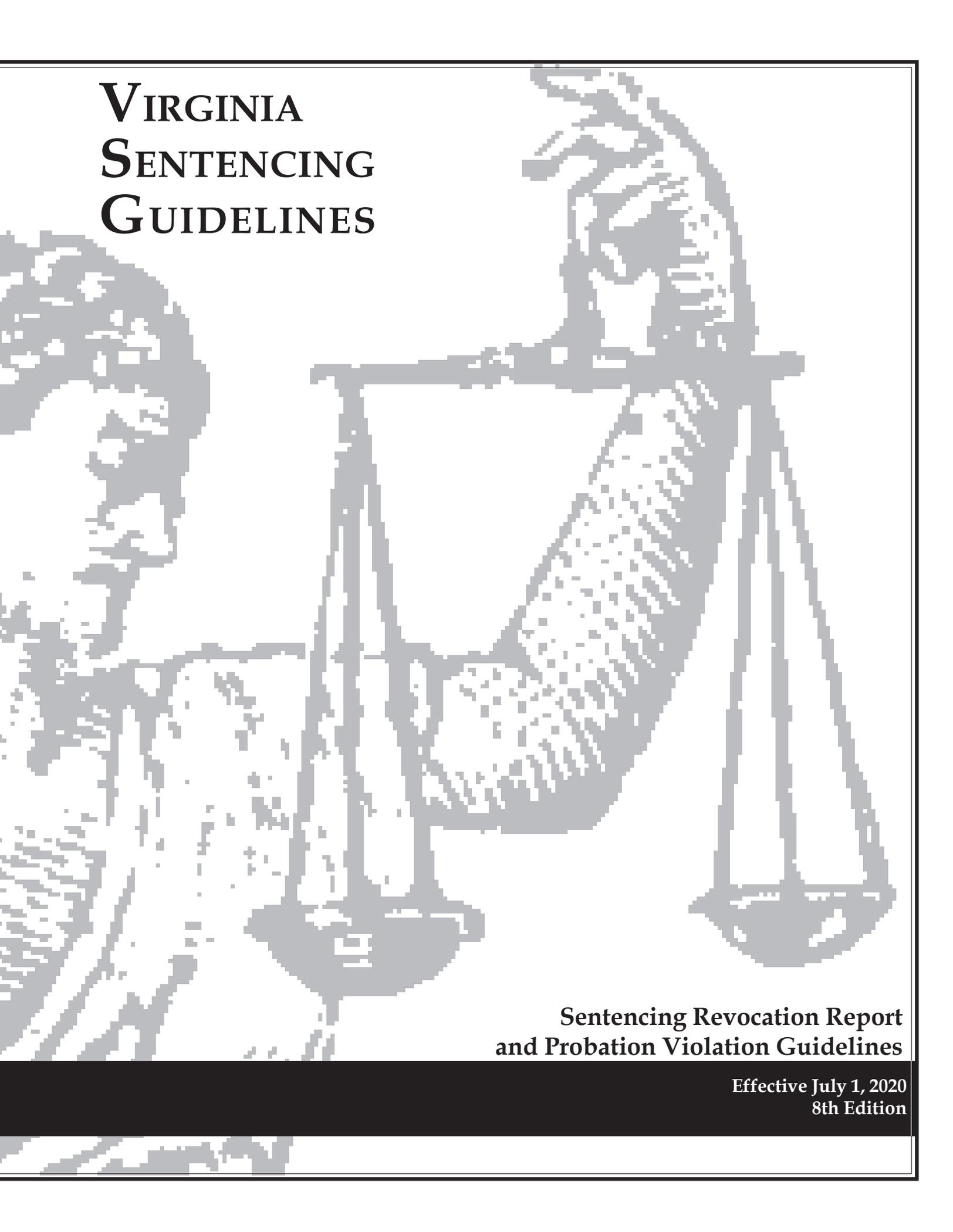


# VIRGINIA SENTENCING GUIDELINES



**Sentencing Revocation Report  
and Probation Violation Guidelines**

Effective July 1, 2020  
8th Edition



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## **CCAP Violation or Removal**

### **Community Corrections Alternative Program (CCAP)**

Per legislative mandate, the probation violation guidelines are to be based on historical judicial sanctioning practices in revocation hearings. However, CCAP is a relatively new DOC program and minimal data are available regarding defendants removed from the program. To accurately reflect historically-based sentence recommendations, the Commission must identify defendants who were removed from CCAP and determine why they were terminated from the program. Once sufficient information is available, the Commission will be able to develop appropriate guidelines recommendations. Until then, CCAP failures are not scored on the probation violation guidelines; only detention and diversion removals are continued to be referenced on the forms.

As of July 1, 2020, only the Sentencing Revocation Report (SRR) is to be completed for any violation of the Community Corrections Alternative Program (CCAP). The SRR is to be submitted for any probationer removed from the CCAP program for medical reasons or other administrative reasons, at no fault of his or her own. Also, only the SRR is to be submitted for any probationer removed or terminated from the program for cause. On July 1, 2019, guidelines preparers were instructed not to prepare probation violation guidelines for probationers removed from CCAP for administrative or medical reasons only. As of July 1, 2020, the rule is extended for any termination from CCAP. Probation violation guidelines are not to be prepared for any violation of CCAP or removal from CCAP. There will be no recommendation for a specific sentence if a probationer is found in violation of the CCAP conditions. The Sentencing Revocation Report must be submitted in both instances. The Sentencing Revocation Report now includes a check box to indicate if the probationer was removed from CCAP.

When a probation violation procedure is initiated in order to bring an individual removed from CCAP back to court for resentencing or for violation, the CCAP revocation cases are scored as a prior revocation on any future guidelines forms.

# Sentencing Revocation Report

## Background

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Under § 17.1-803(7) of the Code of Virginia, it is the responsibility of the Commission to monitor sentencing practices in felony cases throughout the Commonwealth. While the Commonwealth maintains a wide array of sentencing information on felons at the time they are initially sentenced in circuit court, information on the re-imposition of suspended prison time for felons returned to court for violation of the conditions of community supervision was, until 1997, largely unavailable and its impact difficult to assess.

In 1997, the Commission teamed with the Department of Corrections (DOC) to implement a procedure for systematically gathering data on the reasons for, and the outcome of, community supervision violation proceedings in Virginia's circuit courts. With DOC's assistance, the Commission developed a simple one-page form (the Sentencing Revocation Report, or SRR) to capture this information. Following the violation hearing, the completed form is submitted to the Commission.

The Commission believes that the imposition of suspended time is a vital facet in the punishment of offenders. Together, the SRR and the Commission's community corrections revocation data system serve as an important link in our knowledge of the sanctioning of offenders from initial sentencing through release from community supervision.

In 2010 and in every year since, the General Assembly included the requirement to complete and review the Sentencing Revocation Report in all suspended sentence, good behavior and probation violation cases and to review applicable Probation Violation Guidelines before sentencing. Below are the requirements included in the budget language.

## Completion Responsibility

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### Revocations Etc., of Circuit Court Felony Sentences

The Sentencing Revocation Report (SRR) is prepared for every capias, show cause or revocation request submitted to the court for an offender who has violated the conditions of a suspended sentence for a felony offense. This includes violations of probation, post-release supervision administered by the court, good behavior terms, community-based programs and suspended sentences.

### Prepared by Probation Officer or Commonwealth's Attorney

The Commonwealth's attorney, state probation officer or local probation officer, whoever initiates the capias or revocation request for a felony violation, completes the front side of the SRR and forwards it to the court, through locally-established procedures. The front side of the SRR documents offender, court, and case information including the reasons for capias, show cause or revocation requests. Condition 1 is cited, "Fail to obey all Federal, State and local laws and ordinances," when there is a new conviction that violates the conditions of the suspended sentence (new law conviction). The court may determine that a deferred finding satisfies the requirements for a new law conviction, a violation of Condition 1. If Condition 1 is cited, then the SRR should be attached to the capias or revocation request.

### Within 30 Days of Hearing/Sentencing

If Condition 1 is not cited, then the SRR should be prepared and attached to the probation violation guidelines and submitted to the court, through locally established procedures, no more than thirty (30) days prior to the violation hearing. In this case, the SRR and probation guidelines cannot be prepared outside the **30 days**. Any forms prepared in advance are invalid and must be updated and completed within the established time frames before being submitted to the court. There is no timeframe for completing the SRR for a Condition 1, new law conviction.

### One SRR/Guidelines Per Event

The judge must receive a SRR for every felony violation sentencing event and when appropriate, sentencing guidelines. One SRR may cover multiple violations for an offender in one court. If none is available in the case file, either the attorney for the Commonwealth or probation officer must be prepared to provide a copy to the court.

## Decision of the Court

- **Disposition** - The sentencing judge or his designee is responsible for completing the back side of the SRR. The back side of the SRR specifies the actual conditions violated, the decision of the court, and the sentence or other sanction imposed if the offender is found in violation. The back page of the SRR is completed even if the decision is to take the case under advisement or defer any action for a specific amount of time.
- **Preparation Errors** - If a preparation error is detected at sentencing, the Commission requests that the form be revised to incorporate the changes. The ultimate responsibility for ensuring that the form is completed accurately rests with the judge.

## Probation Violation Not Scored as an Additional Offense

Probation violations are not to be scored as additional offenses on the sentencing guidelines for new offenses. The judge must receive guidelines for the new felony offense(s), if covered by the sentencing guidelines, and a copy of the Sentencing Revocation Report (SRR). The SRR must identify the alleged conditions of probation violated and, when appropriate, include the VCC for the new law violation conviction. Sentencing for new law violations and probation violations may occur on the same day in the same court, but the following two forms are submitted to the court:

1. Sentencing guidelines for the new felony conviction and
2. SRR to identify the reasons for the probation, good behavior or suspended sentence violation.

## Mailing Responsibility

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The Circuit Court Clerk is to forward the completed Sentencing Revocation Report (SRR) and a copy of the court order to the Virginia Criminal Sentencing Commission within five days following the entry of a final order of conviction and sentence. When the Probation Violation Guidelines are completed, the guidelines forms must be attached to the completed SRR. Forms are then mailed to: Virginia Criminal Sentencing Commission, 100 North Ninth Street, 5th Floor, Richmond, VA 23219. When a court is fully automated and using the SWIFT! (Sentencing Worksheets and Interactive File Transfer) application, worksheets and court orders will be transferred electronically.

## Worksheet Supplies

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Users may obtain a SWIFT! account to access, prepare and submit sentencing guidelines worksheets. Other electronic versions of the worksheets are available at [www.vcsc.virginia.gov](http://www.vcsc.virginia.gov) or [mobile.vcsc.virginia.gov](http://mobile.vcsc.virginia.gov), for use in emergencies or if access to SWIFT! is not available.

## ◆ Completing the Sentencing Revocation Report

- 1 Enter the offender's first, middle and last name.
- 2 Fill in the offender's date of birth. If unknown, leave blank.
- 3 Fill in the offender's social security number. If unknown, leave blank.
- 4 Fill in the offender's Central Criminal Records Exchange (CCRE) number. If no Virginia number has been assigned, leave blank.
- 5 Enter the CORIS Offender ID generated by DOC.
- 6 Enter the circuit number of the sentencing court.
- 7 Enter the name of the city or county that the court serves.
- 8 Enter the FIPS Code that corresponds to the city or county where the sentencing court is located.
- 9 Enter the name of the judge scheduled to hear the revocation case.
- 10 Enter the docket number for the current probation violation. Do not use the docket number for the original offense.
- 11 Identify the sentencing event or events for which the offender's suspended sentence is being revoked. Select the most serious original felony offense. The most serious offense is the conviction that has the highest statutory maximum penalty. If two or more offenses in a sentencing event carry the same statutory maximum penalty, select the most serious felony based on the following order: person crime, property crime, victimless crime (i.e., perjury), and drug crime.
  - A. Record the offense description.
  - B. Enter the VCC that corresponds to the offense description.
  - C. Enter the original sentencing date for that offense.
- 12 If a Pre/Post-Sentence Investigation (PSI) report was completed for the most serious felony offense using the Department of Corrections automated PSI system, enter the system-generated report number in the space provided.
- 13 Check the appropriate box to indicate the type of sanction the offender originally received. Jail or prison incarceration includes sentences to jail, prison or time served for any offense in the original sentencing event or events. Detention, Diversion Center Incarceration or CCAP should be checked only if the offender was ordered to complete one of these programs and did not receive any active jail or prison time.
- 14 Check the appropriate boxes indicating what types of revocations are being considered by the court.
- 15 Check the appropriate boxes indicating the conditions of state probation that the offender is accused of violating. (Local probation, good behavior and other suspended sentence violations may not have the same conditions.)
- 16 If the offender has been convicted for a new law or ordinance violation, enter up to two Virginia Crime Codes (VCC) identifying the crimes. For out-of-state convictions use an analogous offense listed in the VCCs. If the arrest VCC is different from the conviction VCC, use the VCC that identifies the offense at conviction. In addition, indicate whether the conviction occurred in Virginia, outside of Virginia, or in violation of federal laws. (Do not enter any VCCs if the offender has not been convicted of a new offense.)

Please Note: The probation violation is not to be scored as an additional offense on the sentencing guidelines for the new offense. If sentenced together, both the sentencing guidelines for the new offense(s) and the SRR for a Condition 1 violation are to be submitted to the court.

- 17 Check the appropriate box indicating the Probation Violation Guidelines recommendation and enter the recommended range, if applicable in the case.

The guidelines apply if the offender has violated the conditions of probation (or post-release supervision, if administered by the court) without a new conviction for violating a federal, state, or local law or ordinance. Violations of Conditions 2 through 11 of the state Conditions of Probation/Post-Release Supervision, and violations of any special conditions set by the court, are covered by the guidelines. A copy of the Conditions of Probation/Post-Release Supervision used by the Department of Corrections can be found in Appendix 1. There will be no recommendation for violation of local probation, parole, a deferred finding or good behavior since probation violation guidelines do not apply in these cases.

- 18 In some cases the guidelines recommendation may exceed the total amount of time that can be revoked and re-imposed by the court. When this occurs, check the box for "Recommendation Exceeds Revocable Time" and enter the total amount of revocable time for all violations for which the offender will be sentenced at the revocation hearing. This becomes the upper end of the guidelines recommended range. "Revocable time" refers to the total amount of suspended time that could be revoked. For purposes of the SRR, jail credit is irrelevant unless the defendant previously was sentenced to time served. In these cases, the local jail should have information on the amount of suspended time remaining for a defendant.

- 19 If the guidelines do not apply, check the appropriate box. The guidelines do not apply under the following circumstances:

A. The offender is found in violation of Condition 1 of the terms and conditions of Probation/Post-Release Supervision (i.e., the offender has a new conviction for a federal, state, or local law or ordinance). The court may determine that a deferred finding satisfies the requirements for a new law conviction, a violation of Condition 1.

B. The offender is in violation of § 18.2-251 or § 18.2-258.1(H) (first offender status) or any deferred finding/sentence. For first offender violation cases or any deferred case, please prepare the appropriate Sentencing Guidelines Worksheet.

SRRs and probation violation guidelines are not required when a case is being resentenced, not revoked. If the offender is resentenced because of failure to qualify for an alternative (e.g., CCAP, substance abuse program, etc., because of health issues or record), the court must communicate the new sentence to the Commission and a departure reason if not in concurrence with the guidelines recommendation.

C. The offender is on probation for a crime committed prior to January 1, 1995 (Parole Eligible)

D. The offender is revoked for something other than state probation (i.e., good behavior, local probation).

E. The offender is removed from CCAP for cause (disciplinary reasons) or for administrative or medical reasons. The SRR is required.



◆ **Final Decision/Disposition** **Fill In After Sentence Has Been Pronounced**

This section of the SRR should be completed by the sentencing judge or the judge's designee. All information should be completed prior to being mailed or transmitted to the Virginia Criminal Sentencing Commission.

20 Check the appropriate box indicating the decision of the court.

**Found in Violation of Conditions Cited** – The court determines that the defendant violated all conditions cited in the capias, warrant or revocation request. Since the conditions cited on the front page are the same, the specific conditions violated do not need to be identified on this page.

**Found in Violation of the Following Conditions Cited** - If the court determines that the defendant violated selected conditions of probation supervision other than listed on the first page, the court is asked to identify which conditions were violated (check all that apply).

**Taken Under Advisement/Deferred** – The court determines that no decision will be made at this point on the alleged violation. If the court takes the decision under advisement or defers the case on the condition that the defendant complete a program or follow instructions and that a subsequent violation would require another request for capias or revocation, then submit the Sentencing Revocation Report (and guidelines when appropriate) to the Commission. If the court takes the decision under advisement or defers the case until appropriate counsel can be selected or appointed, or for other court procedural issues, do not submit the Sentencing Revocation Report (with guidelines when appropriate) until after a decision is made.

**Not in Violation** - The court finds that the defendant did not violate any of the conditions cited in the capias or revocation request. See the "Sentence for Revocation" section to record if the defendant is continued under the same conditions or released from all supervision or restrictions.

21 Enter the years, months and days for the amount of revocable time that the court could have imposed. This is the sum of all suspended time for the original offense(s) that the court could revoke in the current hearing.

22 Enter the length of active incarceration the defendant is to serve for the violation(s) (i.e., the imposed sentence less any suspended time).

23 If the period of supervised probation has changed, enter the amount of time the defendant will be under supervision from the date of the revocation sentencing. If the supervision period is indefinite, check the "Indefinite" box. If the defendant is continued on the same period of supervision, do not enter the number of years, months, or days in the box, but check the "Continued on Same Period of Supervision" box.

24 If the court finds the defendant in violation and elects to continue the defendant under the same conditions, check the box to indicate this. The court is still responsible for entering the total amount of revocable time in field 20.

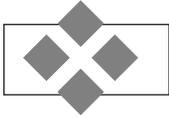
25 If the court releases the defendant from supervision, check the "Released from Supervision" box. The court is still responsible for entering the total amount of revocable time in field 20.

26 Check the appropriate boxes indicating all other sanctions applicable in the sentencing event. If "Other" or "Community-Based Program" is checked, please specify the type and name of program.

27 If the Probation Violation Guidelines apply and the judge sentences above or below the recommendation, the judge is required by budget language to provide a reason for departing. The judge can also use this space for judicial comments about the case.

28 Enter the month, day and year of the revocation decision.

29 The judge must sign each report after the decision has been completed. Electronic signatures are acceptable.



# Final Decision/Disposition

To be completed by the sentencing judge or judge's designee.

## 20 ◆ DECISION OF THE COURT

- Found in Violation - OR →  
of Conditions Cited
- Taken Under Advisement  
or Deferred
- Not in Violation

Found in Violation of the Following Conditions: (check all that apply)

<input type="checkbox"/> Fail to obey all laws and ordinances	<input type="checkbox"/> Use alcoholic beverages
<input type="checkbox"/> Fail to report any arrests within 3 days	<input type="checkbox"/> Use, possess, distribute drugs or paraphernalia
<input type="checkbox"/> Fail to maintain employment/report changes	<input type="checkbox"/> Use, own, possess firearm
<input type="checkbox"/> Fail to report as instructed	<input type="checkbox"/> Change residence/leave State without permission
<input type="checkbox"/> Fail to allow probation officer to visit	<input type="checkbox"/> Abscond from supervision
<input type="checkbox"/> Fail to follow instructions and be truthful	<input type="checkbox"/> Fail to follow special conditions _____
	_____
	_____

## ◆ SENTENCE FOR REVOCATION

21 Amount of Revocable Time at Hearing/Sentencing...  Life +

22 Amount of Time to Serve for Violation.....  Life +

23 Placed on Supervised Probation For: .....  Indefinite

24  Continued Under Same Conditions    25  Released from Supervision/Restrictions

Years	Months	Days
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

- Sentenced to Time Served
- Continued on Same Period of Supervision

## 26 ◆ SANCTIONS IMPOSED FOR REVOCATION (Check all that apply)

- Electronic Monitoring
- Day Reporting
- CCAP Detention/Diversion Center Incarceration, 22-28 weeks
- CCAP Detention/Diversion Center Incarceration, 42-48 weeks
- Community-Based Program \_\_\_\_\_
- Drug Court
- Intensive Probation

Office Use Only

<input type="text"/>	<input type="text"/>
Other	CBP

Other \_\_\_\_\_  
Specify type or name of program

Specify type or name of program

## 27 ◆ REASON FOR DEPARTURE FROM GUIDELINES

Office Use Only

<input type="text"/>	<input type="text"/>	<input type="text"/>
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## 28 ◆ DATE OF REVOCATION DECISION

<input type="text"/>	/	<input type="text"/>	/	<input type="text"/>
Month		Day		Year

29

\_\_\_\_\_  
Judge's Signature



# Probation Violation Guidelines

## Legislative Directive

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In 2003, the General Assembly directed the Commission to develop, with due regard for public safety, discretionary sentencing guidelines for application in cases involving felony offenders who are determined by the court to be in violation of probation or post-release supervision for reasons other than a new criminal conviction (Chapter 1042 of the Acts of Assembly 2003). Often these offenders are referred to as “technical violators.” In determining the guidelines, the Commission was to examine historical judicial sanctioning patterns in revocation hearings for such cases.

In 2010 and in every year since, the General Assembly included the requirement to complete and review the Sentencing Revocation Report in all suspended sentence, good behavior and probation violation cases and to review applicable Probation Violation Guidelines before sentencing. Below are the requirements included in the budget language.

## Completion Responsibility

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One Sentencing Revocation Report (SRR) is prepared for each hearing event or sentencing event. A hearing event or sentencing event consists of all probation or suspended sentence violations before the same judge, in the same court at the same time. The Commonwealth’s attorney or state probation officer who initiates the *capias* or revocation request completes the front side of the SRR and the Probation Violation Guidelines, if applicable. Local probation officers may only complete the SRR. Sentencing guidelines are not completed for violations for which the defendant was being supervised by local probation or good behavior violations. In these cases, only the SRR is submitted to the court.

Due to the time-sensitive nature of factors on the Probation Violation Guidelines, the worksheets must be prepared within thirty (30) calendar days prior to the violation hearing.

If Condition 1, a new conviction, is not cited, the completed Probation Violation Guidelines must be attached to the SRR and forwarded to the court, through locally-established procedures, no more than thirty (30) calendar days prior to the violation hearing. In “technical” violations (other than Condition 1 violations), the SRR and probation guidelines cannot be prepared outside the **30 days**. Any forms prepared in advance are invalid and must be updated and completed within the established time frames before being submitted to the court. There is no timeframe for completing the SRR for a Condition 1, **new law** conviction. The judge must receive probation violation guidelines when required. When guidelines are not required, the judge must receive a SRR. If any of the required documents are not available in the case file, either the attorney for the Commonwealth or probation officer must be prepared to provide the court a copy of the missing document.

Defense counsel must receive copies of the probation violation guidelines. Local procedures will dictate when the guidelines are distributed to defense counsel. The recommendation is the same distribution timeframe for Pre-Sentence Investigation Reports.

- **Preparation Errors** - If a scoring error is detected prior to sentencing, the Virginia Criminal Sentencing Commission requests that the worksheet preparer be contacted so that an amended worksheet can be prepared and circulated to all parties prior to sentencing or at sentencing.

- **Changes at Sentencing** - If a preparation error is detected at sentencing or additional conditions are cited, the Commission requests that the worksheet be re-scored in order to incorporate the changes. If a worksheet is re-scored, the final worksheet presented to the judge for consideration is the version to be submitted to the Commission. The ultimate responsibility for ensuring that the worksheets are completed accurately rests with the judge.

## Judicial Disagreement with Worksheet Scoring Rules

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Guidelines worksheets must be scored according to the rules contained in the manual. It is not appropriate to adjust the guidelines scores to reflect judicial discretion. If a judge disagrees with the recommendation because of the inclusion of, or the weights assigned to, a factor on a particular worksheet, the Commission suggests that the judge depart from the recommended sentence and state the reason(s) for departure on the reverse side of the Sentencing Revocation Report (SRR). The explanation should identify the specific factor and the reason the factor is being questioned. This process will allow the Commission to adjust the guidelines to better reflect the decisions and philosophy of the judiciary.

## Recording Departure Reasons

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When the court imposes a sentence greater or less than the guidelines recommendation, the judge is required by budget language to provide a written departure explanation with the record of the case. Space is provided on the back of the Sentencing Revocation Report (SRR) for entering reasons for departure. Reasons for departure should be specific. Specific departure reasons provide useful feedback to the Commission and will alert the Commission to concerns of the users.

## Probation Violation Guidelines

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### Mailing Responsibility

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The Circuit Court Clerk is to forward the completed Sentencing Revocation Report (SRR) and a copy of the court order to the Virginia Criminal Sentencing Commission within five days following the entry of a final order of conviction and sentence. When the Probation Violation Guidelines are completed, the guidelines forms must be attached to the completed SRR. Forms are then mailed to: Virginia Criminal Sentencing Commission, 100 North Ninth Street, 5th Floor, Richmond, VA 23219. When a court is fully automated and using the SWIFT! (Sentencing Worksheets and Interactive File Transfer) application, worksheets and court orders will be transferred electronically.

### Determining if Probation Guidelines Apply

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The guidelines apply if the offender has violated the conditions of probation (or post-release supervision, if administered by the court) with no federal, state or local law or ordinance conviction. Violations of Conditions 2 through 11 of the Conditions of Probation/Post-Release Supervision, and violations of any special conditions set by the court and supervised by state probation, are covered by the guidelines. A copy of the Conditions of Probation/Post-Release Supervision used by the Department of Corrections can be found in Appendix 1.

#### The guidelines do not apply under the following circumstances:

**A.** The offender is found in violation of Condition 1 of the Terms and Conditions of Probation/Post-Release Supervision (i.e., the offender has failed to obey all federal, state, and local laws and ordinances, and has been convicted of a new offense). A probation violation is not considered a new law violation for this factor.

Please note that probation violations are not to be scored as additional offenses on the sentencing guidelines for new offenses. The judge must receive guidelines for the new felony offense(s), if covered by the sentencing guidelines, and a copy of the Sentencing Revocation Report (SRR). The SRR must identify the alleged conditions of probation violated and when appropriate, include the VCC for the new law conviction. Sentencing for new law violations and probation violations may occur on the same day in the same court, but the following two forms are submitted to the court:

1. Sentencing guidelines for the new felony conviction and
2. SRR to identify the reasons for the probation, good behavior or suspended sentence violation.

**B.** The offender is in violation of § 18.2-251 (first offender status) or § 18.2-258.1(H) (first offender prescription fraud), or any deferred finding/sentence. If an offender's first offender status is being revoked under §18.2-251, complete the Drug Schedule I/II worksheet and submit it to the court. If an offender's first offender prescription fraud status is being revoked under §18.2-258.1(H), complete the Drug/ Other worksheet and submit it to the court.

**C.** The offender is before the court on a deferred sentence for possible revocation or resentencing for failure to abide by or complete the conditions of the deferral. In this case, complete the guidelines for the original primary offense. Do not complete an SRR in first offender or deferred finding/sentencing violation cases. If the offender is resentenced because of failure to qualify for an alternative (e.g., CCAP, substance abuse program, etc., because of health issues or criminal record), the court must communicate the new sentence to the Commission and a departure reason if not in concurrence with the guidelines recommendation.

**D.** The offender is on probation for a crime committed prior to January 1, 1995 or parole eligible.

**E.** The offender is on state probation for only misdemeanor offenses.

**F.** The offender is on local probation for felonies or misdemeanor offenses.

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## GLOSSARY OF TERMS

### **Absconded 13 Months or More and Time Absconded**

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For these factors, assign points if the offender was cited for absconding from supervision in violation of Condition 11 of the Conditions of Probation/Post-Release Supervision. If the defendant signed conditions of probation prior to the enactment of Condition 11, the defendant may still be scored for this factor as long as the capias/revocation request informs the judge that the defendant did abscond from supervision.

Time absconded is calculated from the date of last contact the probation officer had with the defendant up to the date of sentencing for the current violation. Round down to the next lowest month. For example, score 5 months 29 days as 5 months.

Contact may include verbal, written, or face-to-face communication with the probation officer or court official at which time the officer/official knew the whereabouts of the defendant. The original date of last contact cited in the capias/revocation request should be used even if the probationer reappears in the probation office, jail, etc., at a later date.

Example: A defendant last reported to his probation officer on 3/1/00 and was arrested on the capias on 7/1/00. The sentencing takes place on 8/1/00; therefore, the time absconded is 5 months between 3/1/00 and 8/1/00.

Score defendants who never report to sign their conditions of probation as absconding from supervision for Violation Guidelines purposes. Use the most recent date the defendant was ordered to report for supervision as the date of last contact.

### **Arrest Factors**

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Arrest factors on the Probation Violation Guidelines refer to new arrests incurred by the offender during the current supervision period. Specific rules for scoring each factor are noted below.

1. Arrests for offenses that occurred prior to the defendant being placed on probation are also scored, as long as the arrest occurred during the current supervision period.
2. Each count is equal to one arrest.
3. Arrests are scored regardless of the disposition (e.g., guilty, not guilty, dismissed, nolle prosequi, etc.).
4. New arrests do not include arrests for probation violations.
5. Arrests for traffic infractions are not scored. Traffic infractions are offenses that are neither felonies nor misdemeanors and are not listed in the VCC book. Criminal traffic offenses are scored.
6. Arrests that have been expunged are not scored.
7. Summons are counted as arrests.

### **Arrests for Crimes Against Person, New**

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For this factor, which appears on Section C, score the number of new felony and misdemeanor arrests for crimes against a person occurring during the current supervision period. The current supervision period begins on the most recent date the defendant was placed, or continued, on supervision conditions by the court and ends on the date of sentencing for the current violation.

Person offenses include the following: assault, child or adult neglect, murder, homicide, kidnapping, robbery, rape, sexual assault, grand larceny from a person, burglary with intent to commit assault, murder, rape, or rob, and arson of an occupied building. This is not an exhaustive list. Refer to Appendix 3 of this manual for a list of offenses by type/category (Updated lists may be found in Appendix E of the Sentencing Guidelines manual or on the mobile website (mobile.vcsc.virginia.gov)).

## Probation Violation Guidelines

### Arrests for Nonperson Crimes, New

On Section C, score the number of counts of felony and misdemeanor or arrests for nonperson crimes during the current supervision period. Nonperson crimes are all offenses not designated as person crimes in Appendix 3 of this manual. (Updated lists may be found in Appendix E of the Sentencing Guidelines manual or on the mobile website (mobile.vcsc.virginia.gov)).

They include criminal traffic offenses (i.e., offenses listed in the traffic section of the VCC Book), but not traffic infractions (e.g., speeding, fail to stop at stop sign, etc.).

Do not score arrest for probation, good behavior or suspended sentence violations.

### Arrests, New Felony

On Section A, score the number of new felony arrests during the current supervision period. The current supervision period begins on the most recent date the defendant was placed, or continued, on supervision conditions by the court and ends on the date of sentencing for the current violation.

Score new felony arrests regardless of disposition (e.g., guilty, not guilty, dismissed, nolle prosequi, etc.). Each offense count is equal to one arrest. For example, if a defendant is arrested at the same time for three counts of unlawful wounding, the defendant has three felony arrests. Score out-of-state, federal, or military arrests based on Virginia's penalty structure. If the offense is a felony in Virginia, score the arrest as a felony. The felony designation or sentence received in the other jurisdiction may be unrelated to its treatment under Virginia law. (Also see rules under Arrest Factors).

Do not score arrest for probation, good behavior or suspended sentence violations.

### Community Service

Any community service authorized by the court, probation officer or supervising authority. (Also see Never Reported to/Unsuccessful Discharge from Community Service, Day Reporting, etc.)

### Condition(s) Violated

On Section A, enter the score corresponding to the type of condition violated. For this factor, score only one condition violated. When there are multiple conditions violated, score the condition that receives the highest number of points for the factor. The Conditions Violated refer to the Conditions of Probation/Post-Release Supervision established by the Department of Corrections (See Appendix 1 of this Manual):

**Note:** Score defendants who never report to sign their conditions of probation as absconding from supervision, for guidelines purposes.

Condition 2: Fail to report any arrests within three days to probation officer.

Condition 3: Fail to maintain employment or report any changes in employment.

Condition 4: Fail to report as instructed.

Condition 5: Fail to allow probation officer to visit home or place of employment.

Condition 6: Fail to follow instructions and be truthful and cooperative.

Condition 7: Use alcoholic beverages to excess.

Condition 8: Use, possess, distribute controlled substances or paraphernalia.

Condition 9: Use, own, or possess a firearm.

Condition 10: Change residence/leave state without permission.

Condition 11: Abscond from supervision.

### Special Condition(s):

Fail to follow special conditions (sex offender).

This factor separates sex offender conditions/restrictions imposed or authorized by the court from other types of conditions. Examples of sex offender restrictions/conditions include: unsuccessful discharge from sex offender treatment, prohibited contact with a minor or victim, access to computers or the internet, entrance into prohibited areas, etc. This is not an exhaustive list.

Special Condition: Fail to follow special conditions (other than sex offender conditions).

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## Current Supervision Period

Unless otherwise instructed, score factors for the current supervision period only. The current supervision period begins on the most recent date the defendant was placed, or continued, on probation or post-release conditions by the court and ends on the date the court renders its decision for the current alleged violation. If the defendant was previously found in violation of probation supervision (or post-release supervision, if the violation was handled by the court), the current period starts when the court placed the defendant back on supervision. The court need not find the offender in violation to start the next supervision period.

**Example:** Defendant was placed on probation on 6/1/2018 as a condition of a suspended sentence. He was later found in violation of his probation on 2/1/2019, but was continued on probation. Sentencing for a new probation violation is set for 5/1/2019. The current period of supervision is between 2/1/2019 (not the original start date of 6/1/2018) and a new violation sentence date of 5/1/2019.

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## Day Reporting

Includes both local and state day reporting programs. (Also see Never Reported to/Unsuccessful Discharge from Community Service, Day Reporting, etc.)

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## Detention Center

Score only if the defendant was discharged for disciplinary reasons, not medical reasons. Score voluntary resignations from Detention as unsuccessful discharges. Discharge from CCAP is not scored. Note: Probation violation guidelines do not apply if the current violation is based on the removal from CCAP for medical or administrative reasons or for disciplinary reasons. Only the SRR is submitted. Also see Unsuccessful Discharge from Detention Center and Never Reported to/Unsuccessful Discharge from Community Service, Day Reporting, etc.)

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## Diversion Center

Score only if the defendant was discharged for disciplinary reasons, not medical reasons. Score voluntary resignations from Diversion as unsuccessful discharges. Discharge from CCAP is not scored. Note: Probation violation guidelines do not apply if the current violation is based on the removal from CCAP for medical or administrative reasons or for disciplinary reasons. Only the SRR is submitted. Also see Never Reported to/Unsuccessful Discharge from Community Service, Day Reporting, etc.)

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## Drug Tests or Signed Admission, Positive (not marijuana or alcohol)

On Section C, assign points if the defendant tested positive (urine, blood, etc.) for any controlled substance other than marijuana or alcohol during the current supervision period. Do not score positive tests for controlled substances prescribed for the defendant by a medical practitioner, unless part of a documented substance abuse issue. Score refusal to take a drug test as a positive test. Score a positive test for synthetic marijuana or a cannabimimetic agent. Score failure to report for a drug screen as a positive test. Also score signed admissions for a controlled substance other than marijuana or alcohol during the current supervision period (see Appendix 2 of this Manual for the DOC "Substance Abuse Admission Form"). This factor can be scored even if the *capias*/revocation request did not specifically cite use of a controlled substance (Condition 8 of the Conditions of Probation/Post-Release Supervision) by the offender.

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## Drug Treatment or Drug Education Program, Never Reported to

For this factor, found on Section C, score the number of times the defendant never reported to a drug treatment/drug education program after being ordered to do so during the current supervision period. Drug treatment/drug education programs include inpatient and outpatient drug treatment, N.A., as well as group programs such as those offered in-house at local probation and parole offices. Score A.A. as a drug education program if the offender is referred to the program for the abuse of a drug other than alcohol.

Assign points based on the number of times the defendant was instructed to report to different drug treatment programs and never reported. Also, assign points if the defendant was given multiple chances to report to the same drug treatment program on several occasions and failed to ever attend. Score each time the defendant failed to follow instructions and failed to attend at least one session. Score this factor if the defendant failed to show up for intake or an assessment. Also, score this factor if the defendant attended the intake or assessment process, but failed to show up for the treatment program.

### Do not score:

1. Programs designed solely for alcohol treatment.
2. This factor if the defendant started attending a program but missed sessions or dropped out after attending at least one session.
3. Do not score this factor for drug treatment that is conducted as a part of Day Reporting, Detention or Diversion, CCAP or incarceration in jail or prison.

## Probation Violation Guidelines

### Months until First Noncompliant Incident

See Noncompliant Incident, Months until First

### Never Reported to Drug Treatment or Drug Education Program

See Drug Treatment or Drug Education Program, Never Reported to

### Never Reported to/Unsuccessful Discharge from Community Service, Day Reporting, etc.

Assign points on Section A if the defendant never reported to, or was unsuccessfully discharged from, one or more of the following programs: community service, day reporting, Detention or Diversion Center (not CCAP), employment and/or residential programs (not associated with treatment). Score unsuccessful discharge from Detention or Diversion Center (not CCAP) if the defendant resigned or was discharged for disciplinary reasons, not medical reasons. Note: Probation violation guidelines do not apply if the current violation is based on the removal from CCAP for medical or administrative reasons or for disciplinary reasons. Only the SRR is submitted.

Score unsuccessful discharge if the defendant is before the court for violating conditions while enrolled in the Day Reporting Program. Employment programs include job counseling or job corps training. Failure to obtain or maintain employment is not scored for this factor. Residential programs not associated with treatment may include an adult home, halfway house, or homeless shelter from which the defendant was discharged or to which the defendant failed to report. Do not score treatment programs specifically designed for drug, alcohol, substance abuse, sex offender, or medical/mental health treatment.

### New Arrests for Crimes Against Person

See Arrests for Crimes Against Person, New

### New Arrests for Nonperson Crimes

See Arrests for Nonperson Crimes, New

### New Felony Arrests

See Arrests, New Felony

### Noncompliant Incident, Months until First

For Section C, determine the number of months between the start of the current supervision period and the date of the first noncompliant incident. The current supervision period begins on the most recent date the defendant was placed, or continued, on supervision conditions by the court and ends on the date of sentencing for the

current violation. If the defendant never reported for supervision, use the date the defendant was ordered to report for supervision. Round down to the next lowest month. For example, score 5 months 29 days as 5 months.

Noncompliance includes any revocable act/behavior that violates supervision conditions authorized by the court or imposed by the probation officer or supervising authority. The noncompliant incident does not have to be reported to the court for it to be scored; however, it needs to be documented in the probation officer's case file. It is recommended that the court and attorneys be provided with the details in any communications with the court, but it is not a requirement.

### Offense Type

See Original Felony Offense Type

### Original Disposition was Incarceration

Points are assigned on Section A if the defendant was sentenced to incarceration for any of the original offense(s) at the time of the original sentencing event. Incarceration includes sentences to jail, prison, or time served for any offense in the original sentencing event(s). Sentences to Detention and Diversion Centers, Bootcamp and CCAP are also scored as periods of incarceration.

### Original Felony Offense Type

This factor appears on both Section A and Section C of the Probation Violation Guidelines. Identify the sentencing event or events that resulted in the offender's supervision in a particular jurisdiction. Include only those sentencing events that served as the basis for the revocation hearing. The offenses that comprise these sentencing events are defined as the "original" offenses for the purposes of completing the Probation Violation Guidelines.

Determine the most serious felony offense among these crimes. Please note that the rules for selecting the most serious original felony offense type on the Probation Violation Guidelines are different than the rules for selecting the primary offense on the traditional felony Sentencing Guidelines.

Use the following hierarchy to determine the most serious original felony offense for the Probation Violation Guidelines:

- 1) Highest Statutory Maximum
- 2) Person Crimes
- 3) Property Crimes
- 4) Victimless/Other Crimes (e.g., Traffic and Weapons)
- 5) Drug Crimes
- 6) Highest Score for "Original Felony Offense Type" factor on Section C (Highest Recommendation)

The most serious offense is the felony conviction that has the highest statutory maximum penalty. If two or more felonies in a sentencing event carry the same statutory maximum penalty, select the most serious felony based on the hierarchy mentioned above: person, property, victimless/other, drug and then highest recommendation.

- Example 1: An offender is on probation for an unlawful wounding (Penalty: 1-5 years) and a grand larceny (Penalty: 1-20 years). The grand larceny is the most serious original felony offense because it has the highest statutory maximum penalty.
- Example 2: An offender is on probation for malicious wounding (Penalty: 1-20 years) and a grand larceny (Penalty: 1-20 years). Both offenses have the same maximum penalty (20 years). Therefore, malicious wounding is the most serious original felony offense because it is a person crime, whereas grand larceny is a property offense.

If two or more offenses have the same maximum penalty and are classified in the same crime category, choose as the most serious original felony offense the one that has the highest score under the “Original Felony Offense Type” factor on Section C of the Probation Violation Guidelines. This rule will result in the offense with the highest recommendation as the most serious felony offense.

- Example 3: An offender is on probation for DWI-3rd (Penalty: 1-5 years) and Possession of a Firearm by a Convicted Felon (Penalty: 1-5 years). Both have the same statutory maximum penalty and both are classified as other crimes. On Section C, however, Possession of a Firearm by a Convicted Felon receives 16 points under the “Original Felony Offense Type” factor, while DWI-3rd receives 3 points on that factor. Therefore, choose Possession of a Firearm by a Convicted Felon as the most serious felony offense for scoring the Probation Violation Guidelines.

Refer to Appendix 3 of this manual for a list of offenses by type/category (Updated lists may be found in Appendix E of the Sentencing Guidelines manual or on the mobile website ([mobile.vcsc.virginia.gov](http://mobile.vcsc.virginia.gov))). If the most serious original offense does not fall into a specific category, classify the offense as “Other.”

### **Positive Drug Test or Signed Admission (not marijuana or alcohol)** \_\_\_\_\_

See Drug Tests or Signed Admission, Positive

### **Prior Record** \_\_\_\_\_

Prior record factors on the Probation Violation Guidelines relate specifically to the offender’s original disposition and history of supervision violations and revocations.

### **Previous Adult Probation Revocation Events Record** \_\_\_\_\_

See Revocation Events, Previous Adult Probation

### **Program Factors** \_\_\_\_\_

Program factors appear on both Section A and Section C of the Probation Violation Guidelines. These factors relate to the offender’s failure to report to, or unsuccessful discharge from, certain programs ordered by the court or probation officer, as part of the offender’s probation.

### **Employment Program** \_\_\_\_\_

Employment programs include job counseling or job corps training. Failure to obtain or maintain employment is not scored for this factor. (Also see Never Reported to/Unsuccessful Discharge from Community Service, Day Reporting, etc.)

### **Residential Program** \_\_\_\_\_

Residential programs, not associated with treatment, may include an adult home, halfway house, or homeless shelter from which the defendant was discharged or to which the defendant failed to report. Do not score treatment programs specifically designed for drug, alcohol, substance abuse, sex offender, or medical/mental health treatment. (Also see Never Reported to/Unsuccessful Discharge from Community Service, Day Reporting, etc.)

### **Revocation Events, Previous Adult Probation** \_\_\_\_\_

This factor appears on both Section A and Section C of the Probation Violation Guidelines. Previous adult probation revocation events are all felony and misdemeanor violation events for federal, state or local probation periods in the defendant’s adult criminal history. Also included are similar probation violations from other countries. Score each revocation event that occurred prior to sentencing for the current violation case. Violations that occurred in other jurisdictions or courts, but are part of the current supervision period are included. Juveniles certified as an adult, but sentenced to Department of Juvenile Justice are scored the same as adult probation. Include previous post-release revocations handled by the court. Include only

## Probation Violation Guidelines

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those events for which the defendant was found by the court to be in violation. Prior probation violations may be for any offense, not just the original felony offense(s) for which the offender is currently on probation. Score each violation event regardless of the specific sanction imposed (e.g., they were continued on probation with no time revoked).

### Do not score:

1. Juvenile probation, unless certified as an adult.
2. Violation events in which violations were dismissed, nolle prosequi, or there were no findings of guilt. Do not score other types of suspended sentence revocations.
3. Parole violations.
4. First offender violations under § 18.2-251 or § 18.2-258.1 (H) or violations of the conditions of a deferral as probation violations. Only score revocations after a defendant is convicted and placed on probation as the result of a conviction.

A violation event is defined as a violation sentencing hearing before a particular judge on a particular date in a particular court, regardless of the number of offenses for which the offender is on supervision. If the offender was found in violation of supervision for several offenses during the same violation sentencing hearing in the same court, score only one revocation event.

Note on Pilot Sites 2015-2018: Any probation violation handled under § 19.2-303.5, while the offender participated in the Immediate Sanction Probation Pilot is not scored as an adult probation revocation event. Any probation revocation that occurs after removal from the Immediate Sanction Probation Pilot Program and handled under § 19.2-306 must be scored.

## Sex Offender Restrictions, Violated

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This factor appears on Section C of the guidelines. Assign points for this factor if, during the current supervision period, the offender violated sex offender restrictions or conditions placed on him/her by the court or probation officer. Examples of restrictions/conditions include unsuccessful discharge from sex offender treatment, prohibited contact with a minor or victim, access to computers or the internet, entrance into prohibited areas, etc. This is not an exhaustive list.

Please note that points will be assigned if the offender violates any sex offender restrictions, even if the original offense(s) for which the offender is being supervised is not a sex offense. However, the defendant must have been required to sign the special conditions for sex offenders (Please see Appendix 1).

## Substance Abuse Factors

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See Drug Tests or Signed Admission, Positive

## Supervision

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See Current Supervision Period

## Time Absconded

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See Absconded 13 Months or More and Time Absconded

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**Total Score** \_\_\_\_\_

If the Section A total score is 36 points or less, the recommendation is Probation/No Incarceration. On the Sentencing Revocation Report, check the "Probation/No Incarceration" block under the section entitled "Violation Guidelines Recommendation." If the Section A total score is 37 points or more, complete the Section C worksheet.

If Section C is completed, total the score and refer to the Section C Recommendation Table, which follows the Section C worksheet in this manual. Use the table to convert the total score to the guidelines sentence range. On the Sentencing Revocation Report, check the "Incarceration" block under the "Violation Guidelines Recommendation" section and record the guidelines range in the spaces provided.

**Unsuccessful Discharge  
from Detention Center** \_\_\_\_\_

This factor appears on Section C. Assign points if the defendant was unsuccessfully discharged from the Detention Center Program during the current supervision period. Score only if the defendant was discharged for disciplinary reasons, not medical reasons. Score voluntary resignations from Detention as unsuccessful discharges. Note: Probation violation guidelines do not apply if the current violation is based on the removal from CCAP for medical or administrative reasons or for disciplinary reasons. Only the SRR is submitted.

**Violated Sex Offender Restrictions** \_\_\_\_\_

See Sex Offender Restrictions, Violated

**Worksheets Per Revocation/Sentencing/Hearing  
Event (Submit One)** \_\_\_\_\_

Only complete one worksheet per probation violation, suspended sentence violation or hearing event. The one worksheet will result in one recommendation for multiple offenses or multiple periods of probation. Do not complete guidelines for every offense or every period of probation when one judge is considering the violations together, at the same time, in the same court.

# Probation Violation Guidelines Section A

Please see the glossary for a more detailed description of each factor.

## 1 Original Disposition

Enter “1” if the defendant was sentenced to incarceration for the original offense(s). Incarceration includes jail, prison, time served, CCAP, Detention and Diversion Centers.

## 2 Original Felony Offense Type

Identify the sentencing event or events for which the offender is on supervision. Determine the most serious felony offense. The most serious offense is the conviction that has the highest statutory maximum penalty. If two or more offenses in a sentencing event carry the same statutory maximum penalty, select the most serious felony based on the following order of importance: person crime, property crime, victimless/other crime (i.e., perjury, traffic), drug crime, and then highest score for offense type on C.

Enter the appropriate score based on the offense type listed in Appendix 3 of this manual. (Updated lists may be found in Appendix E of the Sentencing Guidelines manual or on the mobile website (mobile.vsc.virginia.gov). If the most serious original offense does not fall into a specific category, classify the offense as “Other.”

## 3 Previous Adult Probation Revocation Events

Previous probation revocations are all federal, state or local felony or misdemeanor probation violation events in the defendant’s adult criminal history that occurred prior to sentencing for the current violation case. Include previous post-release revocations handled by the court. Include only those events for which the defendant was found by the court to be in violation. Prior federal, state and local probation violations may be for any offense. Score each violation regardless of the sanctions imposed (e.g., they were continued on probation with no time revoked). Do not include violation events in which violations were dismissed, nolle prosequi, or there were no findings of guilt. Do not score other types of suspended sentence revocations (e.g., good behavior) or violations of deferred findings (e.g., First Offender, § 18.2-251).

A violation event is defined as a violation sentencing hearing before a particular judge on a particular date in a particular court, regardless of the number of offenses or counts for which the offender is on supervision.

## 4 New Felony Arrests

Enter the score corresponding to the number of new felony arrests during the current supervision period. The current supervision period begins on the most recent date the defendant was placed, or continued, on supervision conditions by the court and ends on the date of sentencing for the current violation.

Score new felony arrests regardless of disposition, (e.g., guilty, not guilty, dismissed, nolle prosequi, etc.). Each count is equal to one arrest. Score out-of-state arrests based on Virginia’s penalty structure and felony designations. Summons are scored the same as arrests.

Do not score arrest for probation, good behavior, or suspended sentence violations.

## 5 Never Reported to/Unsuccessful Discharge from Community Service, Day Reporting, etc.

Enter “15” if the defendant never reported to, or was unsuccessfully discharged from, community service, day reporting, employment and/or residential programs during the current supervision period. Employment programs include job counseling or job corps training. Failure to obtain or maintain employment is not scored for this factor. Do not score residential programs that are specifically designed for drug, alcohol, substance abuse, sex offender, or medical/mental health treatment.

Enter “18” if the defendant never reported to, or was unsuccessfully discharged from, a Detention or Diversion Center during the current supervision period. Discharge from CCAP is not scored. Score an unsuccessful discharge from a Detention or Diversion Incarceration Center program if the discharge was for disciplinary reasons (not medical). Assign points if the defendant voluntarily withdrew. Note: Probation violation guidelines do not apply if the current violation is based on the removal from CCAP for medical or administrative reasons or for disciplinary reasons. Only the SRR is submitted.

## 6 Condition(s) Violated

Enter the score corresponding to the type of condition violated. Score only the violation receiving the highest number of points for the factor.

Condition 2 (the offender has failed to report an arrest to the probation officer within 3 days);

Condition 3 (the offender has failed to maintain employment or to report changes in employment);

Condition 4 (the offender has failed to report as instructed);

Condition 5 (the offender has failed to allow the probation officer to visit the offender’s home or place of employment);

Condition 6 (the offender has failed to follow instructions and be truthful and cooperative);

Condition 7 (the offender has used alcoholic beverages to excess);

Condition 8 (the offender has used, possessed, or distributed controlled substances or paraphernalia);

Condition 9 (the offender has used, owned, possessed or transported a firearm);

Condition 10 (change of residence or leave Commonwealth of Virginia);

Condition 11 (the offender has absconded from supervision); or

Special conditions (sex offender)

Examples include unsuccessful discharge from sex offender treatment, prohibited contact with a minor or victim, access to computers/internet, entrance into prohibited areas, etc. This is not an exhaustive list.

Special conditions (other than sex offender conditions established by or authorized by the court)

## 7 Absconded 13 Months or More

Enter “5” if the offender absconded 13 months or more from supervision, in violation of Condition 11 of the conditions of probation/post-release supervision.

Assign points for the amount of time between the date of last contact with the defendant and the date of sentencing for the current violation. Round to the next lowest whole month. For example, score 5 months 29 days as 5 months.

Contact may include verbal, written, or face-to-face communication with probation office or court official at which time the officer knew the whereabouts of the defendant. If the defendant never reported to probation, use the most recent date the defendant was ordered to report for supervision.

## 8 Go to next appropriate section

If the total score is 36 or less, the guidelines recommendation is: Probation/No Incarceration. (There is no Section B for these guidelines.) If the total score is 37 or more, go to Section C.

# Probation Violation Guidelines **Section A** Offender Name: \_\_\_\_\_

**1** ◆ **Original Disposition was Incarceration** \_\_\_\_\_ **If YES, add 1** → 

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

A. Person .....	15	<b>Score</b> ▼ <table border="1" style="margin: 0 auto;"><tr><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td></tr></table>		
B. Property .....	3			
C. Traffic/Weapon .....	24			
D. Other .....	1			
E. Drug.....	13			

**3** ◆ **Previous Adult Probation Revocation Events** \_\_\_\_\_

Number of Violation Events:	1 - 2 .....	7	▼ <table border="1" style="margin: 0 auto;"><tr><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td></tr></table>		
	3 or more.....	10			

**4** ◆ **New Felony Arrests** \_\_\_\_\_

Number of Counts:	1 - 3 .....	4	▼ <table border="1" style="margin: 0 auto;"><tr><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td></tr></table>		
	4 or more.....	18			

**5** ◆ **Never Reported to/Unsuccessful Discharge from following Programs** \_\_\_\_\_

Community service, day reporting, employment programs and/or residential programs.....		15	▼ <table border="1" style="margin: 0 auto;"><tr><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td></tr></table>		
Detention or Diversion Center.....		18			

**6** ◆ **Condition Violated** score only the violation receiving the highest points \_\_\_\_\_

Condition 2. Fail to report any arrests within 3 days to probation officer .....	17	▼ <table border="1" style="margin: 0 auto;"><tr><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td></tr></table>		
Condition 3. Fail to maintain employment/report changes in employment .....	17			
Condition 4. Fail to report as instructed .....	18			
Condition 5. Fail to allow probation officer to visit home or place of employment .....	17			
Condition 6. Fail to follow instructions and be truthful and cooperative .....	18			
Condition 7. Use alcoholic beverages to excess .....	17			
Condition 8. Use, possess, distribute controlled substances or paraphernalia .....	31			
Condition 9. Use, own, possess, transport or carry firearm .....	17			
Condition 10. Change of residence or leave Commonwealth of Virginia .....	1			
Condition 11. Abscond from supervision .....	34			
Special Condition Fail to follow special conditions (sex offender) .....	19			
Special Condition Fail to follow special conditions (other than sex offender conditions) .....	11			

**7** ◆ **Absconded 13 months or more** \_\_\_\_\_ **If YES, add 5** → 

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**8** **Total Score** \_\_\_\_\_ → 

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If total is 36 or less, the recommendation is **Probation/No Incarceration**.  
If total is 37 or more, go to **Section C Worksheet**.

# Probation Violation Guidelines Section C

Please see the glossary for a more detailed description of each factor.

## ❶ Original Felony Offense Type

Identify the sentencing event or events for which the offender is on supervision. Determine the most serious felony offense. The most serious offense is the conviction that has the highest statutory maximum penalty. If two or more offenses in a sentencing event carry the same statutory maximum penalty, select the most serious felony based on the following order of importance: person crime, property crime, victimless/other crime (i.e., perjury, traffic), drug crime, and then highest score for offense type on C.

Enter the appropriate score based on the offense type listed in Appendix 3 of this manual. (Updated lists may be found in Appendix E of the Sentencing Guidelines manual or on the mobile website (mobile.vcsc.virginia.gov)). If the most serious original offense does not fall into a specific category, classify the offense as "Other."

## ❷ Previous Adult Probation Revocation Events

Previous probation revocations are all federal, state or local felony or misdemeanor probation violation events in the defendant's adult criminal history that occurred prior to sentencing for the current violation case. Include previous post-release revocations handled by the court. Include only those events for which the defendant was found by the court to be in violation. Prior federal, state and local probation violations may be for any offense. Score each violation regardless of the sanctions imposed (e.g., they were continued on probation with no time revoked). Do not include violation events in which violations were dismissed, nolle prosequi, or there were no findings of guilt. Do not score other types of suspended sentence revocations (e.g., good behavior) or violations of deferred findings (e.g., First Offender, § 18.2-251).

A violation event is defined as a violation sentencing hearing before a particular judge on a particular date in a particular court, regardless of the number of offenses or counts for which the offender is on supervision.

## ❸ New Arrests for Crimes Against Person

Enter the score corresponding to the number of counts of felony and misdemeanor person-crime arrests during the current supervision period. The current supervision period begins on the most recent date the defendant was placed, or continued, on supervision conditions by the court and ends on the date of sentencing for the current violation. Score arrests regardless of the disposition (guilty, not guilty, dismissed, nolle prosequi, etc.). Score out-of-state arrests based on Virginia's penalty structure and felony designations. Sums are scored the same as arrests. Do not score arrest for probation, good behavior, or suspended sentence violations.

Person offenses include: assault, child or adult neglect, murder, homicide, kidnapping, robbery, rape, and sexual assault. Score crimes such as grand larceny from a person, burglary with the intent to assault, murder, rape or rob, and arson of an occupied building as crimes against the person. This is not an exhaustive list. See Appendix 3 of this manual for more detail. (Updated lists may be found in Appendix E of the Sentencing Guidelines manual or on the mobile website (mobile.vcsc.virginia.gov)).

## ❹ New Arrests for Nonperson Crimes

Enter the score corresponding to the number of counts of felony and misdemeanor arrests for non-person crimes (including criminal traffic misdemeanors) during the current supervision period. Do not score traffic infractions such as speeding. Arrests are scored regardless of the disposition (guilty, not guilty, dismissed, nolle prosequi, etc.). Score out-of-state arrests based on Virginia's penalty structure and felony designations. Do not score arrest for probation, good behavior, or suspended sentence violations.

See Appendix 3 of this manual for a list of person crimes. (Updated lists may be found in Appendix E of the Sentencing Guidelines manual or on the mobile website (mobile.vcsc.virginia.gov)).

## ❺ Months Until First Noncompliant Incident

Enter the score corresponding to the number of months between the start of the current supervision period and the date of the first noncompliant incident. The current supervision period begins on the most recent date the defendant was placed, or continued, on supervision conditions by the court and ends on the date of sentencing for the current violation. If the defendant never reported for supervision, use the date the defendant was ordered to report for supervision. Noncompliance includes any revocable act/behavior that violates supervision conditions. The noncompliant incident does not have to be reported to the court for it to be scored. Round down to the next lowest month.

## ❻ Unsuccessful Discharge from Detention Center Program

Enter "30" if the defendant was unsuccessfully discharged from the detention center program during the current supervision period. Score only if the defendant was discharged due to disciplinary reasons, not medical reasons. Assign points if the defendant voluntarily withdrew. Do not score a discharge from Diversion or CCAP. Note: Probation violation guidelines do not apply if the current violation is based on the removal from CCAP for medical or administrative reasons or for disciplinary reasons; only the SRR is submitted for CCAP removals.

## ❼ Never Reported to Drug Treatment/Education Program

Score the number of times the defendant never reported to a drug treatment/drug education program

after being ordered to do so during the current supervision period. Drug treatment/drug education programs include inpatient and outpatient drug treatment, as well as group programs such as those offered in-house at local probation and parole offices. Do not score programs designed solely for alcohol treatment. Do not score this factor if the defendant started attending a program but missed sessions or dropped out after attending at least one session. Score failures to attend intake or assessments.

## ❽ Positive Drug Test or Signed Admission (not marijuana or alcohol)

Enter "10" if the defendant had a drug test (urine, blood, etc.) that tested positive for any controlled substance other than marijuana or alcohol during the current supervision period. Do not score positive tests for controlled substances prescribed for the defendant by a medical practitioner, unless part of a documented substance abuse issue. Score signed Substance Abuse Admission Forms (see Appendix 2) admitting use of a controlled substance, other than marijuana or alcohol, during the current supervision period. This factor can be scored even if the capias or revocation request did not specifically cite use of a controlled substance by the offender.

## ❾ Violated Sex Offender Restrictions

Enter "5" if, during the current supervision period, the offender violated sex offender restrictions placed on him/her by the court or probation officer. Examples include unsuccessful discharge from sex offender treatment, prohibited contact with a minor or victim, access to computers/internet, entrance into prohibited areas, etc. This is not an exhaustive list.

Assign points if the offender violated sex offender restrictions, even if the original offense(s) is not a sex offense. However, the defendant must have been required to sign the special conditions for sex offenders. (Please see Appendix 1).

## ❿ Time Absconded

Score this factor only if the offender absconded from supervision in violation of Condition 11 of the Conditions of Probation/Post-Release Supervision.

Assign points for the amount of time between the date of last contact with the defendant and the date of sentencing for the current violation. Round to the next lowest whole month.

Contact may include verbal, written, or face-to-face communication with the probation office or court official at which time the officer knew the whereabouts of the defendant. If the defendant never reported to probation, use the most recent date the defendant was ordered to report for supervision.

## ⓫ Record the Guidelines Sentence

Total the score. Refer to the Probation Violation Guidelines Section C Recommendation Table for the guidelines sentence range. Enter the guidelines recommendation on the Sentencing Revocation Report.

# Probation Violation Guidelines ~~◆~~ Section C

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

**1 ◆ Original Felony Offense Type** select the type of most serious original felony offense \_\_\_\_\_

A. Person .....	13	<b>Score</b> <div style="border: 1px solid black; width: 40px; height: 40px; margin: 0 auto; display: flex; align-items: center; justify-content: center;"> <span style="font-size: 2em; margin-right: 5px;"> </span> <span style="font-size: 2em; margin-left: 5px;"> </span> </div>
B. Property .....	4	
C. Weapon .....	16	
D. DWI or Habitual Offender .....	3	
E. Other .....	1	
F. Drug.....	5	

**2 ◆ Previous Adult Probation Revocation Events** \_\_\_\_\_

Number of Violation Events:		<div style="border: 1px solid black; width: 40px; height: 40px; margin: 0 auto; display: flex; align-items: center; justify-content: center;"> <span style="font-size: 2em; margin-right: 5px;"> </span> <span style="font-size: 2em; margin-left: 5px;"> </span> </div>
1 - 2 .....	4	
3 or more .....	16	

**3 ◆ New Arrests for Crimes Against Person** \_\_\_\_\_

Number of Counts:		<div style="border: 1px solid black; width: 40px; height: 40px; margin: 0 auto; display: flex; align-items: center; justify-content: center;"> <span style="font-size: 2em; margin-right: 5px;"> </span> <span style="font-size: 2em; margin-left: 5px;"> </span> </div>
0 .....	0	
1 .....	4	
2 .....	15	
3 - 4 .....	30	
5 or more .....	38	

**4 ◆ New Arrests for Nonperson Crimes** \_\_\_\_\_

Number of Counts:		<div style="border: 1px solid black; width: 40px; height: 40px; margin: 0 auto; display: flex; align-items: center; justify-content: center;"> <span style="font-size: 2em; margin-right: 5px;"> </span> <span style="font-size: 2em; margin-left: 5px;"> </span> </div>
0 - 1 .....	0	
2 .....	9	
3 - 4 .....	12	
5 or more .....	19	

**5 ◆ Months until First Noncompliant Incident** \_\_\_\_\_

		<div style="border: 1px solid black; width: 40px; height: 40px; margin: 0 auto; display: flex; align-items: center; justify-content: center;"> <span style="font-size: 2em; margin-right: 5px;"> </span> <span style="font-size: 2em; margin-left: 5px;"> </span> </div>
10 months or less .....	28	
11 months to 22 months .....	22	
23 months or more .....	0	

**6 ◆ Unsuccessful Discharge from Detention Center Program** \_\_\_\_\_ If YES, add 30 → 

| |

**7 ◆ Never Reported to Drug Treatment/Drug Education Program** \_\_\_\_\_

Number:		<div style="border: 1px solid black; width: 40px; height: 40px; margin: 0 auto; display: flex; align-items: center; justify-content: center;"> <span style="font-size: 2em; margin-right: 5px;"> </span> <span style="font-size: 2em; margin-left: 5px;"> </span> </div>
1 - 2 .....	9	
3 or more .....	16	

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

| |

**9 ◆ Violated Sex Offender Restrictions** \_\_\_\_\_ If YES, add 5 → 

| |

**10 ◆ Time Absconded** \_\_\_\_\_

		<div style="border: 1px solid black; width: 40px; height: 40px; margin: 0 auto; display: flex; align-items: center; justify-content: center;"> <span style="font-size: 2em; margin-right: 5px;"> </span> <span style="font-size: 2em; margin-left: 5px;"> </span> </div>
2 months or less .....	0	
3 months to 24 months .....	9	
25 months or more .....	12	

**11 Total Score** \_\_\_\_\_ → 

| | |

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



# Probation Violation Guidelines ❖ Section C

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## ❖ RECOMMENDATION TABLE

<b>Score</b>	<b>Guideline Sentence Range</b>
Up to 40 .....	Incarceration 1 Day to 3 Months
41 - 45 .....	3 Months to 6 Months
46 - 48 .....	6 Months to 12 Months
49 - 56 .....	1 Year to 1 Year 6 Months
57 - 59 .....	1 Year 6 Months to 2 Years
60 - 67 .....	2 Years to 3 Years
68 - 73 .....	3 Years to 4 Years
74+ .....	4 Years or more





# **APPENDIX 1**

## Conditions of Probation/Post-Release Supervision





### Conditions of Probation Supervision

To \_\_\_\_\_ DOC # \_\_\_\_\_

Under the provisions of the Code of Virginia, the Court has placed you on probation supervision this date \_\_\_\_\_, for a period of \_\_ years \_\_ months \_\_ days by the Honorable \_\_\_\_\_, Judge, presiding in the \_\_\_\_\_ Circuit Court at \_\_\_\_\_, Virginia.

Special conditions ordered by the Court are:

\_\_\_\_\_

Offense & Sentence:

CR00000000-00 \_\_\_\_\_

CR00000000-00 \_\_\_\_\_

You are being placed on probation supervision subject to the conditions listed below. The Court may revoke or extend your probation supervision and you are subject to arrest upon cause shown by the Court and/or by the Probation Officer.

Probation Supervision conditions are as follows:

- 01. I will obey all Federal, State and local laws and ordinances.
- 02. I will report any arrest, including traffic tickets, within 3 days to the Probation and Parole Officer.
- 03. I will maintain regular employment and I will notify the Probation and Parole Officer promptly of any changes in my employment.
- 04. I will report in person or by telephone to the Probation and Parole office listed below within three working days of my release from incarceration, and as otherwise instructed thereafter.
- 05.1 will permit the Probation and Parole Officer to visit my home and place of employment.
- 06.1 will follow the Probation and Parole Officer's instructions and will be truthful, cooperative, and report as instructed.
- 07.1 will not use alcoholic beverages to the extent that it disrupts or interferes with my employment or orderly conduct.
- 08. I will not unlawfully use, possess or distribute controlled substances or related paraphernalia.
- 09.1 will not use, own, possess, transport or carry a firearm.
- 10. I will not change my residence without the permission of the Probation and Parole Officer. I will not leave the State of Virginia or travel outside of a designated area without permission of the Probation and Parole Officer.
- 11.1 will not abscond from supervision. I understand I will be considered an absconder when my whereabouts are no longer known to my supervising officer. I freely, voluntarily and intelligently waive any right I may have to extradition if arrested outside of Virginia.

Your minimum date of release from supervision is \_\_\_\_\_, but you will remain under supervision until you receive a final release.

You will report as follows: \_\_\_\_\_

***I have read the above, and/or had the above read and explained to me, and by my signature or mark below, acknowledge receipt of these Conditions and agree to the Conditions set forth.***

Signed: \_\_\_\_\_

\_\_\_\_\_

Probation Officer

Date: \_\_\_\_\_

Date: \_\_\_\_\_



**Virginia Department of Corrections**  
**Community Corrections**  
**SEX OFFENDER SPECIAL INSTRUCTIONS OF PAROLE/  
PROBATION/POST RELEASE SUPERVISION**

**Effective: 06/10/2009**

To: \_\_\_\_\_

You have been placed on Supervision by the Virginia Parole Board and/or the Circuit Court. Pursuant to Condition #6 of your Conditions of Supervision, you are instructed to comply with the following checked special instructions.

**Special Instructions:** (check those which apply)

**MONITORING**

- A. Reside at your registered address \_\_\_\_\_. You will not relocate, or spend the night at an address other than listed above unless a home plan is investigated and approved by your supervising officer.
- B. Do not have contact with your victim (contact includes face-to-face meetings, letters, phone calls, videotapes, tapes, films, computer, or any form of contact through a third party) until approved by your therapist, your victim (or guardian if a minor), your victim's therapist, and your supervising officer.
- C. Do not purchase, consume, or possess alcohol and/or illegal substances. You may not take a controlled medication unless it has been prescribed for you by your physician.
- D. You will not have any contact with anyone under the age of 18. Contact is defined as physical, verbal, written, or third party.
- E. If supervised contact with minors is allowed, the supervisor of this contact must know of your offending behavior and must be approved by your supervising officer.
- F. Obtain prior approval from your supervising officer to use a social network, electronic bulletin board system, gaming console (Wii, X-box, Playstation, etc.) services or equipment that provide access to the Internet, phones with web browsers or cameras, or any public/private computer network. Billing/transaction records will be submitted to the supervising officer upon request.
- G. Employment must be approved by your supervising officer.

- H. You may not frequent places where children congregate, such as parks, playgrounds, and schools.
- I. If mandated by code section, Department of Correction policy, or instructed to do so by your supervising officer, you will comply with electronic monitoring to include, but not limited to Global Positioning (GPS), HEM, RoboCUFF, or other means.

### **TREATMENT**

- J. Attend and successfully complete a Sex Offender Treatment Program approved by your supervising officer and assume the costs of your treatment as directed by your supervising officer.
- K. You will allow your sex offender treatment provider unrestricted communication with the probation and parole department, to include your supervising officer regarding your attendance, level of participation, and any other information deemed necessary to protect the community from your sexually abusive behavior.
- L. Do not own or have in your possession any sexually explicit materials. Do not view visual images or printed materials that act as a stimulus for your abusive cycle or that act as a stimulus to arouse you in an abusive fashion.
- M. You will inform persons with whom you have a significant/sexual relationship of your sexual offending behavior as directed by your supervising officer and/or treatment provider.
- N. You may not participate in friendships and/or relationships with other adults who have children.
- O. You will submit to any polygraph and/or plethysmograph testing deemed appropriate by your supervising officer and assume the costs of the examination. These examinations will be periodic upon the therapist's or supervising officer's request.

### **GENERAL**

- P. If you have photographed your victims in the past, you may not possess a camera or video recorder.
- Q. You will attend and successfully complete an alcohol and/or drug treatment program.
- R. You shall submit to alcosensor and any other drug testing at the direction of your supervising officer.

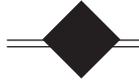
- S. You must observe curfew restrictions as directed by your supervising officer. Your curfew is: \_\_\_\_\_.
  - T. If mandated by Virginia Code Section 18.2-370.3, you may not live within 500 feet of a child day care center, primary, secondary, or high school.
  - U. If mandated by Virginia Code Section 18.2-370.5, you understand that you may not enter school property during school hours or during the hours of school related activities.
  - V. If required to register with the Virginia State Police Sex Offense and Crimes Against Minors Registry you must report any changes in home, employment, school, and vehicles within 3 days to the Virginia State Police.
  - W. If you are allowed internet access, you understand that you must register any electronic address, screen name and webpage with the Virginia State Police and within 30 minutes of any change in electronic address, screen name, or webpage.
  - X. Other: Example: You will not reside in a home with anyone under the age of 18\_\_\_\_\_.
  - Y. Other: Example: You and your belongings are subject to search at any time by any law enforcement officer at your residence or any other location you might have access\_\_\_\_\_.
  - Z. Other: Example: You will not own, rent, or lease a storage unit or PO Box without your supervising officer's permission\_\_\_\_\_.
- 

\_\_\_\_\_  
Offender

\_\_\_\_\_  
Probation and Parole Officer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



## **APPENDIX 2**

### Substance Abuse Admission Form



## Substance Abuse Voluntary Admission

Any admission recorded below was given voluntarily and without duress. I understand that this admission may be used in disciplinary or violation proceedings. Either or both Sections I and II may be completed whenever applicable.

### I. Pre-Testing Admission

I. \_\_\_\_\_

Offender Name

DOC Number

voluntarily admit to using the substances checked below within the last 30 days:

Cocaine, including Crack

Barbiturates

Marijuana

Heroin

Alcohol

Phencyclidine (PCP)

Amphetamines, (incl. Ice)

\_\_\_\_\_

Offender Signature

Staff Witness Signature

Date: \_\_\_\_\_

District/Facility: \_\_\_\_\_

### II. Post-Testing Admission

I. \_\_\_\_\_

Offender Name

DOC Number

voluntarily admit to using the substances checked below within the last 30 days:

Cocaine, including Crack

Barbiturates

Marijuana

Heroin

Alcohol

Phencyclidine (PCP)

Amphetamines, (incl. Ice)

\_\_\_\_\_

Offender Signature

Staff Witness Signature

Date: \_\_\_\_\_

District/Facility: \_\_\_\_\_





**APPENDIX 3**  
**(See Appendix E in the**  
**Guidelines Manual for**  
**the most recent version)**

**Offense Types**



# Offense Types

This is NOT intended to be an exhaustive list of all crimes. This list is to be used as a starting reference only. Please call the Commission for classification of crimes not listed.

## General Definitions:

**Person Crime:** generally defined as a crime where the victim is harassed, abducted, injured, killed, sexually assaulted, or is the subject of a sex offense. Threats, conspiracies, attempts, and the intent to do the above are included. Offenses in which the offender takes property directly from a victim (in person) or entices a minor to participate in sexually explicit material are categorized as person offenses.

**Property Crime:** where the crime involves property attainment, destruction, etc., and the elements of a person or traffic crime (see definitions) are not involved.

**Drug Crime:** where the crime involves narcotics.

**Traffic Crime:** where the crime involves traffic offenses that are not person crimes. Hit and run with property damage counts as a traffic crime, not a property crime.

**Other Crime:** where the crime does not meet the definitions above.

## Person Crimes

This is NOT intended to be an exhaustive list of all person crimes. This list is to be used as a starting reference only.

Offenses with the following VCC prefixes:

- ABU ..... • Abusive & Insulting Language
- ASL ..... • Assault (Except Use of firearm in comm. of felony)
- ENT ..... • Entice for specific felonies
- EXT ..... • Extortion
- FAM ..... • Family Offenses
- KID ..... • Kidnapping
- MUR ..... • Murder/Homicide
- PRT ..... • Protective Orders
- RAP ..... • Rape/Sexual Assault
- ROB ..... • Robbery
- SEX ..... • Sex Offenses (Except: Adultery, Bestiality, Bigamy, Cohabitation, Proximity to Children Restrictions, and Prostitution between adults without a force element defined in the statute.)
- STK ..... • Stalking
- TER ..... • Terrorism
- VIO ..... • Violent Activities (Except VIO5340M3)

## Specific VCCs for Crimes Against Persons

\* Indicates offense MAY be a person crime if facts of case meet general definition standards

- ACC0900F6 ..... Accessory after the fact to homicide
- AGR3490F9 ..... Assault on employee of Board of Agriculture
- ARS2015F5\* ..... Enticement to bomb
- ARS2025F6\* ..... Hoax firebomb, construct, use or send
- ARS2022M2 ..... Smoke bomb in public building
- ARS2004F9 ..... Arson of occupied dwelling/church, aid burning
- ARS2003F9 ..... Arson of occupied dwelling/church, burn
- ARS2001F3 ..... Arson of occupied building, other
- ARS2008F3 ..... Arson of occupied building, public
- ARS2023F5 ..... Arson/bomb threat/false comm., offender 15+
- ARS2024M1 ..... Arson/bomb threat or false comm., offender <15
- BOT6218F6 ..... Fail to stop and assist, serious injury or death (boating)
- BURXXXXXX ..... Any burglary with an intent to murder, rape, rob, assault and battery, other felony person crime or misdemeanor person crime
- COM2997M1 ..... Coerce, intimidate or harass person by computer
- COM2965F3 ..... Malicious computer use—intent to physically injure
- COM2966F6 ..... Unlawful computer use—intent to physically injure
- CON3281S9 ..... Insulting language about judge
- CON3280S9 ..... Violence or threats to judge, witness, etc.
- CONXXXXXX ..... Any disobedience directed towards a person
- DOG4588F6 ..... Vicious dog violation, results in serious human injury
- DOG3538F6 ..... Fail to control, contain dog, results in serious human injury
- DNG3216M1 ..... Fail to secure medical attention for a child
- ESC4910F4\* ..... Escape or attempt to escape by setting fire to jail
- ESC4908F6\* ..... Escape by force or violence from jail
- ESC4927F6\* ..... Escape from juvenile facility/detention with force
- ESC4911F6\* ..... Escape from jail by force or violence, not convicted
- HIT6608F5 ..... Hit & run, victim injured, driver fails to stop
- HIT6614F6 ..... Hit & run, victim injured, passenger fails to report
- JUS4820F5 ..... Resisting arrest by force, etc. in drug/gang/violent offenses
- JUS4828M1 ..... Resisting arrest, obstructing justice by threats or force
- JUS4832F5 ..... Resisting arrest, obstructing justice by threats or force
- LAB7482F4 ..... Receive money, etc., for procuring person for forced labor/services
- LAB7485F3 ..... Receive money, etc., for procuring < age 18 for forced labor/services
- LAR2361F9 ..... Grand larceny from person
- LAR2367M1 ..... Petit larceny from person
- LAR2369F6\* ..... Larceny, etc. third or subsequent conviction (If underlying offense is a person crime)
- LIC6832F9 ..... Operator license revoked – endangerment

continued

**Specific VCCs for Crimes Against Persons,** *continued*

\* *Indicates offense MAY be a person crime if facts of case meet general definition standards*

MOBXXXXXX ..... Any gang participation with an intent to murder, rape, rob, assault and battery, other felony person crime or misdemeanor person crime

MOB1284F5 ..... Use force/threats to encourage membership in gang-school zone

MOB1285F5 ..... Use force/threats to encourage continued membership in gang-school zone

MOB1286F5 ..... Use force/threats to encourage person to commit felony-school zone

MOB1294F6 ..... Use force/threats to encourage membership in gang

MOB1295F6 ..... Use force/threats to encourage continued membership in gang

MOB1296F6 ..... Use force/threats to encourage person to commit felony

OBSXXXXX ..... All obscenity charges involving minors

OBS3713M1 ..... Indecent exposure

OBS3733M1 ..... Unlawful filming of another

OBS3704F6 ..... Unlawful filming of another, 3rd/subsequent

RACXXXXXX ..... Only if offense involves coercing or intimidating another person

REC6655M1 ..... Aggressive driving with intent to injure

REC6640F4 ..... Law-enforcement officer killed as result of pursuit

REC6624F6 ..... Disregard police command to stop, endangerment

REC6626F6 ..... Drive recklessly w/o license causes death of another

REC6633F9 ..... Racing, cause death of another

REC6635F6 ..... Racing, causes serious bodily injury

REC6625M1 ..... Reckless driving, endanger life or limb

REC6630M1 ..... Reckless driving, parking lot, endanger life or limb

RUA5318F6\* ..... Injury to another (not damage to property)

SEX3663F4 ..... Sex trafficking by force

SOL7200F6\* ..... Solicitation to commit a felony person crime

SOL7201F5\* ..... Solicitation to commit a felony person crime, adult solicits juvenile

SOL7202F9 ..... Solicitation to commit murder (any solicitation to commit a person crime under § 18.2-29)

TEL3245M1 ..... Abusive, profane, threatening calls on phone

TRS5700M1 ..... Use peephole to view nonconsenting person

TRS5707F6 ..... Trespass w/ intent to abduct from school property

TRS5718M1\* ..... Peep or spy into dwelling place

TRS5747M1\* ..... Peep or spy into dwelling by electronic device

VAN2939F4 ..... Shoot/throw missile at train/car w/ malice

VAN2940F6 ..... Shoot/throw missile at train/car w/o malice

VAN2905F4 ..... Shoot/throw missile at law enf/emerg vehicle w/ malice

VAN2906F6 ..... Shoot/throw missile at law enf, etc., vehicle w/o malice

WPN5210M1 ..... Brandish machete or knife

WPN5287F6 ..... Brandish machete or knife on school property

WPN5251M1\* ..... Brandish or point firearm

WPN5274F6\* ..... Brandish or point firearm, 3<sup>rd</sup> conviction

WPN5242F6 ..... Discharge firearm, etc., at occupied bldg, unlawfully

WPN5229F4 ..... Discharge firearm, etc., at occupied bldg, malicious

WPN5221M1\* ..... Discharge firearm in public place, no injury

WPN5301F6 ..... Discharge firearm in public place, results in injury

WPN5273F6\* ..... Discharge firearm in public place, 3<sup>rd</sup> conviction

WPN5249M3 ..... Reckless/leave loaded firearm, endanger child<14

WPN5258F6\* ..... Brandish or point firearm on school property

WPN5255F4 ..... Discharge firearm in/at occupied school

WPN5239F3 ..... Malicious release of dangerous gas resulting in injury

WPN5240F6 ..... Unlawful release of dangerous gas resulting in injury

WPN5248F5\* ..... Discharge firearm from motor vehicle

WPN5201F4\* ..... Discharge firearm on public prop w/in 1,000 ft of school

WPN5200F4\* ..... Discharge firearm upon buildings/grounds

**Property Crime Examples**

*Offenses that may have the following VCC prefixes:*

- Arson ..... ARS (when not listed as a person crime.)
- Burglary w/ intent to commit larceny .... BUR (not w/intent to murder, rape, A & B, etc.)
- Computer Crime ..... COM (not w/intent to injure or harass)
- Embezzlement ..... LAR
- Fraud ..... FRD (including forging public document)
- Larceny ..... LAR (not larceny from a person)
- Lottery ..... LOT
- Money Laundering ..... MON
- Racketeering ..... RAC (No coercing or intimidating a person)
- Solicitation to commit a property offense. SOL
- Tax Crimes ..... TAX
- Trespass ..... TRS
- Vandalism ..... VAN (not shoot/throw missile at train, etc.)

**Drug Crimes**

- All Offenses with 'NAR' VCC prefix.
- Also, drug crimes involving prisoners with 'PRI' prefix.
- Drug paraphernalia crimes with 'PHA' prefix.
- Solicitation to commit a drug offense.

**Traffic Crime Examples**

Offenses that may have the following VCC prefixes:

- Buses & Trucks ..... BUS
- DMV Documents..... DMV
- Driver Improvement Program..... DVP
- Drive While Intoxicated ..... DWI
- Equipment Violations ..... EQU
- Highways..... HWY
- Hit & Run w/ property damage..... HIT (not with personal injury)
- Motorcycles & Bicycles ..... CYC
- Moving Violations ..... MOV
- Operator's License ..... LIC (No endangerment)
- Parking ..... PRK
- Passenger Carriers ..... PAS
- Reckless Driving ..... REC
- Registration, Plates, etc..... REG
- Signs & Signals ..... SIG
- Size & Weight Violations..... SIZ
- Traffic Schools..... CDT
- Traffic - Smoking near gas pumps ..... SMK
- Trailer Dealers ..... TRL

**Weapon Crimes**

- All Offenses with 'WPN' VCC prefix (when not listed as person crime.)
- Use of a firearm in the commission of a felony (ASL1319F9 and ASL1323F9)

**Other Crime Examples**

Offenses that may have the following VCC prefixes:

- Alcohol Violations..... ALC (including drunk in public)
- Animals ..... ANM
- Bribery..... BRI
- Disorderly Conduct..... DIS
- Dangerous Conduct ..... DNG (not for fail to secure medical attention for child)
- Escape ..... ESC (not with personal injury)
- Gambling ..... GAM
- Perjury ..... PER
- Pornography/Obscenity ..... OBS excluding those involving minors)
- Prison Offenses..... PRI (not involving drugs)
- Prostitution between adults without a force element defined in statute/Adultery/Bestiality/ Bigamy/Proximity to Children Restrictions\*\* ..... SEX
- Sex Offender Registry..... SOR
- Trade and Commerce ..... TRC
- Unlawful Assembly/Riot ..... RUA
- Election and Voting Offenses ..... VOT

\*\*The code sections for proximity, if needed, are: §§ 18.2-370.2, 18.2-370.3, 18.2-370.4 & 18.2-370.5.

NOTES: Accessory after the fact to a felony (ACC3202M1), etc. is categorized based on the underlying felony offense. (i.e. Accessory after the fact to murder (ACC-0900-F6) is a person crime).

An ordinance violation is categorized based on the comparable offense under Virginia law. Ordinances with only civil penalties are not scored.

