

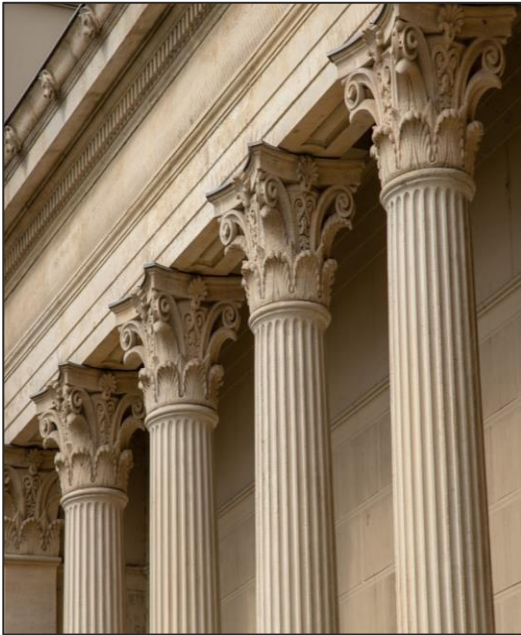


**VIRGINIA CRIMINAL
SENTENCING COMMISSION**

Guidelines Reanalysis and Members' Suggestions for Revisions



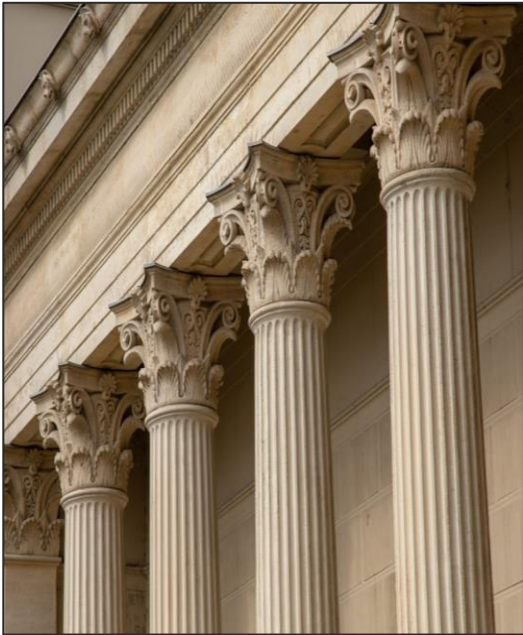
Guidelines Reanalysis - Overview



- ❖ **FBI data available by the end of June.**
- ❖ **Entire database ready for analysis in July.**
- ❖ **Two analysts assigned to each worksheet/offense group.**
- ❖ **Depending on progress, recommendations to be presented in September or later.**
- ❖ **Feedback on factors that may need to be revised, eliminated, or analyzed differently.**



Guidelines Reanalysis - Overview



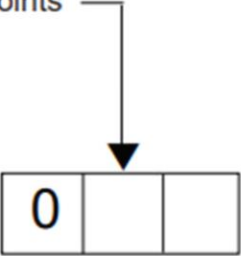
- ❖ **FBI data to include out-of-state criminal histories (CH).**
- ❖ **Confidentiality to be maintained. For example, FBI data not to be released to the Virginia Longitudinal Data System.**
- ❖ **Complete database to include Guidelines data (including Case Details Worksheet) plus VSP data (in-state CH) plus FBI data (out-of-state CH).**



Guidelines Reanalysis – Worksheet Factors

◆ **Prior Convictions/Adjudications** Assign points to the 5 most recent and serious prior record offenses and total points

Maximum Penalty:	Less than 5	0
(years)	5, 10, 15	1
	20	2
	30	3
	40, 50, Life	4



“Five most recent and serious” factor has often been difficult for preparers to characterize and score. Currently, these events can include probation violations – then it is necessary to identify the underlying offense.

Staff proposes standardized prior record measures similar to those adopted for the Fraud and Larceny worksheets.

Guidelines Reanalysis – Worksheet Factors

- ❖ **Staff would like your input on developing a separate prior probation violations factor, instead of incorporating probation violations into a broader prior record factor.**
- ❖ **We are moving away from the five most recent events to capturing relevant convictions in the defendant's entire criminal history.**

Guidelines Reanalysis – Worksheet Factors

- ❖ Creating a process where staff continuously reviews all guidelines, not just the ones with low concurrence (i.e., affirm that guidelines factors are still relevant).**
- ❖ Scoring victim factors when relevant on nonviolent offenses (i.e., forgery).**

Guidelines Reanalysis – Worksheet Factors

- ❖ **Feedback – factors to be reconsidered, revised, reanalyzed, or eliminated?**
- ❖ **Are there any additional factors the Commission believes warrant review?**



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