



Virginia Sentencing Guidelines

Preliminary

FY2017 Concurrence Report

April 3, 2017

FY 2017 - Cases Coded and Keyed*

Total: 11,231

MONTH	2016	2017
JAN		216
FEB		1
MAR		0
APR		0
MAY		0
JUN		0
JUL	1,868	
AUG	2,291	
SEP	2,035	
OCT	1,870	
NOV	1,628	
DEC	1,322	
	11,014	217

*Keyed as of March 10, 2017 (Includes all forms received)

FY 2017 - Cases Received by County – FIPS

Preliminary: July - December

ACCOMACK	33
ALBEMARLE	88
ALLEGHANY	75
AMELIA	19
AMHERST	47
APPOMATTOX	31
ARLINGTON	100
AUGUSTA	131
BATH	14
BEDFORD	85
BLAND	10
BOTETOURT	70
BRUNSWICK	12
BUCHANAN	47
BUCKINGHAM	37
CAMPBELL	93
CAROLINE	44
CARROLL	93
CHARLES CITY	6
CHARLOTTE	22

CHESTERFIELD	578
CLARKE	25
✓ CRAIG	0
CULPEPER	110
CUMBERLAND	10
DICKENSON	33
DINWIDDIE	41
ESSEX	13
FAIRFAX COUNTY	405
FAUQUIER	113
FLOYD	21
FLUVANNA	18
FRANKLIN COUNTY	87
FREDERICK	174
GILES	42
GLOUCESTER	66
GOOCHLAND	12
GRAYSON	39
GREENE	22
GREENSVILLE	54

HALIFAX	92
HANOVER	144
HENRICO	477
HENRY	102
HIGHLAND	4
ISLE OF WIGHT	41
JAMES CITY	30
KING & QUEEN	17
KING GEORGE	33
KING WILLIAM	17
LANCASTER	11
LEE	43
LOUDOUN	196
LOUISA	40
LUNENBURG	16
MADISON	19
MATHEWS	13
MECKLENBURG	84
MIDDLESEX	12
MONTGOMERY	146

NELSON	26
NEW KENT	16
NORTHAMPTON	10
NORTHUMBERLAND	17
NOTTOWAY	28
ORANGE	34
PAGE	80
PATRICK	20
PITTSYLVANIA	86
POWHATAN	25
PRINCE EDWARD	55
PRINCE GEORGE	24
PRINCE WILLIAM	336
PULASKI	82
RAPPAHANNOCK	4
RICHMOND COUNTY	4
ROANOKE COUNTY	102
ROCKBRIDGE	95
ROCKINGHAM	169
RUSSELL	83

SCOTT	69
✓ SHENANDOAH	0
SMYTH	80
SOUTHAMPTON	69
SPOTSYLVANIA	224
STAFFORD	178
✓ SURRY	0
SUSSEX	26
TAZEWELL	181
WARREN	107
WASHINGTON	122
WESTMORELAND	46
WISE	108
WYTHE	110
YORK	57

N=11,231 (2 – FIPS not included on cover sheet)

✓ No worksheets or very few worksheets have been received

FY 2017 - Cases Received by City – FIPS

Preliminary: July - December

ALEXANDRIA	95
BRISTOL	124
BUENA VISTA	17
CHARLOTTESVILLE	72
CHESAPEAKE	452
COLONIAL HEIGHTS	63
DANVILLE	80
FAIRFAX CITY	2
FALLS CHURCH	0
FREDERICKSBURG	43
HAMPTON	122
HARRISONBURG	124
HOPEWELL	45
LEXINGTON	2
LYNCHBURG	241
MARTINSVILLE	40

NEWPORT NEWS	200
NORFOLK	496
NORTON	1
PETERSBURG	1
PORTSMOUTH	188
RADFORD	36
RICHMOND CITY	421
ROANOKE CITY	153
SALEM	31
STAUNTON	96
SUFFOLK	127
VIRGINIA BEACH	531
WAYNESBORO	94
WILLIAMSBURG	38
WINCHESTER	164
MISSING	2



N=11,231 (2 – FIPS not included on cover sheet)

✓ No worksheets or very few worksheets have been received

Preliminary
FY2017 Report:
General Concurrence



FY2017 Report: Historical Concurrence

Fiscal Year	Compliance	Mitigation	Aggravation	Cases
2007	79.7%	9.9%	10.4%	25824
2008	79.8%	10.3%	9.9%	26397
2009	79.8%	10.3%	9.9%	25318
2010	79.5%	11.5%	9.0%	24373
2011	79.2%	11.0%	9.7%	24362
2012	78.4%	11.4%	10.2%	23574
2013	78.7%	11.2%	10.0%	24527
2014	78.4%	11.2%	10.4%	24892
2015	80.1%	10.6%	9.3%	24319
2016	80.7%	9.8%	9.4%	23112
<i>Preliminary</i> 2017*	81.5%	9.6%	8.9%	10812

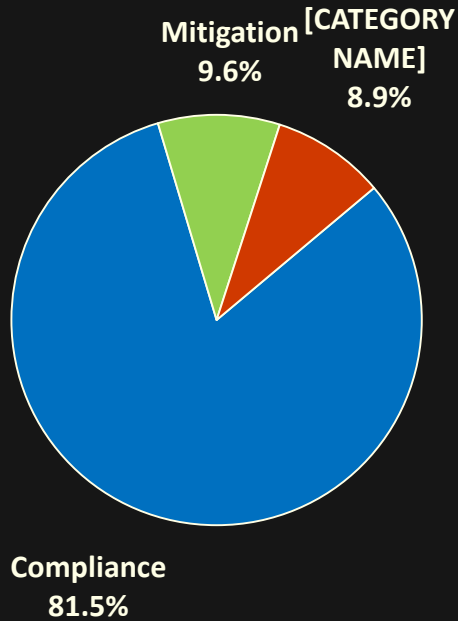
* N=10,812 July 2016 – December 2016 Worksheets
Excludes old worksheets, non-guidelines offenses and cases missing sentencing information or a guidelines recommendation

Preliminary FY2017 Report Judicial Agreement with Guideline Recommendations

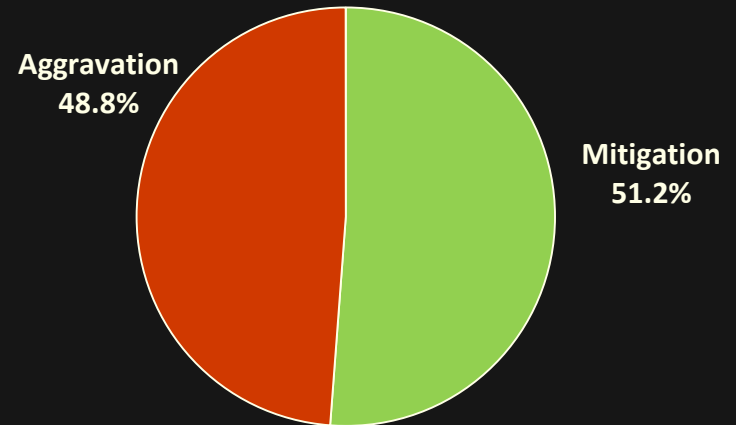
General Compliance:

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

Overall Compliance Rate



Direction of Departures



N=10,812 (Excludes old worksheets, non-guidelines offenses and cases missing sentencing information or a guidelines recommendation)

Preliminary FY2017 Report:
Departure Reasons



Preliminary FY2017 Report Missing Departure Reasons

Mitigation (n=1,035)

*135 cases - (13.1%)
missing a departure reason*

* Of mitigating cases requiring departure reason

Aggravation (n=963)

*108 cases - (11.3%)
missing a departure reason*

** Of aggravating cases requiring departure reasons

19.2-298.01 (B) In any felony case, other than Class 1 felonies, in which the court imposes a sentence which is either greater or less than that indicated by the discretionary guidelines, the court shall file with the record of the case a written explanation of such departure.

***Preliminary* FY2017 Report:
Concurrence by Circuit**

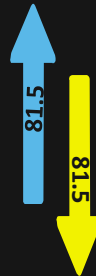


Preliminary FY2017**Concurrence****Sorted By Circuit**

Circuit Name	Circuit	Compliance	Mitigation	Aggravation	No. of Cases
Chesapeake	1	75.5%	8.4%	16.1%	440
Virginia Beach	2	86.8%	5.5%	7.7%	559
Portsmouth	3	79.7%	14.3%	6.0%	182
Norfolk	4	84.6%	10.4%	5.0%	482
Suffolk Area	5	80.7%	8.6%	10.7%	233
Sussex Area	6	82.2%	10.5%	7.2%	152
Newport News	7	79.6%	11.2%	9.2%	196
Hampton	8	78.6%	14.5%	6.8%	117
Williamsburg Area	9	85.8%	6.1%	8.1%	247
South Boston Area	10	78.8%	11.0%	10.1%	335
Petersburg Area	11	80.2%	13.5%	6.3%	111
Chesterfield Area	12	85.8%	7.3%	6.9%	634
Richmond City	13	65.3%	26.7%	8.0%	415
Henrico	14	75.9%	7.5%	16.6%	464
Fredericksburg Area	15	76.4%	7.4%	16.2%	734
Charlottesville Area	16	78.9%	11.1%	10.1%	398
Arlington Area	17	80.6%	14.3%	5.1%	98
Alexandria	18	77.7%	12.8%	9.6%	94
Fairfax	19	74.9%	12.4%	12.7%	379
Loudoun Area	20	85.4%	3.6%	11.0%	308
Martinsville Area	21	83.5%	12.0%	4.4%	158
Danville Area	22	78.8%	10.8%	10.4%	250
Roanoke Area	23	79.6%	16.1%	4.3%	280
Lynchburg Area	24	83.9%	7.9%	8.3%	484
Staunton Area	25	80.5%	14.5%	5.0%	585
Harrisonburg Area	26	88.8%	5.3%	5.9%	829
Radford Area	27	91.5%	6.1%	2.4%	458
Bristol Area	28	84.2%	6.5%	9.3%	322
Buchanan Area	29	80.1%	8.1%	11.7%	332
Lee Area	30	80.6%	11.4%	8.0%	201
Prince William Area	31	87.7%	5.4%	6.9%	333

Preliminary FY2017
Sorted By Concurrence

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Highest aggravation:
-Circuit 14 (Henrico County)
16.6%

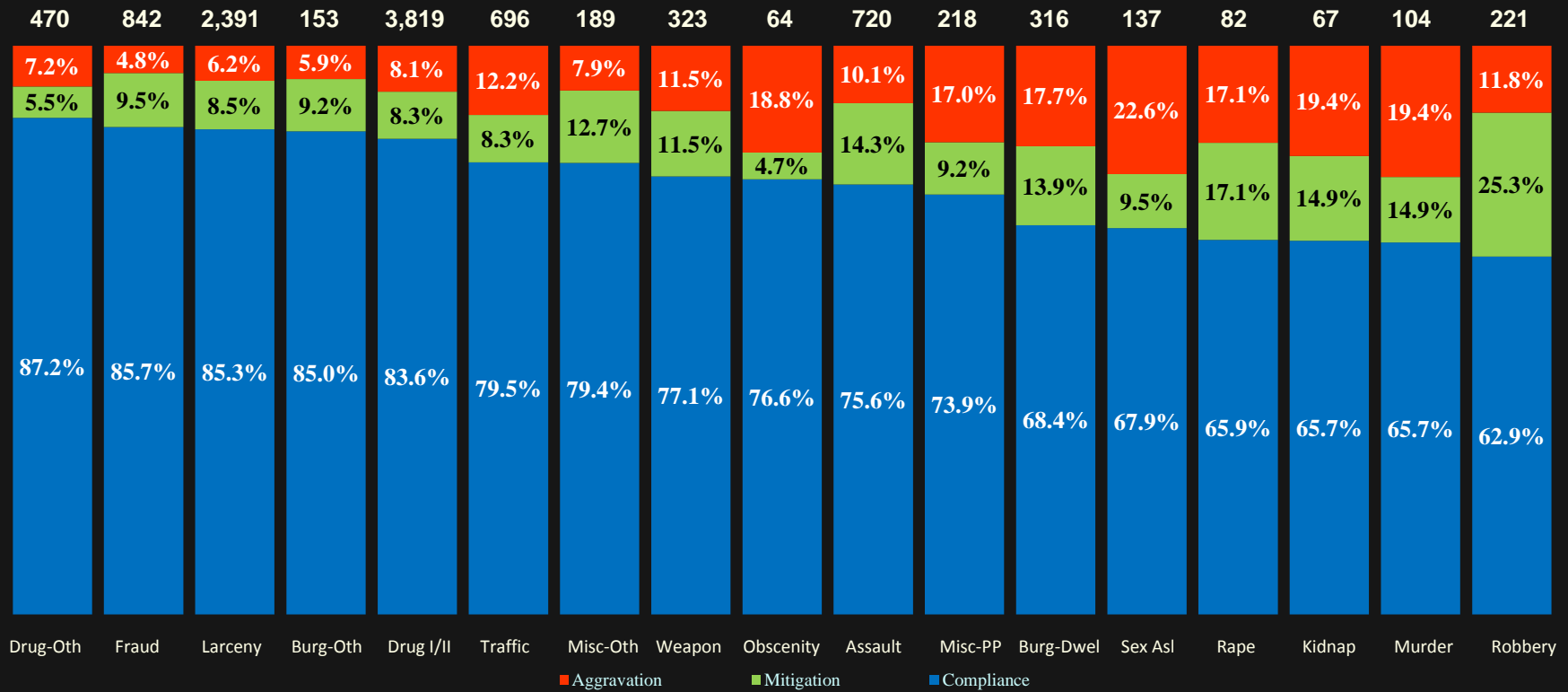
Highest mitigation:
-Circuit 13 (Richmond City)
26.7%

***Preliminary* FY2017 Report:
Concurrence by Offense Type**



Preliminary FY2017 Report

Concurrence by Type of Offense



Preliminary FY2017 Report:
Nonviolent Risk Assessment
Effective July 1, 2013



Preliminary FY2017
Nonviolent Offenders Eligible for Risk Assessment

✓	Recommended for and Received an Alternative	19.8%	n= 612
✓	Recommended and Incarcerated	30.2%	n= 935
	Not Recommended and Received Alternative	13.4%	n= 416
	Not Recommended and Incarcerated	36.6%	n= 1132

**Of offenders recommended for alternative sanctions (1,547),
the proportion who received an alternative**

39.6%

***Preliminary* FY2017 Report:
Compliance for New Offenses Modified
In the Past Three Years**



Preliminary FY2017

New or Revised Guidelines Offenses From 2014

	TATUTE	DESCRIPRION	CONCURRENCE	MITIGATION	AGGRAVATION	#
→	18.2-51.2(A)	Stab, cut wound w/malicious intent victim permanently impaired (completed)	59.6%	7.4%	33.1%	136
	18.2-89 - § 18.2-93	Burglary with additional offense of aggravated assault	-	-	-	0
	18.2-91	Burglary dwelling with intent to commit larceny, assault and battery, etc. (completed)	68.8%	15.0%	16.2%	1,617
	18.2-374.3(B)	Procure minor for obscene material by communications system	84.0%	8.0%	8.0%	25
	18.2-374.3(C)	Propose sex act by communications system, age < 15	58.3%	10.4%	31.3%	48
	18.2-374.3(C)	Propose sex act by communications system, age <15, offender 7+ years	80.9%	1.5%	17.6%	68
	18.2-374.3(C)	Propose sex act by communications system, age <15, offender 7+ years, 2nd	100%	0%	0%	2
	18.2-374.3(D)	Propose sex act by communications system, age 15+, offender 7+ years	63.6%	4.6%	31.8%	22
	18.2-374.3(D)	Propose sex act by communications system, age 15+, offender 7+ years, 2nd	100%	0%	0%	6
	18.2-374.3(E)	Procure minor for prostitution, sodomy, porn by communications system	80.0%	0%	20.0%	5
	18.2-374.1(B,1)	Entice minor to perform in porn, age <15	66.7%	33.3%	0%	3
	18.2-374.1(B,1)	Entice minor to perform in porn, age <15, offender 7+ years	20.0%	0.0%	80.0%	5
	18.2-374.1(B,1)	Entice minor to perform in porn, age <15, offender 7+ years, 2nd	50.0%	0.0%	50.0%	2
	18.2-374.1(B,1)	Entice minor to perform in porn, age 15+	100%	0%	0%	1
	18.2-374.1(B,1)	Entice minor to perform in porn, age 15+, offender 7+ years	83.3%	0.0%	16.7%	6
	18.2-374.1(B,1)	Entice minor to perform in porn, age 15+, offender 7+ years, 2nd	-	-	-	0
→	18.2-374.1(B,2)	Produce, make child porn, age <15	75.0%	25.0%	0.0%	4
	18.2-374.1(B,2)	Produce, make child porn, age <15, offender 7+ years	55.6%	0%	44.4%	9
	18.2-374.1(B,2)	Produce, make child porn, age <15, offender 7+ years, 2nd	-	-	-	0
	18.2-374.1(B,2)	Produce, make child porn, age 15+	-	-	-	0
	18.2-374.1(B,2)	Produce, make child porn, age 15+, offender 7+ years	75.0%	0%	25.00%	4
	18.2-374.1(B,2)	Produce, make child porn, age 15+, offender 7+ years, 2nd	-	-	-	0
→	18.2-374.1(B,3)	Take part, film child porn, age <15	-	-	-	0
	18.2-374.1(B,3)	Take part, film child porn, age <15, offender 7+ years	-	-	-	0
	18.2-374.1(B,3)	Take part, film child porn, age <15, offender 7+ years, 2nd	-	-	-	0
	18.2-374.1(B,3)	Take part, film child porn, age 15+	100%	0%	0%	1
	18.2-374.1(B,3)	Take part, film child porn, age 15+, offender 7+ years	100%	0%	0%	3
	18.2-374.1(B,3)	Take part, film child porn, age 15+, offender 7+ years, 2nd	-	-	-	0
→	18.2-374.1(B,4)	Finance child pornography	-	-	-	0

Preliminary FY2017
New or Revised Guidelines Offenses From 2015

New Offenses Added

STATUTE	DESCRIPTION	CONCURRENCE	MITIGATION	AGGRAVATION	#
§ 18.2-248(E2)	Sell, distribute, etc. Schedule IV drug (completed)	90.6%	6.3%	3.1%	32
§ 18.2-186.3(D)	Obtaining identifying information with intent to defraud, etc., 2nd	73.5%	20.6%	5.9%	34
§ 18.2-192(1,b)	Receiving stolen credit card or credit card number with intent to use	-	-	-	0

Preliminary FY2017

New or Revised Guidelines Offenses From 2016

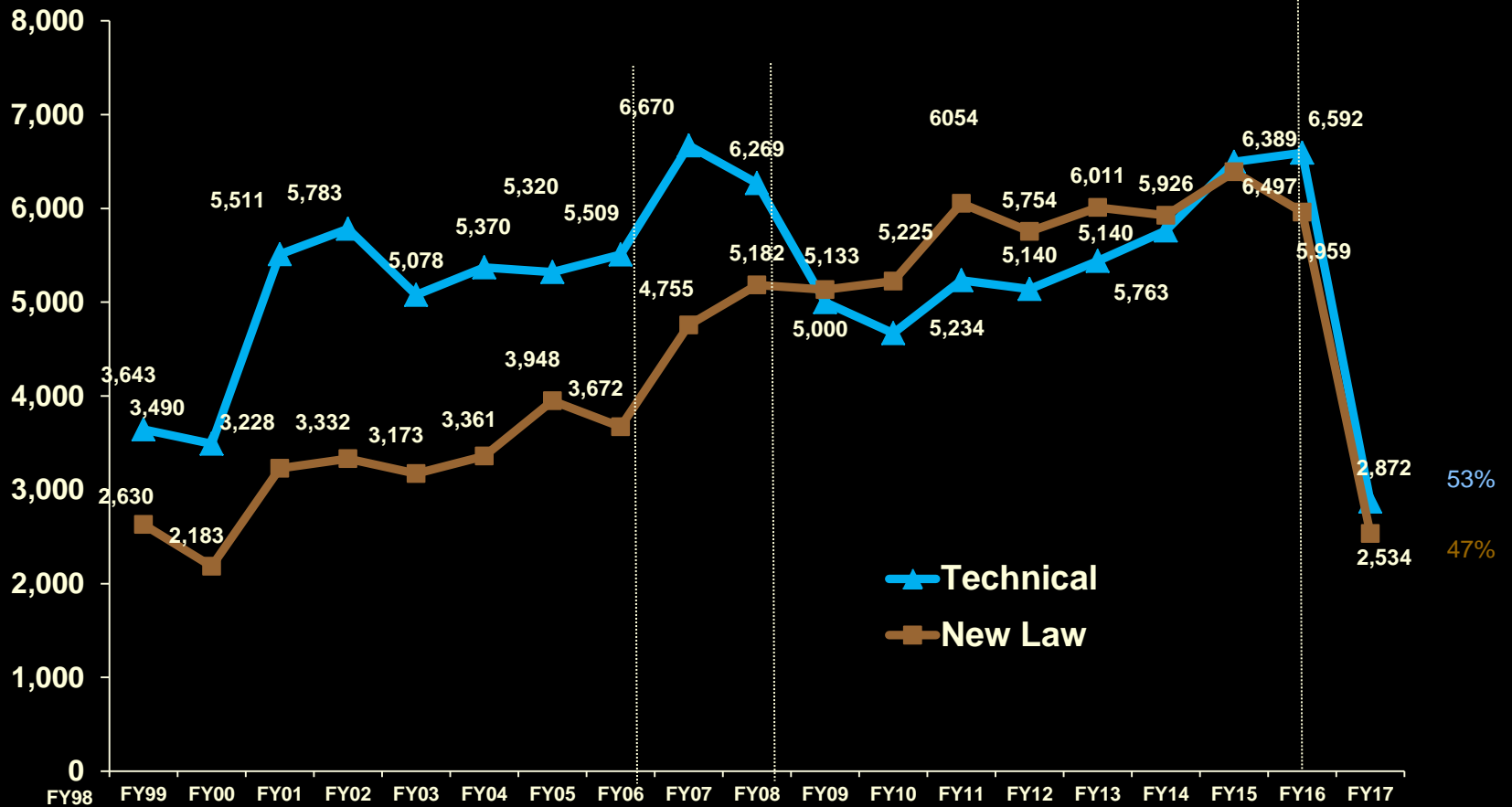
→ Decreased Section A & C Scores

STATUTE	DESCRIPTION	CONCURRENCE	MITIGATION	AGGRAVATION	#
§ 18.2-51.6	Strangulation	78.4%	13.5%	8.1%	74
	Attempted strangulation	0%	100%	0%	2
§ 18.2-67.3(A,3)	Aggravated sexual battery of a child	ALL Cases Current (No Significant Change):			192
§ 18.2-111 ✓	Embezzlement (Only cases involving \$120,000 or more)	FY11-FY15: 50.0%	11.3%	38.8%	80
§ 18.2-36.1(A)	Vehicular Involuntary Manslaughter (Increased Scores)*	57.10%	0%	42.9%	7
	* Additional 37 points assigned for DWI Maiming under § 18.2-51.4(A) (1 case)	100%	0%	0%	1
§ 18.2-35	Voluntary Manslaughter (2 Counts)	-	-	-	0
§ 18.2-67.3(A.4,a)	Aggravated sexual battery of a child	(WS A & B Changes) FY11-FY15:			208
§ 18.2-370.1(A)	Indecent liberties with child by custodian	62.5%	0%	37.5%	16
§ 18.2-370(A)	Indecent liberties with child under 15	FY11-FY15: 66.5%	19.5%	14.0%	272
§ 18.2-374.1:1	Possession of child porn first offense	89.5%	0%	10.5%	19
	Possession of child porn second offense	81.8%	18.2%	0.0%	11
		FY11-FY15: 67.0%	28.0%	5.0%	100

***Preliminary* FY2017 Report:
Sentencing Revocation Reports &
Probation Violation Guidelines**



Sentencing Revocation Reports Received for Technical and New Law Violations* FY1998 - FY2017 (Preliminary)

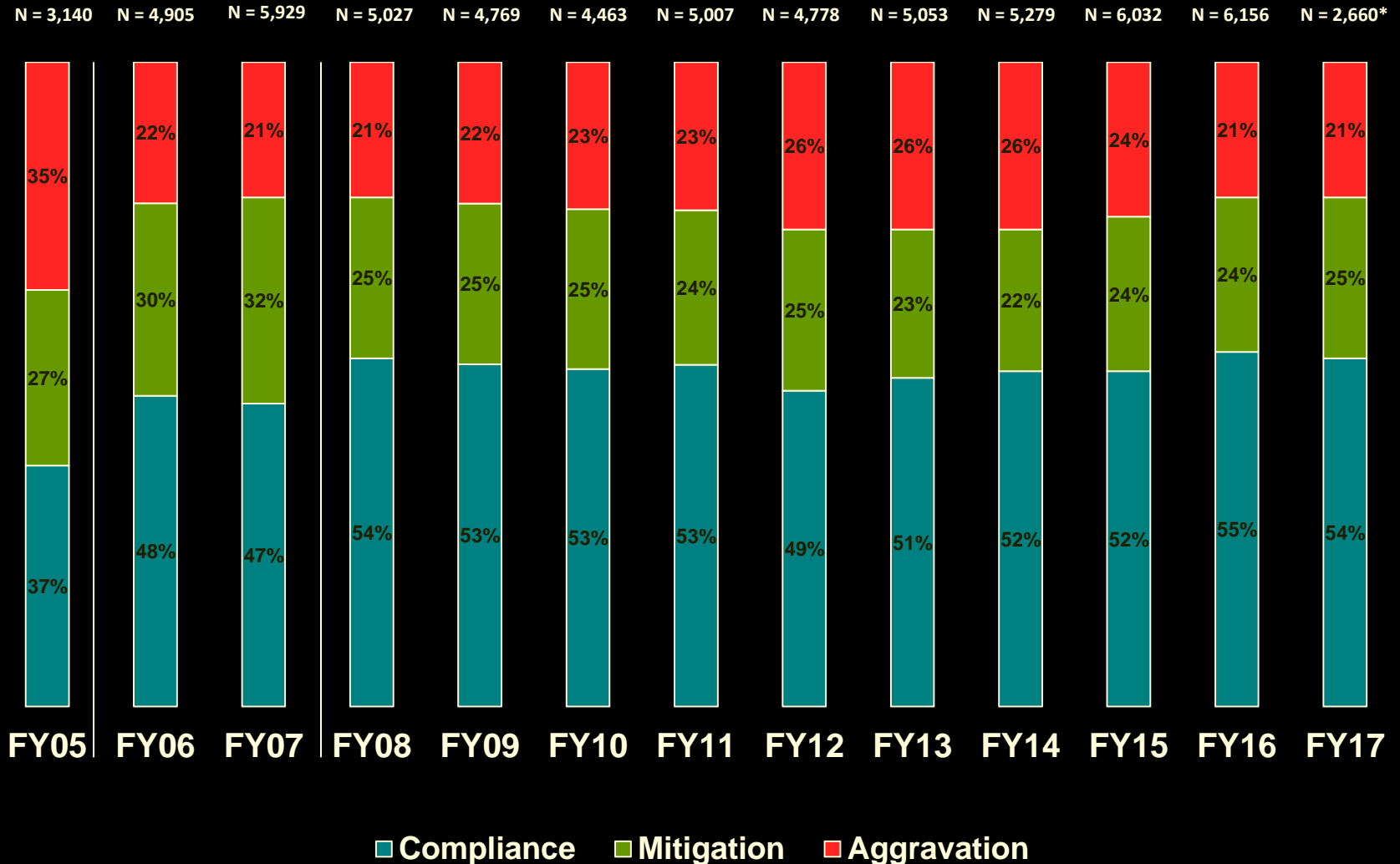


*Note: Includes cases received by February 7, 2017 for cases found in violation with no missing conditions (FY17 - Data for July – October 2016)

Probation Violation Guidelines – “Technicals”

Compliance by Fiscal Year

FY2005 – FY2017 (Preliminary)



*Note: FY17 includes cases received by February 7, 2017 for cases found in violation with no missing information (FY2017 – July-October 2016)
 Updated FY2009-FY2017

