 months above recommended high
 - Aggravating probation cases = 6 months average sentence

Alternative failed

6%

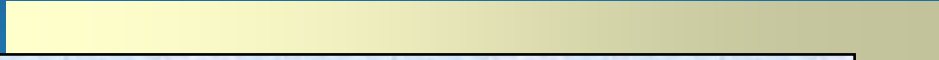
42%
NO REASON

Reasons for Aggravating

(Of 380 cases, 220 have written departure reasons)

42%
NO REASON

2nd/subsequent
revocation



16%

Guidelines Too Low

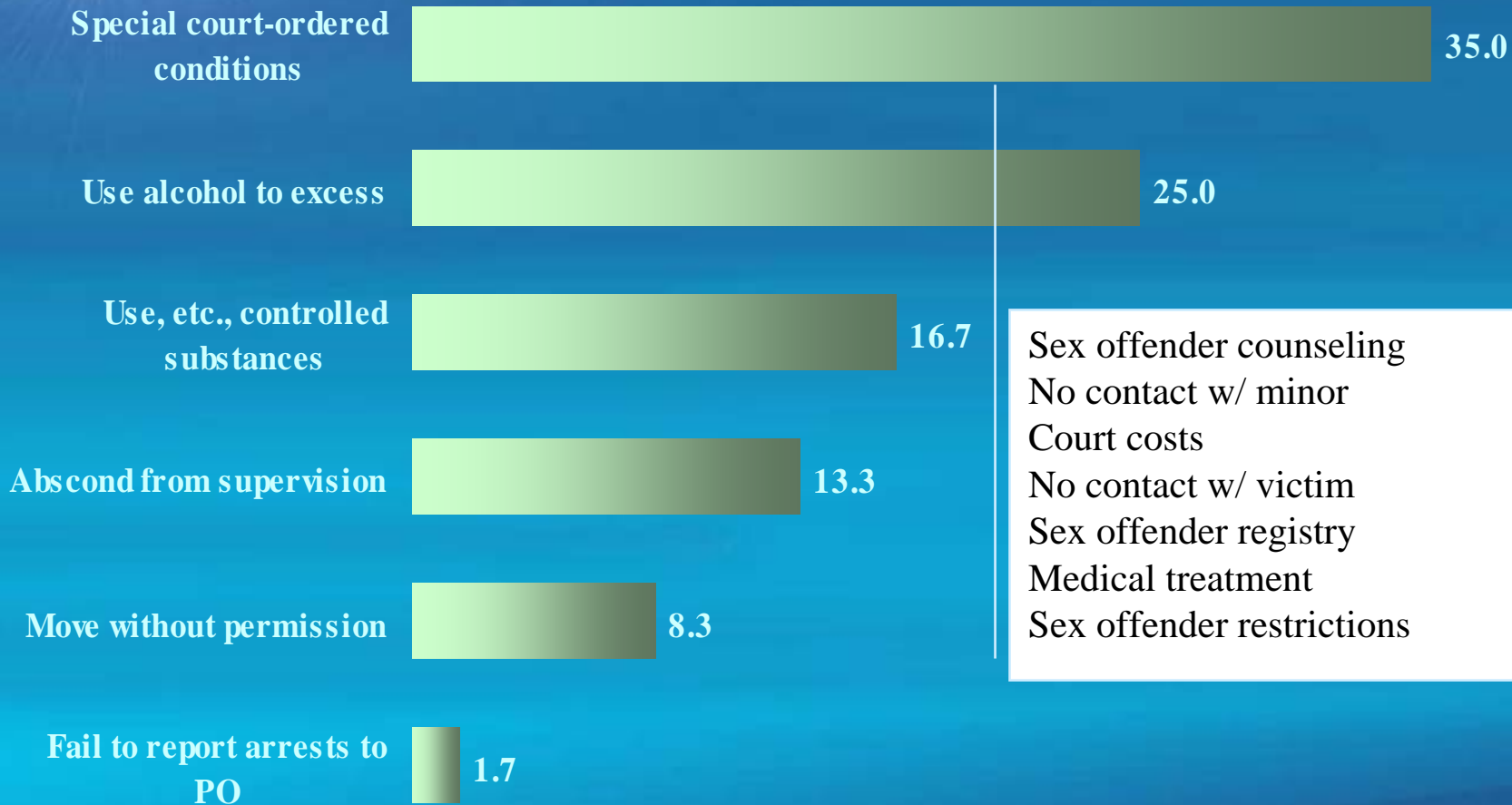
15%

- Original offense
 - 52% property
 - 22% drug
 - 22% person (incl. sex offenses)
- Conditions cited
 - 43% drug/alcohol violations
- Average departure sentences
 - Jail/prison cases = 11.5 months above recommended high
 - Aggravating probation cases = 6 months average sentence



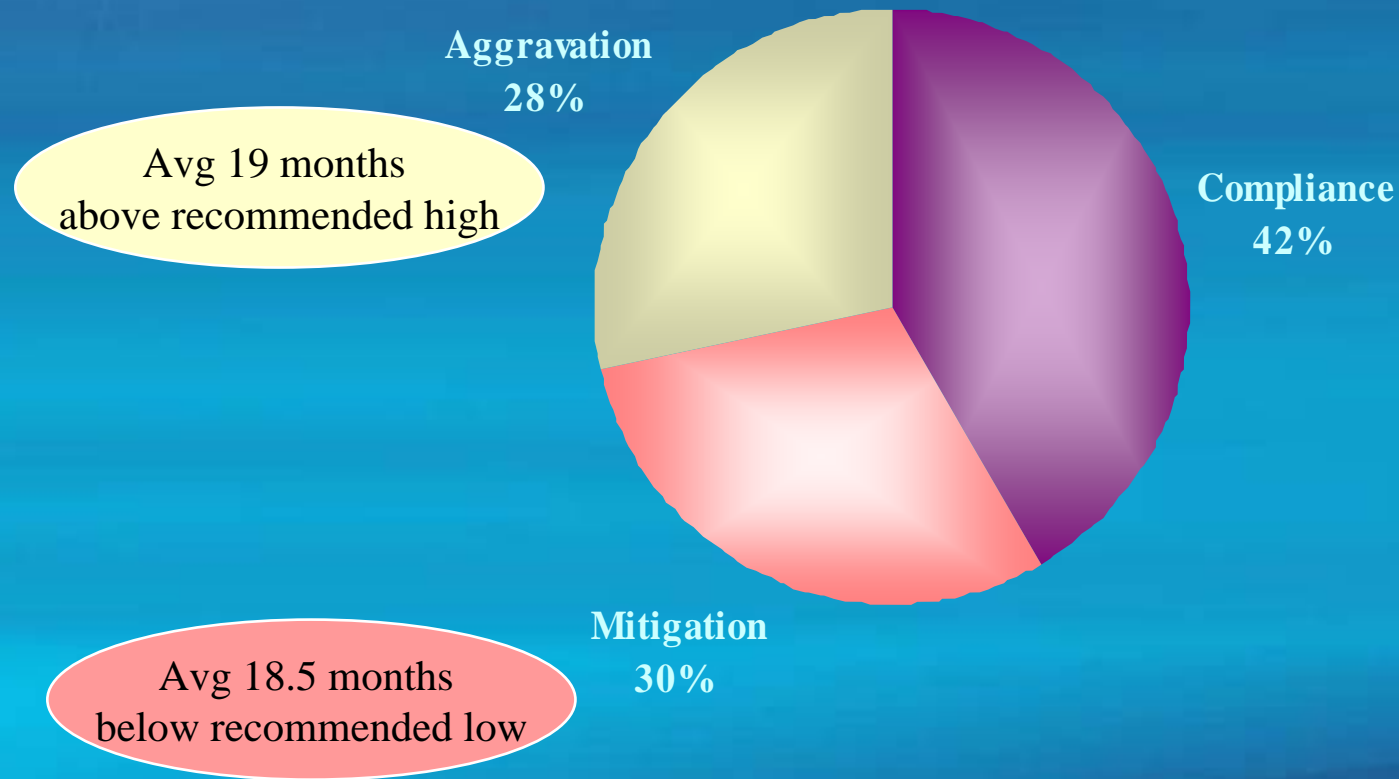
TECHNICAL VIOLATIONS INVOLVING SEX OFFENDERS

Conditions Cited in Technical Probation Violation Cases involving Sex Offenders (*n=60*)

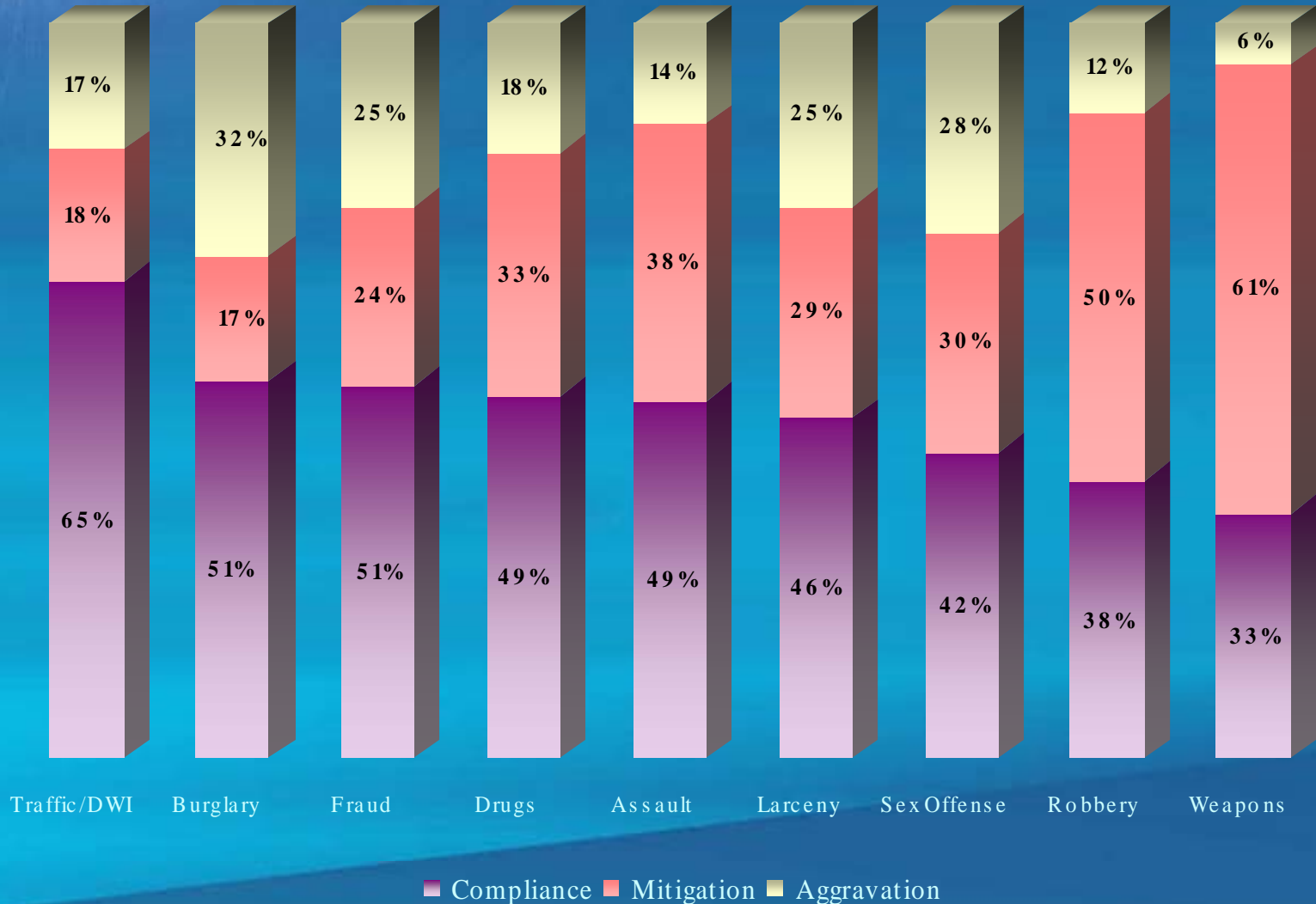


Sex offender counseling	52%
No contact w/ minor	10%
Court costs	10%
No contact w/ victim	10%
Sex offender registry	10%
Medical treatment	5%
Sex offender restrictions	5%

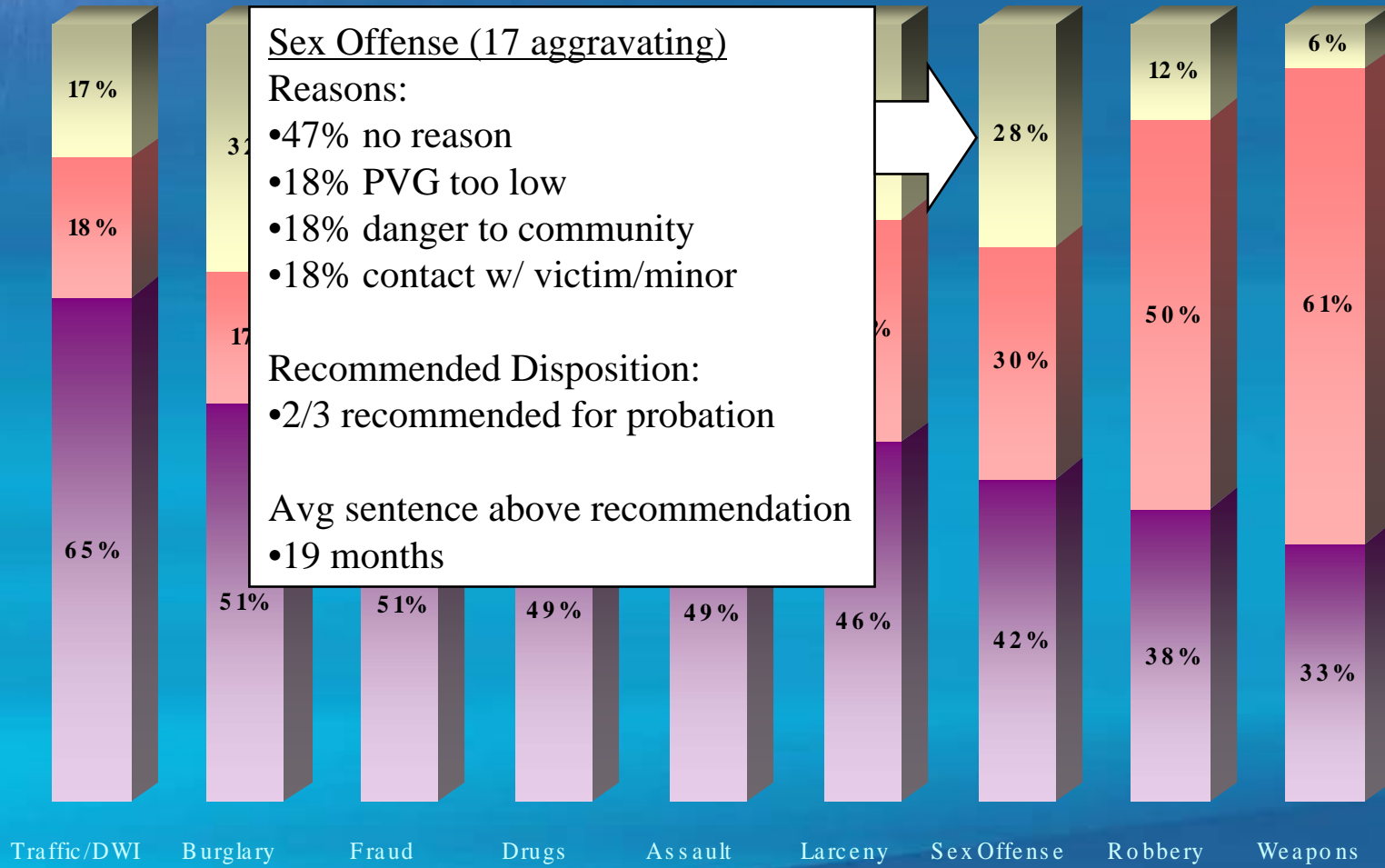
Compliance When Original Offense is a Sex Offense



PVG Compliance by Offense



PVG Compliance by Offense



Sex Offense (17 aggravating)
Reasons:

- 47% no reason
- 18% PVG too low
- 18% danger to community
- 18% contact w/ victim/minor

Recommended Disposition:

- 2/3 recommended for probation

Avg sentence above recommendation

- 19 months

Probation Violation Guidelines Section A

Offender Name: _____

◆ **Original Felony Offense Type** *select the type of most serious original felony offense* _____

- A. Drug10
- B. Person14
- C. Traffic/Weapon24
- D. Other0

Score
▼

1	4
---	---

◆ **Previous Capias/Revocation Requests** _____

- Number: 17
- 2 or more9

0	
---	--

◆ **New Felony Arrests** _____

- Number: 1 - 32
- 4 or more16

--	--

◆ **Never Reported to following Programs/Unsuccessful Discharge from:** – If YES, add 13 →

Community service, Day Reporting, Detention and/or Diversion Center, Boot Camp, Employment and/or Residential programs

--	--

◆ **Condition(s) Violated:** _____ If YES, add 15 →

- Fail to report any arrests within 3 days to probation officer
- Fail to maintain employment/report changes in employment
- Fail to report as instructed
- Fail to allow probation officer to visit home or place of employment
- Fail to follow instructions and be truthful and cooperative
- Use alcoholic beverages to excess
- Use, possess, distribute controlled substances or paraphernalia
- Use, own, possess, transport or carry firearm
- Abscond from supervision
- Fail to follow special conditions

1	5
---	---

◆ **Used, Possessed, Distributed Controlled Substances or Paraphernalia** - If YES, add 15 →

--	--

◆ **Absconded from supervision** _____ If YES, add 16 →

--	--

◆ **Time Absconded** _____

- 5 months or less0
- 6 months to 12 months11
- 13 months or more18

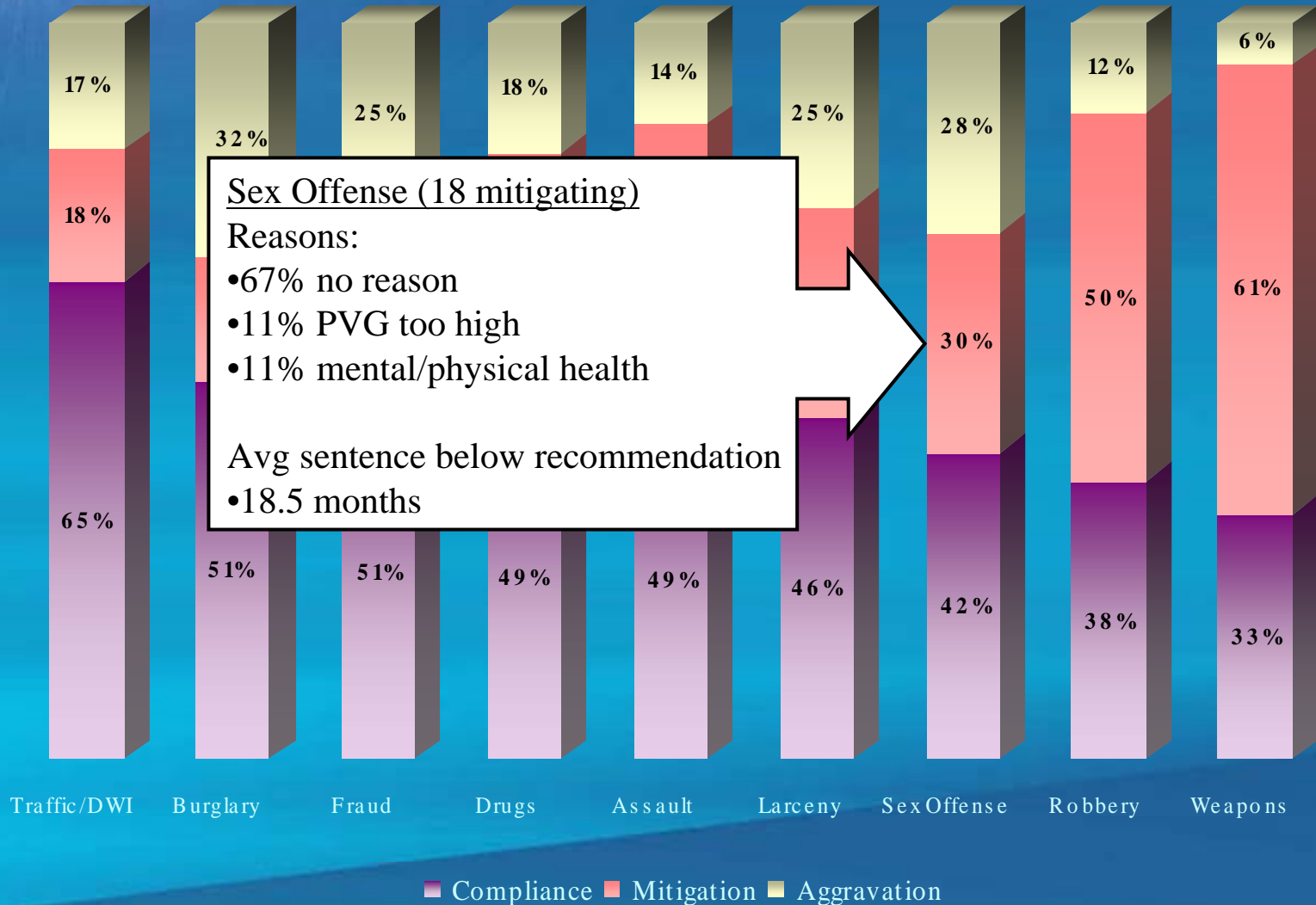
--	--

Total Score _____

2	9
---	---

If total is 30 or less, the recommendation is **Probation/No Incarceration**.
If total is 31 or more, go to **Section C Worksheet**.

PVG Compliance by Offense



Probation Violation Guidelines Section C Offender Name: _____

◆ **Original Felony Offense Type** *select the type of most serious original felony offense* _____

A. DWI or Habitual Offender	3	Score ▼ <input style="width: 40px; height: 30px; border: 1px solid black;" type="text"/>
B. Property	4	
C. Drug	5	
D. Person	13	
E. Weapon	16	
F. Other	1	

◆ **Previous Adult Probation Revocation Events** _____

Events: 1 - 2	4	<input style="width: 40px; height: 30px; border: 1px solid black;" type="text"/>
3 or more	16	

◆ **New Arrests for Crimes Against Person** _____

Number: 0	0	<input style="width: 40px; height: 30px; border: 1px solid black;" type="text"/>
1	4	
2	15	
3 - 4	30	
5 or more	38	

◆ **New Arrests for Nonperson Crimes** _____

Number: 0 - 1	0	<input style="width: 40px; height: 30px; border: 1px solid black;" type="text"/>
2	9	
3 - 4	12	
5 or more	19	

◆ **Months until First Noncompliant Incident** _____

10 months or less	28	<input style="width: 40px; height: 30px; border: 1px solid black;" type="text"/>
11 months to 22 months	22	
23 months or more	0	

◆ **Unsuccessful Discharge from Detention Center Program** _____ If YES, add 30 →

◆ **Never Reported to Drug Treatment/Drug Education Program** _____

Number: 1 - 2	9	<input style="width: 40px; height: 30px; border: 1px solid black;" type="text"/>
3 or more	16	

◆ **Positive Drug Test or Signed Admission (not marijuana or alcohol)** _____ If YES, add 10 →



◆ **Violated Sex Offender Restrictions** _____ If YES, add 40 →

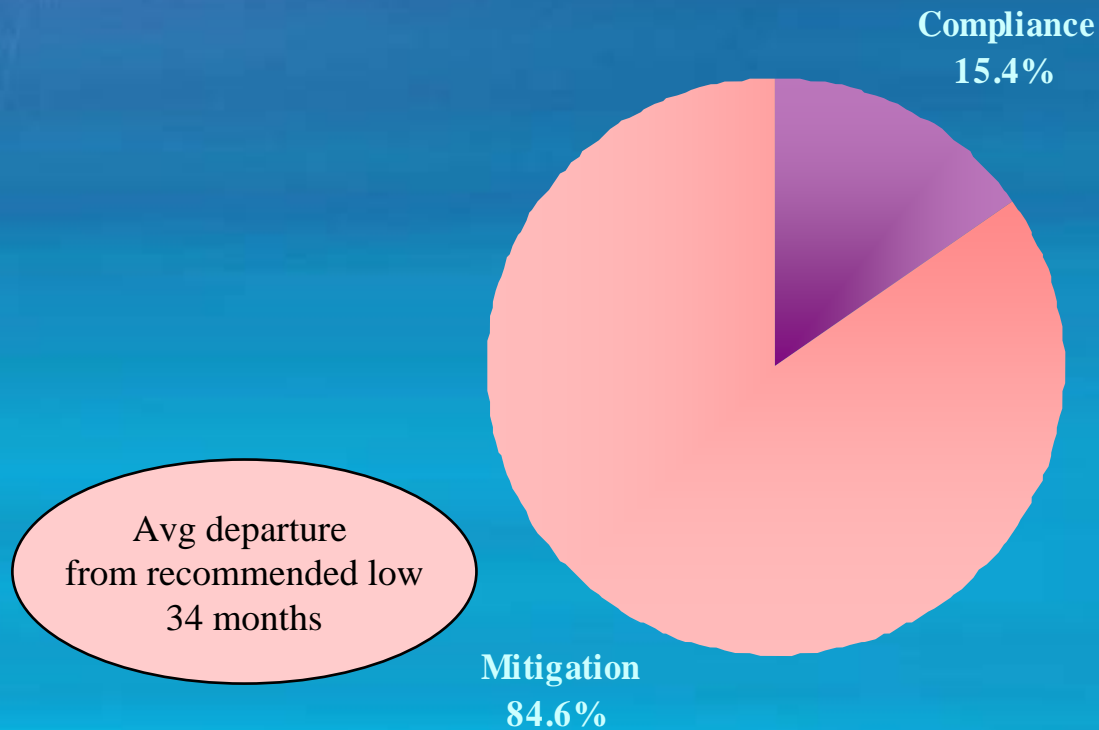
◆ **Time Absconded** _____

2 months or less	0	<input style="width: 40px; height: 30px; border: 1px solid black;" type="text"/>
3 months to 24 months	9	
25 months or more	12	

Total Score _____

See Probation Violation Guidelines Section C Recommendation Table for guidelines sentence range.

Section C Compliance if Violation of Sex Offender Restrictions is Scored






DEPARTURE PATTERNS
FOR CONDITIONS CITED

Probation Violation Guidelines Section A

Offender Name: _____


◆ **Original Felony Offense Type** *select the type of most serious original felony offense* _____

A. Drug	10	Score  <div style="border: 1px solid black; width: 40px; height: 20px; display: flex; justify-content: space-between;"></div>
B. Person	14	
C. Traffic/Weapon	24	
D. Other	0	

◆ **Previous Capias/Revocation Requests** _____

Number: 1	7	 <div style="border: 1px solid black; width: 40px; height: 20px; display: flex; justify-content: space-between;">0</div>
2 or more	9	

◆ **New Felony Arrests** _____

Number: 1 - 3	2	 <div style="border: 1px solid black; width: 40px; height: 20px; display: flex; justify-content: space-between;"></div>
4 or more	16	

◆ **Never Reported to following Programs/Unsuccessful Discharge from:** – If YES, add 13 →

Community service, Day Reporting, Detention and/or Diversion Center, Boot Camp, Employment and/or Residential programs

◆ **Condition(s) Violated:** _____ If YES, add 15 →

15


- Fail to report any arrests within 3 days to probation officer
- Fail to maintain employment/report changes in employment
- Fail to report as instructed
- Fail to allow probation officer to visit home or place of employment
- Fail to follow instructions and be truthful and cooperative
- Use alcoholic beverages to excess
- Use, possess, distribute controlled substances or paraphernalia
- Use, own, possess, transport or carry firearm
- Abscond from supervision
- Fail to follow special conditions

All except
Move w/o
Permission

◆ **Used, Possessed, Distributed Controlled Substances or Paraphernalia** - If YES, add 15 →

◆ **Absconded from supervision** _____ If YES, add 16 →

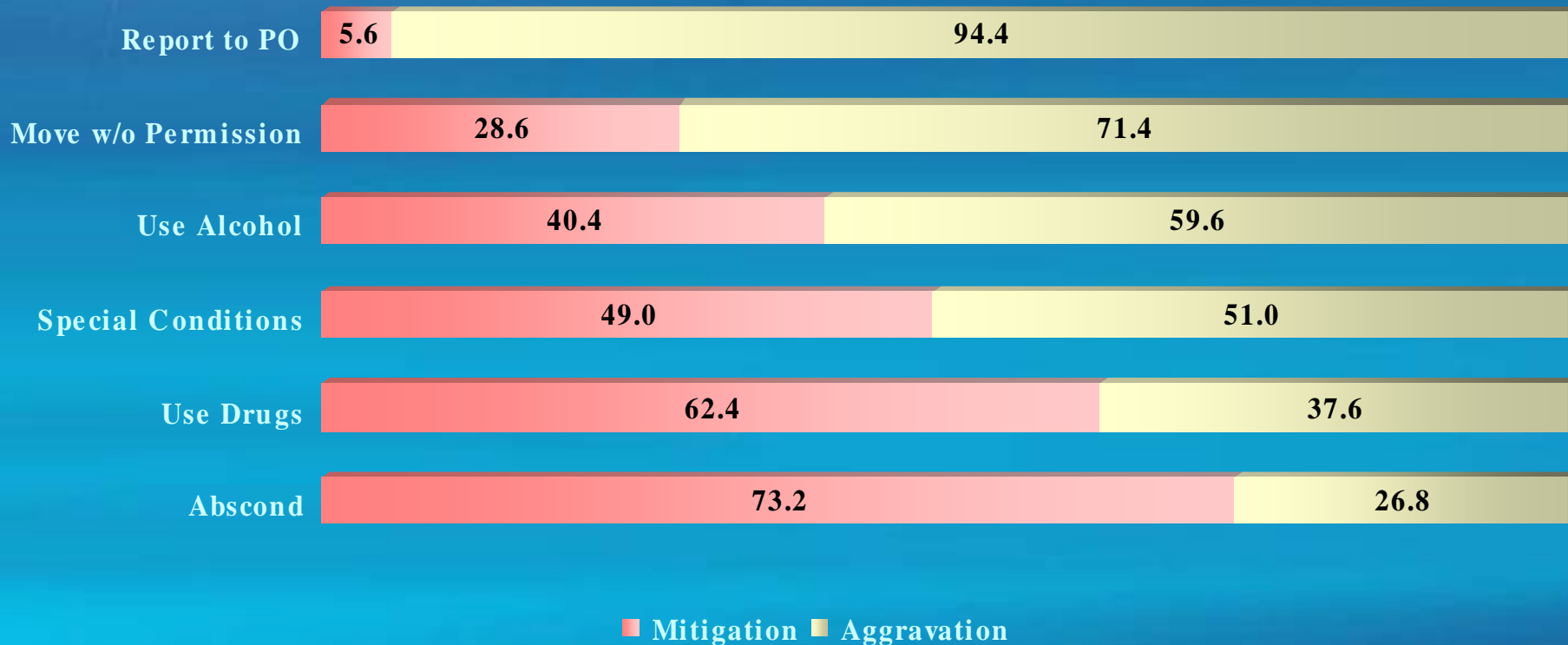
◆ **Time Absconded** _____

5 months or less	0	 <div style="border: 1px solid black; width: 40px; height: 20px; display: flex; justify-content: space-between;"></div>
6 months to 12 months	11	
13 months or more	18	

Total Score _____ →

If total is 30 or less, the recommendation is **Probation/No Incarceration**.
If total is 31 or more, go to **Section C Worksheet**.

Departure Patterns for Conditions Cited






Special Condition
Detention/Diversion Center

Probation Violation Guidelines Section A

Offender Name: _____


◆ **Original Felony Offense Type** *select the type of most serious original felony offense* _____

A. Drug	10	Score  <div style="border: 1px solid black; width: 40px; height: 20px; display: inline-block;"></div>
B. Person	14	
C. Traffic/Weapon	24	
D. Other	0	

◆ **Previous Capias/Revocation Requests** _____

Number: 1	7	 <div style="border: 1px solid black; width: 40px; height: 20px; display: inline-block; text-align: center;">0</div>
2 or more	9	

◆ **New Felony Arrests** _____

Number: 1 - 3	2	 <div style="border: 1px solid black; width: 40px; height: 20px; display: inline-block;"></div>
4 or more	16	

◆ **Never Reported to following Programs/Unsuccessful Discharge from:** – If YES, add 13 →

1 3

Community service, Day Reporting, Courtship, Employment and/or Residential programs

Detention/Diversion

◆ **Condition(s) Violated:** _____ If YES, add 15 →

1 5


- Fail to report any arrests within 3 days to probation officer
- Fail to maintain employment/report changes in employment
- Fail to report as instructed
- Fail to allow probation officer to visit home or place of employment
- Fail to follow instructions and be truthful and cooperative
- Use alcoholic beverages to excess
- Use, possess, distribute controlled substances or paraphernalia
- Use, own, possess, transport, or consume _____

Fail to follow special conditions

◆ **Used, Possessed, Distributed Controlled Substances or Paraphernalia** - If YES, add 15 →

◆ **Absconded from supervision** _____ If YES, add 16 →

◆ **Time Absconded** _____

5 months or less	0	 <div style="border: 1px solid black; width: 40px; height: 20px; display: inline-block;"></div>
6 months to 12 months	11	
13 months or more	18	

Total Score _____ →

2 8

If total is 30 or less, the recommendation is **Probation/No Incarceration**.
 If total is 31 or more, go to **Section C Worksheet**.

Special Condition Detention/Diversion (*n*=25)

- Failing to complete Detention/Diversion Center
 - 68% cited are recommended for probation
 - Nearly 3 out of 4
 - Given jail/prison time
 - Median sentence 9.5 months
- Will continue to monitor