



**VIRGINIA CRIMINAL
SENTENCING COMMISSION**

Tracking Deferred Disposition Cases



Deferred Disposition for the Sentencing Guidelines



Under § 19.2-298.01 of the *Code of Virginia*, the court shall review and consider the suitability of the applicable discretionary Sentencing Guidelines before deferring disposition. It is also required that following a deferred disposition, the clerk of the circuit court in which the case was tried shall cause a copy of such order, the original of the discretionary sentencing guidelines worksheets, and a copy of any departure explanation to be forwarded to the Virginia Sentencing Commission within five days.

Violation of Deferred Dispositions in Sentencing Guidelines



Since Fiscal Year (FY) 2023, to facilitate administration and research, the Commission introduced the “D” designation for the Virginia Crime Code (VCC) to indicate First Offender/Deferred Disposition violations (e.g., NAR3022F5 for possession of a Schedule I/II substance becomes NAR3022D5)).



This change enabled staff to conduct research and obtain clearer insights into deferred disposition cases and associated violations.



Violation of Deferred Dispositions in Sentencing Guidelines (continue)

The most common offense types in the violation of deferred cases (based on the most recent SG Data: FY2023-2025)

VCC Prefix	Cases (%)
NAR (including first offender violation)	1,588 (88%)
LAR, BUR, FRD, and VAN	103 (6%)
ASL and FAM	48 (2.7%)
WPN	18 (1%)
Other	34 (2.3%)



Sentencing Patterns for the Drug Offenders in Violation of Deferred Dispositions (SG Data, FY2023-2025)

Drug Offenders (NAR prefix): SG Recommendations

	Not in Deferred Violation	In Deferred Violation
Recommended for Probation	30%	65%
Recommended for Jail Sentence	30%	30%
Recommended for Prison Sentence	40%	5%
	100%	100%



Sentencing Patterns for the Drug Offenders in Violation of Deferred Dispositions (SG Data, FY2023-2025)

Comparisons between the selected offenders in violation or NOT in violations in Deferred Disposition: Active Sentence

	Not in Deferred Violation	In Deferred Violation
If Recommended for Section B. (probation or jail)		
Mean (Median) Active Sentence (in months)	0.61 (0.00)	0.65 (0.00)
If Recommended for Section C. (Prison)		
Mean (Median) Active Sentence (in months)	10.40 (9.00)	8.90 (6.00)

Note: for better comparison between two groups, certain restrictions in offender characteristics are applied, such as most typical drug offense VCCs, most typical Section B & C worksheet scores, etc. for deferred offenders

Sentencing Patterns for the Drug Offenders in Violation of Deferred Dispositions (SG Data, FY2023-2025)

Comparisons between the selected offenders in violation or NOT in violations in Deferred Disposition: Concurrence Rate

	Not in Deferred Violation	In Deferred Violation
Concurrence (after modification of recommendations)	89.5%	88.5%
Mitigation	4.0%	2.0%
Aggravation	6.5%	9.5%

The Commission will continue to monitor the cases of violation in deferred disposition to examine any new sentencing patterns that emerged in the most recent Guidelines Data

Note: For better comparison between two groups, certain restrictions in offender characteristics are applied, such as most typical drug offense VCCs, most typical Section B & C worksheet scores, etc. for deferred offenders

Tracking Deferred Dispositions in Court Case Management Systems

Challenges Identified in Tracking Deferred Disposition Cases in Court Case Management System (CMS) Data (Based on SG Data, FY2023–FY2025)

- CMS includes a deferred disposition (DD) designation within the *Hearing Type* and *Hearing Result* fields; however, these codes are not consistently used for deferred disposition cases. Other codes, such as *Further Disposition (FD)*, *Under Advisement (UA)*, *Review (RE)*, and *Plea*, are also used for similar case events.
- Key identifiers—including defendant names, dates of birth, Social Security numbers, and docket (case) numbers—do not always match between datasets. In addition, deferred disposition violation cases are often recorded using different case-numbering conventions.
- CMS records are continuously updated and overwritten, resulting in potential discrepancies between SG sentencing dates and CMS disposition dates, particularly in cases when defendants successfully complete deferred disposition requirements.
- The VCC seriousness code “D,” introduced by the Commission to identify deferred disposition violations, has not been formally adopted within CMS, limiting its usefulness for case matching and tracking.





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**Tracking Deferred
Disposition Cases:
Any Questions or
Suggestions?**

