

# **VIRGINIA SENTENCING GUIDELINES**

**Sentencing Revocation Report  
and Probation Violation Guidelines**

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## **Preface - Phase 1**

The enclosed Sentencing Revocation Report and Probation Violation Guidelines achieve three purposes. The worksheets reflect the requirements of § 19.2-303 and § 19.2-306.1 for first, second and subsequent violations of probation. Second, the worksheets and procedures require that judges are supplied consistent information in every violation case including both probation and suspended sentence violations. Finally, the instruments are based on a recent study of felony revocation cases and better reflect historical sentencing patterns.

Phase 1 is necessary because criminal justice policies are rapidly changing. The Commission wants to be able to quickly respond to important changes in policies, laws and behaviors. By designing instruments that help identify important factors in sentencing, the Commission will be able to make adjustments to better reflect current sentencing patterns. In subsequent phases the instrument will be refined to better reflect current judicial sentencing patterns. Future analysis will focus on the impact of sentences for new law violations on the effective sentences imposed for probation violations.



## Sentencing Revocation Report and Felony Probation Violation Guidelines – Phase I Check List:

*The purpose of the revised Probation Violation Guidelines is, in part, to provide every judge with consistent and reliable information before a decision is made and a sentence is imposed. Phase 1 is necessary because criminal justice policies are rapidly changing. Below is a check list that includes some of the requirements for completing the Probation Violation Guidelines.*

Complete Probation Violation Guidelines for Condition 1 (new convictions), Technical Violations (Conditions 2-11), and Special Conditions.

The Probation Violation Guidelines must be completed by Probation Officers because of their comprehensive knowledge of the case. When statutory caps on sentencing for technical violations cap the sentence for probation violations, the attorneys for the Commonwealth may prepare the Sentencing Revocation Report (SRR) and Worksheet TV 1/2. However, the Commonwealth's attorneys must have access to the Major Violation Report submitted to the court. *(Please see details below).*

Attorneys for the Commonwealth may prepare the Probation Violation Guidelines SRR and Worksheet TV 1/2 **IF**

- 1) it is the probationer's first or second technical violation and it does not involve possessing, etc., a firearm (Condition 9) or absconding (Condition 11), **AND**
- 2) the Commonwealth's attorney has a copy of the Major Violation Report.

*(In these types of cases, the statutory caps will apply and less information is needed to complete the Probation Violations Guidelines. As noted above, the Guidelines have been adjusted to reflect the statutory limits).*

Identify Violations that Do Not Utilize Information Provided by the Department of Corrections' Probation Officers (e.g., Major Violation Report). Classify These Violations as Good Behavior Violations. Probation Violation Guidelines Do Not Apply for Good Behavior Violations.

Complete Only the Sentencing Revocation Report (SRR) for Good Behavior Violations, Other Types of Suspended Sentence Violations and Local Felony Probation Violations.

Update the Criminal Record Check for Every Defendant and Advise the Court in Writing or Verbally of Any New Convictions During the Current Supervision Period. (Provide information on new convictions based on an updated criminal record check, even if Condition 1 is not cited).

Identify on the SRR All Treatment, Sanctions, Education Programs and Alternatives Utilized or Attempted During the Entire Course of the Supervision Period. (This is for judicial review only and may be used to find resources that may be an effective alternative and to eliminate options that have not been successful. This may be self-reported information provided by the defendant or defense counsel.)

Identify Time Incarcerated for this Probation Violation Hearing/Sentencing. (This is pretrial incarceration prior to the hearing).

Calculate the Amount of Revocable Time for All Offenses in the Current Event Before the Hearing on the Violation(s).



# Sentencing Revocation Report and Felony Probation Violation Guidelines – Background

## Phase I Development of Probation Violation Guidelines

In 2016, the Commission approved a new study to provide the foundation needed to revise the Probation Violation Guidelines and improve the utility of the Guidelines for Virginia's judges. The large-scale multi-year project included surveys of judges and other court stakeholders, data from multiple criminal justice data systems, supplemental data collection by Commission staff, and rigorous statistical analysis of the most comprehensive dataset on probation violations and revocation sentences ever compiled in Virginia. Based on the results of this study, the Commission has developed a revised Probation Violation Guidelines instrument for use in the state's circuit courts for probation violations.

First implemented in 1997 with assistance from the Department of Corrections (DOC), the Sentencing Revocation Report (SRR) is a simple form designed to capture the reasons for, and the outcomes of, violation hearings in Virginia's circuit courts. It is completed for all violations of supervised probation, DOC's Community Corrections Alternative Programs (CCAP), good behavior or suspended sentence conditions, or local probation or community-based program requirements imposed as a result of a felony conviction. A Probation Officer (or Commonwealth's attorney) completes the first part of the form, which includes the offender's identifying information and check boxes indicating the reasons why a show cause or revocation hearing has been requested. The check boxes are based on the list of eleven conditions for community supervision established for every offender, but special supervision conditions imposed by the court can also be recorded.

As a critical first step in revising the Guidelines, the Commission sought input and guidance from circuit court judges through a survey. The majority of responding judges felt that the Probation Violation Guidelines should cover violations stemming from technical violations, as well as new felony and new misdemeanor convictions. While the Guidelines in place at that time only covered technical violations of supervised probation, 70.7% of responding judges indicated that the Guidelines should apply to violations arising from a new felony conviction and 66.2% felt that the Guidelines should apply to violations arising from a new misdemeanor conviction.

Through the survey, the judges provided insight into factors that, on average, are weighed most heavily when they sanction probation violators. The Commission also sought input from other criminal justice stakeholders (probation officers, Commonwealth's attorneys, and defense attorneys) through a second survey. Most stakeholders agreed with judges that the Probation Violation Guidelines should cover violations arising from new felony and/or misdemeanor convictions in addition to technical violations. Surveys of judges and stakeholders also identified concerns regarding problematic factors or factors not captured on the current Guidelines.

The Commission analyzed a large sample of more than 3,400 probation violation sentencing events from FY2014 through FY2018. Once all available data from multiple sources were compiled, Commission staff conducted detailed statistical analysis. The Commission had two main objectives for the analysis:

- 1) identify factors that judges use consistently when making sentencing decisions in revocation cases, and
- 2) as suggested by the survey's responses, explore the feasibility of expanding the Probation Violation Guidelines to cover probation violations arising from new convictions (i.e., Condition 1 violations).

Through this process, the Commission concluded that the Probation Violation Guidelines could be expanded to cover violations stemming from new felony and misdemeanor convictions. Moreover, the Probation Violation Guidelines could be improved by replacing the current instrument with instruments, one applicable to violators with new felony or misdemeanor convictions and the other specific to violators with technical violations. (See the *2020 Annual Report* for more detailed information on the analysis.) The Commission's recommended changes were accepted by the 2021 General Assembly.

The Commission will closely monitor judicial response to the new Probation Violation Guidelines and will recommend further adjustments, if necessary, based on judicial practice after the changes take effect. Any recommendations for adjustments will be submitted in the Commission's *2022 Annual Report*.

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 for reasons other than a new criminal conviction. 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 2012 and every year since, the General Assembly included in the Appropriation Act 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.

In 2021, the General Assembly adopted legislation that specified limits for probation terms and supervised probation, as well as sentences for technical violations (see House Bill 2038 (2021 Special Session I)). Under the legislation:

- The court may fix the period of probation only up to the statutory maximum of the offense;
- The period of supervised probation may not exceed five years from the release of the defendant from any active period of incarceration (the limitation does not apply to the extent that an additional period of probation is necessary for the defendant to participate in a court-ordered program);
- The limits do not apply to defendants convicted of certain sex offenses (the legislation leaves current requirements for sex offenders in place);
- In any case where a court suspends the imposition or execution of a sentence, it may fix the period of suspension only up to the statutory maximum of the offense;
- The court may not conduct a revocation hearing unless the court issues process to notify the accused or to compel his appearance before the court within 90 days of receiving notice of the alleged violation or within one year after the expiration of the period of probation or the period of suspension, whichever is sooner, or, in the case of a failure to pay restitution, within three years after such expiration;
- If neither a probation period nor a period of suspension was fixed by the court, then the court must issue process within six months (rather than one year) after the expiration of the maximum period for which the defendant might originally have been sentenced.

The newly adopted *Code of Virginia* § 19.2-306.1 defines "technical violation." A technical violation means a failure to:

- Report an arrest within 3 days.
- Maintain regular employment or notify of job changes.
- Report within 3 days of release from incarceration.
- Permit a probation officer to visit home or employment.
- Follow instructions of the probation officer, be truthful/cooperative.
- Refrain from the use of alcoholic beverages to excess.
- Refrain from the use, possession, or distribution of drugs.

- Refrain from the use, ownership, or possession, of a firearm.
- Gain permission to change residence.
- Maintain contact with the probation officer such that the person's whereabouts are no longer known (absconding).

The amended statute's definition of technical violation does not include violations of special conditions set by the court, such as sex offender restrictions, special conditions for gang members, restitution, etc. Violations arising because of new offense convictions are not affected by the new statutory caps. Under the statute, multiple technical violations arising from a single course of conduct or considered at the same revocation hearing are not considered separate technical violations for the purposes of sentencing or sentencing Guidelines.

Limits to the amount of active incarceration a court can impose for a technical violation of probation supervision are as follows (as specified in § 19.2-306.1):

- **1st technical violation** not related to firearm or absconding: No active incarceration.
- **2nd technical violation** or **1st technical violation related to firearm or absconding**: Presumption against incarceration or, if the defendant cannot be safely diverted, up to 14 days incarceration.
- **3rd or subsequent technical violation** or **2nd or subsequent technical violation related to firearm or absconding**: Whatever sentence may have been originally imposed.

The limitations on sentencing do not apply to the extent that an additional term of incarceration is necessary to allow a defendant to be evaluated for or to participate in a court-ordered drug, alcohol, or mental health treatment program.

With the revisions to §§ 19.2-303, 19.2-303.1 and 19.2-306 and the addition of § 19.2-306.1 to the *Code of Virginia*, the Sentencing Commission has adjusted the enclosed Probation Violation Guidelines to ensure they are compatible with the requirements of the new law. The Probation Violation Guidelines have been adjusted to reflect the caps on sentences for technical violations as specified in § 19.2-306.1.

<b>Limits to the amount of active incarceration a court can impose for a technical violation of probation supervision are as follows (as specified in § 19.2-306.1):</b>	
<u>Technical Violation</u>	<u>Statutory Cap on Incarceration</u>
1 <sup>st</sup> technical violation.....	No active incarceration.
1 <sup>st</sup> technical violation related..... to firearm or absconding	Presumption against incarceration, up to 14 days incarceration.
2 <sup>nd</sup> technical violation.....	Presumption against incarceration, up to 14 days incarceration.
2 <sup>nd</sup> or subsequent technical violation..... related to firearm or absconding	Up to the amount of revocable time
3 <sup>rd</sup> or subsequent technical violation.....	Up to the amount of revocable time



# Instructions



# Sentencing Revocation Report and Felony Probation Violation Guidelines – Phase I

## 1.0 Completion Responsibility

### 1.1 Required Forms, Worksheets and Documents for Violations 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, good behavior terms, community-based programs and other forms of suspended sentences.

- Probation Violation Guidelines Worksheets are attached to the Sentencing Revocation Report (cover page) for supervised probation violations initiated by the Department of Corrections' Probation and Parole officers.
- An updated record check is required to be completed before the hearing for the violation(s). The judge must be informed of any convictions that occurred while the defendant was on supervised probation. This may be attached in writing or presented orally to the court.
- Defense counsel must receive copies of the SRR and Probation Violation Guidelines. Local procedures will dictate when the Guidelines are distributed to defense counsel. The recommendation is the same distribution time frame for Pre-Sentence Investigation Reports (5 days before the hearing).

### 1.2 Required Forms, Decision on New Law Conviction Scheduled for the Same Day as the Violation

If a hearing for a new offense charge is scheduled on the same day as a revocation hearing for other violations (Technical, Special or Condition 1), preparers should have alternative Guidelines prepared to include both scenarios on whether the offender is convicted of new offenses that day. When the new conviction is for a felony, guidelines for the new felony conviction and guidelines for the probation violation must be submitted to the court. *Note that unless any new conviction is reached, the appropriate Guidelines for official use would be the ones which do not include a Condition 1, new conviction violation.*

### 1.3 Two Official Preparers

As with Felony Sentencing Guidelines, there are two official preparers: the attorney for the Commonwealth and probation officers (state or local).

- If the attorney for the **Commonwealth** initiates the capias or revocation request for a felony violation, without the probation officer providing a Major Violation Report and supervision details, only the Sentencing Revocation Report (SRR) is completed. For Guidelines purposes this would be identified on the Sentencing revocation report as a good behavior violation. Either the probation officer or the attorney for the Commonwealth may complete the SRR.
- If the **probation officer** completes a Major Violation Report and initiates a PB-15 or capias request for a felony violation, both the SRR (cover page) and the appropriate worksheet will be completed by the probation officer within 30 days prior to the revocation hearing.
- if this is the probationer's first or second technical violation and it does not involve possessing, etc., a firearm (Condition 9) or absconding (Condition 11), AND the **probation officer** submitted a Major Violation Report to the court, the **Commonwealth's attorney** may complete the Sentencing Revocation Report and Worksheet TV 1/2. (In these types of cases, the statutory caps will apply, and less information is needed to complete the Probation Violations Guidelines. The Guidelines have been adjusted to reflect the statutory limits).

- **Local probation** officers may only complete the SRR. Guidelines are not completed for violations for which the defendant was being supervised by local probation. In these cases, only the SRR is submitted to the court.
- Any preparer may complete the SRR for a felony **good behavior violation** (a suspended sentence without a supervised probation condition).

## 2.0 Procedural Rules

### 2.1 One Guidelines Per Probation Violation Event

One Sentencing Revocation report (SRR) is prepared for each good behavior or probation violation hearing event or sentencing event. Both the SRR and one Probation Violation Guidelines worksheet are completed for each felony probation violation event. An event consists of all probation or suspended sentence violations before the same judge in the same court at the same time. One event may cover multiple violations for an offender in the current court. Do not complete multiple SRRs or Probation Violation Guidelines worksheets, if all the cases are before the same judge on the same day and time. Do not complete multiple SRRs or Probation Violation Guidelines worksheets, if the court issues multiple court orders for all the cases before the same judge on the same day and time.

### 2.2 Not to be Completed More than 30 Days Before Scheduled Court Date (Must Be Within 30 Days of Hearing/Sentencing)

The SRR and, when required, Probation Violation Guidelines worksheets should be prepared and submitted to the court, through locally established procedures, no more than thirty (30) days prior to the violation hearing. The SRR and Probation Violation 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.** As the Commission's SWIFT (Sentencing Worksheets and Interactive File Transfer) automated system is implemented across the state, finalizing a Guidelines will place the case on the judge's docket. Finalizing Guidelines in advance will not only be inaccurate but will cause undue burden on the court and its staff.

The sentencing guidelines should not be attached to the Major Violation Report. The Commission recommends the number and type of prior technical violations be included in the Major Violation Report. Several probation districts have adopted a cover sheet that provides the judge with all the information on technical violations needed to implement statutory requirements for technical probation violations. (Appendix 7 is an example of the form used).

If a hearing for a new offense charge is scheduled on the same day as a revocation hearing for other violations (Technical, Special or Condition 1), preparers should have alternative Guidelines prepared to include both scenarios on whether the offender is convicted of new offenses that day. Guidelines for both the new felony law conviction and the probation violation must be presented to the court before sentencing. Note that unless any new conviction is reached, the appropriate Guidelines for official use would be the ones which do not include a Condition 1, new conviction violation.

Defense attorneys must receive copies of the Sentencing Revocation Reports and when required the Probation Violation Guidelines. Local procedures will determine when the guidelines are distributed. Preferably under the same procedures and requirements used for distributing Presentence Reports and Sentencing Guidelines. The courts and judges may receive the guidelines before the revocation hearing.

### 2.3 Preparation Errors

If a scoring error is detected prior to sentencing, the Commission requests that the error be corrected, new Guidelines be prepared and circulated to all parties prior to the sentencing event. SWIFT will allow for Guidelines to be corrected and until advised otherwise, preparers will need to provide a paper copy or send a PDF copy by email.

## 2.4 Changes at Sentencing

If a preparation error is detected at sentencing or additional conditions are cited, the Commission requests that the worksheet be rescored 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. SWIFT will allow for Guidelines to be corrected and resubmitted to the court.

In the case of pending charges before the same court and judge, preparers must anticipate possible outcomes and prepare for each outcome. If a hearing for a new offense charge is scheduled on the same day as a revocation hearing for other violations (Technical, Special or Condition 1), preparers should have alternative Guidelines prepared to include both scenarios on whether the offender is convicted of new offenses that day. Note that unless any new conviction is reached, the appropriate Guidelines for official use would be the ones which do not include a Condition 1, new conviction violation.

## 2.5 Guidelines Recommendation Exceeds Revocable Time

If it is determined that the Guidelines Recommendation from Worksheets TV-3, New Law F or New Law M exceed revocable or suspended time, the recommendation is adjusted. Manually change any part of the Guidelines recommendation above the amount of suspended time to the suspended time that the court may imposed for a felony probation violation.

## 2.6 Condition 1 Cited After Release from Probation or Before the Start of a New Current Supervision Period

If there is an alleged violation that is not addressed before the defendant is released from supervised probation the guidelines do not apply. Complete the Sentencing revocation Report (SRR) and mark **procedural** for the type of revocation on the SRR. If the alleged violation occurred before the start of a new supervision period and was not addressed in a previous probation revocation event, the Guidelines do not apply. Complete the Sentencing Revocation Report (SRR) and mark **procedural** for the type of revocation on the SRR.

## 2.7 Judicial Disagreement with Worksheet Scoring Rules

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 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. This information is very crucial during the initial implementation of Probation Violation Guidelines (Phase I).

## 2.8 Recording the Departure Reasons

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 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. Departure reasons will allow the Commission to refine the Guidelines to better reflect judicial sentencing patterns.

## **2.9 Mailing Responsibility**

The Circuit Court Clerk is to forward the completed SRR and a copy of the court order to the Virginia Criminal Sentencing Commission within five days following the entry of the final order of conviction and sentence. When the Probation Violation Guidelines are completed, the Guidelines forms must be attached to the completed SRR.

### **Submitting Forms to the Virginia Criminal Sentencing Commission,**

**Mailing address:** 100 North Ninth Street, 5th Floor  
Richmond, VA 23219.

**Email address:** [vguidelines@vacourts.gov](mailto:vguidelines@vacourts.gov). Contact the Commission for further details on submitting forms by email.

**SWIFT:** 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. SWIFT is currently operational in several courts. Your court will notify Guidelines users when paper forms are no longer required and the submittal of forms to the judge, the clerk and the Commission is fully automated. Until advised otherwise, continue with the paper submission process.

### **3.0 Sentencing Revocation Report and Probation Violation Guidelines Worksheets Location, Description and Hierarchy**

Users may obtain a SWIFT account to access, prepare and submit Guidelines worksheets. (Please email swift@vacourts.gov with your name, bar number if an attorney, email address, primary court and a private account will be established for you.) Other electronic versions of the worksheets are available at www.vcsc.virginia.gov or mobile.vcsc.virginia.gov, for use in emergencies or if access to SWIFT is not available. Users are encouraged to take advantage of SWIFT.

#### **3.1 Worksheets**

For every felony state-supervised probation violation event, the SRR is completed along with the appropriate Probation Violation Guidelines for each court. Only complete one worksheet per probation revocation event based on: first technical violation, second technical violation, third or subsequent technical violation, special condition violation, new misdemeanor law violation (conviction) or new felony law violation (conviction). Only one worksheet is completed per revocation event (revocation for the same court, same judge, on the same day and time), even if there are multiple supervision terms or multiple court orders from the same court.

If the defendant has multiple obligations to different courts, the SRR is completed along with the proper Probation Violation Guidelines for each separate court. Probation violations are specific to each court. Prior probation violations in other jurisdictions and courts are not scored on the Probation Violation Guidelines.

#### **3.2 Worksheet TV 1/2**

Prepare Worksheet TV 1/2 when the alleged violation is technical in nature (Conditions 2-11). Decide if the current violation is the first or second technical violation and if one of the conditions cited is Condition 9 (possession, etc., firearm) or Condition 11 (absconding).

Prior violations must also be technical in nature. Technical in nature includes Conditions 2-11 in addition to a Condition 1, new law violation or a special condition violation. A prior technical violation does not include a single violation of a new law conviction (Condition 1) or a special condition violation. Prior revocation events that include both new law or special condition and technical violations are included when counting the number of previous technical violations.

#### **3.3 Worksheet TV 3/Special Conditions Violations (SCV)**

Prepare Worksheet TV 3 when the alleged violation is third technical in nature (Conditions 2-11) or a special condition violation. The current violation must be at least the third technical violation.

Prior violations must also be technical in nature. Technical in nature includes Conditions 2-11 in addition to a Condition 1, new law violation or a special condition violation. A prior technical violation does not include a single violation of a new law conviction (Condition 1) or a special condition violation. Prior revocation events that include both new law or special condition and technical violations are included when counting the number of previous technical violations.

#### **3.4 Worksheet New Law M**

Prepare Worksheet New Law M when the alleged violation is Condition 1 and the new conviction is for a misdemeanor offense in Virginia or an out-of-state offense that is similar to a misdemeanor in Virginia. The out-of-state conviction may be a felony in the other state but use Virginia's current penalty structure and corresponding VCC to identify the offense. If Condition 1 is cited based on a traffic infraction, civil offense or any lesser offense accepted by the court, complete the New Law M worksheet. Convictions for probation, suspended sentence or good behavior

violations are not scored as new law violations. This worksheet is only completed when there is a conviction. The worksheet does not apply when there is only an arrest.

If there is a combination of technical/special condition violations and new misdemeanor convictions during the Current Supervision Period, prepare Worksheet New Law M based on the new misdemeanor. See page 26 for definition of Current Supervision Period.

### 3.5 Worksheet New Law F

Prepare Worksheet New Law F when the alleged violation is Condition 1 and the new conviction is for a felony offense in Virginia or an out-of-state offense that is similar to a felony in Virginia. The out-of-state conviction may be a misdemeanor in the other state but use Virginia's current penalty structure and corresponding VCC to identify the offense.

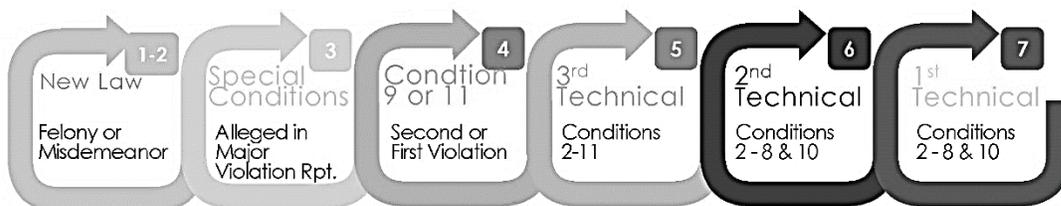
If there is a combination of technical/special violations and new felony and misdemeanor convictions during the Current Supervision Period, prepare Worksheet New Law F based on the new felony conviction. See page 26 for definition of Current Supervision Period. Convictions for probation, suspended sentence or good behavior violations are not scored as new law violations.

### 3.6 Hierarchy for selecting the appropriate worksheets

The type of violation determines the worksheet that is completed for the court. This is different from selecting the most serious offense in the probation revocation event. Select the worksheet based on this ordered list:

1. New Law Felony (Condition 1)
2. New Law Misdemeanor (Condition 1)
3. Special Conditions Violation (Alleged in the Major Violation Report)
4. Violation of Conditions 9 (firearms) or 11 (abscond) (1st, 2nd or 3rd/sub)
5. Third Technical Violation of Conditions 2,3,4,5,6,7,8 or 10 (9 and 11 are counted as prior technical violations)\*
6. Second Technical Violation of Conditions 2,3,4,5,6,7,8 or 10 (9 and 11 are counted as prior technical violations)\*
7. First Technical Violation of Conditions 2,3,4,5,6,7,8 or 10

\*Note: Condition 9 (firearms) and Condition 11 (Absconding) are technical violations. Rule 4 applies when the current violation includes a Condition 9 or 11. Otherwise, count a prior violation of Condition 9 or 11 as a technical violation for Rules 5 and 6. Also for Rules 5 and 6, prior technical violation includes violations of Conditions 2-11 with Condition 1 or special condition violations in the same event. If Conditions 2-11 were violated in prior revocations in combination with non-technical violations, still count as a prior technical violation.



## **4.0 General Rules**

### **4.1 Probation Violation Not Scored as an Additional Offense**

Probation violations are not to be scored as additional offenses on the felony 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) and the appropriate Probation Violation Guidelines worksheet. Sentencing for new law violations and probation violations may occur on the same day in the same court. If so, the following two Guidelines 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 and, if applicable, Probation Violation Guidelines based on a first technical violation, second technical violation, third technical violation, special condition violation, new misdemeanor law violation or new felony law violation (unless the Commonwealth's attorney is proceeding with a good behavior violation, then only the SRR is completed).

### **4.2 Probation Violation Guidelines Apply to Violations of State Supervised Felony Probation**

Felony Probation Violation Guidelines apply to new law violations (Condition 1), technical violations (Conditions 2-11) and special conditions. The guidelines do not apply to misdemeanor probation violations, local probation violations or good behavior/suspended sentence violations. When the Probation Violation Guidelines do not apply the Sentencing Revocation Report (SRR) is completed for the court.

Condition 1 is cited, "Fail to obey all Federal, State and local laws and ordinance," when there is a new conviction during the Current Supervision Period that violates the conditions of the suspended sentence/probation. In some jurisdictions the court may determine that a deferred finding satisfies the requirements for a new law conviction (a Condition 1 violation) and Probation Violation Guidelines based on the new law violation(s) apply instead of the Probation Violation Guidelines for technical violations.

**4.3 Technical violations** include any state supervised probation conditions other than Condition 1 (e.g., Conditions 2-11). The amended statute's definition of technical violation does not include violations of special conditions set by the court, such as sex offender restrictions, special conditions for gang members, restitution, etc. For Guidelines purposes, violations arising because of new offense convictions are not affected by the revised statute. Under the statute, multiple technical violations arising from a single course of conduct or considered at the same revocation hearing are not considered separate technical violations for the purposes of sentencing or Guidelines.

The conditions identified in the Major Violation Report and cited on the SRR determine if and what factors are scored on the Probation Violation Guidelines worksheets. Failure to include the violation details in the Major Violation Report or other report to court would require that the factor not be scored on the worksheet.

A copy of the Conditions of Probation used by the Department of the Corrections can be found in Appendix 1-A.

#### 4.4 Probation Violation Guidelines Do Not Apply Under the Following Circumstances:

- A. The probationer is on local probation for felonies or misdemeanor offenses (for a felony submit the Sentencing Revocation Report (SRR)).
- B. The probationer was placed on probation for a misdemeanor by the Circuit Court (if required by the court, submit only the SRR)
- C. The probationer is revoked for something other than state probation (i.e., good behavior, suspended sentence) (for a felony submit the SRR).
- D. The probationer is removed from CCAP for cause (disciplinary reasons) or for administrative or medical reasons. Only the SRR is required.
- E. The probationer is in violation of §§ 18.2-251 or 18.258.1, (**first offender** status) or §§ 19.2-303.6 or 19.2-298.02 or any other **deferred finding**/sentence. For first offender violation cases or any deferred cases, please prepare the proper sentencing Guidelines worksheet.
- F. The SRR and Probation Violation Guidelines are not required when a case is being resentenced (i.e., the individual is not being revoked). If the offender is resentenced because of failure to qualify for an alternative (i.e., 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 original Sentencing Guidelines recommendation.

## **5.0 Decision of the Court**

**5.1 Disposition-** The sentencing judge or his designee is responsible for completing the back page of the SRR. The back page 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.

**5.2 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.

**5.3 Probation Violation Not Scored as an Additional Offense on Felony Sentencing Guidelines** - Probation violations are not to be scored as additional offenses on the felony Sentencing Guidelines for new offenses. The judge must receive Guidelines for the new felony offense(s), if covered by the Guidelines, and a copy of the SRR. The SRR must identify the alleged conditions of probation violated and, when appropriate, include the VCC for the new law violation. For Guidelines purposes, a new law violation must be for a conviction, not for an arrest only. Sentencing for new law violations and probation violations may occur on the same day in the same court. If so, the following two Guidelines 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 and, if applicable, Probation Violation Guidelines based on a first technical violation, second technical violation, third technical violation, special condition violation, new misdemeanor law violation or new felony law violation (unless the Commonwealth's attorney is proceeding with a good behavior violation, then only the SRR is completed).



## 6.0 GLOSSARY: 10 KEY Terms

### General

When scoring the Probation Violation Guidelines, several factors are specific to the order in which the convictions and revocations occurred:

1. Before the original sentencing date
2. After the original sentencing date and
3. before the start of the Current Supervision Period and
4. During the Current Supervision Period.

Prior probation violations are scored for the current court only, even if the defendant has probation obligations to other courts. Prior convictions are scored for any court, local, state, federal or international. Below are key terms needed to correctly score the Probation Violation Guidelines.

❶ **Original Sentencing Date:** This is the date the defendant was originally sentenced for any felony offense in the Current Probation Violation Event. Among the offenses in the probation violation event, if the defendant currently has multiple obligations in this court with different original sentencing dates, enter the earliest original sentencing date. **The earliest sentencing date may not be for the primary offense (the most serious offense).** It is the earliest sentencing date for all offenses in the current probation violation event (definition below). The original sentencing date will never change if the same offenses are in future violations or revocation. events This is the first date the defendant was sentenced and placed on probation for any offense in the Current Probation Violation Event. The earliest sentencing date cannot be a for a misdemeanor offense unless the probationer was also on probation for a felony offense.

❷ **Primary Offense:** Selecting the most serious offense in the probation revocation event is different from selecting the appropriate worksheet.

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
5. Drug Crimes
- 6- Highest Sentence (Note: if the same effective sentence, select either as the most serious offense)

The type of violation (not the primary offense) determines the worksheet that is completed for the court. The correct worksheet is selected based on this hierarchical list:

1. New Law Felony (Condition 1)
2. New Law Misdemeanor (Condition 1)
3. Special Conditions Violation (Alleged in the Major Violation Report)
4. Violation of Conditions 9 (firearms) or 11 (abscond) (1st, 2nd or 3rd/subsequent)
5. Third Technical Violation of Conditions 2,3,4,5,6,7,8 or 10 (9 and 11 are counted as prior technical violations)\*
6. Second Technical Violation of Conditions 2,3,4,5,6,7,8 or 10 (9 and 11 are counted as prior technical violations)\*
7. First Technical Violation of Conditions 2,3,4,5,6,7,8 or 10

\*Note: Condition 9 (firearms) and Condition 11 (Absconding) are technical violations. Rule 4 applies when the current violation includes a Condition 9 or 11. Otherwise, count a prior violation of Condition 9 or 11 as a technical violation for Rules 5 and 6.

- ③ **Entire Supervision Period:** This period is from the earliest date the defendant was placed on probation in this court for any of the offenses in the Current Probation Violation Event, up to the current hearing/sentencing date.

**Note:** The Treatment, Sanctions, Educational Programs & Alternatives Utilized factor on the Sentencing Revocation Report (SRR) cover page is for any program during the entire supervision period and not just for the Current Supervision Period.

- ④ **Current Supervision Period:** For defendants with no prior probation violations for any of the offenses subject to revocation, the Current Supervision Period begins on the date the court places the defendant on probation up to the current hearing/sentencing date.

For defendants with prior violations for any of the offenses subject to revocation, the Current Supervision Period begins on the date of the last time the defendant was found in violation of probation in this court (or if incarcerated, the date that probation was resumed after being found in violation) up to the current hearing/sentencing date.

The start date for the Current Supervision Period is reset each time the court finds the defendant in violation of probation or revokes the defendant's probation. For example, if the court finds the defendant in violation of probation on January 2, 2022, but continues the defendant on probation, the start date for the Current Supervision Period is January 2, 2022.

If the court takes a probation revocation under advisement, without finding the defendant in violation, there is no new start date. The current supervision start date stays the same and any specific violations alleged during this period will be scored on future Guidelines.

*Example: On January 4, 2021, the defendant is placed on probation. In December 2021, a revocation hearing is held, and the court took findings under advisement. The defendant is now being brought back before the court for another violation hearing. Since the court did not find the defendant in violation in December 2021, the current supervision start date still is January 4, 2021.*

- ⑤ **Current Probation Violation Event:** This identifies violations since the last court action to place the defendant on probation, revoke or continue probation up to the date of the scheduled revocation hearing in the current court. It includes violations for all underlying offenses and their associated counts from the same court. Probation violations before the same judge, same court on the same day are one violation event, regardless of the number of previous sentencing events or underlying offenses. The Current Probation Violation Event is focused on the current court and no other court. Different court orders do not establish different probation violation events. Even if there are multiple court orders, violations before the same judge, same court and same time are identified as one probation violation event.

- ⑥ **In-between Probation Violation/Revocation Event:** This factor scores probation violations for the current offense(s) that occurred between the original sentencing date and start of the Current Supervision Period. It includes violations for all underlying offenses and their associated counts from the current court. Probation violations before the same judge, same court on the same day are one violation event, regardless of the number of previous sentencing events or underlying offenses.

- ⑦ **Prior Probation Violation/Revocation Event:** This factor scores probation violations in the current court for offense(s) that occurred prior to the original sentencing date for offenses in the Current Probation Violation Event. It includes violations for all underlying offenses and their associated counts from the current court. Probation violations before the same judge, same court on the same day are one violation event, regardless of the number of previous sentencing events or underlying offenses.

This includes any revocation for an offense that occurred before the original offense date for offenses in the Current Violation Event. The revocation must occur before the original sentencing date and not on or after the original sentencing date. In other words, the prior revocation is from a different supervision period and not the current.

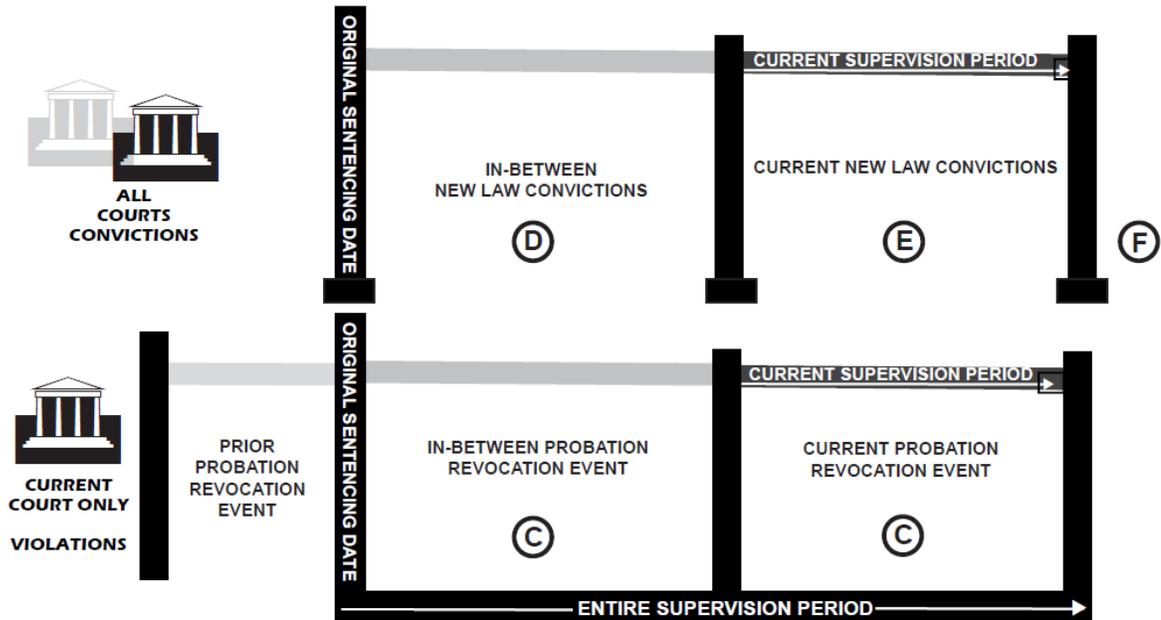
If a defendant is placed on probation for a felony offense, any revocation that follows is always identified and scored as a felony violation/revocation for this factor. Any change in penalty structure for the underlying offense does not reduce the felony probation violation to a misdemeanor violation. When scoring prior probation violations before the original sentencing date, all historical revocations for violations of state supervised probation for felony offenses (i.e., underlying offense was a felony when the offense was committed) must be scored as felony violations.

**Note:** This rule is different from the instructions provide in the Sentencing Guidelines manual for scoring prior convictions/adjudications on the sentencing guidelines. Changes in penalty structure does impact the scoring of prior convictions, adjudications and revocations on the guidelines for new felony offenses. Please refer to General Instructions, page 24, in the Sentencing Guidelines manual when completing guidelines for new felony offenses.

**Note:** Prior revocations of **First Offender** (§§ 18.2-251 or 18.2-258.1), and any **deferred finding** cases (§§ 19.2-298.01 or 19.2-303.6) are not considered a probation violation on Guidelines. Probation violations are only counted after the defendant has formally been convicted of a charge.

- ⑨ **Current New Law Conviction(s):** Convictions for any offenses that occurred during the Current Supervision Period (after the start date of the Current Supervision Period) and would, in most cases, result in a Condition 1 citation. This includes convictions from any court (international, federal, state or local courts). Convictions for probation, suspended sentence or good behavior violations are not scored as new law violations. The type of new law violation, felony or misdemeanor, is determined by Virginia's current penalty structure at the time of the current revocation hearing.
- ⑩ **In-between New Law Conviction(s):** This factor scores new convictions in any court while the defendant was on probation supervision for any of the current offense(s). Any court includes international, federal, state or local courts). Only convictions where both the offense and conviction dates occurred between the original sentencing date and start of the Current Supervision Period are scored. Convictions prior to the original sentencing date are not scored. Convictions for probation, suspended sentence or good behavior violations are not scored as new law violations. Arrests are not scored.
- ⑩ **Good Behavior Violation/Suspended Sentence Violation:** A defendant may be on both good behavior (§ 19.2-306) or suspended sentence (unsupervised probation) and supervised probation. If the decision is to move forward with a Good Behavior or Suspended Sentence Violation only the SRR cover page is completed (the Commonwealth's attorney may complete the SRR.) There is no recommendation for good behavior or suspended sentence violations. Good Behavior or Suspended Sentence Violations are not scored as prior probation violations.

## 6.1 Probation Violation Time Based Factors Example



Date Sentenced	Court	Charged Offense	Convicted Offense	Sentence Imposed, Suspended, or Effective	State Supervised Probation Period
August 15, 1999	Juvenile				
Jan 2, 2005	Wise	Unlawful Wounding 7/1/2004 (O)	Same	5 Years Imposed 7 Months to Serve	2 Years
July 3, 2006	Wise	Forgery 12/20/2005 (O)	Same	5 Years Imposed All Suspended	2 Years
July 12, 2006 (B)	Wise	Probation Violation (Unlawful Wounding)	Same	4 Years, 5 Months Imposed, 6 Months to Serve	Continue Supervised Probation
February 26, 2009 (A)	Suffolk	Forcible Rape 5/31/2008 (O)	Same	25 Years Imposed 10 Years to Serve	10 Years Probation
November 1, 2017	Released from Prison – Probation Starts				
April 2, 2020	Suffolk	Grand Larceny Auto (\$15,000) 12/31/2019 (O) (D)	Same	2 Years Imposed 12 Months to Serve	2 Years Probation
April 15, 2020	Suffolk	Probation Violation (Rape) (C)	Same	15 Years Imposed, 1 Year to serve	Continue Supervised Probation
October 1, 2021	Released from Jail – Probation Continues				
May 1, 2022	Suffolk	Burglary 2/14/2022 (O) (E)	Same	5 Years Imposed 1 Year to Serve	5 Years Probation
May 22, 2022	Wise	Weapon Possession 02/01/2022 (O) (E)	Same	5 Years Imposed 5 Years to Serve	5 Years Good Behavior
July 1, 2022	Suffolk	Probation Violation (Rape & Grand Larceny) (C)		Current Violation	
Pending July 3, 2022	Alleghany	Grand Larceny Auto		(F)	

## Timeline Case Example

### The Facts:

The defendant has a juvenile record that cannot be verified. Based on the criminal history, the defendant has several felony convictions from Wise Circuit Court and Suffolk Circuit Court. In addition to the convictions for felony offenses, both courts have revoked the defendant's probation. Currently, the defendant is on probation in Suffolk after serving about nine years for forcible rape. The defendant is now before the Suffolk Circuit Court for a second probation violation.

The defendant has a probation violation hearing scheduled for July 1, 2022.

The current alleged violations detailed in the major violation report:

- Condition 1: new convictions in Suffolk for Burglary and a possession of a weapon by a convicted felon in Wise.
- Condition 11: abscond from supervision
- Special Condition: fail to complete sex offender treatment program

### Scoring the Guidelines Factors

**A.** Determine the earliest original sentencing date and the start date of the Current Supervision Period. In this Suffolk case the defendant was sentenced for forcible rape on February 26, 2009, and eventually released on probation on November 1, 2017.

**B.** Prior to the original sentencing date of February 26, 2009, the defendant has one prior probation revocation in Wise County Circuit Court. However, the factors related to Prior Felony Revocation(s) can only be scored for the current court. In the current court, Suffolk Circuit Court, there are no prior probation revocations before February 26, 2009. The prior probation revocation in Suffolk occurred after February 26, 2009.

**C.** The number of Felony Revocation Events in the current court, Suffolk Circuit Court, is two. The current pending probation violation scheduled for July 1, 2022, and the revocation on April 15, 2020 that resulted in a one-year sentence.

**D.** Between the release date (November 1, 2017) and the start of the Current Supervision Period (October 1, 2021) the defendant has one felony conviction during this period for grand larceny auto (April 2, 2020). Convictions for any court is scored for this factor, but in this case the conviction occurred only in the current court.

**E.** New Law Convictions includes all convictions in every court for felonies or misdemeanors. It is alleged in the major violation report that the defendant was in violation of Condition 1 based on convictions for two new offenses. On May 1, 2022, in the Suffolk Circuit Court the defendant was sentenced for burglary and on May 22, 2022, sentenced in Wise County Circuit Court for possession of a weapon by a convicted felon.

**F.** The defendant was arrested in Alleghany County for grand larceny auto during the Current Supervision Period. However, the defendant was not convicted of the offense by the date of the current probation violation sentencing. Arrests are not scored. Had the defendant been convicted of the offense, but not sentenced, then the grand larceny auto would have been scored under the New Law Convictions factor.





# Sentencing Revocation Report (SRR) - Felony Supervision/Good Behavior/Suspended Sentence Violations

## ◆ OFFENDER \_\_\_\_\_

First: \_\_\_\_\_ Middle: \_\_\_\_\_ Last: \_\_\_\_\_ Suffix: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ SSN: \_\_\_\_\_ SID/CCRE: \_\_\_\_\_ CORIS Offender ID: \_\_\_\_\_

## ◆ COURT \_\_\_\_\_

Judicial Circuit: \_\_\_\_\_ City/County: \_\_\_\_\_ Docket Number: \_\_\_\_\_ FIPS Code: \_\_\_\_\_

## ◆ TYPE OF REVOCATION \_\_\_\_\_

(Complete SRR and Guidelines):  State Supervised Probation for Felony

(Complete SRR only, guidelines do not apply):  Local Probation  Good Behavior /Suspend Sentence  CCAP  Procedural

(NOTE: This form is not completed for First Offender Violations, Deferred Finding Violations or Parole Violations)

Technical Violation 2-11:  1st  2nd  3rd or sub

Technical Violation 9 or 11:  1st  2nd  3rd or sub

Special Conditions:  Yes

New Law Violation:  Felony  Misdemeanor

## ◆ CONDITIONS CITED IN VIOLATION BY PROBATION/PAROLE OFFICER (check all that apply)

- 1. Fail to obey all Federal, State, and local laws.
- 2. Fail to report any arrests within 3 days to PO.
- 3. Fail to maintain employment or to report changes.
- 4. Fail to report as instructed
- 5. Fail to allow probation officer to visit home or job.
- 6. Fail to follow instructions, be truthful, and cooperative.
- 7. Use alcoholic beverages
- 8. Use, possess, distribute controlled substances or paraphernalia
- 9. Use, own, possess, transport or carry firearm
- 10. Change residence or leave Virginia without permission
- 11. Abscond from supervision
- Fail to follow special conditions (specify)

Special Sex Offender Conditions  
(Enter Letter for Condition(s) Violated):

Special Gang Member Conditions  
(Enter Letter for Condition(s) Violated):

## ◆ TREATMENT, SANCTIONS, EDUCATIONAL PROGRAMS & ALTERNATIVES UTILIZED

(For Judicial Review)

	Enrolled/Ordered	Completed	Not Completed	Ineligible
Anger management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CCAP	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community Service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Drug Screens increased/ordered	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Employment Skills Program	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gang Supervision	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Incarceration - jail or prison	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Increase in supervision level	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mental health counseling	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parenting class	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Recidivist Prevention Program	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reprimand	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Salvation Army Program	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sex offender treatment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Specialty Court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Substance Abuse Program, Jail/DOC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Substance Abuse treatment, inpatient	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Substance Abuse treatment, outpatient	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Substance Abuse treatment: AA or NA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thinking for a Change	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Voice Verification Biometrics Monitoring	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

◆ DATE ARRESTED FOR THIS VIOLATION: \_\_\_\_/\_\_\_\_/\_\_\_\_

◆ PRETRIAL CONFINEMENT FOR THIS VIOLATION  No

Confined Since Arrest for Violation Dates Confined \_\_\_\_/\_\_\_\_/\_\_\_\_ to \_\_\_\_/\_\_\_\_/\_\_\_\_ Dates Confined \_\_\_\_/\_\_\_\_/\_\_\_\_ to \_\_\_\_/\_\_\_\_/\_\_\_\_  
(For Judicial Review. There is no indication that the times served will be applied to this case)

◆ PRETRIAL STATUS RELEASE :

Bond: \_\_\_Secured \_\_\_Unsecured  Own Recognizance  Third Party Release  N/A

◆ RECOMMENDATION RANGE:  No Time

Time Served

to

Years Months Days                      Years Months Days

(Note to Judge: If you find the defendant has good rehabilitation potential, mark the box on the disposition page.  
The low end of the recommendation will be time served or zero additional days.)



# Sentencing Revocation Report (SRR) - Felony Supervision/Good Behavior/Suspended Sentence Violations

## ◆ OFFENDER \_\_\_\_\_

First: \_\_\_\_\_ Middle: \_\_\_\_\_ Last: \_\_\_\_\_ Suffix: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ SSN: \_\_\_\_\_ SID/CCRE: \_\_\_\_\_ CORIS Offender ID: \_\_\_\_\_

## ◆ COURT \_\_\_\_\_

Judicial Circuit: \_\_\_\_\_ City/County: \_\_\_\_\_ Docket Number: \_\_\_\_\_ FIPS Code: \_\_\_\_\_

## ◆ TYPE OF REVOCATION \_\_\_\_\_

(Complete SRR and Guidelines):  State Supervised Probation for Felony

(Complete SRR only, guidelines do not apply):  Local Probation  Good Behavior /Suspend Sentence  CCAP  Procedural

(NOTE: This form is not completed for First Offender Violations, Deferred Finding Violations or Parole Violations)

Technical Violation 2-11:  1st  2nd  3rd or sub  
 Technical Violation 9 or 11:  1st  2nd  3rd or sub  
 Special Conditions:  Yes  
 New Law Violation:  Felony  Misdemeanor

## ◆ CONDITIONS CITED IN VIOLATION BY PROBATION/PAROLE OFFICER (check all that apply)

- 1. Fail to obey all Federal, State, and local laws.
- 2. Fail to report any arrests within 3 days to PO.
- 3. Fail to maintain employment or to report changes.
- 4. Fail to report as instructed
- 5. Fail to allow probation officer to visit home or job.
- 6. Fail to follow instructions, be truthful, and cooperative.
- 7. Use alcoholic beverages
- 8. Use, possess, distribute controlled substances or paraphernalia
- 9. Use, own, possess, transport or carry firearm
- 10. Change residence or leave Virginia without permission
- 11. Abscond from supervision
- Fail to follow special conditions (specify)

Special Sex Offender Conditions  
 (Enter Letter for Condition(s) Violated):

Special Gang Member Conditions  
 (Enter Letter for Condition(s) Violated):

## ◆ TREATMENT, SANCTIONS, EDUCATIONAL PROGRAMS & ALTERNATIVES UTILIZED

(For Judicial Review)

	Enrolled, Ordered	Completed	Not Completed	Ineligible
Anger management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CCAP	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community Service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Drug Screens increased/ordered	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Employment Skills Program	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gang Supervision	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Incarceration - jail or prison	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Increase in supervision level	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mental health counseling	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parenting class	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Recidivist Prevention Program	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reprimand	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Salvation Army Program	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sex offender treatment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Specialty Court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Substance Abuse Program, Jail/DOC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Substance Abuse treatment, inpatient	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Substance Abuse treatment, outpatient	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Substance Abuse treatment: AA or NA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thinking for a Change	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Voice Verification Biometrics Monitoring	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

◆ DATE ARRESTED FOR THIS VIOLATION: \_\_\_\_/\_\_\_\_/\_\_\_\_

◆ PRETRIAL CONFINEMENT FOR THIS VIOLATION  No

Confined Since Arrest for Violation Dates Confined \_\_\_\_/\_\_\_\_/\_\_\_\_ to \_\_\_\_/\_\_\_\_/\_\_\_\_ Dates Confined \_\_\_\_/\_\_\_\_/\_\_\_\_ to \_\_\_\_/\_\_\_\_/\_\_\_\_  
 (For Judicial Review. There is no indication that the times served will be applied to this case)

◆ PRETRIAL STATUS RELEASE :

Bond: \_\_\_Secured \_\_\_Unsecured  Own Recognizance  Third Party Release  N/A

◆ RECOMMENDATION RANGE:  No Time

Time Served

to     
Years Months Days                      Years Months Days

(Note to Judge: If you find the defendant has good rehabilitation potential, mark the box on the disposition page. The low end of the recommendation will be time served or zero additional days.)

## 7.0 Completing the Sentencing Revocation Report Cover Page

### 7.1 Offender

Enter the offender's first, middle, and last name, and suffix.

Fill in the offender's date of birth. If unknown, leave blank.

Fill in the offender's social security number. If unknown, leave blank.

Fill in the offender's Central Criminal Records Exchange (CCRE) number. If no Virginia number has been assigned, leave blank.

Enter the CORIS Offender ID generated by DOC.

### 7.2 Court

Enter the circuit number of the sentencing court.

Enter the name of the city or county that the court serves.

Enter a docket number that identifies the current probation violation sentencing event. If there are multiple numbers, enter all the docket numbers. If prepared using *SWIFT* and the court has a standard numbering system to assign docket numbers, *SWIFT* will capture the related docket number for the revocation event.

Enter the FIPS Code that corresponds to the city or county where the sentencing court is located. For a FIPS code listing, refer to Appendix 5 of the Sentencing Guidelines Manual.

### 7.3 Type of Revocation

Complete Sentencing Revocation Report (SRR) cover page and Guidelines Worksheets for State Supervised Probation Violations associated with felony offenses.

Guidelines do not apply for local probation, good behavior, or suspended sentence violations. Guidelines do not apply for removal from CCAP for cause or administratively for health or other reasons.

7.3.1 Mark **procedural** for the type of revocation on the SRR if there is an alleged violation that is not addressed before the defendant is released from supervised probation, the guidelines do not apply. Complete the Sentencing revocation Report (SRR) and mark procedural for the type of revocation on the SRR. If the alleged violation occurred before the start of a new supervision period and was not addressed in a previous revocation event, the Guidelines do not apply. Complete the Sentencing Revocation Report (SRR) and mark procedural for the type of revocation on the SRR. Mark procedural on the SRR. Guidelines do not apply if adult probation is supervising a juvenile case on appeal from Juvenile and Domestic Relations Court. If the defendant was not certified as an adult, mark the procedural box.

7.3.2 NOTE: Neither the SRR cover page nor Probation Violation Guidelines are completed for **first offender** cases (§18.2-251 or §18.2-258.1), any **deferred finding** cases (§§ 19.2-298.02, 19.2-303.6), post-release or parole violations. ***If the defendant is found in violation of the conditions of the deferral, the felony Sentencing Guidelines for that offense must be completed.***

7.3.3 Mark all boxes that apply for the current alleged violations: technical violation (Conditions 2-11), technical violations of 9 and 11, a violation of special conditions or a violation based on a new law conviction (felony or misdemeanor).

7.3.3.1 **Conditions 2-11:** If Conditions 2-11 are the only violations cited, mark the appropriate boxes for all of the probation obligations in the event. There may be cases when the Current Probation Violation Event includes probation obligations that have previously been revoked. In other words, it may be appropriate to mark first, second, and third or subsequent state probation violation. If a prior revocation includes new laws (Condition 1) and special conditions along with technical violations mark the violation as a prior technical violation. Do not mark this box if the prior violation is for Condition 1 or special conditions only. The preparer may also mark Conditions 9 or 11 if the current violation includes a firearm or absconding violation. Conditions 9 and 11 are defined by statute as technical violations. *(For example, the defendant may be on probation in the same court for three separate periods of supervision: a 2019 period of supervision that was previously revoked twice (once in 2020 and 2021) a 2020 period of supervision that was previously revoked in 2021, and the current 2022 period of supervision that is being revoked for the first time. In this example all the boxes would be marked).*

7.3.3.2 **Conditions 9 or 11:** If Conditions 9 or 11 are currently cited, also mark the appropriate boxes for all of the probation obligations in the event. Mark second or subsequent state probation violation if the defendant previously violated Conditions 9 or 11 during the supervision period for underlying offenses in the Current Probation Violation Event. (For example, if the defendant has a prior violation for absconding (Condition 11) and the current violation is for technical including absconding, mark the current violation as the second violation of Conditions 2-11 and as the second violation for violation of Conditions 9 or 11).

7.3.3.3 The **special condition** box is marked if the defendant is in violation of any special conditions imposed by the court or are detailed in the Major Violation Report. Some of the common special conditions that may be cited are special sex offender conditions or conditions specific to gang members or financial obligations. This is not an exhaustive list.

7.3.3.4 If **Condition 1** is also cited as one of the reasons for the violation, mark new law violation and identify if the new law violation(s) is for a new felony or misdemeanor conviction or both. The judge may decide that a placement on **first offender** (§§ 18.2-251 or 18.2-258.1), any **deferred** finding (§§ 19.2-298.02 or 19.2-303.6) or finding taken under advisement satisfies the legal requirement for a violation of **Condition 1** (new law violation).

#### 7.4 Conditions Cited in Violation by Probation/Parole Officer (check all that apply)

Check the appropriate boxes indicating the conditions of state probation that were allegedly violated by the defendant. The conditions violated must be the same that are named in the capias, warrant, revocation request or Major Violation Report and related amendments. If, at the hearing, the court finds the defendant in violation of other conditions, the judge can record the conditions violated on the SRR disposition page.

7.4.1 If special conditions are violated (other than sex offender and validated gang member conditions), enter a brief title or description of the most serious special condition violated.

7.4.2 If special sex offender conditions are violated, enter the letter or number associated with the most serious sex offender condition violated. Sex offender conditions and their associated letters or numbers are included in Appendix 1-B.

7.4.3 If validated gang member conditions are violated, enter the letter or number associated with the most serious gang offender condition violated. Serious gang offender conditions and their associated letters or numbers are included in Appendix 1-C.

## 7.5 Treatment, Sanctions, Educational Programs and Alternatives Utilized

The purpose of this section is to provide the probation officer or Commonwealth's Attorney a standardized way, in every case, to inform the judge about programs that have been tried, programs that were successful or not, and new options that are available. Identifying any treatment, sanctions, or alternative has no impact on the Guidelines recommendation. This section is solely for informational purposes only. The information is for the use of the judge in sentencing and determining what alternatives may be utilized for the current violation.

Check the appropriate box for every treatment, sanction, or program (hereinafter referred to as "alternative program") the defendant has participated in, been enrolled in, or ordered to complete during the entire supervision history for the current offense(s). Indicate whether the defendant has been enrolled/ordered to complete, completed, not completed or was ineligible for any of the listed programs. During the entire course of supervision for the offenses in the Current Probation Violation Event, the defendant may have completed or not completed several treatments and may still be enrolled in a program. In that case, three boxes would be checked. If, in addition, the defendant is no longer eligible to participate in the program, all boxes would be checked.

***Check all that apply (Not mutually exclusive):***

7.6 **Enrolled/Ordered (Referred)**: Check this box if at the time of the current probation violation hearing/sentencing the defendant was still enrolled in an alternative program or was ordered or referred into an alternative program, but never had a chance to complete the program (e.g., on a waiting list).

Check the box for any alternative program the defendant voluntarily entered or was ordered to complete by a court, the probation officer or authorizing authority. Please include all alternative programs identified by court order, capias, warrant, revocation request, major violation report and amended reports, the probation officer's log, or other official reports.

7.7 **Completed (Successful or Released)**: Check this box if the defendant has successfully completed the specific alternative program or has been released from the program, excluding those who voluntarily leave a program before completion and those removed from a program for cause.

7.8 **Not Completed (Unsuccessful)**: Check this box if the defendant was not successful in completing the specific Alternative Program. This includes defendants who voluntarily leave a program before completion and those removed from a program for cause.

7.9 **Ineligible (Does not Meet Required Criteria for Program)**: Check this box if the defendant does not meet the qualifications or criteria to participate in a specific Alternative Program.

## 8.0 Alternative Programs Definitions:

8.1 **Anger Management** – Any counseling designed to address anger management issues. This includes Domestic Violence Counseling.

8.2 **CCAP** – Department of Corrections Community Corrections Alternative Program.

8.3 **Community Service** – Performance of work in the community at the direction of the court, probation officer or law enforcement. It may be in exchange for a complete or partial-reduction of fines and/or incarceration or punitive in nature. This would also include community service at the direction of the Probation Officer as a sanction or for rehabilitation purposes.

8.4 **Drug Screens Increased/Ordered** – Drug testing ordered by the Court, at the discretion of the Probation Officer, or an increase in the frequency/number of drug screens.

**8.5 Employment Skills Program** – Any program designed to assist the defendant in developing or improving job skills.

**8.6 Gang Supervision** – The defendant is required to abide by additional restrictions/conditions as a result of suspected gang related activity or participation. Refer to Appendix 1-C.

**8.7 Incarceration – Jail- or Prison** – Defendant has been sentenced to serve an active sentence of at -east one night in jail, prison, Home Electronic Incarceration (HEM) or sentenced to time served for any offense in the Current Probation Violation Event. (This includes any active time to serve as the result of any violations of probation for any of the offenses in the Current Probation Violation Event.)

**8.8 Increase in Supervision -eve-** – The defendant's supervision is increased from a lower level to a higher level of supervision that requires more extensive contact between the probation officer and the defendant in the community.

**8.9 Mental Health Counseling** – Counseling by a licensed professional to address mental health issues. This includes inpatient counseling, outpatient counseling and mental health commitment.

**8.10 Parenting C-asses** – Any program designed to assist the defendant in developing or improving parenting skills.

**8.11 Recidivist Prevention Program** - Programs specifically designed to address criminal behavior and reduce recidivism. Examples include, but are not limited to, Shoplifting/Larceny Prevention Class, Embezzlement counseling, Stop Thief Program, special programs for Solicitation of Prostitution/Prostitution.

**8.12 Reprimand** – The defendant was given a verbal/written reprimand or warning by the Probation Officer to address non-compliant behavior.

**8.13 Salvation Army Program** – Salvation Army Adult Rehabilitation Center or programs offered by or affiliated with this group.

**8.14 Sex Offender Treatment** – Any treatment/counseling specifically designed to address sex offending behavior. This includes polygraph and plethysmograph testing.

**8.15 Specialty Court – Specialized Court Dockets.** This includes, but is not limited to, Drug Court and Veteran's Track, Menta- Health Court, and Re-Entry Court.

**8.16 Substance Abuse Program, Jail-/DOC** – Any jail or prison-based substance/alcohol abuse program that the defendant participated in since first being incarcerated for current offenses. This includes defendants who participated in substance abuse programs while incarcerated, but before being p-aced on probation (e.g., defendant completed a jai--based program while awaiting trial or awaiting sentencing).

**8.17 Substance Abuse Treatment Program, Inpatient** – Residential substance/alcohol abuse treatment programs where the defendant is required to reside at the facility.

**8.18 Substance Abuse Treatment, Outpatient** – Any substance/alcohol abuse treatment program where the defendant is not required to reside at the facility. Examples include, but are not limited to, VASAP, methadone clinics and Intensive Outpatient Treatment programs.

**8.19 Substance Abuse Treatment, AA or NA** – Alcoholics Anonymous and Narcotics Anonymous.

**8.20 Thinking for a Change** – The Department of Corrections Thinking for a Change cognitive program.

**8.21 Voice Verification Biometrics Monitoring** – The defendant is being monitored through the Department of

Corrections Biometric Unit (e.g., Shadow Track).

8.22 **Other** – Any other alternative program not listed above. Enter a short title or description of the program.

### 9.0 **Date Arrested for this Violation on a Capias, PB-15 or Date Show Cause is Issued**

Enter the date the defendant was arrested for the current probation violation, good behavior violation or other type of suspended sentence violation. This will be the most recent date the defendant was arrested on a capias or PB-15 for the current offense(s).

If a **show cause** is issued and the probationer is not arrested, enter the date the show cause was entered or approved by the court.

The date entered is the arrest for the current court only. Do not enter an arrest date for probation violations in other jurisdictions during the Current Supervision Period. The probationer may have been held in another jurisdiction or for another offense in the same jurisdiction. Do not use the date for unrelated offenses or violation. The arrest date the probationer is arrested for the current violation or the date the show cause was issued.

Enter the arrest date even if the defendant is arrested and released.

### 10.0 **Pretrial Confinement for this Violation**

Pretrial confinement lengths are provided to the court for informational purposes only. There is no suggestion that the dates provided will be used to determine time served or used to calculate release dates. The dates are provided to inform the court of the defendant's location after arrest and before sentencing for the current probation violation.

10.1. Mark **No** if the defendant was not incarcerated at any time after the arrest and prior to the sentencing for the current probation violation. Do not enter any dates. If yes, identify the confinement dates.

10.2. Mark **Confined Since Arrest for Violation** if the defendant was incarcerated in a jail, prison or secured juvenile facility and never released between the arrest for the violation and the sentencing for the violation. Do not enter any dates.

*Note: The date of arrest for this court's violation (i.e., the arrest date on a PB-15 or capias issued by the current sentencing court) will be recorded under Date Arrested for this Violation on a Capias, PB-15 or Date Show Cause is Issued factor described above.*

10.3. **Enter the dates** (do not check a box) if the defendant was incarcerated pretrial but then released on bond, etc., or was at liberty between the date of arrest for the violation and the revocation hearing. Enter the start and end dates for up to two periods of confinement. Enter the dates the defendant was incarcerated in jail, prison or a secured juvenile facility up to and including the date of revocation or the date released from incarceration. If there are more than two periods of pretrial incarceration, enter the two longest periods of pretrial confinement.

If the defendant is still confined at the time the Sentencing Revocation Report (SRR) is completed, enter the end date as the date of the scheduled violation hearing.

These dates cannot precede the date of arrest nor exceed the date of revocation.

Pretrial confinement ordered by the presiding judge in a mental health facility or other treatment facility is considered jail incarceration for this form.

No dates are entered for defendants arrested and released on the same day (Mark No) or incarcerated and never released prior to the violation hearing (Mark Confined Since Arrest).

## 11.0 Pretrial Status Release

If the defendant was released after being arrested for the Current Probation Violation Event for this court, identify the type or types of pretrial release.

**11.1 Bond:** A defendant arrested by law enforcement is taken into custody pending trial. Frequently, the defendant does not remain in custody until the court date – instead, the defendant satisfies the conditions of bail for release. This amount of bond is a guarantee that the offender will appear before the court for trial. There are two types of bail bonds – secured bond and unsecured bond. The type of bond may be identified on the DC 330 - Recognizance Form.

**11.2 Secured Bond** refers to the release of the defendant after either the defendant pays the amount of the bond or a surety posts a written promise to pay a specific sum. This can include a deposit of cash or a solvent surety (such as a bail bondsman, family member, or friend) who agrees to accept the obligation for the bond amount. The type of bond may be identified on the DC 330 -Recognizance Form.

**11.3 Unsecured Bond** refers to the release of the defendant after the defendant makes a written promise to pay a specified monetary amount, without actually paying such specific sum; however, if the defendant fails to appear before the court, the defendant may be liable for the monetary amount of the bond. The type of bond may be identified on the DC 330 -Recognizance Form.

**11.4 Own Recognizance:** When a defendant is arrested and granted release on their “own recognizance”, the defendant is released after making a written promise to appear before the court and abide by any terms of release. No monetary terms are specified. The type of bond may be identified on the DC 330 -Recognizance Form.

**11.5 Third Party Release:** This is where someone other than the defendant signs for the defendant, and usually pays bail (or a portion thereof) for the defendant. Also, a third-party release includes a defendant’s release from jail into the care of a non-jail party. In general, when this occurs, the third party is responsible for monitoring the defendant and ensuring the defendant’s appearance in court and reporting any violations of the release agreement. The type of bond may be identified on the DC 330 -Recognizance Form.

**11.6 N/A:** Information on pretrial release is not available or not applicable.

## 12.0 Probation Violation Guidelines Recommendation

*SWIFT*, the official Guidelines application will populate the recommendation. In the event that *SWIFT* is not available, check the appropriate box indicating time served or the Probation Violation Guidelines recommended range. **If the amount of revocable time is less than the guidelines recommended range, the computed recommended range should be manually adjusted.**

There will be no recommendation for violations of local probation, good behavior, suspended sentence or CCAP since the Probation Violation Guidelines do not apply in these cases. Only the SRR is required for these types of violations.

# Final Decision/Disposition

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

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

## ◆ DECISION OF THE COURT

- Found in Violation of Conditions as Cited
- Found in Violation of Conditions as Modified by the Judge. Conditions Violated:
- Found in Violation of good behavior, suspended sentence, felony local probation
- Taken Under Advisement
- Not in Violation

## ◆ SENTENCE FOR REVOCATION

### Rehabilitation Potential

Court Finds that the defendant is a good candidate for rehabilitation (The low end of the guidelines is set to time served or zero)

### Treatment Exception

Sentenced to time required to participate in court ordered program/restitution review (§ 19.2-306.1 (D))

### Revocable Time for Event

Life +     
Years Months Days

### Revocation Details

Amount of Time Imposed.....  Life +     
Years Months Days

Amount of Time to Serve for this Violation (total effective sentence)..  Life +     Sentenced to Time Served

### New/Revised Probation/Supervised Period

- Continued on same period of probation supervision (not extended)
- Placed on a probation supervision for a new period of.....  Indefinite +     
Years Months Days
- Released from supervised probation

### Conditions

Good Behavior.....  Life +     
Years Months Days

- New conditions of probation: \_\_\_\_\_
- Continued on same conditions

### Other Sentencing Programs (Check all that apply)

- Day Reporting
- Electronic Monitoring
- Intensive Probation
- Substance Abuse Treatment
- § 18.2-251/§ 18.2-258.1 (First Offender)
- Drug Court
- Community-Based Program \_\_\_\_\_
- CCAP
- Youthful Offender
- DJJ Commitment  Indeterminate  Determinate
- § 19.2-298.02 § 19.2-303.6 (Deferred Disposition)
- Other \_\_\_\_\_

Office Use Only

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### Criminal History

Updated Criminal History Provided

Office Use Only

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## ◆ REASON FOR DEPARTURE FROM GUIDELINES

## ◆ DATE OF REVOCATION DECISION

Month Day Year

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

For Office Use Only

# Final Decision/Disposition

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

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

## ◆ DECISION OF THE COURT

- Found in Violation of Conditions as Cited
- Found in Violation of Conditions as Modified by the Judge. Conditions Violated:  
    \_\_\_\_\_
- Found in Violation of good behavior, suspended sentence, felony local probation
- Taken Under Advisement
- Not in Violation

## ◆ SENTENCE FOR REVOCATION

- Rehabilitation Potential**  
Court Finds that the defendant is a good candidate for rehabilitation (The low end of the guidelines is set to time served or zero)
- Treatment Exception**  
Sentenced to time required to participate in court ordered program/restitution review (§ 19.2-306.1 (D))

### Revocable Time for Event

Life +  Years  Months  Days

### Revocation Details

Amount of Time Imposed.....  Life +  Years  Months  Days

Amount of Time to Serve for this Violation (total effective sentence)..  Life +  Years  Months  Days  Sentenced to Time Served

### New/Revised Probation/Supervised Period

- Continued on same period of probation supervision (not extended)
- Placed on a probation supervision for a new period of.....  Indefinite +  Years  Months  Days
- Released from supervised probation

### Conditions

Good Behavior.....  Life +  Years  Months  Days

- New conditions of probation: \_\_\_\_\_
- Continued on same conditions

### Other Sentencing Programs (Check all that apply)

- Day Reporting
- Electronic Monitoring
- Intensive Probation
- Substance Abuse Treatment
- § 18.2-251/§ 18.2-258.1 (First Offender)
- Drug Court
- Community-Based Program \_\_\_\_\_
- CCAP
- Youthful Offender
- DJJ Commitment  Indeterminate  Determinate
- § 19.2-298.02 § 19.2-303.6 (Deferred Disposition)
- Other \_\_\_\_\_

Office Use Only

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### Criminal History

- Updated Criminal History Provided

Office Use Only

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## ◆ REASON FOR DEPARTURE FROM GUIDELINES

## ◆ DATE OF REVOCATION DECISION

/  /   
Month Day Year

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

For Office Use Only

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## 13.0 Final Decision/Disposition Page

### 13.1 Decision of the Court

The judge or the judge's designee completes this section.

**13.1.1 Found in Violation of Conditions as Cited** – The court determines that the defendant violated all conditions cited in the Major Violation Report and amended reports, capias, warrant or revocation request.

**13.1.2 Found in Violation of Conditions as Modified by the Judge** - The court determines that the defendant either was not in violation of all the conditions cited or that the defendant violated other conditions that were not cited in the Major Violation Report and amended reports, capias, warrant or revocation request. The court enters the condition number(s) for the alleged conditions that were violated by the defendant.

**13.1.3 Found in Violation of Good Behavior, Suspended Sentence or Felony Local Probation** – Check the box if the court determines that the defendant violated good behavior, suspended sentence or felony local probation.

**13.1.4 Taken Under Advisement** – 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, submit the SRR (and Guidelines when applicable) 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 SRR (or Guidelines) until after a decision is made.

**13.1.5 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.

### 13.2 Sentence for Revocation

#### 13.2.1 Rehabilitation Potential

**Court Finds that the Defendant is a Good Candidate for Rehabilitation** - This box is checked if the judge determines that the defendant has good rehabilitation potential. The low end of the Guidelines recommendation is set to time already served or no time. If the box is checked, effectively the low end is zero and the high end remains the same.

This is solely the decision of the presiding judge. Attorneys can present their case to the court, but the judge makes the decision. There is no risk assessment instrument that is available to determine good rehabilitation potential.

*Note: This factor is part of the Guidelines because, historically, judges departed from the Guidelines when the judge identified some actions, attitude or commitment that made the defendant a good candidate to continue on probation, participate in another program without serving any additional time, or be released from supervision.*

#### 13.2.2 Treatment Exception

**Sentenced to time required to participate in a court ordered program/restitution review** - This box is checked if the limitations to the length of supervision as defined by § 19.2-306.1(D) do not apply. Per § 19.2-306.1(D), limitations to the length of supervision do not apply when an additional period of probation is necessary for the defendant to participate in a court ordered program or when subject to a restitution compliance review hearing under § 19.2-305.1.

### 13.2.3 Revocable Time for this Sentencing Event

When *SWIFT* is used to complete the Guidelines, the amount of revocable time will be populated based on the amount of time identified by the preparer on the worksheet. The amount of revocable time may be adjusted as needed by the judge.

The time reported must show the total amount of revocable time that this court could impose for this sentencing event. This is the sum of all suspended time for any offense that this court could revoke in the Current Probation Violation Event hearing. (This is the amount of revocable time for this court and this probation violation event only.)

### 13.2.4 Revocation Details

**13.2.4.1 Amount of Time Imposed (Often the same as Revocable Time for Event)** – Enter the years, months and days imposed for the entire sentencing event. If the sentence imposed includes a life sentence, check the life box. The preference is for the court to identify all the revocable time for the probation revocation event instead of entering the amount of time imposed for the current violation.

**13.2.4.2 Amount of Time to Serve for this Violation (total effective sentence)** - Enter the length of active incarceration the defendant is to serve for the violation(s) (i.e., the imposed sentence less any suspended time).

### 13.3 New/Revised Probation/Supervised Period

**13.3.1 Continued on Same Period of Probation** - 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 box for Continued on Same Period of Supervision (not extended).

**13.3.2 Placed on a Probation Supervision for a New Period** - 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.

**13.3.3 Released from Probation Supervision** – If the court releases the defendant from supervision, check the Released from Supervision box.

### 13.4 Conditions

**13.4.1 Good Behavior** – If the court specifies a new period of good behavior, enter the amount of time the defendant will be under good behavior from the date of the revocation sentencing.

**13.4.2 New Conditions of Probation** – If the court imposes new conditions of probation, please specify the type(s) of conditions.

**13.4.3 Continued on Same Conditions of Probation** – If the court finds the defendant in violation and elects to continue the defendant under the same conditions, check the box to indicate this.

**13.5 Other Sentencing Programs** (*Check all that apply*) – 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.

**13.5.1 Day Reporting** - A "day-reporting center" is an intermediate sanction that requires the offender to be supervised by a probation officer and assigned to a "facility to which offenders are required to report on a daily or other regular basis at specified times for a specified length of time to participate in activities such as counseling, treatment, social skill training, or employment training".

**13.5.2 Electronic Monitoring** - Electronic monitoring of some type normally utilized to enforce the requirements of house arrest or the conditions of probation.

**13.5.3 Intensive Probation** - Level of supervision that requires more frequent, extensive contact between the officer and the assigned offender in the office and in the community.

**13.5.4 Substance Abuse Treatment** – This includes any substance/alcohol abuse treatment program. Examples include, but are not limited to, residential substance/alcohol abuse treatment programs, VASAP, methadone clinics and intensive outpatient treatment programs, AA or NA (Alcoholics Anonymous and Narcotics Anonymous).

**13.5.5 § 18.2-251/§ 18.2-258.1**- First offender is a statutorily provided program that allows a defendant charged with possession of an illegal drug for the first time or prescription fraud the opportunity to have that charge dismissed. Virginia Code Sections §§ 18.2-251 and 18.2-258.1 require the defendant to successfully complete a number of tasks before the charge is dismissed.

**13.5.6 Drug Court** - Specialized court docket for certain drug offenders.

**13.5.7 Community Based Program** – This includes any local services or programs not identified under another category. If this box is checked, enter the type of program or service.

**13.5.8 CCAP** - Department of Corrections Community Corrections Alternative Program.

**13.5.9 Youthful Offender § 19.2-311** - Indeterminate commitment to Department of Corrections

**13.5.10 DJJ Commitment** - Convicted as an adult but sentenced to commitment with the Department of Juvenile Justice. Mark the box for the type of commitment:

Indeterminate – Length of commitment to be determined by DJJ.

Determinate – Length of commitment is determined by the court.

**13.5.11 § 19.2-298.02/ § 19.2-303.6** - Deferred disposition

**13.5.12 Other** – Enter the name or type of the sentencing program not identified under another category.

### **13.6 Updated Criminal History Provided**

In all cases, (technical, special condition and new law violations) an updated criminal history must be provided to the court. The updated criminal history, since the last hearing, may be provided orally or in writing.

### **13.7 Reason for Departure from Guidelines**

If the Probation Violation Guidelines apply and the judge sentences above or below the recommendation, the judge is required by Appropriation language to provide a reason for departing. The judge can also use this space for judicial comments about the case (such as the defendant's potential for rehabilitation).

### **13.8 Date of Revocation Decision**

**Revocation Date** - Enter the month, day and year of the revocation decision. This is the date the decision is made to continue the defendant on probation, to release the defendant from probation, or to defer the decision for a period of time. If the decision or sentence is deferred for an evaluation to a specific program, enter the date the decision is made to sentence the defendant to the specific program or not.







## 14.0 Technical Violation 1 or 2 Worksheet (TV1/2)

**This worksheet needs to be completed when the current violation is the first or second time the defendant is before the court for violation of probation for any of the underlying offenses. This worksheet applies to probation violations of Conditions 2-11. The worksheet does not apply if there are new convictions or special conditions are cited.**

In all cases, (technical, special condition and new law violations) an updated criminal history must be provided to the court. The updated criminal history, since the last hearing, may be provided orally or in writing.

### 14.1. Primary Offense

The primary offense is the most serious offense in the Current Probation Violation Event. The most serious offense is determined by the statutory maximum. The offense with the highest statutory maximum is the primary offense. If the statutory maximums tie, then select the primary offense based on this hierarchy (see Appendix 3 for the type of offense):

- 1- Statutory Maximums
- 2- Person Crimes
- 3- Property Crimes
- 4- Other Crimes (e.g., Weapons, Traffic, Fail to Appear)
- 5- Drug Crimes
- 6- Highest Effective Sentence

**14.1.1 Statutory Changes to the Primary Offense:** Enter the Virginia Crime Code (VCC) for the primary offense. The original offense cannot be changed to reflect Virginia's current penalty structure. The VCC entered reflects the penalty at the time of conviction for the most serious underlying offense. Unlike for prior record, you do not use Virginia's current penalty structure. For example: third or subsequent petit larceny was removed from the *Code* on July 1, 2021. The felony offense no longer exists. However, if the probationer was being supervised for felony third offense petty larceny, the corresponding felony VCC in place at the time of sentencing for the most serious underlying offense must be used. Other examples include, driving after being a declared habitual offender, robbery, felony larceny with a value of less than \$1,000.

**14.1.2 Released From Probation for One or More Offenses:** If the probationer was released by the court for the most serious original underlying offense, enter the VCC for the most serious remaining underlying felony offense from the probation revocation event. The new most serious underlying offense cannot be for a misdemeanor.

### 14.2 Original Sentence was Incarceration/CCAP

This factor is marked if the defendant was sentenced to an active incarceration period in jail, prison or a juvenile institution (including post-dispositional confinement in secure detention following adjudication of delinquency) during the Original Sentence Date(s) for any offense in the Current Probation Violation Event. The incarceration period must be the result of a sentence. Time spent in jail or a juvenile facility awaiting arraignment, trial or sentencing is not identified unless the defendant is sentenced to time served. Do identify as incarceration a jail work program used as an alternative to an active sentence.

*Note that CCAP, Detention and Diversion Center programs are scored as periods of incarceration.*

### 14.3 ICOTS Case

The Interstate Compact Offender Tracking System (ICOTS) is a web-based system that facilitates the transfer of supervision for probationers and parolees from one state to another. Only mark the ICOTS box if the case has been accepted by the receiving state. Do not mark this box for any other type of travel permit granted or any other form of permission to leave the sentencing state. Enter the abbreviation for the state that agreed to accept transfer of supervision for the primary offense.

#### **14.4. Amount of Revocable Time at Sentencing**

Enter the years, months and days for the total amount of revocable time that this court could impose for the Current Probation Violation Event. This is the sum of all suspended time for any offense that this court could revoke in the Current Probation Violation Event hearing. (This is the amount of revocable time for this court and this probation violation event only.)

#### **FACTOR 1**

#### **14.5 Dates (Used to score factors Three and Four)**

**14.5.1 Earliest Original Sentencing Date** – Enter the date the defendant was originally sentenced for the current felony offense(s). If the defendant currently has multiple obligations in this court with different original sentencing dates, enter the earliest original sentencing date. The date entered here may not be for the offense identified as the primary offense. The primary offense may not have occurred first. The earliest date cannot be for a misdemeanor.

Example: The defendant was sentenced in this court for Credit Card Theft on November 1, 2021, and placed on supervised probation, then convicted in this court for Grand Larceny on February 2, 2022, and placed on supervised probation. The defendant is still on supervision for both offenses and is now being brought before this court for a violation relating to both offenses. The Original Sentence Date would be November 1, 2021.

**14.5.2 Start of Current Supervision Period** – The Current Supervision Period begins on the most recent date the defendant was placed, or continued, on probation for any offense in the Current Probation Violation Event. If there are multiple start dates for the offenses in the violation event, enter the earliest start probation date.

For example, a defendant is on probation for Offense A when convicted of a new felony (Offense B). The defendant is now being supervised for both convictions from the same court. Currently, the defendant is before one judge for violation of both periods of supervision. In this example the earliest start date is for Offense A, the date the defendant was first placed on probation.

If the defendant was previously found in violation of probation, the Current Supervision Period begins on the date of the last time the defendant was found in violation of probation in this court (or if incarcerated, the date that probation was resumed after being found in violation) up to the current hearing/sentencing date. The start date for the Current Supervision Period is reset each time the court finds the defendant in violation of probation or revokes the defendant's probation.

Example: The defendant was sentenced and placed on probation on June 1, 2021. The defendant was later found in violation of probation on February 1, 2022, but was continued on probation. Sentencing for a second probation violation based on violation of special conditions is set for October 1, 2022. The current supervision start date is February 1, 2022 (not the original start date of June 1, 2021) and the second violation end date is October 1, 2022 (the date the defendant is scheduled to be sentenced for the second violation.)

**14.5.3 Worksheet TV 1/2 is split based on the conditions cited.** *Score the left-hand factors if the alleged violations are of Conditions 2,3,4,5,6,7,8 or 10 of the Conditions of Probation (see Appendix1-A). Score the right-hand factors if at least one of the alleged conditions violated is 9 or 11. This worksheet is not for use if the violation is the third or subsequent technical violation or a violation of special conditions or a Condition 1 violation.*

*When scoring the right-hand column, score the factors based on the number of previous violations of Condition 9 and/or 11 only. The number of prior technical violations or new law violations has no impact on the statutory requirements when Condition 9 or 11 are cited. When scoring the left-hand side, count as prior technical violations any prior violations that included a condition 2-11 with a Condition 1 or special condition violation.*

Example: if this is the defendant's third technical violation, but the first-time absconding (Condition 11), score the factor based on the first violation of Condition 9 or 11.

## **FACTOR 2**

### **14.6 Number of Felony Revocation Events for Current Offense(s) (THIS COURT ONLY)** ***(Factor is split based on type of technical violation)***

This factor includes both the Current Probation Violation Event and any In-between Probation Violation/Revocation Event (see page 26 for definitions).

This factor scores the Current Probation Violation Event and previous probation violation events for any of the offenses in the Current Probation Violation Event. This factor is focused on the current court only.

#### **14.6.1 Assigning Points**

*Use the scores in the left-hand column if the current violation includes only Conditions 2,3,4,5,6,7,8 or 10. Score as first violation if the probationer has no prior technical violations (Conditions 2-11). Use scores in the right-hand column if at least one of the alleged conditions violated is 9 or 11. Score as first violation if this is the probationer's first violation for Condition 9 or 11.*

#### **14.6.2 Revocation Defined**

A probation is considered revoked for Guidelines purposes when the court either revokes probation or finds the defendant in violation of probation. The sentence does not determine if the revocation is scored or not. Found in violation and continued on probation are considered to be revocation events. However, if the judge takes the revocation under advisement or if the defendant is found not in violation of probation, it is not scored as a revocation.

**Note:** Prior revocations of **First Offender** (§§ 18.2-251 or 18.2-258.1), and any **deferred finding** cases (§§ 19.2-298.01 or 19.2-303.6) are not considered a probation violation on Guidelines. Probation violations are only counted after the defendant has formally been convicted of a charge.

#### **14.6.3 Event Defined**

An event includes violations for all underlying offenses and associated counts being handled before the same judge, on the same day and in the same court. An event may include multiple offenses or several different periods of supervised probation, but only one revocation is scored. Do not score a separate revocation for each count, each court order, or each period of probation if the court is conducting one violation hearing for multiple offenses.

#### **14.6.4 Good Behavior Violations**

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

#### **4.6.5 Assigning Points**

**Current (Probation) Revocation Event Only:** If there are no previous revocations for the offenses in the current event, the case will be assigned points for Current Probation Revocation Event only.

**Prior (Probation) Revocation Event:** This factor is scored if the defendant's probation for any of the offenses in the current sentencing event (in this court only) was previously revoked for any reason. Do not add the points together for current and prior revocations.

## **FACTOR 3**

### **14.7 Felony Offense Conviction(s) between Original Sentencing Date and Start of Current Supervision** ***(ALL COURTS) (Factor is split based on type of technical violation)***

#### **14.7.1 Assigning Points**

*Use the scores in the left-hand column if the current violation includes only Conditions 2,3,4,5,6,7,8 or 10. Score as first violation if the probationer has no prior technical violations (Conditions 2-11). Use scores in the right-hand*

column if at least one of the alleged conditions violated is 9 or 11. Score as first violation if this is the probationer's first violation for Condition 9 or 11.

14.7.2 This factor is defined as the In-between New Law Conviction(s) factor (see page 16 for definition).

14.7.3 Assign points if the defendant committed a felony offense between the original sentencing date and the start date for the Current Supervision Period that resulted in a felony conviction during that time. The Current Supervision Period begins on the most recent date the defendant was placed or continued on probation and ends on the date for the Current probation Violation Event. Both the offense date and the conviction date must be between the **earliest** original sentencing date and the start date for the Current Supervision Period.

14.7.4 A felony conviction is any felony offense for which the offender has pled guilty or been found guilty by the court. Offenses that are currently pending sentencing in another court are considered convictions.

14.7.5 Points are assigned if the defendant has any felony convictions in any court. This factor is not limited to the current court.

14.7.6 Out-of-state, federal, military and international offenses are scored based on Virginia's current penalty structure. If the behavior in another state or jurisdiction is similar to a felony here in Virginia, the conviction must be scored as a felony. In other words, a misdemeanor in another state may be scored as a felony for this factor if the behavior is punishable as a felony in Virginia. The reverse is true, as well. If a felony conviction in another state or jurisdiction is punishable as a misdemeanor in Virginia, that conviction is not scored on this factor.

**14.7.7 Do not score:**

**A. Convictions During the Current Supervision Period:** Offenses and convictions that occur during the Current Supervision Period are not scored.

**B. Probation Violations, Good Behavior or Suspended Sentence Violations/Revocations:** For this factor, probation, good behavior, suspended sentence are not scored as new convictions. There must be a documented new felony conviction. A new felony arrest is not scored.

**C. Deferred Finding Dispositions:** Not scored are first offender cases (§18.2-251 or §18.2-258.1) or any deferred finding cases (§ 19.2-298.02). In these cases, the defendant has not yet been convicted of any offense. (If the court finds the defendant violated the conditions of a deferred sentence and convicts the defendant of a felony, the felony conviction is scored.)

**D. Misdemeanor, Criminal Traffic, Traffic infractions:** Convictions for misdemeanors, infractions and offenses with civil penalties are not scored.

**E. Certain Out-of-state Convictions:** Out-of-state felony convictions that are only punishable as misdemeanors in Virginia. (If the out-of-state conviction is similar to a Virginia felony, then the factor is scored).

**6. Overturned** or successfully appealed convictions.

## **FACTOR 4**

### **14.8 Prior Felony Revocation(s) before Earliest Original Sentencing (THIS COURT ONLY)** ***(Factor is split based on type of technical violation)***

#### **14.8.1 Assigning Points**

*Use the scores in the left-hand column if the current violation includes only Conditions 2,3,4,5,6,7,8 or 10. Score as first violation if the probationer has no prior technical violations (Conditions 2-11). Use scores in the right-hand column if at least one of the alleged conditions violated is 9 or 11. Score as first violation if this is the probationer's first violation for Condition 9 or 11.*

14.8.2 Assign points if the defendant has any Prior Probation Violation/Revocation Events before the earliest original sentencing date that are not part of the current violation. The original sentencing date is the date entered for Factor 1. Only score prior felony revocations that occurred in the current court. The revocation must occur before the original sentencing date and not on or after the original sentencing date. In other words, the prior revocation is from a different supervision period and not the current. Any change in penalty structure for the underlying offense does not reduce the felony probation violation to a misdemeanor violation.

Note: This rule is different from the instructions provide in the Sentencing Guidelines manual for scoring prior convictions/adjudications on the sentencing guidelines. Changes in penalty structure does impact the scoring of prior convictions, adjudications and revocations on the guidelines for new felony offenses. Please refer to General Instructions, page 24, in the Sentencing Guidelines manual when completing guidelines for new felony offenses.

14.8.3 For this factor, a prior felony revocation is any revocation for a felony offense that occurred before the current original offense date. In other words, the prior revocation is from a different supervision period and not the current.

#### **14.8.4 Good Behavior Violations**

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

## **FACTOR 5**

### **14.9 CONDITION 8 Violation: Drug Violation** ***(Factor is split based on type of technical violation)***

#### **14.9.1 Assigning Points**

*Use the scores in the left-hand column if the current violation includes only Conditions 2,3,4,5,6,7,8 or 10. Score as first violation if the probationer has no prior technical violations (Conditions 2-11). Use scores in the right-hand column if at least one of the alleged conditions violated is 9 or 11. Score as first violation if this is the probationer's first violation for Condition 9 or 11.*

14.9.2 For this factor, points are assigned if the defendant was cited for a violation of Condition 8 (Use, possess, distribute controlled substances or paraphernalia). The violation must be cited in the capias, warrant, revocation request or Major Violation Report or amended reports. Even if Condition 8 is not cited in the capias, warrant, revocation request, Major Violation Report or amended reports, points are assigned if the defendant is found in violation of Condition 8 by the court.

## **FACTOR 6**

### **14.10 CONDITION 11 Violation: Abscond** ***(Factor is split based on type of technical violation)***

#### **14.10.1 Assigning Points**

*Use the scores in the left-hand column if the current violation includes only Conditions 2,3,4,5,6,7,8 or 10. Score as first violation if the probationer has no prior technical violations (Conditions 2-11). Use scores in the right-hand column if at least one of the alleged conditions violated is 9 or 11. Score as first violation if this is the probationer's first violation for Condition 9 or 11.*

14.10.2 Assign points if the defendant was cited for absconding from supervision in violation of Condition 11 of the Conditions of Probation 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.

14.10.3 Score defendants who never reported to sign their conditions of probation as absconding from supervision for Probation Violation Guidelines purposes.

14.10.4 **Last Date Whereabouts Were Known** – This is the date the probation officer last had contact with the defendant at which time the officer knew the whereabouts of the defendant. 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. A phone call to the probation officer is not sufficient to verify a defendant's location. If there are multiple periods of absconding, use the most recent date the probation officer last knew the defendant's whereabouts and the most recent date the defendant's whereabouts were subsequently verified.

14.10.5 **Date Whereabouts Verified** – The location is verified when the defendant is in jail or prison, arrested on a capias or PB-15, found living at a different address and the location is verified by the probation officer. If there are multiple periods of absconding, use the most recent date the probation officer last knew the defendant's whereabouts and the most recent date the defendant's whereabouts were subsequently verified.

#### **14.10.6 Additional Information for Establishing Dates for Absconding**

14.10.6.1 **Arrest on PB-15:** Enter the most recent date the defendant was arrested for the violation (the date the defendant was served with the Probation Violation Capias). If the defendant was first arrested on a PB-15 for the alleged violations of supervision and later served with a Probation Violation Capias enter the date the defendant was arrested on the PB-15.

#### **14.10.6.2 DOC Establishes Policies for Identifying Absconders**

If the probation officer cites Condition 11 and the court agrees that the defendant is an absconder, points must be assigned. In general, Condition 11 is cited when a reasonable effort has been made to locate an offender and their whereabouts are unknown. Reasonable effort includes follow-up inquiry at the approved residence and employment, as well as at local jails and hospitals, and the questioning of family members and close friends. Current DOC policy may be different than what was in effect at the time this manual was printed.

14.10.6.3 **Never Signed Conditions of Probation:** For defendants who never report to sign their conditions of probation, use the most recent date the defendant was ordered to report for supervision (e.g., sentencing date) as the date of last contact.

14.10.6.4 **Voluntarily Reports to Probation Officer:** If a defendant is not arrested but returns and advises the probation officer of his or her whereabouts, enter the date the return location was verified. The location must be verified by the probation officer or other court official. A phone call to the probation officer is not sufficient to verify a defendant's location.

## **FACTOR 7**

### **14.11 Primary Offense VCC Prefix of SEX, RAP, OBS** ***(Factor is split based on type of technical violation)***

#### **14.11.1 Assigning Points**

*Use the scores in the left-hand column if the current violation includes only Conditions 2,3,4,5,6,7,8 or 10. Score as first violation if the probationer has no prior technical violations (Conditions 2-11). Use scores in the right-hand column if at least one of the alleged conditions violated is 9 or 11. Score as first violation if this is the probationer's first violation for Condition 9 or 11.*

14.11.2 Based on the VCC (Virginia Crime Code) Prefix for the Primary Offense: This factor is focused on the primary offense, which is the most serious original offense in the Current Probation Violation Event. If the primary offense has a SEX (Sex Offense), RAP (Sexual Assault), or OBS (Obscenity) VCC prefix, points are assigned for this factor. There may be other offenses in this probation violation event with the required VCC prefixes, but points are only assigned based on the primary offense. Violations of sex offender special conditions are not scored on this worksheet factor as it is scored on Worksheet TV 3. This factor is based solely on the VCC prefix for the primary offense.

14.11.3 The Commission will monitor the impact of nonprimary offenses that meet the sex offender criteria for this factor and their impact on judicial sentencing patterns. Adjustments, if needed, will be made in Phase II.

## **FACTOR 8**

### **14.12 Recommendation Score**

The score is totaled, and the preparer should refer to the sentence length Recommendation Table at the bottom of this worksheet. The first column contains the score ranges, and the second column presents the recommended sentence range associated with each score. Check the appropriate box corresponding to the total score. On the SRR cover page, record the Guidelines sentence recommendation.





# Probation Violation Guidelines Worksheet TV 3/SCV

## Third or Subsequent Technical Violation or Any Special Condition Violations

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

Base Guidelines on the Current Most Serious Primary Offense:     Original Sentencing was Incarceration/CCAP

VIRGINIA CRIME CODE

ICOTS Case for Supervision of Current Primary Transferred to:

STATE

Amount of Total Revocable Time at Hearing Sentencing:  Life +

(This Court Only)      Years      Months      Days

**1 Dates** (use to score factors three and four)

Earliest Original Sentencing Date:    Start of Current Supervision Period:

Month      Day      Year      Month      Day      Year

**2 Number of Felony Revocation Events for Current Offense(s) (This Court Only)** →

- Current Revocation Event Only .....2
- One Revocation Event Prior to Current Revocation Event .....12
- Two or More Revocation Events Prior to Current Revocation Event .....24

**3 Prior Felony Revocation(s) Before Original Sentencing Date (This Court Only)** →

- One Prior Felony Revocation .....18
- Two or More Prior Felony Revocations .....19

**4 Felony Offense Conviction(s) Between Original Sentencing Date and Start of Current Supervision (ALL Courts)** — If YES, add 13 →

**5 Condition 8 Violation: Drug Violation** — If YES, add 7 →

**6 Condition 11 Violation: Abscond** — If YES, add 10 →

Last date whereabouts were known:    Date whereabouts verified:

Month      Day      Year      Month      Day      Year

**7 Primary Offense VCC Prefix of SEX, RAP, OBS or Violation of Sex Offender Special Conditions/Instructions (Court or DOC)** — If YES, add 22 →

**Recommendation Score** →

Go to SRR Cover Sheet and fill out the violation guidelines recommendation range.

**Recommendation Table**

Score	Guidelines Sentence
<input type="radio"/> Under 19.....	Time served to 6 months
<input type="radio"/> 19 to 33.....	3 months to 1 year
<input type="radio"/> 34 to 43.....	1 year to 1 year 6 months
<input type="radio"/> 44 or more.....	1 year to 4 years

## 15.0 Technical Violation 3 Worksheet (TV 3/SCV)

This worksheet needs to be completed when the current violation is the third or subsequent time the defendant is before the court for violation of probation for any of the underlying offenses. This worksheet applies to third or subsequent probation violations of Conditions 2-11. The worksheet does not apply if there are new convictions or a first or second technical violation of conditions 2-11. Prior revocation events that include both new law and technical violations are included when counting the number of previous technical violations.

In all cases, (technical, special condition and new law violations), an updated criminal history must be provided to the court. The updated criminal history, since the last hearing, may be provided orally or in writing.

### 15.1. Primary Offense

The primary offense is the most serious offense in the Current Probation Violation Event. The most serious offense is determined by the statutory maximum. The offense with the highest statutory maximum is the primary offense. If the statutory maximums tie, then select the primary offense based on this hierarchy (see Appendix 3 for the type of offense):

- 1- Statutory Maximums
- 2- Person Crimes
- 3- Property Crimes
- 4- Other Crimes (e.g., Weapons, Traffic, Fail to Appear)
- 5- Drug Crimes
- 6- Highest Effective Sentence

**15.1.1 Statutory Changes to the Primary Offense:** Enter the Virginia Crime Code (VCC) for the primary offense. The original offense cannot be changed to reflect Virginia's current penalty structure. The VCC entered reflects the penalty at the time of conviction for the most serious underlying offense. Unlike for prior record, you do not use Virginia's current penalty structure. For example: third or subsequent petit larceny was removed from the *Code* on July 1, 2021. The felony offense no longer exists. However, if the probationer was being supervised for felony third offense petty larceny, the corresponding felony VCC in place at the time of sentencing for the most serious underlying offense must be used. Other examples include, driving after being a declared habitual offender, robbery, felony larceny with a value of less than \$1,000.

**15.1.2 Released from Probation for One or More Offenses:** If the probationer was released by the court for the most serious original underlying offense, enter the VCC for the most serious remaining underlying felony offense from the probation revocation event. The new most serious underlying offense cannot be for a misdemeanor.

### 15.2 Original Sentence was Incarceration/CCAP

This factor is marked if the defendant was sentenced to an active incarceration period in jail, prison or a juvenile institution (including post-dispositional confinement in secure detention following adjudication of delinquency) during the Original Sentence Date(s) for any offense in the Current Probation Violation Event. The incarceration period must be the result of a sentence. Time spent in jail or a juvenile facility awaiting arraignment, trial or sentencing is not identified unless the defendant is sentenced to time served. Do identify as incarceration a jail work program used as an alternative to an active sentence.

*Note that CCAP, Detention and Diversion Center programs are scored as periods of incarceration.*

### 15.3 ICOTS Case

The Interstate Compact Offender Tracking System (ICOTS) is a web-based system that facilitates the transfer of supervision for probationers and parolees from one state to another. Only mark the ICOTS box if the case has been accepted by the receiving state. Do not mark this box for any other type of travel permit granted or any other form of

#### **15.4 Amount of Revocable Time at Sentencing**

Enter the years, months and days for the total amount of revocable time that this court could impose for the Current Probation Violation Event. This is the sum of all suspended time for any offense that this court could revoke in the Current Probation Violation Event hearing. (This is the amount of revocable time for this court and this probation violation event only.)

### **FACTOR 1**

#### **15.5 Dates (Used to score factors Three and Four)**

**15.5.1 Earliest Original Sentencing Date** – Enter the date the defendant was originally sentenced for the current felony offense(s). If the defendant currently has multiple obligations in this court with different original sentencing dates, enter the earliest original sentencing date. The date entered here may not be for the offense identified as the primary offense. The primary offense may not have occurred first. The earliest date cannot be for a misdemeanor.

Example: The defendant was sentenced in this court for Credit Card Theft on November 1, 2021, and placed on supervised probation, then convicted in this court for Grand Larceny on February 2, 2022, and placed on supervised probation. The defendant is still on supervision for both offenses and is now being brought before this court for a violation relating to both offenses. The Original Sentence Date would be November 1, 2021.

**15.5.2 Start of Current Supervision Period** – The Current Supervision Period begins on the most recent date the defendant was placed, or continued, on probation for any offense in the Current Probation Violation Event. If there are multiple start dates for the offenses in the violation event, enter the earliest start probation date.

For example, a defendant is on probation for Offense A when convicted of a new felony (Offense B). The defendant is now being supervised for both convictions from the same court. Currently, the defendant is before one judge for violation of both periods of supervision. In this example the earliest start date is for Offense A, the date the defendant was first placed on probation.

If the defendant was previously found in violation of probation, the Current Supervision Period begins on the date of the last time the defendant was found in violation of probation in this court (or if incarcerated, the date that probation was resumed after being found in violation) up to the current hearing/sentencing date. The start date for the Current Supervision Period is reset each time the court finds the defendant in violation of probation or revokes the defendant's probation.

Example: The defendant was sentenced and placed on probation on June 1, 2021. The defendant was later found in violation of probation on February 1, 2022, but was continued on probation. Sentencing for a second probation violation based on violation of special conditions is set for October 1, 2022. The current supervision start date is February 1, 2022 (not the original start date of June 1, 2021) and the second violation end date is October 1, 2022 (the date the defendant is scheduled to be sentenced for the second violation.)

### **FACTOR 2**

#### **15.6 Number of Felony Revocation Events for Current Offenses(s) (THIS COURT ONLY)**

This factor includes both the Current Probation Violation Event and any In-between Probation Violation/Revocation Event (see page 16 for definitions).

This factor scores the Current Probation Violation Event and previous probation violation events for any of the offenses in the Current Probation Violation Event. This factor is focused on the current court only.

#### 15.6.1 Revocation Defined

A probation is considered revoked for Guidelines purposes when the court either revokes probation or finds the defendant in violation of probation. The sentence does not determine if the revocation is scored or not. Found in violation and continued on probation are considered to be revocation events. However, if the judge takes the revocation under advisement or if the defendant is found not in violation of probation, it is not scored as a revocation.

**Note:** Prior revocations of **First Offender** (§§ 18.2-251 or 18.2-258.1), and any **deferred finding** cases (§§ 19.2-298.01 or 19.2-303.6) are not considered a probation violation on Guidelines. Probation violations are only counted after the defendant has formally been convicted of a charge.

#### 15.6.2 Event Defined

An event includes violations for all underlying offenses and associated counts being handled before the same judge, on the same day and in the same court. An event may include multiple offenses or several different periods of supervised probation, but only one revocation is scored. Do not score a separate revocation for each count or each period of probation if the court is conducting one violation hearing for multiple offenses.

#### 15.6.3 Good Behavior Violations

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

#### 15.6.4 Assigning Points

**Current (Probation) Revocation Event Only:** If there are no previous revocations for the offenses in the current event, the case will be assigned points for the Current Probation Revocation Event only.

**One (Probation) Revocation Event Prior to the Current Revocation Event:** This factor is scored if the defendant's probation for any of the offenses in the current sentencing event (in this court only) was previously revoked. Do not count the current revocation and do not add the points together.

**Two or More (Probation) Revocation Events Prior to the Current Revocation Event:** This factor is scored if the defendant's probation for any of the offenses in the current sentencing event (in this court only) was previously revoked two or more times. Do not count the current revocation and do not add the points together.

### **FACTOR 3**

#### **15.7 Prior Felony (Probation) Revocation(s) before Earliest Original Sentencing Date (THIS COURT ONLY)**

15.7.1 Assign points if the defendant has any Prior Probation Violation/Revocation Events before the earliest original sentencing date that are not part of the current violation. The original sentencing date is the date entered for Factor 1. Only score prior felony revocations that occurred in the current court. The revocation must occur before the original sentencing date and not on or after the original sentencing date. In other words, the prior revocation is from a different supervision period and not the current. Any change in penalty structure for the underlying offense does not reduce the felony probation violation to a misdemeanor violation.

**Note:** This rule is different from the instructions provide in the Sentencing Guidelines manual for scoring prior convictions/adjudications on the sentencing guidelines. Changes in penalty structure does impact the scoring of prior convictions, adjudications and revocations on the guidelines for new felony offenses. Please refer to General Instructions, page 24, in the Sentencing Guidelines manual when completing guidelines for new felony offenses.

15.7.2 For this factor, a prior felony revocation is any revocation for a felony offense that occurred before the current original offense date. In other words, the prior revocation is from a different supervision period and not the current.

## **FACTOR 4**

### **15.8 Felony Offense Conviction(s) between Earliest Original Sentencing Date and Start of Current Supervision (ALL COURTS)**

15.8.1 This factor is defined as the In-between New Law Conviction(s) factor (see page 16 for definition).

15.8.2 Assign points if the defendant committed a felony offense between the earliest original sentencing date and the start date for the Current Supervision Period that resulted in a felony conviction during that time. The Current Supervision Period begins on the most recent date the defendant was placed or continued on probation and ends on the date for the current probation violation hearing/sentencing. Both the offense date and the conviction date must be between the original sentencing date and the start date for the Current Supervision Period.

15.8.3 A felony conviction is any felony offense for which the offender has pled guilty or been found guilty by the court. Offenses that are currently pending sentencing in another court are considered convictions.

15.8.4 Points are assigned if the defendant has any felony convictions in any court. This factor is not limited to the current court.

15.8.5 Out-of-state, federal, military and international offenses are scored based on Virginia's current penalty structure. If the behavior in another state or jurisdiction is similar to a felony here in Virginia, the conviction must be scored as a felony. In other words, a misdemeanor in another state may be scored as a felony for this factor if the behavior is punishable as a felony in Virginia. The reverse is true, as well. If a felony conviction in another state or jurisdiction is punishable as a misdemeanor in Virginia, that conviction is not scored on this factor.

#### **15.8.6 Do not score:**

**A. Convictions During the Current Supervision Period:** Offenses and convictions that occur during the Current Supervision Period are not scored.

**B. Probation Violations, Good Behavior or Suspended Sentence Violations/Revocations:** For this factor, probation, good behavior, suspended sentence are not scored as new convictions. There must be a documented new felony conviction. A new felony arrest is not scored.

**C. Deferred Finding Dispositions:** Not scored are First Offender cases (§18.2-251 or §18.2-258.1) or any deferred finding cases (§ 19.2-298.02 or § 19.2-303.6). In these cases, the defendant has not yet been convicted of any offense. (If the court finds the defendant violated the conditions of a deferred sentence and convicts the defendant of a felony, the felony conviction is scored.)

**D. Misdemeanor, Criminal Traffic, Traffic infractions:** Convictions for misdemeanors, infractions and offenses with civil penalties are not scored.

**E. Certain Out-of-state Convictions:** Out-of-state felony convictions that are only punishable as misdemeanors in Virginia. (If the out-of-state conviction is similar to a Virginia felony, then the factor is scored).

**F. Overturned** or successfully appealed convictions.

## **FACTOR 5**

### **15.9 CONDITION 8 Violation: Drug Violation**

For this factor, points are assigned if the defendant was cited for a violation of Condition 8 (Use, possess, distribute controlled substances or paraphernalia). The violation must be cited in the capias, warrant, revocation request or Major Violation Report or amended reports. Even if Condition 8 is not cited in the capias, warrant, revocation request, Major Violation Report or amended reports, points are assigned if the defendant is found in violation of Condition 8 by the court.

## **FACTOR 6**

### **15.10 CONDITION 11 Violation: Abscond**

15.10.1 Assign points if the defendant was cited for absconding from supervision in violation of Condition 11 of the Conditions of Probation 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.

Score defendants who never reported to sign their conditions of probation as absconding from supervision for Probation Violation Guidelines purposes.

15.10.2 **Last Date Whereabouts Were Known** – This is the date the probation officer last had contact with the defendant at which time the officer knew the whereabouts of the defendant. 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. A phone call to the probation officer is not sufficient to verify a defendant's location. If there are multiple periods of absconding, use the most recent date the probation officer last knew the defendant's whereabouts and the most recent date the defendant's whereabouts were subsequently verified.

15.10.3 **Date Whereabouts Verified** – The location is verified when the defendant is in jail or prison, arrested on a capias or PB-15, found living at a different address and the location is verified by the probation officer. If there are multiple periods of absconding, use the most recent date the probation officer last knew the defendant's whereabouts and the most recent date the defendant's whereabouts were subsequently verified.

#### **15.10.4 Additional Information for Establishing Dates for Absconding**

15.10.4.1 **Arrest on PB-15**: Enter the most recent date the defendant was arrested for the violation (the date the defendant was served with the Probation Violation Capias). If the defendant was first arrested on a PB-15 for the alleged violations of supervision and later served with a Probation Violation Capias enter the date the defendant was arrested on the PB-15.

#### **15.10.4.2 DOC Establishes Policies for Identifying Absconders**

If the probation officer cites Condition 11 and the court agrees that the defendant is an absconder, points must be assigned. In general, Condition 11 is cited when a reasonable effort has been made to locate an offender and their whereabouts are unknown. Reasonable effort includes follow-up inquiry at the approved residence and employment, as well as at local jails and hospitals, and the questioning of family members and close friends. Current DOC policy may be different than what was in effect at the time this manual was printed.

15.10.4.3 **Never Signed Conditions of Probation**: For defendants who never report to sign their conditions of probation, use the most recent date the defendant was ordered to report for supervision (e.g., sentencing date) as the date of last contact.

15.10.4.4 **Voluntarily Reports to Probation Officer**: If a defendant is not arrested but returns and advises the probation officer of his or her whereabouts, enter the date the return location was verified. The location must be

verified by the probation officer or other court official. A phone call to the probation officer is not sufficient to verify a defendant's location.

## **FACTOR 7**

### **15.11 Primary Offense VCC Prefix of SEX, RAP, OBS or Violation of Sex Offender Special Conditions (Court or DOC)**

There are two possibilities for assigning points for this factor:

15.11.1 Based on the VCC Prefix for the Primary Offense: This factor is focused on the primary offense, which is the most serious original offense in the Current Probation Violation Event. If the primary offense has a SEX (Sex Offense), RAP (Sexual Assault), or OBS (Obscenity) VCC prefix, points are assigned for this factor. There may be other offenses in this probation violation event with the required VCC prefixes, but points are only assigned based on the primary offense.

15.11.2 Cited for Violation of Sex Offender Special Conditions in the Major Violation Report: Points are assigned if the primary offense does not have a prefix of SEX, RAP, or OBS, but the defendant was required by court or the probation officer to comply with any special sex offender conditions. The alleged violations must be detailed in the major violation report for points to be assigned. The conditions do not need to be specified in the court order but must be included in the Major Violation report submitted to the court.

15.11.3 The Commission will monitor the impact of nonprimary offenses that meet the sex offender criteria for this factor and their impact on judicial sentencing patterns. Adjustments, if needed, will be made in Phase II.

## **FACTOR 8**

### **15.12 Recommendation Score**

The score is totaled, and the preparer should refer to the sentence length Recommendation Table at the bottom of this worksheet. The first column contains the score ranges and the second column presents the recommended sentence range associated with each score. Check the appropriate box corresponding to the total score. On the SRR cover page, record the Guidelines sentence recommendation.





## 16.0 New Law Misdemeanor Worksheet (New Law M)

This worksheet needs to be completed when the current violation is based on a new misdemeanor or lesser conviction (e.g., traffic infraction, local law or ordinance). The judge decides if a placement on first offender or other finding under advisement violates probation Condition 1. The worksheet does not apply if there is only an arrest for a new misdemeanor or lesser offense. Complete this worksheet if in addition to the new conviction, there are also new technical violations of probation. New and out-of-state misdemeanor convictions are scored based on Virginia's current penalty. If the defendant has a felony conviction, but it would be a misdemeanor in Virginia, use this worksheet.

In all cases, (technical, special condition and new law violations) an updated criminal history must be provided to the court. The updated criminal history, since the last hearing, may be provided orally or in writing.

### 16.1 Primary Offense

The primary offense is the most serious offense in the Current Probation Violation Event. The most serious offense is determined by the statutory maximum. The offense with the highest statutory maximum is the primary offense. If the statutory maximums tie, then select the primary offense based on this hierarchy (see Appendix 3 for the type of offense):

- 1- Statutory Maximums
- 2- Person Crimes
- 3- Property Crimes
- 4- Other Crimes (e.g., Weapons, Traffic, Fail to Appear)
- 5- Drug Crimes
- 6- Highest Effective Sentence

**16.1.1 Statutory Changes to the Primary Offense:** Enter the Virginia Crime Code (VCC) for the primary offense. The original offense cannot be changed to reflect Virginia's current penalty structure. The VCC entered reflects the penalty at the time of conviction for the most serious underlying offense. Unlike for prior record, you do not use Virginia's current penalty structure. For example: third or subsequent petit larceny was removed from the *Code* on July 1, 2021. The felony offense no longer exists. However, if the probationer was being supervised for felony third offense petty larceny, the corresponding felony VCC in place at the time of sentencing for the most serious underlying offense must be used. Other examples include, driving after being a declared habitual offender, robbery, felony larceny with a value of less than \$1,000.

**16.1.2 Released From Probation for One or More Offenses:** If the probationer was released by the court for the most serious original underlying offense, enter the VCC for the most serious remaining underlying felony offense from the probation revocation event. The new most serious underlying offense cannot be for a misdemeanor.

### 16.2 Original Sentence was Incarceration/CCAP

This factor is marked if the defendant was sentenced to an active incarceration period in jail, prison or a juvenile institution (including post-dispositional confinement in secure detention following adjudication of delinquency) during the Original Sentence Date(s) for any offense in the Current Probation Violation Event. The incarceration period must be the result of a sentence. Time spent in jail or a juvenile facility awaiting arraignment, trial or sentencing is not identified unless the defendant is sentenced to time served. Do identify as incarceration a jail work program used as an alternative to an active sentence.

*Note that CCAP, Detention and Diversion Center programs are scored as periods of incarceration.*

### 16.3 ICOTS Case

The Interstate Compact Offender Tracking System (ICOTS) is a web-based system that facilitates the transfer of supervision for probationers and parolees from one state to another. Only mark the ICOTS box if the case has been

accepted by the receiving state. Do not mark this box for any other type of travel permit granted or any other form of permission to leave the sentencing state. Enter the abbreviation for the state that agreed to accept transfer of supervision for the primary offense.

#### **16.4 Amount of Revocable Time at Sentencing**

Enter the years, months and days for the total amount of revocable time that this court could impose for the Current Probation Violation Event. This is the sum of all suspended time for any offense that this court could revoke in the Current Probation Violation Event hearing. (This is the amount of revocable time for this court and this probation violation event only.)

### **FACTOR 1**

#### **16.5 Dates (Used to score factors Three and Four)**

**16.5.1 Earliest Original Sentencing Date** – Enter the date the defendant was originally sentenced for the current felony offense(s). If the defendant currently has multiple obligations in this court with different original sentencing dates, enter the earliest original sentencing date. The date entered here may not be for the offense identified as the primary offense. The primary offense may not have occurred first. The earliest date cannot be for a misdemeanor.

Example: The defendant was sentenced in this court for Credit Card Theft on November 1, 2021, and placed on supervised probation, then convicted in this court for Grand Larceny on February 2, 2022, and placed on supervised probation. The defendant is still on supervision for both offenses and is now being brought before this court for a violation relating to both offenses. The Original Sentence Date would be November 1, 2021.

**16.5.2 Start of Current Supervision Period** – The Current Supervision Period begins on the most recent date the defendant was placed, or continued, on probation for any offense in the Current Probation Violation Event. If there are multiple start dates for the offenses in the violation event, enter the earliest start probation date.

For example, a defendant is on probation for Offense A when convicted of a new felony (Offense B). The defendant is now being supervised for both convictions from the same court. Currently, the defendant is before one judge for violation of both periods of supervision. In this example the earliest start date is for Offense A, the date the defendant was first placed on probation.

If the defendant was previously found in violation of probation, the Current Supervision Period begins on the date of the last time the defendant was found in violation of probation in this court (or if incarcerated, the date that probation was resumed after being found in violation) up to the current hearing/sentencing date. The start date for the Current Supervision Period is reset each time the court finds the defendant in violation of probation or revokes the defendant's probation.

Example: The defendant was sentenced and placed on probation on June 1, 2021. The defendant was later found in violation of probation on February 1, 2022, but was continued on probation. Sentencing for a second probation violation based on violation of special conditions is set for October 1, 2022. The current supervision start date is February 1, 2022 (not the original start date of June 1, 2021) and the second violation end date is October 1, 2022 (the date the defendant is scheduled to be sentenced for the second violation.)

### **FACTOR 2**

#### **16.6 Number of Felony Revocation Events for Current Offenses(s) (THIS COURT ONLY)**

This factor includes both the Current Probation Violation Event and any In-between Probation Violation/Revocation Event (see page 16 for definitions).

This factor scores the Current Probation Violation Event and previous probation violation events for any of the offenses in the Current Probation Violation Event. This factor is focused on the current court only.

### 16.6.1 Revocation Defined

A probation is considered revoked for Guidelines purposes when the court either revokes probation or finds the defendant in violation of probation. The sentence does not determine if the revocation is scored or not. Found in violation and continued on probation are considered to be revocation events. However, if the judge takes the revocation under advisement or if the defendant is found not in violation of probation, it is not scored as a revocation.

**Note:** Prior revocations of **First Offender** (§§ 18.2-251 or 18.2-258.1), and any **deferred finding** cases (§§ 19.2-298.01 or 19.2-303.6) are not considered a probation violation on Guidelines. Probation violations are only counted after the defendant has formally been convicted of a charge.

### 16.6.2 Event Defined

An event includes violations for all underlying offenses and associated counts being handled before the same judge, on the same day and in the same court. An event may include multiple offenses or several different periods of supervised probation, but only one revocation is scored. Do not score a separate revocation for each count or each period of probation if the court is conducting one violation hearing for multiple offenses.

### 16.6.3 Good Behavior Violations

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

### 16.6.4 Assigning Points

**Current (Probation) Revocation Event Only:** If there are no previous revocations for the offenses in the current event, the case will be assigned points for the Current Probation Revocation Event only.

**One (Probation) Revocation Event Prior to the Current Revocation Event:** This factor is scored if the defendant's probation for any of the offenses in the current sentencing event (in this court only) was previously revoked. Do not count the current revocation and do not add the points together.

**Two or More (Probation) Revocation Events Prior to the Current Revocation Event:** This factor is scored if the defendant's probation for any of the offenses in the current sentencing event (in this court only) was previously revoked two or more times. Do not count the current revocation and do not add the points together.

## **FACTOR 3**

### 16.7 Prior Felony Revocation(s) before Earliest Original Sentencing Date (THIS COURT ONLY)

16.7.1 Assign points if the defendant has any Prior Probation Violation/Revocation Events before the earliest original sentencing date that are not part of the current violation. The original sentencing date is the date entered for Factor 1. Only score prior felony revocations that occurred in the current court. The revocation must occur before the original sentencing date and not on or after the original sentencing date. In other words, the prior revocation is from a different supervision period and not the current. Any change in penalty structure for the underlying offense does not reduce the felony probation violation to a misdemeanor violation.

Note: This rule is different from the instructions provide in the Sentencing Guidelines manual for scoring prior convictions/adjudications on the sentencing guidelines. Changes in penalty structure does impact the scoring of prior convictions, adjudications and revocations on the guidelines for new felony offenses. Please refer to General Instructions, page 24, in the Sentencing Guidelines manual when completing guidelines for new felony offenses.

16.7.2 For this factor, a prior felony revocation is any revocation for a felony offense that occurred before the current original offense date. In other words, the prior revocation is from a different supervision period and not the current.

## **FACTOR 4**

### **16.8 Felony Offense Conviction(s) between Earliest Original Sentencing Date and Start of Current Supervision (ALL COURTS)**

16.8.1 This factor is defined as the In-between New Law Conviction(s) factor (see page 16 for definition).

16.8.2 Assign points if the defendant committed a felony offense between the earliest original sentencing date and the start date for the Current Supervision Period that resulted in a felony conviction during that time. The Current Supervision Period begins on the most recent date the defendant was placed or continued on probation and ends on the date for the current probation violation hearing/sentencing. Both the offense date and the conviction date must be between the original sentencing date and the start date for the Current Supervision Period.

16.8.3 A felony conviction is any felony offense for which the offender has pled guilty or been found guilty by the court. Offenses that are currently pending sentencing in another court are considered convictions.

16.8.4 Points are assigned if the defendant has any felony convictions in any court. This factor is not limited to the current court.

16.8.5 Out-of-state, federal, military and international offenses are scored based on Virginia's current penalty structure. If the behavior in another state or jurisdiction is similar to a felony here in Virginia, the conviction must be scored as a felony. In other words, a misdemeanor in another state may be scored as a felony for this factor if the behavior is punishable as a felony in Virginia. The reverse is true, as well. If a felony conviction in another state or jurisdiction is punishable as a misdemeanor in Virginia, that conviction is not scored on this factor.

#### **16.8.6 Do not score:**

**A. Convictions During the Current Supervision Period:** Offenses and convictions that occur during the Current Supervision Period are not scored.

**B. Probation Violations, Good Behavior or Suspended Sentence Violations/Revocations:** For this factor, probation, good behavior, suspended sentence are not scored as new convictions. There must be a documented new felony conviction. A new felony arrest is not scored.

**C. Deferred Finding Dispositions:** Not scored are First Offender cases (§18.2-251 or §18.2-258.1) or any deferred finding cases (§ 19.2-298.02). In these cases, the defendant has not yet been convicted of any offense. (If the court finds the defendant violated the conditions of a deferred sentence and convicts the defendant of a felony, the felony conviction is scored.)

**D. Misdemeanor, Criminal Traffic, Traffic infractions:** Convictions for misdemeanors, infractions and offenses with civil penalties are not scored.

**E. Certain Out-of-state Convictions:** Out-of-state felony convictions that are only punishable as misdemeanors in Virginia. (If the out-of-state conviction is similar to a Virginia felony, then the factor is scored).

**F. Overturned** or successfully appealed convictions.

## **FACTOR 5**

### **16.9 Condition 1 Violation: New Misdemeanor Conviction(s) for Offenses Committed During the Current Supervision Period (Use Virginia's Current Penalty Structure)**

16.9.1 Score this factor if Condition 1 has been cited for a new misdemeanor conviction with an **offense date** and a **conviction date** during the Current Supervision Period. Do not score this factor if the new law violation is a civil offense or a traffic infraction (Traffic infractions are neither a felony nor misdemeanor). If there are new felony convictions, Worksheet New Law F must be completed. This factor is scored after a conviction for a new offense and is not scored for a new arrest or a pending case without at least one conviction. The judge may decide that placement on **first offender** (§§ 18.2-251 or 18.2-258.1), any **deferred finding** (§§ 19.2-298.02 or 19.2-303.6) or finding taken under advisement satisfies the legal requirement for a violation of Condition 1 (new law violation).

16.9.2 Enter points if any new misdemeanor conviction is similar in behavior to the current primary offense. Similar behavior is determined by using Appendix 4. Appendix 4 lists the VCC prefix for the primary offense and identifies the VCC prefix for any similar offense or behavior. If the new misdemeanor has the same prefix as the primary offense or a VCC prefix identified in Appendix 4 as similar, points are assigned. This factor is scored based on the VCC prefix and not the elements of the offense.

16.9.3 Points are not assigned if the new misdemeanor conviction is similar behavior to any offense other than the primary offense in the Current Probation Violation Event. This factor is limited to the offense and VCC listed as the current most serious primary offense at the top of the worksheet.

16.9.4 Assign the appropriate points if no new misdemeanor conviction is similar in behavior to the current most serious primary offense. No points are assigned for this factor if points were already assigned for the factor New Misdemeanor Conviction is Similar Behavior to Current Primary Offense. **Do not total the points.**

**16.9.5 Enter the new conviction information (New Conviction Box)** – Details are provided so the court will have consistent information on the type of convictions that, in part, initiated the violation hearing and the effective sentence for the new law violations.

16.9.6 If there are more than two new misdemeanor convictions (i.e., more than two different VCCs), then select the two most serious convictions.

16.9.7 Use the following hierarchy to determine the most serious misdemeanor convictions (see Appendix 3 for the type of offense):

- 1- Statutory Maximums
- 2- Person Crimes
- 3- Property Crimes
- 4- Other Crimes (e.g., Weapons, Traffic, Fail to Appear)
- 5- Drug Crimes
- 6- Highest Effective Sentence

16.9.8 In the New Conviction box enter the number of counts, VCC, sentencing date (or Conviction date if sentencing is pending), FIPS code (refer to Appendix 5), and the effective sentence (the amount of active time to serve after suspension). For out-of-state indeterminate sentences enter the maximum sentence. If sentenced to time served enter the specific amount of time served. (If sentenced to time served for multiple offenses in the same event, check the time served boxes for all.) If the amount of time served is unknown, leave effective sentence blank and check the TS (Time Served) boxes. If the defendant has been convicted, but not yet sentenced, be sure to check the pending sentencing box, enter the conviction date and leave effective sentence blank.

**16.9.9 Sum of Total Effective Sentence for All New Convictions** – Sum the total active time the defendant must serve for all new convictions in all courts, not just for the ones listed on the worksheet. Effective time means any active time to serve in jail or prison. If there are more than two new convictions be sure to include any active time the defendant must serve for new convictions not included in the new conviction box.

## **FACTOR 6**

### **16.10 CONDITION 8 Violation: Drug Violation**

For this factor, points are assigned if the defendant was cited for a violation of Condition 8 (Use, possess, distribute controlled substances or paraphernalia). The violation must be cited in the capias, warrant, revocation request or Major Violation Report or amended reports. Even if Condition 8 is not cited in the capias, warrant, revocation request, Major Violation Report or amended reports, points are assigned if the defendant is found in violation of Condition 8 by the court.

## **FACTOR 7**

### **16.11 CONDITION 11 Violation: Abscond**

16.11.1 Assign points if the defendant was cited for absconding from supervision in violation of Condition 11 of the Conditions of Probation 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.

Score defendants who never reported to sign their conditions of probation as absconding from supervision for Probation Violation Guidelines purposes.

16.11.2 **Last Date Whereabouts Were Known** – This is the date the probation officer last had contact with the defendant at which time the officer knew the whereabouts of the defendant. 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. A phone call to the probation officer is not sufficient to verify a defendant's location. If there are multiple periods of absconding, use the most recent date the probation officer last knew the defendant's whereabouts and the most recent date the defendant's whereabouts were subsequently verified.

16.11.3 **Date Whereabouts Verified** – The location is verified when the defendant is in jail or prison, arrested on a capias or PB-15, found living at a different address and the location is verified by the probation officer. If there are multiple periods of absconding, use the most recent date the probation officer last knew the defendant's whereabouts and the most recent date the defendant's whereabouts were subsequently verified.

### **16.11.4 Additional Information for Establishing Dates for Absconding**

**16.11.4.1 Arrest on PB-15:** Enter the most recent date the defendant was arrested for the violation (the date the defendant was served with the Probation Violation Capias). If the defendant was first arrested on a PB-15 for the alleged violations of supervision and later served with a Probation Violation Capias enter the date the defendant was arrested on the PB-15.

#### **16.11.4.2 DOC Establishes Policies for Identifying Absconders**

If the probation officer cites Condition 11 and the court agrees that the defendant is an absconder, points must be assigned. In general, Condition 11 is cited when a reasonable effort has been made to locate an offender and their whereabouts are unknown. Reasonable effort includes follow-up inquiry at the approved residence and employment, as well as at local jails and hospitals, and the questioning of family members and close friends. Current DOC policy may be different than what was in effect at the time this manual was printed.

**16.11.4.3 Never Signed Conditions of Probation:** For defendants who never report to sign their conditions of probation, use the most recent date the defendant was ordered to report for supervision (e.g., sentencing date) as the date of last contact.

**16.11.4.4 Voluntarily Reports to Probation Officer:** If a defendant is not arrested but returns and advises the probation officer of his or her whereabouts, enter the date the return location was verified. The location must be verified by the probation officer or other court official. A phone call to the probation officer is not sufficient to verify a defendant's location.

## **FACTOR 8**

### **16.12 Primary Offense VCC Prefix of SEX, RAP, OBS or Violation of Sex Offender Special Conditions (Court or DOC)**

There are two possibilities for assigning points for this factor:

16.12.1 Based on the VCC Prefix for the Primary Offense: This factor is focused on the primary offense, which is the most serious original offense in the Current Probation Violation Event. If the primary offense has a SEX (Sex Offense), RAP (Sexual Assault), or OBS (Obscenity) VCC prefix, points are assigned for this factor. There may be other offenses in this probation violation event with the required VCC prefixes, but points are only assigned based on the primary offense.

16.12.2 Cited for Violation of Sex Offender Special Conditions in the Major Violation Report: Points are assigned if the primary offense does not have a prefix of SEX, RAP, or OBS, but the defendant was required by court or the probation officer to comply with any special sex offender conditions. The alleged violations must be detailed in the major violation report for points to be assigned.

16.12.3 The Commission will monitor the impact of nonprimary offenses that meet the sex offender criteria for this factor and their impact on judicial sentencing patterns. Adjustments, if needed, will be made in Phase II.

## **FACTOR 9**

### **16.13 Recommendation Score**

The score is totaled, and the preparer should refer to the sentence length Recommendation Table at the bottom of this worksheet. The first column contains the score ranges, and the second column presents the recommended sentence range associated with each score. Check the appropriate box corresponding to the total score. On the SRR cover page, record the Guidelines sentence recommendation.







## 17.0 New Law Felony Worksheet (New Law F)

This worksheet needs to be completed when the current violation is based on a new felony conviction. The judge decides if a placement on first offender or other finding taken under advisement violates probation Condition 1. The worksheet does not apply if there is only an arrest for a new offense. Complete this worksheet if in addition to the new felony conviction, there are also new technical violations of probation. New and out-of-state felony convictions are scored based on Virginia's current penalty. If the defendant has a misdemeanor conviction, but it would be a felony in Virginia, use this worksheet.

In all cases, (technical, special condition and new law violations) an updated criminal history must be provided to the court. The updated criminal history, since the last hearing, may be provided orally or in writing.

### 17.1. Primary Offense

The primary offense is the most serious offense in the Current Probation Violation Event. The most serious offense is determined by the statutory maximum. The offense with the highest statutory maximum is the primary offense. If the statutory maximums tie, then select the primary offense based on this hierarchy (see Appendix 3 for the type of offense):

- 1- Statutory Maximums
- 2- Person Crimes
- 3- Property Crimes
- 4- Other Crimes (e.g., Weapons, Traffic, Fail to Appear)
- 5- Drug Crimes
- 6- Highest Recommendation

**17.1.1 Statutory Changes to the Primary Offense:** Enter the Virginia Crime Code (VCC) for the primary offense. The original offense cannot be changed to reflect Virginia's current penalty structure. The VCC entered reflects the penalty at the time of conviction for the most serious underlying offense. Unlike for prior record, you do not use Virginia's current penalty structure. For example: third or subsequent petit larceny was removed from the *Code* on July 1, 2021. The felony offense no longer exists. However, if the probationer was being supervised for felony third offense petty larceny, the corresponding felony VCC in place at the time of sentencing for the most serious underlying offense must be used. Other examples include, driving after being a declared habitual offender, robbery, felony larceny with a value of less than \$1,000.

**17.1.2 Released from Probation for One or More Offenses:** If the probationer was released by the court for the most serious original underlying offense, enter the VCC for the most serious remaining underlying felony offense from the probation revocation event. The new most serious underlying offense cannot be for a misdemeanor.

### 17.2 Original Sentence was Incarceration/CCAP

This factor is marked if the defendant was sentenced to an active incarceration period in jail, prison or a juvenile institution (including post-dispositional confinement in secure detention following adjudication of delinquency) during the Original Sentence Date(s) for any offense in the Current Probation Violation Event. The incarceration period must be the result of a sentence. Time spent in jail or a juvenile facility awaiting arraignment, trial or sentencing is not identified unless the defendant is sentenced to time served. Do identify as incarceration a jail work program used as an alternative to an active sentence.

*Note that CCAP, Detention and Diversion Center programs are scored as periods of incarceration.*

### 17.3 ICOTS Case

The Interstate Compact Offender Tracking System (ICOTS) is a web-based system that facilitates the transfer of supervision for probationers and parolees from one state to another. Only mark the ICOTS box if the case has been accepted by the receiving state. Do not mark this box for any other type of travel permit granted or any other form of permission to leave the sentencing state. Enter the abbreviation for the state that agreed to accept transfer of supervision for the primary offense.

#### **17.4 Amount of Revocable Time at Sentencing**

Enter the years, months and days for the total amount of revocable time that this court could impose for the Current Probation Violation Event. This is the sum of all suspended time for any offense that this court could revoke in the Current Probation Violation Event hearing. (This is the amount of revocable time for this court and this probation violation event only.)

#### **FACTOR 1**

#### **17.5 Dates (Used to score factors Three and Four)**

**17.5.1 Earliest Original Sentencing Date** – Enter the date the defendant was originally sentenced for the current felony offense(s). If the defendant currently has multiple obligations in this court with different original sentencing dates, enter the earliest original sentencing date. The date entered here may not be for the offense identified as the primary offense. The primary offense may not have occurred first. The earliest date cannot be for a misdemeanor.

Example: The defendant was sentenced in this court for Credit Card Theft on November 1, 2021, and placed on supervised probation, then convicted in this court for Grand Larceny on February 2, 2022, and placed on supervised probation. The defendant is still on supervision for both offenses and is now being brought before this court for a violation relating to both offenses. The Original Sentence Date would be November 1, 2021.

**17.5.2 Start of Current Supervision Period** – The Current Supervision Period begins on the most recent date the defendant was placed, or continued, on probation for any offense in the Current Probation Violation Event. If there are multiple start dates for the offenses in the violation event, enter the earliest start probation date.

For example, a defendant is on probation for Offense A when convicted of a new felony (Offense B). The defendant is now being supervised for both convictions from the same court. Currently, the defendant is before one judge for violation of both periods of supervision. In this example the earliest start date is for Offense A, the date the defendant was first placed on probation.

If the defendant was previously found in violation of probation, the Current Supervision Period begins on the date of the last time the defendant was found in violation of probation in this court (or if incarcerated, the date that probation was resumed after being found in violation) up to the current hearing/sentencing date. The start date for the Current Supervision Period is reset each time the court finds the defendant in violation of probation or revokes the defendant's probation.

Example: The defendant was sentenced and placed on probation on June 1, 2021. The defendant was later found in violation of probation on February 1, 2022, but was continued on probation. Sentencing for a second probation violation based on violation of special conditions is set for October 1, 2022. The current supervision start date is February 1, 2022 (not the original start date of June 1, 2021) and the second violation end date is October 1, 2022 (the date the defendant is scheduled to be sentenced for the second violation.)

#### **FACTOR 2**

#### **17.6 Number of Felony Revocation Events for Current Offenses(s) (THIS COURT ONLY)**

This factor includes both the Current Probation Violation Event and any In-between Probation Violation/Revocation Event (see page 16 for definitions).

This factor scores the Current Probation Violation Event and previous probation violation events for any of the offenses in the Current Probation Violation Event. This factor is focused on the current court only.

### 17.6.1 Revocation Defined

A probation is considered revoked for Guidelines purposes when the court either revokes probation or finds the defendant in violation of probation. The sentence does not determine if the revocation is scored or not. Found in violation and continued on probation are considered to be revocation events. However, if the judge takes the revocation under advisement or if the defendant is found not in violation of probation, it is not scored as a revocation.

**Note:** Prior revocations of **First Offender** (§§ 18.2-251 or 18.2-258.1), and any **deferred finding** cases (§§ 19.2-298.01 or 19.2-303.6) are not considered a probation violation on Guidelines. Probation violations are only counted after the defendant has formally been convicted of a charge.

### 17.6.2 Event Defined

An event includes violations for all underlying offenses and associated counts being handled before the same judge, on the same day and in the same court. An event may include multiple offenses or several different periods of supervised probation, but only one revocation is scored. Do not score a separate revocation for each count or each period of probation if the court is conducting one violation hearing for multiple offenses.

### 17.6.3 Good Behavior Violations

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

### 17.6.4 Assigning Points

**Current (Probation) Revocation Event Only:** If there are no previous revocations for the offenses in the current event, the case will be assigned zero points for the Current Probation Revocation Event only.

**One or More Prior Revocation Events for Any Offense in the Current Revocation Event:** This factor is scored if the defendant's probation for any of the offenses in the current sentencing event (in this court only) was previously revoked. Do not count the current revocation.

## FACTOR 3

### 17.7 Condition 1 Violation: New Felony Conviction(s) for Offenses Committed During the Current Supervision Period (Use Virginia's Current Penalty Structure)

17.7.1 Score this factor if Condition 1 has been cited for a new felony **conviction** with an **offense date** and a **conviction date** during the Current Supervision Period. If there are both new misdemeanor and new felony **convictions**, complete Worksheet New Law F. This factor is scored after a conviction for a new felony offense and is not scored for a new arrest or a pending case without at least one felony conviction. The judge may decide that a placement on **first offender** (§§ 18.2-251 or 18.2-258.1), any **deferred finding** (§§ 19.2-298.02 or 19.2-303.6) or a finding taken under advisement satisfies the legal requirement for a violation of Condition 1 (new law violation).

17.7.2 Identify the number of new person felony convictions and the number of counts. Refer to Appendix 3 to identify person crimes. Enter the total number of counts. Multiply the number of counts by 20 and enter the total score.

17.7.3 Identify all other felony convictions (other than person crimes) and enter the total number of counts. Multiply the number of counts by 2 and enter the total score.

17.7.4 Out-of-state, federal, military and international offenses are scored based on Virginia's current penalty structure. If the behavior in another state or jurisdiction is similar to a felony here in Virginia, the conviction must be scored as a felony. In other words, a misdemeanor in another state may be scored as a felony for this factor if the behavior is punishable as a felony in Virginia. The reverse is true, as well. If a felony conviction in another state or jurisdiction is punishable as a misdemeanor in Virginia, that conviction is treated as a misdemeanor (not scored for this factor).

#### 17.7.5 Enter the new conviction information (New Conviction Box) –

Details are provided so the court will have consistent information on the type of convictions that, in part, initiated the violation hearing and the effective sentence for the new law violations.

17.7.6 If there are more than two new felony and misdemeanor convictions (i.e., more than two different VCCs), then select the two most serious convictions.

..

17.7.7 Use the following hierarchy to determine the most serious convictions (see Appendix 3 for the type of offense):

- 1- Statutory Maximums
- 2- Person Crimes
- 3- Property Crimes
- 4- Other Crimes (e.g., Weapons, Traffic, Fail to Appear)
- 5- Drug Crimes
- 6- Highest Effective Sentence

17.7.8 In the New Conviction box enter the number of counts, VCC, sentencing date (or Conviction date if sentencing is pending), FIPS code (refer to Appendix 5), and the effective sentence (the amount of active time to serve after suspension). For out-of-state indeterminate sentences enter the maximum sentence. If sentenced to time served enter the specific amount of time served. (If sentenced to time served for multiple offenses in the same event, check the time served boxes for all.) If the amount of time served is unknown, leave effective sentence blank and check the TS (Time Served) boxes. If the defendant has been convicted, but not yet sentenced, be sure to check the pending sentencing box, enter the conviction date and leave effective sentence blank.

17.7.9 **Sum of Total Effective Sentence for All New Convictions** – Sum the total active time the defendant must serve **all** new convictions in all courts, not just the ones listed on the worksheet. Effective time means any active time to serve in jail or prison. If there are more than two new convictions be sure to include any active time the defendant must serve for new convictions not included in the new conviction box.

### **FACTOR 4**

#### **17.8 New Felony or Misdemeanor Conviction is Similar Behavior to The Most Serious Current Primary Offense (Use Virginia's Current Penalty Structure)**

17.8.1 Score this factor if Condition 1 has been cited for a new felony conviction with an **offense date** and a **conviction date** during the Current Supervision Period. There may also be new misdemeanor convictions during the same period that will be scored for this factor. Do not score this factor if the new law violation is a civil offense or a traffic infraction (Traffic infractions are neither a felony nor misdemeanor). This factor is scored after a conviction for a new offense and is not scored for a new arrest or a pending case without at least one conviction.

17.8.2 Enter points if a new felony or misdemeanor conviction is similar in behavior to the current primary offense. Similar behavior is determined by using Appendix 4. Appendix 4 lists the VCC prefix for the primary offense and identifies the VCC prefix for any similar offense or behavior. If the new felony or misdemeanor has the same prefix as the primary offense or a VCC prefix identified in Appendix 4 as similar, points are assigned. This factor is scored based on the VCC prefix and not the elements of the offense.

17.8.3 Points are not assigned if the new felony or misdemeanor conviction is similar behavior to any offense other than the primary offense in the Current Probation Violation Event. This factor is limited to the offense and VCC listed as the current most serious primary offense at the top of the worksheet.

17.8.4 Out-of-state, federal, military and international offenses are scored based on Virginia's current penalty structure. If the behavior in another state or jurisdiction is similar to a felony here in Virginia, the conviction must be scored as a felony. In other words, a misdemeanor in another state may be scored as a felony for this factor if the

behavior is punishable as a felony in Virginia. The reverse is true, as well. If a felony conviction in another state or jurisdiction is punishable as a misdemeanor in Virginia, that conviction is scored as a misdemeanor.

**FACTOR 5**

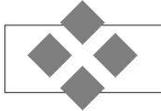
**17.9 Recommendation Score**

The score is totaled, and the preparer should refer to the sentence length Recommendation Table at the bottom of this worksheet. The first column contains the score ranges, and the second column presents the recommended sentence range associated with each score. Check the appropriate box corresponding to the total score. On the SRR cover page, record the Guidelines sentence recommendation.



# Summary Instructions

Coversheet: Sentencing Revocation Report & Disposition Page



# Sentencing Revocation Report (SRR) - Felony Supervision/Good Behavior/Suspended Sentence Violations

## ◆ OFFENDER \_\_\_\_\_

First: \_\_\_\_\_ Middle: \_\_\_\_\_ Last: \_\_\_\_\_ Suffix: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ SSN: \_\_\_\_\_ SID/CCRE: \_\_\_\_\_ CORIS Offender ID: \_\_\_\_\_

## ◆ COURT \_\_\_\_\_

Judicial Circuit: \_\_\_\_\_ City/County: \_\_\_\_\_ Docket Number: \_\_\_\_\_ FIPS Code: \_\_\_\_\_

## ◆ TYPE OF REVOCATION \_\_\_\_\_

(Complete SRR and Guidelines):  State Supervised Probation for Felony

(Complete SRR only, guidelines do not apply):  Local Probation  Good Behavior /Suspend Sentence  CCAP  Procedural

(NOTE: This form is not completed for First Offender Violations, Deferred Finding Violations or Parole Violations)

Technical Violation 2-11:  1st  2nd  3rd or sub

Technical Violation 9 or 11:  1st  2nd  3rd or sub

Special Conditions:  Yes

New Law Violation:  Felony  Misdemeanor

## ◆ CONDITIONS CITED IN VIOLATION BY PROBATION/PAROLE OFFICER (check all that apply)

- 1. Fail to obey all Federal, State, and local laws.
- 2. Fail to report any arrests within 3 days to PO.
- 3. Fail to maintain employment or to report changes.
- 4. Fail to report as instructed
- 5. Fail to allow probation officer to visit home or job.
- 6. Fail to follow instructions, be truthful, and cooperative.
- 7. Use alcoholic beverages
- 8. Use, possess, distribute controlled substances or paraphernalia
- 9. Use, own, possess, transport or carry firearm
- 10. Change residence or leave Virginia without permission
- 11. Abscond from supervision
- Fail to follow special conditions (specify)

Special Sex Offender Conditions  
(Enter Letter for Condition(s) Violated):

Special Gang Member Conditions  
(Enter Letter for Condition(s) Violated):

## ◆ TREATMENT, SANCTIONS, EDUCATIONAL PROGRAMS & ALTERNATIVES UTILIZED

(For Judicial Review)

	Enrolled, Ordered	Completed	Not Completed	Ineligible
Anger management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CCAP	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community Service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Drug Screens increased/ordered	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Employment Skills Program	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gang Supervision	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Incarceration - jail or prison	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Increase in supervision level	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mental health counseling	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parenting class	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Recidivist Prevention Program	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reprimand	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Salvation Army Program	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sex offender treatment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Specialty Court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Substance Abuse Program, Jail/DOC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Substance Abuse treatment, inpatient	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Substance Abuse treatment, outpatient	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Substance Abuse treatment: AA or NA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thinking for a Change	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Voice Verification Biometrics Monitoring	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

◆ DATE ARRESTED FOR THIS VIOLATION: \_\_\_\_/\_\_\_\_/\_\_\_\_

◆ PRETRIAL CONFINEMENT FOR THIS VIOLATION  No

Confined Since Arrest for Violation Dates Confined \_\_\_\_/\_\_\_\_/\_\_\_\_ to \_\_\_\_/\_\_\_\_/\_\_\_\_ Dates Confined \_\_\_\_/\_\_\_\_/\_\_\_\_ to \_\_\_\_/\_\_\_\_/\_\_\_\_  
(For Judicial Review. There is no indication that the times served will be applied to this case)

◆ PRETRIAL STATUS RELEASE :

Bond: \_\_\_Secured \_\_\_Unsecured  Own Recognizance  Third Party Release  N/A

◆ RECOMMENDATION RANGE:  No Time

Time Served

to     
Years Months Days to Years Months Days

(Note to Judge: If you find the defendant has good rehabilitation potential, mark the box on the disposition page.  
The low end of the recommendation will be time served or zero additional days.)

## ◆ **Completing the Sentencing Revocation Report (Summary)**

Detailed instructions for completing the SRR may be found on pages 31-43 (Section 7.0).

1. Enter the offender's first, middle and last name and suffix.
2. Fill in the offender's date of birth. If unknown, leave blank. If there are multiple birthdates reported, attempt to identify the "true" birthdate and enter only one.
3. Fill in the offender's social security number. If unknown, leave blank. If there are multiple social security numbers, attempt to identify the "true" number and enter only one.
4. Fill in the offender's Central Criminal Records Exchange (CCRE) number. If no Virginia number has been assigned by the State Police, leave blank.
5. Fill in the offender's CORIS offender number.
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 Docket number. If multiple docket numbers, enter the docket number that corresponds with the revocation for the most serious offense.
9. Enter the FIPS Code that corresponds to the city or county where the sentencing court is located. For a FIPS code listing, refer to Appendix 5 of the Sentencing Guidelines Manual.
10. Check the appropriate boxes indicating what types of revocations are being considered by the court.
11. Check the appropriate boxes indicating Technical (2-11), Technical (9 or 11), New Law felony or misdemeanor or special conditions violation. (Check all that apply.)
12. Check the appropriate boxes indicating the conditions of state probation that the offender is accused of violating. (Do not check for local probation, good behavior and other suspended sentence violations because the conditions may not be the same as state probation.)
13. Check the appropriate boxes for every treatment, sanction or program utilized during the entire supervision history for the current offense(s). (Multiple boxes may be checked for the same program.)
14. Enter the date the defendant was arrested for the current violation.
15. Check the appropriate box for the defendant's confinement prior to the revocation hearing. Enter the dates the defendant was confined.
16. Check the appropriate box indicating the defendant's pretrial status release.
17. Check the appropriate box indicating the Probation Violation Guidelines recommendation and enter the recommended range, if applicable in the case.

# Final Decision/Disposition

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

Offender Name: L, \_\_\_\_\_

## ◆ DECISION OF THE COURT

- Found in Violation of Conditions as Cited
- Found in Violation of Conditions as Modified by the Judge. Conditions Violated:  
    \_\_\_\_\_
- Found in Violation of good behavior, suspended sentence, felony local probation
- Taken Under Advisement
- Not in Violation

## ◆ SENTENCE FOR REVOCATION

**Rehabilitation Potential**  
 Court Finds that the defendant is a good candidate for rehabilitation (The low end of the guidelines is set to time served or zero)

**Treatment Exception**  
 Sentenced to time required to participate in court ordered program/restitution review (§ 19.2-306.1 (D))

### Revocable Time for Event

Life +  Years  Months  Days

### Revocation Details

Amount of Time Imposed.....  Life +  Years  Months  Days

Amount of Time to Serve for this Violation (total effective sentence)..  Life +  Years  Months  Days  Sentenced to Time Served

### New/Revised Probation/Supervised Period

- Continued on same period of probation supervision (not extended)
- Placed on a probation supervision for a new period of.....  Indefinite +  Years  Months  Days
- Released from supervised probation

### Conditions

Good Behavior.....  Life +  Years  Months  Days

- New conditions of probation: \_\_\_\_\_
- Continued on same conditions \_\_\_\_\_

### Other Sentencing Programs (Check all that apply)

- Day Reporting
- Electronic Monitoring
- Intensive Probation
- Substance Abuse Treatment
- § 18.2-251/§ 18.2-258.1 (First Offender)
- Drug Court
- Community-Based Program \_\_\_\_\_
- CCAP
- Youthful Offender
- DJJ Commitment  Indeterminate  Determinate
- § 19.2-298.02 § 19.2-303.6 (Deferred Disposition)
- Other \_\_\_\_\_

Office Use Only

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### Criminal History

Updated Criminal History Provided

Office Use Only

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## ◆ REASON FOR DEPARTURE FROM GUIDELINES

## ◆ DATE OF REVOCATION DECISION

Month Day Year

\_\_\_\_\_  
 Judge's Signature For Office Use Only

## **Final Decision/Disposition    Completed 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 to the Virginia Criminal Sentencing Commission.**

### **18. Decision of the Court** (Check the appropriate box)

**Found in Violation of Conditions Cited** – The court determines that the defendant violated all conditions cited in the capias, warrant or revocation request.

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

**Found in Violation of Good Behavior, Suspended Sentence, Felony Local Probation** – The court determines that the defendant violated good behavior, suspended sentence or felony local probation.

**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.

### **19. Sentence for Revocation** (Check the appropriate boxes)

**Rehabilitation Potential** – Check this box if the court finds the defendant is a good candidate for rehabilitation. If this box is checked, effectively the low end is zero and the high end remains the same. (This is solely the decision of the presiding judge.)

**Treatment Exception** – Check this box if the defendant is sentenced to time required to participate in a court ordered program/restitution review.

**Revocable Time for Event** – 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.

**Revocation Details** –

**Amount of Time Imposed** - Enter the years, months and days imposed for the entire sentencing event. If the sentence imposed includes a life sentence, check the life box. In many courts this will be the same as the revocable time. The preference is for the court to identify all the revocable time for the revocation event instead of entering the amount of time imposed for the current violation.

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

# Final Decision/Disposition

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

Offender Name: L, \_\_\_\_\_

## ◆ DECISION OF THE COURT

- Found in Violation of Conditions as Cited
- Found in Violation of Conditions as Modified by the Judge. Conditions Violated:  
    \_\_\_\_\_
- Found in Violation of good behavior, suspended sentence, felony local probation
- Taken Under Advisement
- Not in Violation

## ◆ SENTENCE FOR REVOCATION

### Rehabilitation Potential

Court Finds that the defendant is a good candidate for rehabilitation (The low end of the guidelines is set to time served or zero)

### Treatment Exception

Sentenced to time required to participate in court ordered program/restitution review (§ 19.2-306.1 (D))

### Revocable Time for Event

Life +  Years  Months  Days

### Revocation Details

Amount of Time Imposed.....  Life +  Years  Months  Days

Amount of Time to Serve for this Violation (total effective sentence)..  Life +  Years  Months  Days  Sentenced to Time Served

### New/Revised Probation/Supervised Period

- Continued on same period of probation supervision (not extended)
- Placed on a probation supervision for a new period of.....  Indefinite +  Years  Months  Days
- Released from supervised probation

### Conditions

Good Behavior.....  Life +  Years  Months  Days

- New conditions of probation: \_\_\_\_\_
- Continued on same conditions

### Other Sentencing Programs (Check all that apply)

- Day Reporting
- Electronic Monitoring
- Intensive Probation
- Substance Abuse Treatment
- § 18.2-251/§ 18.2-258.1 (First Offender)
- Drug Court
- Community-Based Program
- CCAP
- Youthful Offender
- DJJ Commitment  Indeterminate  Determinate
- § 19.2-298.02 § 19.2-303.6 (Deferred Disposition)
- Other \_\_\_\_\_

Office Use Only

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### Criminal History

Updated Criminal History Provided

Office Use Only

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## ◆ REASON FOR DEPARTURE FROM GUIDELINES

## ◆ DATE OF REVOCATION DECISION

Month Day Year

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

For Office Use Only

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**New/Revised Probation Supervision Period** - Check the appropriate box indicating whether the defendant was continued on the same period of supervised probation (not extended), placed on a new period of probation supervision or released from supervised probation. If placed on a new period of probation supervision enter the new amount of time the defendant will be on probation supervision.

**Conditions** – Enter the period of good behavior. Check the appropriate box if new conditions of probation were imposed, or if the defendant was continued under the same conditions of probation. Specify any new conditions imposed.

**Other Sentencing Programs** – Check all that apply and enter a description for any program, alternative or restriction imposed by the court.

20. Check this box if the court received an updated criminal history since the last hearing. Results from the record check may be provided orally or in writing.
21. If 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.
22. Enter the month, date and year of the revocation decision.
23. The judge must sign each report after the decision has been completed. Electronic signatures are acceptable.



## **Summary References**

Worksheets: TV1/2, TV3, New Law M and New Law F



# Probation Violation Guidelines Worksheet **TV1/2**

## First or Second Technical Violation

Instructions - See Section

Base Guidelines on the Current Most Serious Primary Offense:    -          Original Sentencing w/ Incarceration/CCAP **14.1**

ICOTS Case for Supervision of Current Primary Transferred to: State Abv: \_\_\_\_\_ **14.3**

Amount of Total Revocable Time at Hearing/Sentencing:  Life +             **14.4**

(This Court Only)

**1 Dates (use to score factors three and four)**

Earliest Original Sentencing Date \_\_\_\_\_ Start of Current Supervision Period \_\_\_\_\_ **14.5**

**2 Number of Felony Revocation Events for Current Offense(s) (This Court Only)**

<b>Conditions 2, 3, 4, 5, 6, 7, 8 or 10</b> Current Revocation Event Only ..... Points 2 Prior Revocation Event ..... 11	<b>Conditions 9 or 11</b> Current Revocation Event Only ..... Points 4 Prior Revocation Event ..... 12	<input type="text"/> <input type="text"/> <b>14.6</b>
--	--	---

**3 Felony Offense Convictions Between Original Sentencing Date and Start of Current Supervision Period (ALL Courts)**

<b>Conditions 2, 3, 4, 5, 6, 7, 8 or 10</b> Do Not Score	<b>Conditions 9 or 11</b> If 1st Violation of Condition 9 or 11 ..... Points 0 If 2nd Violation of Condition 9 or 11 ..... 13	<input type="text"/> <input type="text"/> <b>14.7</b>
---	---	---

**4 Prior Felony Revocation(s) Before Original Sentencing Date (This Court Only)**

<b>Conditions 2, 3, 4, 5, 6, 7, 8 or 10</b> One or More Prior Felony Revocation Events ..... 1	<b>Conditions 9 or 11</b> If 1st Violation One or More Prior Felony Revocation Events ..... Points 1 If 2nd Violation One Prior Felony Revocation Events ..... 18 Two or More Prior Felony Revocations Events ..... 19	<input type="text"/> <input type="text"/> <b>14.8</b>
---	---	---

**5 Condition 8 Violation: Drug Violation**

<b>Conditions 2, 3, 4, 5, 6, 7, 8 or 10</b> Do Not Score	<b>Conditions 9 or 11</b> If 1st Violation of Condition 9 or 11 ..... Points 1 If 2nd Violation of Condition 9 or 11 ..... 7	<input type="text"/> 0 <input type="text"/> <b>14.9</b>
---	--	---

**6 Condition 11 Violation: Abscond**

<b>Conditions 2, 3, 4, 5, 6, 7, 8 or 10</b> Do Not Score	<b>Conditions 9 or 11</b> If 1st Violation of Condition 9 or 11 ..... Points 3 If 2nd Violation of Condition 9 or 11 ..... 10	<input type="text"/> <input type="text"/> <b>14.10</b>
---	---	--

Last Date whereabouts were known \_\_\_/\_\_\_/\_\_\_ Date whereabouts verified \_\_\_/\_\_\_/\_\_\_

**7 Primary Offense VCC Prefix of SEX, RAP, OBS**

<b>Conditions 2, 3, 4, 5, 6, 7, 8 or 10</b> Do Not Score	<b>Conditions 9 or 11</b> If 1st Violation of Condition 9 or 11 ..... Points 1 If 2nd Violation of Condition 9 or 11 ..... 22	<input type="text"/> <input type="text"/> <b>14.11</b>
---	---	--

**Recommendation Score**

**14.12**

**Recommendation Table**

Score	Guidelines Sentence	Score	Guidelines Sentence
<input type="checkbox"/> 0-3	No Time	<input type="checkbox"/> 19 to 33	3 months to 1 year
<input type="checkbox"/> 4-12	0 to 14 days	<input type="checkbox"/> 34 to 43	1 year to 1 year 6 months
<input type="checkbox"/> 13-18	Time Served to 6 months	<input type="checkbox"/> 44 or more	1 year to 4 years

Go to SRR Cover sheet and fill out the violation guidelines recommendation range.

# Probation Violation Guidelines Worksheet TV 3/SCV

## Third or Subsequent Technical Violation or Any Special Condition Violation

Instructions - See Section

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

Base Guidelines on the Current Most Serious Primary Offense:     Original Sentencing was Incarceration/CCAP

VIRGINIA CRIME CODE

**15.1**

ICOTS Case for Supervision of Current Primary Transferred to:

STATE

**15.3**

Amount of Total Revocable Time at Hearing Sentencing:  Life +

(This Court Only)

Years

Months

Days

**15.4**

**1** **Dates** (use to score factors three and four)

Earliest Original Sentencing Date:

Month

Day

Year

Start of Current Supervision Period:

Month

Day

Year

**15.5**

**2** **Number of Felony Revocation Events for Current Offense(s) (This Court Only)**

Current Revocation Event Only .....2  
 One Revocation Event Prior to Current Revocation Event.....12  
 Two or More Revocation Events Prior to Current Revocation Event.....24

**15.6**

**3** **Prior Felony Revocation(s) Before Original Sentencing Date (This Court Only)**

One Prior Felony Revocation .....18  
 Two or More Prior Felony Revocations .....19

**15.7**

**4** **Felony Offense Conviction(s) Between**

**Original Sentencing Date and Start of Current Supervision (ALL Courts)** — If YES, add 13 —

**15.8**

**5** **Condition 8 Violation: Drug Violation** — If YES, add 7 —

**15.9**

**6** **Condition 11 Violation: Abscond** — If YES, add 10 —

**15.10**

Last date whereabouts were known:

Month

Day

Year

Date whereabouts verified:

Month

Day

Year

**7** **Primary Offense VCC Prefix of SEX, RAP, OBS or Violation of Sex Offender Special Conditions/Instructions (Court or DOC)** — If YES, add 22 —

**15.11**

**Recommendation Score** —

**15.12**

Go to SRR Cover Sheet and fill out the violation guidelines recommendation range.

**Recommendation Table**

Score	Guidelines Sentence
<input type="radio"/> Under 19.....	Time served to 6 months
<input type="radio"/> 19 to 33.....	3 months to 1 year
<input type="radio"/> 34 to 43.....	1 year to 1 year 6 months
<input type="radio"/> 44 or more.....	1 year to 4 years

# Probation Violation Guidelines Worksheet New Law M

## New Misdemeanor Conviction

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

Instructions - See Section

Base Guidelines on the Current Most Serious Primary Offense:     Original Sentencing was Incarceration/CCAP

16.1

VIRGINIA CRIME CODE

ICOTS Case for Supervision of Current Primary Transferred to:

STATE

16.3

Amount of Total Revocable Time at Hearing Sentencing:  Life +

(This Court Only)

Years Months Days

16.4

**1 Dates** (use to score factors three and four)

Earliest Original Sentencing Date:

Month Day Year

Start of Current Supervision Period:

Month Day Year

16.5

**2 Number of Felony Revocation Events for Current Offense(s) (This Court Only)**

Current Revocation Event Only .....2  
 One Revocation Event Prior to Current Revocation Event .....12  
 Two or More Revocation Events Prior to Current Revocation Event .....24

16.6

**3 Prior Felony Revocation(s) Before Original Sentencing Date (This Court Only)**

One Prior Felony Revocation .....18  
 Two or More Prior Felony Revocations .....19

16.7

**4 Felony Offense Conviction(s) Between**

Original Sentencing Date and Start of Current Supervision (ALL Courts) — If YES, add 13 —>

16.8

**5 Condition 1 Violation: New Misdemeanor Conviction(s) for Offenses Committed During Current Supervision Period (ALL Courts)**

New Misdemeanor Conviction is Similar Behavior to Current Primary Offense (Refer to Appendix 4) .....9  
 Any Other New Misdemeanor Convictions .....1

16.9

New Conviction(s)		Offense Date			Sent./Conv. Date			FIPS	State	Effective Sentence			*TS	Pend. Sent.
Counts	Most Serious VCC	Month	Day	Year	Month	Day	Year		VA	Years	Months	Days	<input type="checkbox"/>	<input type="checkbox"/>
<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"/>	VA	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>
<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"/>	VA	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sum of Total Effective (Active) Sentence for All New Convictions (Including counts not listed above):										<input type="text"/>	<input type="text"/>	<input type="text"/>		

\* Time Served for Condition 1 Violations

**6 Condition 8 Violation: Drug Violation** — If YES, add 7 —>

16.10

**7 Condition 11 Violation: Abscond** — If YES, add 10 —>

16.11

Last date whereabouts were known:    Date whereabouts verified:

Month Day Year

Month Day Year

Primary Offense VCC Prefix of SEX, RAP, OBS or

Violation of Sex Offender Special Conditions/Instructions (Court or DOC) — If YES, add 22 —>

16.12

**Recommendation Score** —>

16.13

Go to SRR Cover Sheet and fill out the violation guidelines recommendation range.

**Recommendation Table**

Score	Guidelines Sentence
<input checked="" type="radio"/> Under 19.....	Time served to 6 months
<input type="radio"/> 19 to 33.....	3 months to 1 year
<input type="radio"/> 34 to 43.....	1 year to 1 year 6 months
<input type="radio"/> 44 or more.....	1 year to 4 years

# Probation Violation Guidelines Worksheet New Law F

## New Felony Conviction

Offender Name: \_\_\_\_\_ Instructions - See Section

Base Guidelines on the Current Most Serious Primary Offense:     Original Sentencing was Incarceration **17.1**

VIRGINIA CRIME CODE

ICOTS Case for Supervision of Current Primary Transferred to:  **17.3**

STATE

Amount of Total Revocable Time at Hearing Sentencing:  Life +    **17.4**

(This Court Only)      Years      Months      Days

**1** **Dates**

Earliest Original Sentencing Date:    Start of Current Supervision Period:    **17.5**

Month      Day      Year      Month      Day      Year

**2** **Number of Felony Revocation Events for Current Offense(s) (This Court Only)** **17.6**

Current Revocation Event Only ..... 0

One or More Revocation Events Prior to Current Revocation Event ..... 10

**3** **Condition 1 Violation: New Felony Conviction(s) for Offenses Committed During Current Supervision Period (ALL Courts)**

A. Number of New Person Felony Convictions (Counts)  X 20 **17.7**

B. Number of New Non-Person Felony Convictions (Counts)  X 2  0

New Conviction(s)				Offense Date			Sent./Conv. Date			FIPS	State	Effective Sentence			*TS	Pend. Sent.	
Counts	Most Serious VCC			Month	Day	Year	Month	Day	Year		VA	Years	Months	Days	<input type="checkbox"/>	<input type="checkbox"/>	
	<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"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	VA	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Sum of Total Effective (Active) Sentence for All New Convictions (Including counts not listed above):												<input type="text"/>	<input type="text"/>	<input type="text"/>	<small>* Time Served for Condition 1 Violations</small>		

**4** **New Felony or Misdemeanor Conviction is Similar Behavior to the Most Serious Current Primary Offense Listed Above (Refer to Appendix 4)** — If YES, add 7 — **17.8**

**Recommendation Score**  **17.9**

**Recommendation Table**

Score	Guidelines Sentence
<input type="radio"/> 1 to 7.....	Time served to 1 year
<input type="radio"/> 8 to 15.....	6 months to 1 year 6 months
<input type="radio"/> 16 to 22.....	8 months to 2 years
<input type="radio"/> 23 or more.....	1 year 3 months to 4 years

Go to Cover sheet and fill out the violation guidelines recommendation range.

# Recommendation Tables - Summary

## Recommendation Table for TV 1/2

Score	Guidelines Sentence Range
<input type="checkbox"/> 0-3.....	No Time
<input type="checkbox"/> 4-12.....	0 to 14 days
<input type="checkbox"/> 13-18.....	Time Served to 6 months
<input type="checkbox"/> 19 to 33.....	3 months to 1 year
<input type="checkbox"/> 34 to 43.....	1 year to 1 year 6 months
<input type="checkbox"/> 44 or more.....	1 year to 4 years

## Recommendation Table for TV 3/Special Conditions Violation

Score	Guidelines Sentence Range
<input type="checkbox"/> Under 19.....	Time served to 6 months
<input type="checkbox"/> 19 to 33.....	3 months to 1 year
<input type="checkbox"/> 34 to 43.....	1 year to 1 year 6 months
<input type="checkbox"/> 44 or more.....	1 year to 4 years

## Recommendation Table for New Law Misdemeanor

Score	Guidelines Sentence Range
<input type="checkbox"/> Under 19.....	Time served to 6 months
<input type="checkbox"/> 19 to 33.....	3 months to 1 year
<input type="checkbox"/> 34 to 43.....	1 year to 1 year 6 months
<input type="checkbox"/> 44 or more.....	1 year to 4 years

## Recommendation Table for New Law Felony

Score	Guidelines Sentence Range
<input type="checkbox"/> 1 to 7.....	Time served to 1 year
<input type="checkbox"/> 8 to 15.....	6 months to 1 year 6 months
<input type="checkbox"/> 16 to 22.....	8 months to 2 years
<input type="checkbox"/> 23 or more.....	1 year 3 months to 4 years



# APPENDIX 1-A

## Conditions of Probation/Post-Release Supervision



VIRGINIA DEPARTMENT OF CORRECTIONS

Effective: 11/01/2001

### Conditions of Probation Supervision

PPS 2 (CCOP-Chapter 3)

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

Under the provisions of the Code of Virginia, the Court has placed you on probation supervision this date \_\_\_\_\_ for a period of \_\_\_\_\_ 0 years 0 months 0 days by the Honorable \_\_\_\_\_ Judge, presiding in the \_\_\_\_\_ Circuit Court at \_\_\_\_\_ Virginia.

Special conditions ordered by the Court are:

Offense & Sentence:

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. I will permit the Probation and Parole Officer to visit my home and place of employment.
06. I will follow the Probation and Parole Officer's instructions and will be truthful, cooperative, and report as instructed.
07. I 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. I 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. I 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: as per the Probation Officer

***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: \_\_\_\_\_





## Sex Offender Special Instructions (Parole, Probation, and Post-Release Supervision)

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** 1.  Reside at \_\_\_\_\_. 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** 2.  Do not have contact with your victim or victim's guardian. Contact includes but is not limited to face-to-face meetings, letters, phone calls, any electronic means or through a third party.
- C** 3.  Do not purchase, consume or possess alcohol, marijuana and/or illegal substances. You may not take a controlled medication unless it has been prescribed for you by your physician.
- D** 4.  You will not have any contact with anyone under the age of 18. Contact is defined as physical, verbal, written, or third party.
- E** 5.  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** 6.  You will not use any form of social networking, including but not limited to Facebook, MySpace, etc.
- F** 7.  You must obtain prior approval from your supervising Officer in order to utilize internet services. If approval is obtained, you must install monitoring software and you will be responsible for the cost of this software service. Supervising Officer must be listed as an accountability partner.
- G** 8.  Employment must be approved by your supervising Officer.
- H** 9.  You may not frequent places where children congregate, such as parks, playgrounds, and schools.
- I** 10.  If mandated by code section, Department of Corrections procedure, or instructed to do so by your supervising Officer, you will comply with electronic monitoring to include, but not limited to Global Positioning (GPS), AnyTrax, or other means.



TREATMENT

- J** 11.  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** 12.  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** 13.  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** 14.  You will inform persons with whom you have a significant relationship of your sexual offending behavior as directed by your supervising Officer and/or treatment provider.
- N** 15.  You may not participate in friendships and/or relationships with other adults who have children.
- O** 16.  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** 17.  If you have photographed your victims in the past, you may not possess a camera or video recorder.
- Q** 18.  You will attend and successfully complete an alcohol and/or drug treatment program approved by your supervising Officer.
- R** 19.  You must submit to alcosensor and any other drug testing at the direction of your supervising Officer.
- S** 20.  You must observe curfew restrictions as directed by your supervising Officer. Your curfew is: \_\_\_\_\_.
- T** 21.  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** 22.  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/school sponsored activities.



**V** 23.  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 three days to the Virginia State Police.

**W** 24.  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** 25. Other:  
\_\_\_\_\_  
\_\_\_\_\_

**Y** 26. Other:  
\_\_\_\_\_  
\_\_\_\_\_

**Z** 27. Other:  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Probationer/Parolee Name Printed      Signature      Date

\_\_\_\_\_  
P&P Officer Name Printed      Signature      Date



# APPENDIX 1-C



VIRGINIA  
DEPARTMENT OF CORRECTIONS

Special Instructions - Confirmed Gang/STG Members 435\_F19\_10-21

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## Special Instructions - Confirmed Gang/STG Members

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

Member of: \_\_\_\_\_ Gang/STG

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, having been confirmed as a gang/STG member, you are now being directed to comply with the following instruction(s) as a requirement of your probation, parole and/or post release supervision.

**Special Instructions:** (Initial all conditions below)

- A** 1. \_\_\_\_\_ I will not associate or communicate with any known gang/STG members or be in the presence of where they are known to associate.
- B** 2. \_\_\_\_\_ I will not wear, display, use, or possess any insignias, emblems, badges, buttons, caps, hats, jackets, shoes, flags, scarves, bandanas, shirts, or other articles of clothing that are evidence of gang/STG membership or affiliation. This also includes photos and writings found inside of the home and on the internet to include any and all social media platforms.
- C** 3. \_\_\_\_\_ I will not appear in or at a courthouse unless I have a scheduled case, am a witness in a case, or are conducting personal transactions (for example, paying court costs).
- D** 4. \_\_\_\_\_ I will not visit or frequent any school grounds unless I am a student at that school, or are the parent or legal guardian of a child at that school.
- E** 5. \_\_\_\_\_ I will not be in possession of graffiti tools, to include: spray paint cans, paint, paint brushes, or any other instruments that can be used to produce graffiti.
- F** 6. \_\_\_\_\_ I will not possess any firearms, ammunition, brass knuckles, knives, machetes, explosives, martial arts weapons, tazers, or any other weapons or simulated weapons.
- G** 7. \_\_\_\_\_ I will allow a designated representative of the Department of Corrections to visit my home or place of employment. I understand that these contacts may occur at any time and may include members of law enforcement. I also realize that I need not be present when these contacts occur.
- H** 8. \_\_\_\_\_ Other: \_\_\_\_\_

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 the instruction(s) and agree to comply with the instruction(s) set forth.

\_\_\_\_\_  
Probationer/Parolee Name Printed

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



# APPENDIX 2



## COMMONWEALTH of VIRGINIA

PROBATION AND PAROLE  
District Address

TELEPHONE

### Department of Corrections

#### SUBSTANCE ABUSE ADMISSION FORM

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

I. I, \_\_\_\_\_ VACCIS # \_\_\_\_\_,  
Name on Conditions/Agreements

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

Cocaine, including Crack

Barbiturates

Marijuana

Heroin

Alcohol

Phencyclidine (PCP)

Amphetamines, including Ice

\_\_\_\_\_

By: \_\_\_\_\_  
Signature of Client

Witnessed by: \_\_\_\_\_  
Signature of Staff

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

District/Unit: \_\_\_\_\_

II. I, \_\_\_\_\_ VACCIS # \_\_\_\_\_,  
Name on Conditions/Agreements

voluntarily confirm that the positive (dirty) on-site test findings for the substances checked below are based on test samples provided by me:

Cocaine, including Crack

Barbiturates

Marijuana

Heroin

Alcohol

Phencyclidine (PCP)

Amphetamines, including Ice

\_\_\_\_\_

By: \_\_\_\_\_  
Signature of Client

Witnessed by: \_\_\_\_\_  
Signature of Staff

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

District/Unit: \_\_\_\_\_

CCOP PPS-15



# APPENDIX 3

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

## Offense Types

### 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 adult 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  
DOG3537M1 ... Declared dangerous dog, injures/bites human

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

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 crime 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 (§§ 18.2-370.2, 18.2-370.3, 18.2-370.4 & 18.2-370.5.)  
.....SEX
- Sex Offender Registry.....SOR
- Trade and Commerce .....TRC
- Unlawful Assembly/Riot .....RUA
- Election and Voting Offenses .....VOT

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.

## APPENDIX 4

### Similar Offense Types

Use the table below to if a new felony or misdemeanor conviction is similar in behavior to the current most serious primary offense in the Current Probation Violation Event. This lists the Virginia Crime Code (VCC) prefix for the primary offense and identifies the VCC prefix for any similar offense or behavior. If the new felony or misdemeanor has the same prefix as the primary offense or a VCC prefix identified below as similar, points are assigned.

This factor is limited to the offense and VCC listed as the current most serious primary offense at the top of Worksheet.

If the new felony or misdemeanor conviction is similar behavior to any offense other than the primary offense in the Current Probation Violation Event, the similar behavior factor is not scored.

#### QUICK REFERENCE TABLE

Prefix for the Primary Offense	Similar/Related Offenses
ARS (Arson)	ARS, VAN, FIR
ASL (Assault)	ASL, MUR, RAP, SEX, TEL, STK, KID,
BUR (Burglary)	BUR. TRS
DWI (Driving While Intoxicated)	DWI, ALC, LIC, REC, HIT
ESC (Escape)	ESC, PRI
EXT (Extortion)	EXT
FAM (Family Offenses)	FAM, LAB
FRD (Fraud)	FRD, LAR, CHK, COM, EMP, LOT
FTA (Failure to Appear)	FTA
HIT (Hit and Run)	HIT, DWI, ALC, LIC, REC
KID (Kidnapping)	KID
LAR (Larceny)	LAR, FRD, CHK, COM, EMP, LOT
LIC (License Offenses)	LIC, DWI, ALC, REC, HIT
MOB (Mob)	MOB
MUR (Homicide/Murder)	MUR, ASL
NAR (Drugs)	NAR, PHA

*Continued next page*

OBS (Obscenity)	OBS (not drunk in public), SEX, RAP,
PER (Perjury)	PER
PRI (Prisoner Offenses)	PRI, ESC
RAP (Rape)	RAP, SEX, OBS (not drunk in public),
REC (Reckless Driving)	REC, LIC, DWI, ALC, HIT
ROB (Robbery)	ROB, LAR2361F9
SEX (Sexual Assault Offenses)	SEX, RAP, SOR, OBS
SOR (Sex Offender Registry)	SOR, SEX, RAP, OBS
TEL (Telephone)	TEL
VAN (Vandalism)	VAN, ARS
WPN (Weapon)	WPN, ASL1319F9, ASL1323F9

# APPENDIX 5

## FIPS Codes

Locality	Circuit	FIPS Code	Prob. District
ACCOMACK	2A	001	4
ALBEMARLE	16	003	9
ALEXANDRIA	18	510	36
ALLEGHANY	25	005	40
AMELIA	11	007	7
AMHERST	24	009	13
APPOMATTOX	10	011	24
ARLINGTON	17	013	10
AUGUSTA	25	015	12
BATH	25	017	12
BEDFORD CITY	24	515	20
BEDFORD COUNTY	24	019	20
BLAND	27	021	16
BOTETOURT	25	023	40
BRISTOL	28	520	17
BRUNSWICK	6	025	38
BUCHANAN	29	027	18
BUCKINGHAM	10	029	24
BUENA VISTA	25	530	12
CAMPBELL	24	031	13
CAROLINE	15	033	41
CARROLL	27	035	16
CHARLES CITY	9	036	34
CHARLOTTE	10	037	24
CHARLOTTESVILLE	16	540	9
CHESAPEAKE	1	550	31
CHESTERFIELD	12	041	27
CLARKE	26	043	11
CLIFTON FORGE	25	560	40
COLONIAL HEIGHTS	12	570	27
COVINGTON	25	580	40
CRAIG	25	045	40
CULPEPER	16	047	26
CUMBERLAND	10	049	24

<b>Locality</b>	<b>Circuit</b>	<b>FIPS Code</b>	<b>Prob. District</b>
DANVILLE	22	590	14
DICKENSON	29	051	18
DINWIDDIE	11	053	7
EMPORIA	6	595	38
ESSEX	15	057	33
FAIRFAX CITY	19	600	29
FAIRFAX COUNTY	19	059	29
FALLS CHURCH	17	610	29
FAUQUIER	20	061	25
FLOYD	27	063	28
FLUVANNA	16	065	9
FRANKLIN CITY	5	620	42
FRANKLIN COUNTY	22	067	37
FREDERICK	26	069	11
FREDERICKSBURG	15	630	21
GALAX	27	640	16
GILES	27	071	16
GLOUCESTER	9	073	5
GOOCHLAND	16	075	9
GRAYSON	27	077	16
GREENE	16	079	26
GREENSVILLE	6	081	38
HALIFAX	10	083	8
HAMPTON	8	650	30
HANOVER	15	085	41
HARRISONBURG	26	660	39
HENRICO	14	087	32
HENRY	21	089	22
HIGHLAND	25	091	12
HOPEWELL	6	670	38
ISLE OF WIGHT	5	093	6
JAMES CITY	9	095	34
KING AND QUEEN	9	097	5
KING GEORGE	15	099	21
KING WILLIAM	9	101	5

<b>Locality</b>	<b>Circuit</b>	<b>FIPS Code</b>	<b>Prob. District</b>
LANCASTER	15	103	33
LEE	30	105	18
LEXINGTON	25	678	12
LOUDOUN	20	107	25
LOUISA	16	109	9
LUNENBURG	10	111	8
LYNCHBURG	24	680	13
MADISON	16	113	26
MANASSAS	31	683	35
MARTINSVILLE	21	690	22
MATHEWS	9	115	5
MECKLENBURG	10	117	8
MIDDLESEX	9	119	5
MONTGOMERY	27	121	28
NELSON	24	125	13
NEW KENT	9	127	34
NEWPORT NEWS	7	700	19
NORFOLK	4	710	2
NORTHAMPTON	2A	131	4
NORTHUMBERLAND	15	133	33
NORTON	30	720	18
NOTTOWAY	11	135	7
ORANGE	16	137	26
PAGE	26	139	39
PATRICK	21	141	22
PETERSBURG	11	730	7
PITTSYLVANIA	22	143	14
POQUOSON	9	735	34
PORTSMOUTH	3	740	3
POWHATAN	11	145	7
PRINCE EDWARD	10	147	24
PRINCE GEORGE	6	149	38
PRINCE WILLIAM	31	153	35
PULASKI	27	155	28

<b>Locality</b>	<b>Circuit</b>	<b>FIPS Code</b>	<b>Prob. District</b>
RADFORD	27	750	28
RAPPAHANNOCK	20	157	25
RICHMOND CITY	13	760	1
RICHMOND COUNTY	15	159	33
ROANOKE CITY	23	770	15
ROANOKE COUNTY	23	161	15
ROCKBRIDGE	25	163	12
ROCKINGHAM	26	165	39
RUSSELL	29	167	17
SALEM	23	775	15
SCOTT	30	169	18
SHENANDOAH	26	171	11
SMYTH	28	173	17
SOUTHAMPTON	5	175	42
SPOTSYLVANIA	15	177	21
STAFFORD	15	179	21
STAUNTON	25	790	12
SUFFOLK	5	800	6
SURRY	6	181	38
SUSSEX	6	183	38
TAZEWELL	29	185	16
VIRGINIA BEACH	2	810	23
WARREN	26	187	11
WASHINGTON	28	191	17
WAYNESBORO	25	820	12
WESTMORELAND	15	193	33
WILLIAMSBURG	9	830	34
WINCHESTER	26	840	11
WISE	30	195	18
WYTHE	27	197	16
YORK	9	199	34
FEDERAL / US		999	
OTHER STATE/COUNTRY		888	

# APPENDIX 6

## US States and Territory Abbreviations

STATE	ABBREVIATION
Alabama.....	AL
Alaska.....	AK
Arizona .....	AZ
Arkansas.....	AR
California.....	CA
Colorado.....	CO
Connecticut.....	CT
Delaware.....	DE
District of Columbia.....	DC
Florida.....	FL
Georgia.....	GA
Hawaii.....	HI
Idaho.....	ID
Illinois.....	IL
Indiana.....	IN
Iowa.....	IA
Kansas .....	KS
Kentucky .....	KY
Louisiana .....	LA
Maine.....	ME
Maryland.....	MD
Massachusetts.....	MA
Michigan.....	MI
Minnesota.....	MN
Mississippi.....	MS
Missouri.....	MO
Montana.....	MT
Nebraska.....	NE
Nevada .....	NV
New Hampshire.....	NH
New Jersey .....	NJ
New Mexico .....	NM

**STATE**                      **ABBREVIATION**

New York..... NY  
North Carolina..... NC  
North Dakota..... ND  
Ohio..... OH  
Oklahoma..... OK  
Oregon ..... OR  
Pennsylvania..... PA  
Puerto Rico..... PR  
Rhode Island..... RI  
South Carolina..... SC  
South Dakota..... SD  
Tennessee..... TN  
Texas..... TX  
Utah..... UT  
Vermont..... VT  
Virginia..... VA  
Washington..... WA  
West Virginia..... WV  
Wisconsin..... WI  
Wyoming..... WY

American Samoa..... AS  
Fed. States of Micronesia..... FM  
Guam..... GU  
Marshall Islands..... MH  
Northern Mariana Islands..... MP  
Palau..... PW  
Virgin Islands..... VI

Federal/US..... US

Missing .....99

Unknown.....88

# APPENDIX 7



## Commonwealth of Virginia

*Department of Corrections  
Division of Community Corrections  
Adult Probation and Parole*

TELEPHONE NO.

FAX NO.

August 23, 2021

NAME

CORIS: 00000000

DOB: 01/23/1988

SSN: 123-45-6789

This letter will constitute as a cover letter from PO John Doe for the above mentioned individual. Attached is a Major Violation Report from **Jane Doe**, Probation and Parole Officer from Martinsville Probation and Parole.

Pittsylvania County Circuit Court

CR16000624      Distribution of Imitation Schedule I Controlled Substance

Total Revocable Time: 2 years, 3 months, 10 days

Previous Violation(s) for current court and docket numbers only:

03/21/2021    Violation of conditions 6 and 8

This violation constitutes the second technical violation of conditions 2-8 and 10.

Special condition violation:      YES [  ]      NO [  ]

New law violation:                    YES [  ]      NO [  ]







Virginia Criminal Sentencing Commission  
100 North Ninth Street, 5th Floor  
Richmond, Virginia 23219  
804.225.4398 or text 804.393.9588  
Available on the web at [www.vsc.virginia.gov](http://www.vsc.virginia.gov)