

VIRGINIA SENTENCING GUIDELINES

**Sentencing Revocation Report
and Probation Violation Guidelines**

**Effective July 1, 2023
4th Edition**

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Preface

Commission staff and the official preparers of Probation Violation Guidelines can no longer precisely determine statutory requirements because of the evolving body of case law interpreting the application of §§ 19.2-306 and 19.2-306.1. As a result, the Commission has elected to remove the Guidelines preparer from the requirement of interpreting the statutes and applying case law to current violations. Judges will be supplied the details about the violation in the Major Violation Report. A record of past violations for the underlying offenses will be listed on the Sentencing Revocation Report. The Probation Violation Guidelines will always produce a historically based recommendation. Judges will determine if the statutory requirements supersede the Guidelines recommendation. After the judge's decision, *SWIFT* will adjust the recommendation on the Sentencing Revocation Report to reflect the statutory requirement of no time or 0-14 days.

Code of Virginia

§ 19.2-306. Revocation of suspension of sentence and probation.

A. Subject to the provisions of § [19.2-306.2](#), in any case in which the court has suspended the execution or imposition of sentence, the court may revoke the suspension of sentence for any cause the court deems sufficient that occurred at any time within the probation period, or within the period of suspension fixed by the court. If neither a probation period nor a period of suspension was fixed by the court, then the court may revoke the suspension for any cause the court deems sufficient that occurred within the maximum period for which the defendant might originally have been sentenced to be imprisoned.

B. The court may not conduct a hearing to revoke the suspension of sentence 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 shall issue process within six months after the expiration of the maximum period for which the defendant might originally have been sentenced to be incarcerated. Such notice and service of process may be waived by the defendant, in which case the court may proceed to determine whether the defendant has violated the conditions of suspension.

C. If the court, after hearing, finds good cause to believe that the defendant has violated the terms of suspension, then the court may revoke the suspension and impose a sentence in accordance with the provisions of § 19.2-306.1. The court may again suspend all or any part of this sentence for a period up to the statutory maximum period for which the defendant might originally have been sentenced to be imprisoned, less any time already served, and may place the defendant upon terms and conditions or probation. The court shall measure the period of any suspension of sentence from the date of the entry of the original sentencing order. However, if a court finds that a defendant has absconded from the jurisdiction of the court, the court may extend the period of probation or suspended sentence for a period not to exceed the length of time that such defendant absconded.

D. If any court has, after hearing, found no cause to impose a sentence that might have been originally imposed, or to revoke a suspended sentence or probation, then any further hearing to impose a sentence or revoke a suspended sentence or probation, based solely on the alleged violation for which the hearing was held, shall be barred.

E. Nothing contained herein shall be construed to deprive any person of his right to appeal in the manner provided by law to the circuit court having criminal jurisdiction from a judgment or order revoking any suspended sentence. (Code 1950, § 53-275; 1958, c. 468; 1970, c. 275; 1975, c. 495; 1978, c. 687; 2002, c. 628; 2016, c. 718; 2021, Sp. Sess. I, c. 538; 2022, cc. 569, 570.)

§ 19.2-306.1. Limitation on sentence upon revocation of suspension of sentence; exceptions.

A. For the purposes of this section, "technical violation" means a violation based on the probationer's failure to (i) report any arrest, including traffic tickets, within three days to the probation officer; (ii) maintain regular employment or notify the probation officer of any changes in employment; (iii) report within three days of release from incarceration; (iv) permit the probation officer to visit his home and place of employment; (v) follow the instructions of the probation officer, be truthful and cooperative, and report as instructed; (vi) refrain from the use of alcoholic beverages to the extent that it disrupts or interferes with his employment or orderly conduct; (vii) refrain from the use, possession, or distribution of controlled substances or related paraphernalia; (viii) refrain from the use, ownership, possession, or transportation of a firearm; (ix) gain permission to change his residence or remain in the Commonwealth or other designated area without permission of the probation officer; or (x) maintain contact with the probation officer whereby his whereabouts are no longer known to the probation officer. Multiple technical violations arising from a single course of conduct or a single incident or considered at the same revocation hearing shall not be considered separate technical violations for the purposes of sentencing pursuant to this section.

B. If the court finds the basis of a violation of the terms and conditions of a suspended sentence or probation is that the defendant was convicted of a criminal offense that was committed after the date of the suspension, or has violated another condition other than (i) a technical violation or (ii) a good conduct violation that did not result in a criminal conviction, then the court may revoke the suspension and impose or resuspend any or all of that period previously suspended.

C. The court shall not impose a sentence of a term of active incarceration upon a first technical violation of the terms and conditions of a suspended sentence or probation, and there shall be a presumption against imposing a sentence of a term of active incarceration for any second technical violation of the terms and conditions of a suspended sentence or probation. However, if the court finds, by a preponderance of the evidence, that the defendant committed a second technical violation and he cannot be safely diverted from active incarceration through less restrictive means, the court may impose not more than 14 days of active incarceration for a second technical violation. The court may impose whatever sentence might have been originally imposed for a third or subsequent technical violation. For the purposes of this subsection, a first technical violation based on clause (viii) or (x) of subsection A shall be considered a second technical violation, and any subsequent technical violation also based on clause (viii) or (x) of subsection A shall be considered a third or subsequent technical violation.

D. The limitations on sentencing in this section shall 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. In such case, the court shall order the shortest term of incarceration possible to achieve the required evaluation or participation. (2021, Sp. Sess. I, c. 538.)

RECENT COURT OF APPEALS OPINIONS*
RELATED TO VIOLATIONS & § 19.2-306.1

| | |
|------------------------------|----------------------------------|
| Thomas v. Commonwealth | (May 9, 2023 / Published) |
| Diaz-Urrutia v. Commonwealth | (April 4, 2023 / Published) |
| Nottingham v. Commonwealth | (March 21, 2023 / Published) |
| Delaune v. Commonwealth | (January 10, 2023 / Published) |
| Henthorn v. Commonwealth | (November 22, 2022 / Published) |
| Heart v. Commonwealth | (September 13, 2022 / Published) |
| Smith v. Commonwealth | (June 21, 2022 – Unpublished) |
| Green v. Commonwealth | (June 14, 2022 / Published) |

*As of May 1, 2023. Please review the most recent opinions at <https://www.vacourts.gov>

Comparison of the Department of Corrections (DOC) Conditions of Probation to the Conduct Defined by § 19.2-306.1

| DOC Condition Number | DOC Description* | Statute # | Description in § 19.2-306.1 | Gang* | Sex Offender* |
|----------------------|--|-----------|--|-------|---------------|
| 1 | I will obey all Federal, State and local laws and ordinances. | | | | |
| 2 | I will report any arrest, including traffic tickets, within 3 days to the Probation and Parole Officer. | i | Failure to report any arrest, including traffic tickets, within three days to the probation officer | | |
| 3 | I will maintain regular employment and I will notify the Probation and Parole Officer promptly of any changes in my employment. | ii | Failure to maintain regular employment or notify the probation officer of any changes in employment; | | |
| 4 | 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. | iii | Failure to report within three days of release from incarceration; | | |
| 5 | I will permit the Probation and Parole Officer to visit my home and place of employment. | iv | Failure to permit the probation officer to visit his home and place of employment; | 7 | |
| 6 | I will follow the Probation and Parole Officer's instructions and will be truthful, cooperative, and report as instructed. | v | Failure to follow the instructions of the probation officer, be truthful and cooperative, and report as instructed; | | |
| 7 | I will not use alcoholic beverages to the extent that it disrupts or interferes with my employment or orderly conduct. | vi | Failure to refrain from the use of alcoholic beverages to the extent that it disrupts or interferes with his employment or orderly conduct; | | 3 |
| 8 | I will not unlawfully use, possess or distribute controlled substances or related paraphernalia. | vii | Failure to refrain from the use, possession, or distribution of controlled substances or related paraphernalia; | | 3 |
| 9 | I will not use, own, possess, transport or carry a firearm. | viii | Failure to refrain from the use, ownership, possession, or transportation of a firearm; | 6 | |
| 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. | ix | Failure to gain permission to change his <u>residence</u> or <u>remain</u> in the Commonwealth or other designated area without permission of the probation officer; | | 1 |
| 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. | x | Failure to maintain contact with the probation officer whereby his whereabouts are no longer known to the probation officer. | | |

*Please see the DOC Conditions of Probation, Gang Conditions and Sex Offender Conditions in the Appendix Section of this manual. The number in the table under Gang and Sex Offender corresponds to the condition/instructions number defined by the DOC that is similar to conduct specifically defined by § 19.2-306.1 as technical.

4 Steps for Completing Probation Violation Guidelines

1. Is there a **new conviction*** for a felony, misdemeanor or lesser offense during the current supervision period? If for a felony complete the New Law F worksheet. If for a misdemeanor or lesser offense complete the New Law M worksheet. The judge may determine that a first offender finding (§§ 18.2-251 or 18.2-258.1) or any deferred finding (§§ 19.2-298.02 or 19.2-303.6) satisfies the requirements for a new law violation. If so, complete the appropriate New Law worksheet.
2. Is a new conviction for a felony, misdemeanor or lesser offense, or technical violation during a previous supervision period (prior to the current supervision period) cited as the reason for the current violation? If so, complete the Sentencing Revocation Report and mark "**Procedural**." Do not check State Supervised Probation for felony. There will be no guidelines recommendation.
3. Is this a **Good Behavior, CCAP, Local Probation, Procedural** or **Post Release Supervision** violation only? If so, complete the Sentencing Revocation Report and mark "Good Behavior" or "Post Release." There will be no guidelines recommendation.
4. Otherwise complete the No New Law worksheet. The No New Law worksheet is completed for all technical violations, special conditions violations, and good conduct violations. Technical violations are defined in § 19.2-306.1 (A, i-x) and often mirror the State Conditions of Probation (2-11).

* The offender has been convicted or plead guilty prior to the sentencing for the new felony probation violation. The date of the new offense must be during the current supervision period.

4 Steps to Apply the Limitations of § 19.2-306.1

According to *Diaz-Urruita v. Commonwealth*, “a sentencing court must engage in a four-step process to classify the basis of the revocation proceeding before determining what sentence it may impose.”

1. The “court must determine whether ‘the violation conduct matches the conduct [specifically] listed in Code § 19.2-306.1(A), (Delaune, 76 Va. App. at 383.) If so, then the defendant has committed a technical violation and the sentencing limitations found in Code § 19.2-306.1(A) apply, regardless of whether the sentencing court included that conduct as “another condition” of the defendant’s suspended sentence.” The statutory requirement and the guidelines recommendation will be zero time for the first violation and no more than 14 days for a second or subsequent violation.

If the defendant is found in violation of § 19.2-306.1. (viii) failure to refrain from the use, ownership, possession, or transportation of a firearm; or (x) failure to maintain contact with the probation officer whereby the defendant’s whereabouts are no longer known to the probation officer (similar to State Conditions of Probation 9, firearms and 11, absconding), the statutory requirement and the guidelines recommendation will be no more than 14 days for the first violation. For a second violation related to conduct defined by § 19.2-306.1, viii or x, (firearms or absconding), the No New Law Worksheet must be completed, and the instrument will return a historically based recommendation. There are no statutory limits for a second or subsequent violation of this type of conduct.

2. “If the violation conduct does not match the conduct listed in Code § 19.2-306.1(A), the court must then determine whether ‘another condition,’ other than the generic good behavior condition of the defendant’s suspended sentence covers the conduct. If so, then the court’s sentencing authority is not restricted by Code § 19.2-306.1.”
3. “If the defendant’s sentencing order contained no other condition matching the violation conduct, then the court must determine whether the conduct resulted in a new criminal conviction. If so, then the court’s sentencing authority is not restricted by Code § 19.2-306.1.”
4. “Finally, if none of the above apply, then the court must determine whether the defendant has engaged in substantial misconduct amounting to a good conduct violation.” (In *Diaz-Urruita v. Commonwealth* the Court of Appeals did not decide what sanction is required, if any, for a good conduct violation.)

Administrative Procedures

1.0 Completion Responsibility

According to § 19.2-306.2, Probation Violation Guidelines must be completed by a State Probation Officer. The Sentencing Revocation Report will not result in a sentence recommendation and may be prepared by the attorney for the Commonwealth, State Probation Officer, or Local Probation Officer.

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. The provisions of § 19.2-298.01(D) dictate when the Guidelines are distributed to defense counsel. The statute requires the same distribution time frame as required for Pre-Sentence Investigation Reports (5 days before the hearing). However, Guidelines can only be distributed as required if the preparer is notified about the violation hearing by the court in a timely manner.

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, Good Conduct 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 Required Forms, After a Deferred Finding, Taken Under Advisement, or Continue Decision

Updated Sentencing Guidelines are required if a defendant is returned to court after a deferred finding, a conviction or sentencing that is taken under advisement or continued. Complete the Sentencing Guidelines for the underlying offense(s).

1.4 Required Forms, After a Deferred Finding, Taken Under Advisement, or Continue Decision for a Felony Probation Violation

If the judge finds the defendant in violation of the conditions of probation before continuing the case, takes the case under advisement or defers the violation decision or sentencing, the judge's decision ends the defendant's current supervision period. A new supervision period begins for Guidelines purposes.

If the judge finds the defendant not in violation of probation before continuing the case, the judge's decision not to revoke ends the defendant's current supervision period. A new supervision period begins for Guidelines purposes. This Commission policy has no impact on the application of § 19.2-306.1 and the defendant has no prior revocations.

At a subsequent hearing, if the court continues to address conduct that occurred during the previous period of supervision, "procedural" is marked and there will be no guidelines recommendation. If the court addresses new conduct that occurred after finding the defendant in violation and deferring, etc., the sentence or decision, new Probation Violation Guidelines must be completed.

Regardless of the court action after finding the defendant in violation of probation, a new probation supervision period begins on that date.

1.5 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.

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

Probation Violation Guidelines will recommend a total effective sentence to serve. If there are multiple state felony probation obligations to the court, the court order must detail the specific sentence for each obligation. The limits of § 19.2-306.1 may apply to some, but not all of the obligations in the event. The Guidelines will not determine if the statutory limits apply to any of the obligations in the event.

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 Guidelines Completed More Than 30 Days in Advance, Must Be Updated

The SRR and, when required, Probation Violation Guidelines worksheets may be prepared and submitted to the court more than 30 days in advance of the hearing, but only as drafts.

Guidelines must be updated, finalized and placed on the docket through *SWIFT*, no more than thirty (30) days prior to the violation hearing. **Any forms prepared in advance must be updated and completed within the established time frames before being finalized in *SWIFT* and submitted to the court.** Finalizing Guidelines in advance will not only be inaccurate but will cause undue burden on the court and its staff.

Draft Probation Violation Guidelines, paper or PDF copies, may 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). The Sentencing Revocation Report also provides the judge with the number and types of prior violations for the underlying offense(s). This information is needed to determine the application of § 19.2-306.1.

If a hearing for a new offense charge is scheduled on the same day as a revocation hearing for other violations (Technical, Special, Good Conduct 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 a new conviction is reached during this hearing, the appropriate Guidelines for official use would be the ones which do **not** include a Condition 1, new conviction violation.

2.3 Distribution of Guidelines

Attorneys for the Commonwealth and defense counsel must receive copies of the SRR and Probation Violation Guidelines. The provisions of § 19.2-298.01(D) dictate when the Guidelines are distributed. The statute requires the same distribution time frame as required for Pre-Sentence Investigation Reports (5 days before the hearing). However, Guidelines can only be distributed as required if the preparer is notified about the violation hearing by the court in a timely manner.

The courts and judges shall receive the Guidelines before the revocation hearing.

2.4 Preparation Errors

If a scoring error is detected prior to sentencing, the Commission requests that the error be corrected and 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.

2.5 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 accurate 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 a new conviction is reached during this hearing, the appropriate Guidelines for official use would be the ones which do **not** include a Condition 1, new conviction violation.

2.6 Guidelines Recommendation Exceeds Revocable Time

If it is determined that the Guidelines Recommendation exceeds revocable or suspended time, the recommendation is adjusted to the proper amount of time. Manually change any part of the Probation Violation Guidelines recommendation above the amount of revocable time to the suspended time that the court may impose for a felony probation violation.

2.7 Conduct Cited After Release from Probation or Before the Start of a New Current Supervision Period

Probation Violation Guidelines only apply to violations that occur and are addressed during the current supervision period.

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 SRR and mark **procedural** for the type of revocation.

If there is an alleged violation that is not addressed before the defendant is released from supervised probation, but the violation is reported to the court within one year after the expiration of the period of probation (§ 19.2-306), the Guidelines do not apply. Complete the Sentencing Revocation Report (SRR) and mark **procedural** for the type of revocation on the SRR.

2.8 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 implementation of the Probation Violation Guidelines and the application of § 19.2-306.1 and developing case law.

2.9 Recording the Departure Reasons

When the court imposes a sentence greater or less than the Guidelines recommendation, the judge is required by § 19.2-306.2 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.

2.10 Mailing Responsibility

***SWIFT!* (Sentencing Worksheets and Interactive File Transfer):** When a court is fully automated and using the *SWIFT* application, worksheets and court orders will be transferred electronically. *SWIFT* is available statewide. 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.

PAPER: For any court that does not use *SWIFT* to process guidelines, the Circuit Court Clerk is to forward the completed SRR and a copy of the court order to the Virginia Criminal Sentencing Commission within 30 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: Courts are encouraged to use *SWIFT* to submit Guidelines to the Commission. Contact the Commission for further details on submitting forms by email. General questions may be emailed to SWIFT@vcsc.virginia.gov or by calling 804.225.4398.

3.0 General Rules

There will be a Guidelines recommendation in every violation of State Supervised Probation for a felony offense. The No New Law worksheet is completed for all technical violations, special conditions violations, and good conduct violations. Technical violations are defined in § 19.2-306.1 (A, i-x) and often mirror the State Conditions of Probation (2-11). If there is a new conviction during the current supervision period either the New Law Felony worksheet or New Law Misdemeanor worksheet must be completed. The judge will decide if the limits of § 19.2-306.1 applies to each case. If so, the court must impose a sentence within the limits of the statute (i.e., no time or 0-14 days).

3.1 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, Good Conduct or Suspended Sentence violation and, if applicable, Probation Violation Guidelines based on a technical violation, special condition violation, good conduct 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).

3.2 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), special condition violations, good conduct violations and conduct not defined as technical under § 19.2-306.1. 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, only the Sentencing Revocation Report (SRR) is completed for the court.

Condition 1 is cited, "Fail to obey all Federal, State and local laws and ordinances," 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 (the No New Law Worksheet).

3.3 Technical Violations

Technical violations are defined by § 19.2-306.1 of the *Code of Virginia*. In most cases, but not all, the statutory definition includes all the state supervised probation conditions other than Condition 1 (e.g., Conditions 2-11). Conduct that is not specifically defined by statute may include special conditions set by the court, certain sex offender restrictions, specific conditions for gang members, restitution, etc. The definition of technical conditions is evolving. Opinions issued by the Virginia Supreme Court and the Court of Appeals will determine the precise definition of technical violations. 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.

3.4 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 (Community Corrections Alternative Programs) for cause, disciplinary reasons or for administrative or medical reasons. Only the SRR is required.

E. The probationer, having never been found guilty of the offense, 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 before a finding of guilt, please prepare the proper Sentencing Guidelines worksheet for the underlying offense.

F. The probationer is being 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. (Note updated Probation Violation Guidelines are required if the defendant was in violation of conditions associated with a deferred violation sentence or a violation sentence taken under advisement).

4.0 Decision of the Court

The judge must determine if the sentence for the probation violation is limited by § 19.2-306.1 or by an opinion by the Supreme Court of Virginia or the Court of Appeals.

4.1 Disposition

The sentencing judge or his designee is responsible for completing the back page of the Sentencing Revocation Report (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.

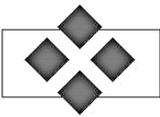
4.2 Preparation Errors

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.

Instructions

Sentencing Revocation Report





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

◆ OFFENDER **SRR-1 Page 29**

First: _____ Middle: _____ Last: _____ Suffix: _____

Date of Birth: _____ SSN: _____ SID/CCRE: _____ CORIS Offender ID: _____

◆ COURT **SRR-2 Page 29**

Judicial Circuit: _____ City/County: _____ Docket Number: _____ FIPS Code: _____

Sentencing Judge's Name _____

Preparer Name _____ Commonwealth's Attorney Probation Officer

Most Serious Original Primary Offense: _____ Sentencing Date (Original): _____

PRIOR REVOCATIONS FOR ALL UNDERLYING OFFENSES (For Current Revocation Event)

Enter Date and DOC Number for Condition(s) Violated: **SRR-3 Page 30**

Date: ___/___/___ Specify Special Conditions: _____

◆ TYPE OF REVOCATION **SRR-4 Pages 30-32**

(Complete SRR and Guidelines) State Supervised Probation for Felony

(Complete SRR only, Guidelines do not apply) Local Probation Good Behavior /Suspend Sentence

CCAP Procedural Post Release

Conditions Violated as Cited by Probation and Parole _____ Worksheet to Be Completed _____

Technical Violation (2-11): 1st 2nd 3rd or sub No New Convictions

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

Special Conditions: Yes

New Law Violation: Felony New Law Felony

Misdemeanor New Law Misdemeanor or Lesser Offense Conviction

(NOTE: Guidelines are not completed for First Offender, Deferred Finding, Post Release or Parole Violations)

◆ DOC CONDITIONS CITED IN VIOLATION BY PROBATION/PAROLE OFFICER **SRR-5 Page 32**

- 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 of the Court or DOC (specify) _____

Sex Offender DOC Conditions Violated:

Gang Member DOC Conditions Violated:

◆ FOR JUDICIAL REVIEW **SRR-6 Pages 32-35**

TREATMENT, SANCTIONS, EDUCATIONAL PROGRAMS & ALTERNATIVES AVAILABLE

DATE ARRESTED FOR THIS VIOLATION OR SHOW CAUSE ISSUED/SERVED: ___/___/___

PRETRIAL CONFINEMENT FOR THIS VIOLATION (There is no indication that the time served will be applied to this case)

No Confined Since Arrest for Violation

Both Incarcerated and at Liberty Pretrial Dates Confined ___/___/___ to ___/___/___ and ___/___/___ to ___/___/___

PRETRIAL STATUS RELEASE :

Bond: ___ Secured ___ Unsecured Own Recognizance Third Party Release N/A

◆ RECOMMENDATION RANGE: Time Served to

SRR-7 Page 36

Statutory Requirement if Applicable No time 0-14 days

Completing the Sentencing Revocation Report (Cover Page)

SRR - 1 - OFFENDER

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

Fill in the offender's date of birth. If unknown or if the judge is electronically signing the Guidelines, leave blank.

Fill in the offender's social security number. If unknown or if the judge is electronically signing the Guidelines, 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. Leave blank if unknown

SRR - 2 – COURT

Enter the circuit number of the sentencing court. *SWIFT* will populate this field.

Enter the name of the city or county that the court serves. *SWIFT* will populate this field.

Enter a docket number that identifies the current probation violation sentencing event. If there are multiple numbers, enter the docket number for the most serious offense. Please see page 51 on selecting the most serious offense in the revocation event. 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. *SWIFT* will populate this field.

SRR - 3 – PRIOR REVOCATIONS FOR THE 10 MOST SERIOUS UNDERLYING OFFENSES

To implement the limitations of § 19.2-306.1, the court must be advised of the previous revocation events for all of the underlying offenses in this court only. This includes all prior revocations for any of the current offenses that are being brought to court for this violation. Enter the sentencing dates for the prior violations. *SWIFT* provides space for up to ten prior revocation events in this court associated with the current violation. Identify the Department of Corrections Conditions of Probation that were violated by using the numbers below to identify the conditions. If there were special conditions (unnumbered conduct) that were cited, enter the number 12 and a brief description of the special conditions in the space provided. The Department of Corrections State Probation Conditions are:

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
12. Fail to follow special conditions (specify)

SRR - 4 – TYPE OF REVOCATION

- A. Complete SRR and Guidelines:** Complete the Sentencing Revocation Report (SRR) cover page and Guidelines Worksheets for State Supervised Probation Violations associated with felony offenses.
- B. Complete SRR only, Guidelines do not apply:** A Guidelines recommendation will not be calculated for local probation, good behavior, suspended sentence or post release violations.

A Guidelines recommendation will not be calculated for removal from CCAP for cause or administratively for health or other reasons.

Procedural is marked when the alleged violation (technical, new law or special condition) occurred during a previous supervision period for the same underlying offenses but was not addressed before the defendant is found in violation and continued on probation or released from supervised probation. The guidelines do not apply. Complete the SRR and mark procedural for the type of revocation and do not check State Supervised Probation for a felony.

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.

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), and 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.***

C. DOC Conditions Violated as Cited by Probation and Parole – Worksheet to be Completed

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). Use the Department of Corrections (DOC) conditions and not the conduct defined in § 19.2-306.1.

Technical Violation 2-11: If Conditions 2-11 are currently cited in the Major Violation Report or Amendments, 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. *(For example, the defendant may be on probation in the same court for three separate periods of supervision: a 2022 period of supervision that was previously revoked twice (once in 2023 and 2024) a 2023 period of supervision that was previously revoked in 2024, and the current 2025 period of supervision that is being revoked for the first time. In this example all the boxes would be marked).*

If a prior revocation includes new laws (Condition 1) and/or special conditions along with technical violations it is also considered a prior technical violation. A prior technical violation event does not include an event with only a new law conviction (Condition 1) or a special condition violation.

Technical Violation 9 or 11: In addition to identifying the number of Technical Violations of 2-11 above, specifically mark the appropriate boxes if Conditions 9 or 11 are currently cited in the Major Violation Report or Amendments. This information is needed to provide the court with the information to apply the limits of § 19.2-306.1. 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).*

Special Condition: The special condition box is marked if the defendant is in violation of any condition, other than a new law violation, not identified as technical in § 19.2-306.1. Included as special conditions are requirements imposed by the court, authorized by the court or detailed in the Major Violation Report by the Probation Officer. 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. The judge must decide if the special conditions cited are or are not specifically identified in § 19.2-306.1 as technical.

New Law Violation: 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. A conviction for a new offense is required for Guidelines. A conviction for a probation violation, good behavior violation, or suspended sentence violation is not classified as a

Condition 1 (new law) violation for this Guidelines factor. 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 current violation of **Condition 1** (new law violation).

SRR - 5 – DOC CONDITIONS CITED IN VIOLATION BY PROBATION/PAROLE OFFICER

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.

If special conditions of the court or the Department of Corrections are violated (other than sex offender and validated gang member conditions), use the drop-down list of the most common conditions violated or enter a brief title or description of the most serious special condition violated. (Please see list on page 33.) The judge must decide if the special conditions cited are or are not specifically identified in § 19.2-306.1 as technical.

If 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.

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.

SRR - 6 - FOR JUDICIAL REVIEW

A. Treatment, Sanctions, Educational Programs and Alternatives Available

The purpose of this section is to provide the probation officer or Commonwealth's Attorney a standardized way to inform the judge about available programs. Identifying any available treatment, sanctions, or alternatives 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, if any, may be utilized for the current violation.

The table on the next page includes many alternatives that have been identified in the past.

Treatment, Sanctions, Educational Programs, Conditions and Alternatives Table

| |
|--|
| Banned From Location, Certain Areas, Store, Etc. |
| Community Service |
| Curfew |
| Deportation |
| Supervision: Cognitive Behavior Programs |
| Supervision: Gang Conditions/Restrictions |
| Supervision: Intensive Supervision |
| Supervision: Sex Offender Conditions/Restrictions |
| Incarceration Programs: CCAP |
| Incarceration Programs: Incarceration/Jail |
| Incarceration Programs: Therapeutic Community |
| Incarceration Programs: Youthful Offender/Behavioral Correction |
| Education: Obtain GED |
| Education: Stay in School, College, Training, Etc. |
| Employment: Job Training |
| Employment: Restricted Occupation |
| Employment: Seek/Maintain Employment |
| Faith Based Program: Housing, Treatment, Counseling, Etc. |
| Financial: Court Cost, Restitution, Fines, Judgement, Trauma Fund, Etc. |
| Financial: Pay Child Support |
| Forfeiture Weapons, Property, Etc. |
| Homeless Services |
| Mental Health: Assessment |
| Mental Health: Anger Management |
| Mental Health: Larceny Counseling |
| Mental Health: Parenting Classes |
| Mental Health: Treatment Inpatient |
| Mental Health: Treatment Outpatient |
| No Contact (Family, Codefendant, Victim, Gangs, etc.) |
| Recidivist Prevention Program, Re-Entry Program |
| Specialty Courts/Dockets: Behavioral Mental Health Court |
| Specialty Courts/Dockets: Drug Court |
| Specialty Courts/Dockets: Dual Track Docket/Court |
| Specialty Courts/Dockets: Veteran's Docket |
| Substance/Alcohol Abuse: Assessment |
| Substance/Alcohol Abuse: Inpatient |
| Substance/Alcohol Abuse: Jail Based Program |
| Substance/Alcohol Abuse: Medical (i.e. Methadone, Antabuse) |
| Substance/Alcohol Abuse: Outpatient, Day Treatment, Counseling |
| Substance/Alcohol Abuse: Peer Support Group (i.e., N/A, AA Peer Support) |
| Substance/Alcohol Abuse: Testing |
| Substance/Alcohol Abuse: Zero Tolerance, No Drug Use or No Alcohol Use |
| Substances/Medications: Comply with Medication Instructions/Restrictions |
| Traffic: Ignition Interlock |
| Traffic: No Driving, Suspend License, Other Restrictions, Etc. |
| Veteran Services |
| Waive 4 th Amendment Rights |
| Weapon Restrictions, Education, Etc. |

B. Date Arrested for this Violation or Show Cause is Issued/Served

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 served/entered or approved by the court.

The date entered is the arrest date or date the show cause was served for the current violation in this 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 violations.

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

C. 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.

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.

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 or Show Cause is Issued/Served factor described above.*

Mark **Both Incarcerated and at Liberty Pretrial** if the defendant was incarcerated pretrial but then released on bond, etc., or was at liberty for any amount of time between the date of arrest for the violation and the revocation hearing. If this box is checked, enter the specific **Dates Confined**. 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).

C. Pretrial Status Release

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

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 issued by a magistrate.

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 issued by a magistrate.

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 issued by a magistrate.

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 issued by a magistrate.

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.

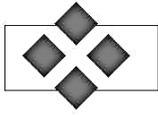
N/A: Information on pretrial release is not available or not applicable.

SRR - 7. RECOMMENDATION RANGE

SWIFT, the official Guidelines application, will populate the recommendation based on the total score on the No New Law, New Law M (Misdemeanor) or New Law F (Felony) worksheet. The judge must decide if the limits of § 19.2-306.1 are applicable in each case. If the provisions of § 19.2-306.1 apply, the Guidelines recommendation will be the statutory requirement of no time or no more than 14 days. In the event that *SWIFT* is not available, check the appropriate box indicating 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 to equal the maximum amount of revocable time available.**

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

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



Final Decision/Disposition

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

RULING ON APPLICATION OF § 19.2-306.1

SRR-8 Page 39

- Statutory Requirement (no time imposed or 0 to 14 days). Case is in compliance with statutory limits.
- Statutory Requirement Does Not Apply. Guidelines Recommended Range _____ to _____

DECISION OF THE COURT

SRR-9 Page 39

- 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 or post release
- Taken Under Advisement/Continued
- Not in Violation

SENTENCE FOR REVOCATION

SRR-10 Pages 40-42

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 +

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Revocation Details

- Amount of Time Imposed..... Life +

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

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New/Revised Probation/Supervised Period

- Continued on same period of probation supervision (not extended)
- Placed on a probation supervision for a new or extended period of....

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 Indeterminate Not to Exceed § 19.2-303
- Released from supervised probation

Conditions

- Good behavior Life

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 Fixed at Statutory Maximum § 19.2-306
- 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)

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- Other _____

Criminal History

- Updated Criminal History Provided

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REASON FOR DEPARTURE FROM GUIDELINES

SRR-11 Page 42

DATE OF REVOCATION DECISION

SRR-12 Page 42

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Month Day Year

Judge's Signature _____

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For Office Use Only

Final Decision/Disposition Page

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

SRR - 8. RULING ON APPLICATION OF § 19.2-306.1

The judge must decide if the limits of § 19.2-306.1 are applicable in each case.

If the provisions of § 19.2-306.1 apply, check Statutory Requirement.

Check the box **no time imposed** if this is the first violation of the conduct defined as technical in § 19.2-306.1 (similar to State Conditions of Probation 2-8 and 10). The statutory requirement is zero time.

Check the box **0 to 14 days** if this is the second or subsequent violation of the conduct defined as technical in § 19.2-306.1 (similar to State Conditions of Probation 2-8 and 10). The statutory requirement is a presumption of no time but can be up to 14 days.

If the provisions of § 19.2-306.1 do not apply, check the box **Statutory Requirement Does Not Apply**. When the Guidelines are completed in *SWIFT*, the recommended range will be provided. However, the court may impose all or a portion of the suspended time.

SRR- 9. Decision of the Court

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.

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.

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

Taken Under Advisement/Continued – 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.

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.

SRR – 10. Sentence for Revocation

10.1 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.

10.2 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 the court determines that 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.

10.3 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 revocation 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.)

10.4 Revocation Details

Amount of Time Imposed (Often the same as Revocable Time for Event) – Enter the years, months and days imposed for the entire revocation 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 revocation event instead of entering the amount of time imposed for the current violation.

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).

10.5 New/Revised Probation/Supervised Period

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).

Placed on a Probation Supervision for a New or Extended 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 "Indeterminate" box.

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

10.5 Conditions

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.

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

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 this box.

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.

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".

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

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.

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 (Virginia Alcohol Safety Action Program), methadone clinics and intensive outpatient treatment programs, AA or NA (Alcoholics Anonymous and Narcotics Anonymous).

§ 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.

Drug Court - Specialized court docket for certain drug offenders.

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.

CCAP - Department of Corrections Community Corrections Alternative Program.

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

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.

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

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

10.6 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.

11.0 Reason for Departure from Guidelines

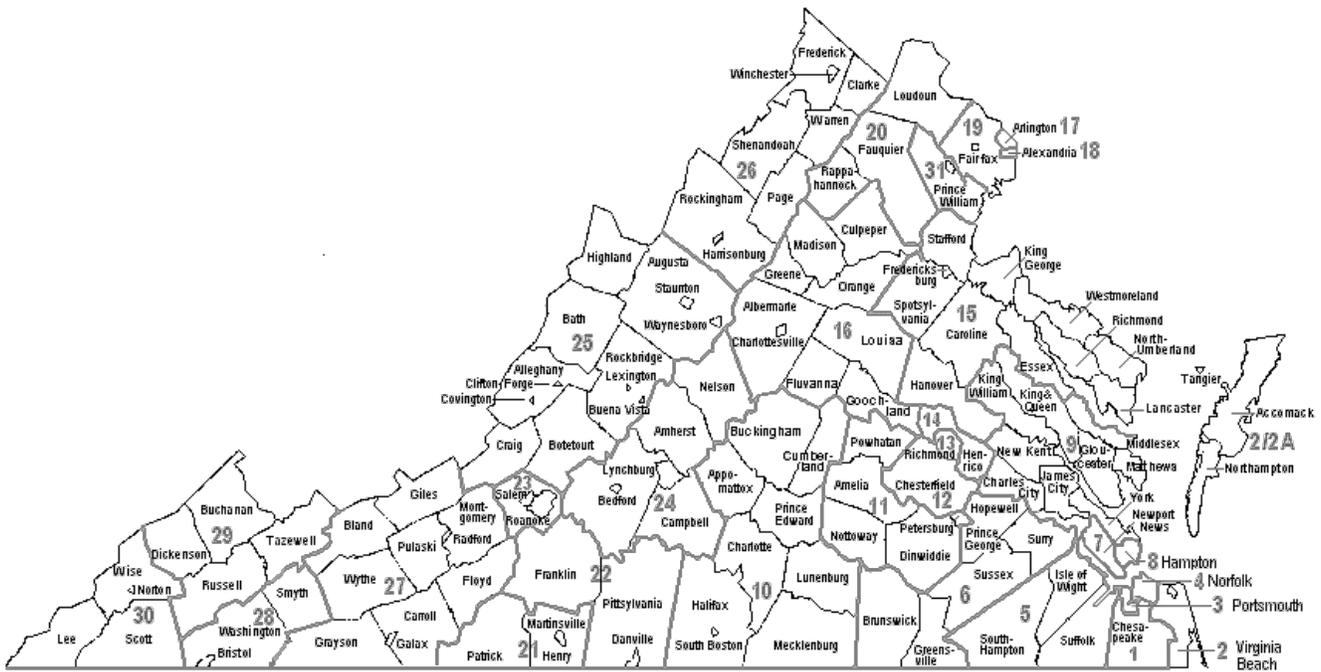
If the Probation Violation Guidelines apply and the judge sentences above or below the recommendation, the judge is required by § 19.2-306.2 to provide a reason for departing. The judge can also use this space for judicial comments about the case (such as the defendant's potential for rehabilitation).

12.0 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, release the defendant from probation, or 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.

Instructions

Worksheets



Probation Violation Guidelines Worksheet **➤ New Law M**

New Misdemeanor or Lesser Conviction

Offender Name: _____

Base Guidelines on the Current Most Serious Primary Offense: **WS-1 Page 51** Original Sentencing was Incarceration/CCAP

ICOTS Case for Supervision of Current Primary Transferred to: State Abv: _____ **WS-3 Page 52** **WS-2 Page 51**

Amount of Total Revocable Time at Hearing/Sentencing: **WS-4 Page 52** _____ Months _____ Days

(This Court Only)

1 Dates (use to score factors three and four)

Earliest Original Sentencing Date _____ Start of Current Supervision Period _____ **WS-5 Page 53**

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

WS-6 Page 54

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

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

WS-7 Page 55

4 Felony Offense Conviction(s) Between

Original Sentencing Date and Start of Current Supervision (ALL Courts) — If YES, add 13 — **WS-8 Pages 56-57**

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

WS-12 Page 62

| New Conviction(s) | | Offense Date | Sent./Conv. Date | FIPS | State | Effective Sentence | | | TS* | Pending Sentence |
|----------------------|------------------|--------------|------------------|------|-------|--------------------|--------|------|--------------------------|--------------------------|
| Counts | Most Serious VCC | | | | | Years | Months | Days | | |
| WS-13 Page 63 | | ___/___/___ | ___/___/___ | | | | | | <input type="checkbox"/> | <input type="checkbox"/> |
| | | ___/___/___ | ___/___/___ | | | | | | <input type="checkbox"/> | <input type="checkbox"/> |

Sum of Total Effective (Active) Sentence for All New Convictions (including counts not listed above): _____ *Time Served for Condition 1 Violation

6 Drug Violation Cited

_____ If YES, add 7 — **WS-9 Page 58**

7 Abscond or Fail to Sign Conditions of Probation

_____ If YES, add 10 — **WS-10 Pages 59-60**

Last date whereabouts were known ___/___/___ Date whereabouts verified ___/___/___

8 Primary Offense VCC Prefix of SEX, RAP, OBS or

Violation of Sex Offender Special Conditions (Court or DOC) — If YES, add 22 — **WS-11 Page 61**

Recommendation Score

WS-16 Page 66

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

Recommendation Table

| Score | Guidelines Sentence |
|--|---------------------------|
| <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 |

Probation Violation Guidelines Worksheet ❖ New Law F

New Felony Conviction

Offender Name: _____

Base Guidelines on the Current Most Serious Primary Offense: **WS-1 Page 51** Original Sentencing was _____
 ICOTS Case for Supervision of Current Primary Transferred to: State Abv: _____ **WS-3 Page 52** _____ **WS-2 Page 51**
 Amount of Total Revocable Time at Hearing/Sentencing: **WS-4 Page 52** _____
 (This Court Only) _____
Years Months Days

1 Dates

Earliest Original Sentencing Date _____ Start of Current Supervision Period _____ **WS-5 Page 53**

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

WS-6 Page 54

Current Revocation Event Only0
 One or More Revocation Events Prior to Current Revocation Event10

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

WS-14 Page 64

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

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

| New Conviction (s) | | Offense Date | Sent./Conv. Date | FIPS | State | Effective Sentence | | | TS* | Pending Sentence |
|----------------------|------------------|----------------|------------------|-------|-------|--------------------|--------|-------|--------------------------|--------------------------|
| Counts | Most Serious VCC | | | | | Years | Months | Days | | |
| WS-13 Page 63 | _____ | ____/____/____ | ____/____/____ | _____ | _____ | _____ | _____ | _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| | _____ | ____/____/____ | ____/____/____ | _____ | _____ | _____ | _____ | _____ | <input type="checkbox"/> | <input type="checkbox"/> |

Sum of Total Effective (Active) Sentence for All New Convictions (including counts not listed above): _____ *Time Served for Condition 1 Violation

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 **WS-15 Page 65**

Recommendation Score

WS-16 Page 66

Recommendation Table

| Score | Guidelines Sentence |
|--|-----------------------------|
| <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 |

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

| | | |
|---|---|---|
| Base Guidelines on the Current Most Serious Primary Offense: | <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="checkbox"/> Original Sentencing was Incarceration/CCAP |
| <input type="checkbox"/> ICOTS Case for Supervision of Current Primary Transferred to: State Abv: _____ | | |
| Amount of Total Revocable Time at Hearing/Sentencing: | <input type="checkbox"/> Life + <input type="text"/> | |
| (This Court Only) | Years | Months |

WS - 1 Base Guidelines on the Current Most Serious Primary Offense

The primary offense is the most serious original offense in the entire Current Probation Violation Event. The most serious original 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- Results in the Highest Guidelines Recommendation

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 petit 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 and felony larceny with a value of less than \$1,000.

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 revocation event. The new most serious underlying offense cannot be for a misdemeanor.

WS- 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) 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.

WS - 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.

WS - 4 Amount of Total 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.)

Dates (use to score factors three and four)

EXAMPLE

Earliest Original Sentencing Date _____ Start of Current Supervision Period _____

WS - 5 Dates (use to score factors on Guidelines)

Earliest Original Sentencing Date – Enter the date the defendant was originally sentenced for the current underlying 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 or most serious 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, 2023 and placed on supervised probation, then convicted in this court for Grand Larceny on February 2, 2024 and placed on supervised probation again. 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, 2023.

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). Probation for Offense A was not revoked. 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.

If the judge finds the defendant not in violation of probation before continuing the case, the judge's decision not to revoke ends the defendant's current supervision period. A new supervision period begins for Guidelines purposes.

Example: The defendant was sentenced and placed on probation on June 1, 2023. The defendant was later found in violation of probation on February 1, 2024 but was continued on probation. Sentencing for a second probation violation based on violation of special conditions is set for October 1, 2024. The current supervision start date is February 1, 2024 (not the original start date of June 1, 2023).

| | | | | |
|--|----------------|---|--|----|
| Number of Felony Revocation Events for Current Offense(s) (This Court Only) | → | 0 | | |
| Current Revocation Event Only..... | | | | 2 |
| One Revocation Event Prior to Current Revocation Event..... | EXAMPLE | | | 12 |
| Two or More Revocation Events Prior to Current Revocation Event..... | | | | 24 |

WS - 6 Number of Felony (Probation) Revocation Events for Current Offense(s) (THIS COURT ONLY)

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

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 probation revocation events. However, if the judge takes the decision to revoke under advisement or if the defendant is found not in violation of probation, do not score 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.

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.

Good Behavior Violations

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

Assigning Points

Current (Probation) Revocation Event Only: If there are no previous revocations for the offenses in the current event (i.e., this is the defendant’s first probation violation), the case will be assigned points for Current 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.

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

One Prior Felony Revocation18
Two or More Prior Felony Revocations19



| | | |
|---|--|--|
| 0 | | |
|---|--|--|

WS - 7 Prior Felony (Probation) Revocation(s) Before Earliest Original Sentencing Date (THIS COURT ONLY)

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 provided in the Sentencing Guidelines manual for scoring prior convictions/adjudications on the sentencing guidelines. Changes in penalty structure do impact the scoring of prior convictions, adjudications and revocations on the guidelines for new felony offenses. Please refer to General Instructions in the Sentencing Guidelines manual when completing guidelines for new felony offenses.

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.

Good Behavior Violations

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

Felony Offense Conviction(s) Between
Original Sentencing Date and Start of Current Supervision (ALL Courts)

EXAMPLE

If YES, add 13

0

WS - 8 Felony Offense Conviction(s) Between Original Sentencing Date and Start of Current Supervision (ALL COURTS)

Assigning Points

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.

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

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

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.

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 or suspended sentence violations 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.

G. Pending charges that have not resulted in a conviction. Charges certified by a Grand Jury are not convictions.

Drug Violation Cited _____

EXAMPLE

If YES, add 7 →

| | | |
|---|---|--|
| 0 | 0 | |
|---|---|--|

WS - 9 Drug Violation Cited

For this factor, points are assigned if the defendant was cited for a violation of Condition 8 (Use, possess, distribute controlled substances or paraphernalia) or the conduct was specified in § 19.2-306.1(vii) in the current probation violation event. The violation must be cited in the capias, warrant, revocation request or Major Violation Report or amended reports. Even if 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 conduct defined in § 19.2-306.1 (vii) by the court.



Abscond or Fail to Sign Conditions of Probation

If YES, add 10

| | | |
|---|--|--|
| 0 | | |
|---|--|--|

WS-10 Abscond or Fail to Sign the Conditions of Probation

Assign points if the defendant was cited for absconding from supervision in violation of Condition 11 of the Conditions of Probation Supervision or the conduct was specified in § 19.2-306.1(x). If the defendant signed conditions of probation prior to the enactment of Condition 11 by the Department of Corrections, 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.

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.

Date Whereabouts Verified – The location is verified when the defendant is in jail or prison, arrested on a capias or PB-15, or 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.

Additional Information for Establishing Dates for Absconding

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.

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.

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.

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.

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

EXAMPLE

If YES, add 22

| | | |
|---|--|--|
| 0 | | |
|---|--|--|

WS - 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:

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.

Cited for Violation of Sex Offender Special Conditions in the Major Violation Report: Points are assigned if the primary offense does not have a VCC 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 or instructions. 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.

If the judge decides that the conduct is a technical violation as defined by § 19.2-306.1 this factor is still scored based on the rules above. However, the Guidelines recommendation is not relevant because the limits of § 19.2-306.1 supersede the historically based recommendation.

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.

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

EXAMPLE

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

| | | |
|---|---|--|
| 0 | 0 | |
|---|---|--|

WS - 12 Condition 1 Violation: New Misdemeanor Conviction(s) for Offenses Committed During the Current Supervision Period (Use Virginia’s Current Penalty Structure)

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).

Enter points if any new misdemeanor conviction is similar in behavior to the current primary offense. Similar behavior is determined by using the table on Page 63 and Appendix 4. The Similar Offense Types Table 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 only and not the elements of the offense. One point is assigned if the new misdemeanor conviction is not similar to the primary offense in the Current Probation Violation Event. **Do not total the points.**

| New Conviction(s) | | | | | | | Effective Sentence | | | Pending | |
|-------------------|-------------------|----------------|------------------|-------|-------|-------|--------------------|-------|--------------------------|--------------------------|--|
| Counts | Most Serious VCC | Offense Date | Sent./Conv. Date | FIPS | State | Years | Months | Days | TS* | Sentence | |
| _____ | _____-_____-_____ | ____/____/____ | ____/____/____ | _____ | _____ | _____ | _____ | _____ | <input type="checkbox"/> | <input type="checkbox"/> | |
| _____ | _____-_____-_____ | ____/____/____ | ____/____/____ | _____ | _____ | _____ | _____ | _____ | <input type="checkbox"/> | <input type="checkbox"/> | |

Sum of Total Effective (Active) Sentence for All New Convictions (including counts not listed above): _____ *Time Served for Condition 1 Violation

WS - 13 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.

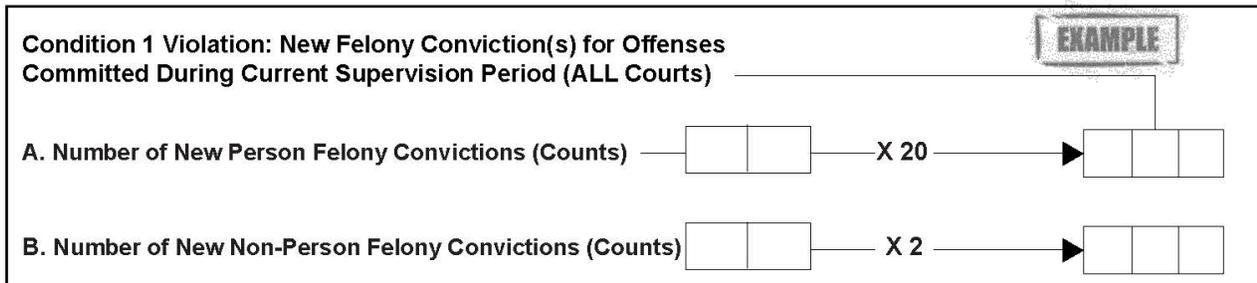
If there are more than two new misdemeanor convictions (i.e., more than two different VCCs), then select the two most serious convictions.

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- Results in the Highest Probation Violation Guidelines Recommendation (for the current violation)

In the New Conviction box enter the number of counts, VCC, offense date, 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. Enter 999 for a life sentence. 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. Check the TS box if the court considers a deferred disposition a new law violation.

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.



WS - 14 Condition 1 Violation: New Felony Conviction(s) for Offenses Committed During the Current Supervision Period (Use Virginia’s Current Penalty Structure)

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 any finding taken under advisement satisfies the legal requirement for a violation of Condition 1 (new law violation).

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.

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.

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).

4 New Felony or Misdemeanor Conviction is Similar Behavior to the Most Serious Current Primary Offense Listed Above (Refer to Appendix 4)

EXAMPLE

If YES, add 7 →

| | | |
|---|---|--|
| 0 | 0 | |
|---|---|--|

WS - 15 New Felony or Misdemeanor Conviction is Similar to the Most Serious Current Primary Offense Listed Above

Score this factor if Condition 1 has been cited for a new 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). 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).

Enter points if any new misdemeanor conviction or felony conviction is similar in behavior to the current primary offense. Similar behavior is determined by using the table in Appendix 4 (image is printed below). The Similar Offense Types Table 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 only and not the elements of the offense. One point is assigned if the new misdemeanor conviction is not similar to the primary offense in the Current Probation Violation Event.

Similar Offense Types

Use the table below to decide 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.

| VCC Prefix for the Primary Offense | VCC Prefix Similar/Related Offenses |
|------------------------------------|--|
| ARS (Arson) | ARS, VAN, FIR |
| ASL (Assault) | ASL, MUR, RAP, SEX, TEL, STK, KID, PRT |
| BUR (Burglary) | BUR, TRS |
| DWI (Driving While Intoxicated) | DW, 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 / MRJ (Drugs) | NAR, PHA, MRJ |
| OBS (Obscenity) | OBS (not drunk in public), SEX, RAP, SOR |
| PER (Perjury) | PER |
| PRI (Prisoner Offenses) | PRI, ESC |
| RAP (Rape) | RAP, SEX, OBS (not drunk in public), SOR |
| REC (Reckless Driving) | REC, LIC, DWI, ALC, HIT |
| ROB (Robbery) | ROB, LAR2361F9 |
| SEX (Sexual Assault Offenses) | SEX, RAP, SOR, OBS (not drunk in public) |
| SOR (Sex Offender Registry) | SOR, SEX, RAP, OBS (not drunk in public) |
| TEL (Telephone) | TEL |
| VAN (Vandalism) | VAN, ARS |
| WPN (Weapon) | WPN, ASL1319F9, ASL1323F9 |

Recommendation Score →

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

EXAMPLE

Recommendation Table

| Score | Guidelines Sentence |
|--|---------------------------|
| <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 |

WS - 16. RECOMMENDATION RANGE

SWIFT, the official Guidelines application, will populate the recommendation based on the total score on the No New Law, New Law M (Misdemeanor) or New Law F (Felony) worksheet. The judge must decide if the limits of § 19.2-306.1 are applicable in each case. If the provisions of § 19.2-306.1 apply, the Guidelines recommendation will be the statutory requirement of no time or no more than 14 days. In the event that *SWIFT* is not available, check the appropriate box indicating 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 to equal the maximum amount of revocable time available.**

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

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

Recommendation Tables - Summary

§ 19.2-306.1 Statutory Limits

| Score | Guidelines Sentence Range |
|--------------------------------|---------------------------|
| <input type="checkbox"/> | No Time |
| <input type="checkbox"/> | 0 to 14 days |

Recommendation Table for No New Law

| 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 M (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 F (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 _____ years _____ months _____ 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

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

Offense Types

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

General Definitions:

Person Crime: generally defined as a crime where the victim is harassed, threatened, endangered, abducted, injured, killed, endangered, forced, 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, activities or prostitution 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 any of 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
- OBS • Obscenity (involving a minor)
- PRT • Protective Orders
- RAP • Rape/Sexual Assault
- ROB..... • Robbery
- SEX • Sex Offenses (Except: Adultery, Bestiality, Bigamy, Cohabitation, Proximity to Children Restrictions, and Prostitution between adults without a force element defined in the statute.)
- STK..... • Stalking
- TER • Terrorism
- VIO • Violent Activities (Except VIO5340M3)

Specific VCCs for Crimes Against Persons

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

- ABO-1404-F4Perform partial birth infanticide
- ACC-0900-F6Accessory after the fact to homicide
- AGR-3490-F9Assault on employee of Board of Agriculture
- ARS-2001-F3.....Arson of occupied building, other
- ARS-2008-F3.....Arson of occupied building, public
- ARS-2004-F9.....Arson of occupied dwelling/church, aid burning
- ARS-2003-F9.....Arson of occupied dwelling/church, burn
- ARS-2001-F3.....Arson of occupied building, other
- ARS-2008-F3.....Arson of occupied building, public
- ARS-2023F5.....Arson/bomb threat/false comm., offender 15+
- ARS-2024-M1Arson/bomb threat or false comm., offender <15
- ARS-2015-F5*Enticement to bomb
- ARS-2025-F6*Hoax firebomb, construct, use or send
- ARS-2022-M2.....Smoke bomb in public building
- BOT-6218-F6..... 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
- CNV-7019-F4..... Closure plan, threat/harm to humans/environment results
- CNV-7057-F9.....Renewable energy, violation endangers
- CNV-7058-F9.....Renewable energy, violation endangers, subsequent
- CNV-7006-F9..... Transport, treat, etc. hazardous waste, endangerment
- COM-2997-M1.... Coerce, intimidate or harass person by computer
- COM-2965-F3.... Malicious computer use/intent to physically injure
- COM-2966-F6.... Unlawful computer use/intent to physically injure
- CONXXXXXXAny disobedience directed towards a person
- CON-3281-S9..... Insulting language about judge
- CON-3280-S9..... Violence or threats to judge, witness, etc.
- DNG-4800-F6.... Conceal, etc., dead body
- DNG-3216-M1... Fail to secure medical attention for a child
- DNG-3219-M4... Handle snakes, etc., endanger humans
- DOG-3537-M1 Declared dangerous dog, injures/bites human
- DOG-4588-F6 Vicious dog violation, results in serious human injury
- ESC-4908-F6*Escape by force or violence from jail
- ESC-4911-F6*Escape from jail by force or violence, not
- ESC-4927-F6*Escape from juvenile facility/detention with force
- ESC-4910-F4*Escape or attempt to escape by setting fire to jail
- GFW-3350-M2.... Impede (by threat or force) game warden/law enforcement

Specific VCCs for Crimes Against Persons, continued

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

- HEA-5568-F6..... Action caused life prolonging procedures to be used
HEA-5560-M1..... Conceal, etc., do not resuscitate order/directive
HEA-5567-F2..... Conceal, etc., do not resuscitate order/directive – death hastened
HEA-5563-F2..... Conceal, etc., revocation of do not resuscitate order/directive – death hastened
HEA-5566-M1..... Falsify, etc., do not resuscitate order/directive
HEA-5562-F2..... Falsify, etc., do not resuscitate order/directive – death hastened
HEA-5561-M1..... Falsify, etc., revocation of do not resuscitate order/directive
HEA-5569-F2..... Falsify, etc., revocation of do not resuscitate order/directive – death hastened
HEA-5564-F4..... Sale or purchase of body parts
HEA-5514-M1..... Trafficking in dead human bodies
- HIT-6612-M4..... Hit & run causing injury or death, fail to notify police immediately
HIT-6608-F5 Hit & run, victim injured, driver fails to stop
HIT-6614-F6 Hit & run, victim injured, passenger fails to report
- INT-8051-F4..... Disseminate criminal or terrorism intelligence – death/injury results
- JUS-4816-M4..... Extortion by officer
JUS-4836-F5 False communication results in death
JUS-4835-F6 False communication results in serious injury
JUS-4820-F5 Resisting arrest by force, etc. in drug/gang/violent offenses
JUS-4828-M1 Resisting arrest, obstructing justice by threats or force
JUS-4832-F5 Resisting arrest, obstructing justice by threats or force
- LAB-7471-M9..... Employer's violation of safety rules, results in death
LAB-7470-S9..... Employer's violation of safety rules, results in death, 2nd/subsequent
LAB-7489-F6..... Permit minor to perform, etc., in sexually explicit material
LAB-7485-F3 Receive money, etc., for procuring < age 18 for forced labor/services
LAB-7482-F4 Receive money, etc., for procuring person for forced labor/services
- LAR-2361-F9..... Grand larceny from person
LAR-2369-F6* Larceny, etc. third or subsequent conviction (if underlying offense is a person crime)
LAR-2367-M1 Petit larceny from person
- LIC-6832-F9 Operator's license revoked – endangerment
- MOBXXXXXX Any gang participation with the intent to murder, rape, rob, assault or commit other felony or misdemeanor person crime
MOB-1295-F6..... Use force/threats to encourage continued membership in gang
MOB-1285-F4..... Use force/threats to encourage continued membership in gang school zone
MOB-1294-F6..... Use force/threats to encourage membership in gang
- MOB-1284-F4..... Use force/threats to encourage membership in gang school zone
MOB-1296-F6..... Use force/threats to encourage person to commit felony
MOB-1286-F4..... Use force/threats to encourage person to commit felony school zone
- MOV-6574-M1... Business vehicle, threaten or assault operator
- NAR-3160-F9..... Child<15, present during manufacture, etc., of methamphetamine
NAR-3161-F9..... Custodial child 15 or over, present during manufacture, etc., of methamphetamine
NAR-3162-F9..... Incapacitated person, present during manufacture, etc., of methamphetamine
- OBSXXXXXX..... All obscenity charges involving minors
OBS-3688-M1..... Dissemination of video/still image with intent to harass, etc.
OBS-3713-M1..... Indecent exposure
OBS-3707-M1..... Masturbation, actual or simulated in public
OBS-3733-M1..... Unlawful filming of another
OBS-3704-F6 Unlawful filming of another, 3rd/subsequent
- PIC-3239-M3..... Picketing of dwelling house
- POR-3700-F6..... Pornography registry, dissemination of images
- PRO-5865-F6..... Health professional, invasive procedure performed without license
- RACXXXXXX Only if offense involves coercing or intimidating another person
- REC-6655-M1..... Aggressive driving with intent to injure
REC-6624-F6 Disregard police command to stop, endangerment
REC-6626-F6 Drive recklessly w/o license causes death of another
REC-6640-F4 Law enforcement officer killed as result of pursuit
REC-6633-F9 Racing, cause death of another
REC-6635-F6 Racing, causes serious bodily injury
REC-6625-M1 ... Reckless driving, endanger life or limb
REC-6630-M1..... Reckless driving, parking lot, endanger life or limb
REC-6669-M1..... Reckless driving, serious injury or death to vulnerable road user
- RUA-5315-F5..... Conspire with, incite others to riot
RUA-5318-F6* Injury to another (not damage to property)
RUA-5326-M2..... Obstruct duties of EMS, rescue squads, etc.
- SAN-5544-F9..... Sanitation violation, places person in danger of death/serious injury
- SOL-7200-F6* ... Solicitation to commit a felony person crime
SOL-7201-F5* Solicitation to commit a felony person crime, adult solicits juvenile
SOL-7202-F9..... Solicitation to commit murder (any solicitation to commit a person crime under § 18.229)
- SOR-3649-M1... Use unmanned aircraft to contact, capture images, etc.
- TEL-3245-M1..... Abusive, profane, threatening calls on phone

TRK-2129-M1..... Unauthorized use of electronic tracking device

TRS-5726-F4..... Disinter, displace body from vault, grave, other burial place

TRS-5729-F6..... Physically defile dead human body

TRS-5747-M1*..... Peep or spy into dwelling by electronic device

TRS-5718-M1*..... Peep or spy into dwelling place

TRS-5742-M1* ... Peep or spy using an unmanned aircraft

TRS-5707-F6..... Trespass w/ intent to abduct from school property

TRS-5700-M1 Use peephole to view nonconsenting person

VAN-3192-M1..... Damage telephone, etc., to prevent call to LEO

VAN-2953-M1..... Interfere with emergency 2way radio if imminent danger of death or injury

VAN-2906-F6..... Shoot/throw missile at law enf, etc., vehicle w/o malice

VAN-2905-F4..... Shoot/throw missile at law enf/emerg vehicle w/malice

VAN-2939-F4..... Shoot/throw missile at train/car w/ malice

VAN-2940-F6..... Shoot/throw missile at train/car w/o malice

VOT-5111-F5..... Bribery, intimidation, etc., of officers of election

VOT-5106-M1..... Bribery, intimidation, etc., of person receiving ballot

WPN-5210-M1 ... Brandish machete or knife

WPN-5287-F6 ... Brandish machete or knife on school property

WPN-5251-M1* .. Brandish or point firearm

WPN-5258-F6* ... Brandish or point firearm on school property

WPN-5274-F6* ... Brandish or point firearm, 3rd conviction

WPN-5248-F5* ... Discharge firearm from motor vehicle

WPN-5273-F6* ... Discharge firearm in public place, 3rd conviction

WPN-5221-M1* .. Discharge firearm in public place, no injury

WPN-5301-F6..... Discharge firearm in public place, results in injury

WPN-5255-F4..... Discharge firearm in/at occupied school

WPN-5201-F4* ... Discharge firearm on public prop w/in 1,000 ft of school

WPN-5200-F4* ... Discharge firearm upon buildings/grounds

WPN-5255-F4..... Discharge firearm within or at occupied school

WPN-5229-F4..... Discharge firearm, etc., at occupied bldg, malicious

WPN-5242-F6..... Discharge firearm, etc., at occupied bldg, unlawfully

WPN-5239-F3..... Malicious release of dangerous gas resulting in injury

WPN-5308-F6..... Reckless handling of firearm, serious injury

WPN-5249-M3..... Reckless/leave loaded firearm, endanger child<14

WPN-5240-F6..... Unlawful release of dangerous gas resulting in injury

WPN-5300-F9..... Use firearm on school property, etc.

WTR-7611-F4..... Cease operations after waiver, harms humans/environment

WTR-7020-F4..... Fail to implement closure plan, harms humans/environment

WTR-7005-F9..... Water violation, risk of death or serious injury

WTR-7079-F9..... Water violation, risk of death or serious injury, subsequent convicted

Property Crime Examples

Offenses that may have the following VCC prefixes:

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

Drug Crimes

- All Offenses with 'NAR' VCC prefix.
(Except if child, incapacitated person present during the manufacture of methamphetamine)
- Also, drug crimes involving prisoners with 'PRI' prefix.

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 L I C (No endangerment)
- Parking PRK
- Passenger Carriers PAS
- Reckless Driving REC
- Registration, Plates, etc..... REG
- Signs & Signals SIG
- Size & Weight Violations..... SIZ
- Traffic Schools..... CDT
- Traffic - Smoking near gas pumps SMK
- Trailer Dealers TRL

Weapon Crimes

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

Other Crime Examples

Offenses that may have the following VCC prefixes:

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

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

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

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

Appendix 4

Similar Offense Types

Use the table below to decide 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.

| VCC Prefix for the Primary Offense | VCC Prefix for Similar/Related Offenses |
|------------------------------------|--|
| ARS (Arson) | ARS, VAN, FIR |
| ASL (Assault) | ASL, MUR, RAP, SEX, TEL, STK, KID, PRT |
| 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 / MRJ (Drugs) | NAR, PHA, MRJ |
| OBS (Obscenity) | OBS (not drunk in public), SEX, RAP, SOR |
| PER (Perjury) | PER |
| PRI (Prisoner Offenses) | PRI, ESC |
| RAP (Rape) | RAP, SEX, OBS (not drunk in public), SOR |
| REC (Reckless Driving) | REC, LIC, DWI, ALC, HIT |
| ROB (Robbery) | ROB, LAR2361F9 |
| SEX (Sexual Assault Offenses) | SEX, RAP, SOR, OBS (not drunk in public) |
| SOR (Sex Offender Registry) | SOR, SEX, RAP, OBS (not drunk in public) |
| 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 |

| Locality | Circuit | FIPS Code | Prob. District |
|-----------------|----------------|------------------|-----------------------|
| 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 |

| Locality | Circuit | FIPS Code | Prob. District |
|-----------------|----------------|------------------|-----------------------|
| 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 |

| Locality | Circuit | FIPS Code | Prob. District |
|---------------------|----------------|------------------|-----------------------|
| 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 | 43 |
| 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 | STATE | ABBREVIATION |
|---------------------------|--------------|--------------------------------|--------------|
| Alabama..... | AL | New York..... | NY |
| Alaska..... | AK | North Carolina..... | NC |
| Arizona..... | AZ | North Dakota..... | ND |
| Arkansas..... | AR | Ohio..... | OH |
| California..... | CA | Oklahoma..... | OK |
| Colorado..... | CO | Oregon..... | OR |
| Connecticut..... | CT | Pennsylvania..... | PA |
| Delaware..... | DE | Puerto Rico..... | PR |
| District of Columbia..... | DC | Rhode Island..... | RI |
| Florida..... | FL | South Carolina..... | SC |
| Georgia..... | GA | South Dakota..... | SD |
| Hawaii..... | HI | Tennessee..... | TN |
| Idaho..... | ID | Texas..... | TX |
| Illinois..... | IL | Utah..... | UT |
| Indiana..... | IN | Vermont..... | VT |
| Iowa..... | IA | Virginia..... | VA |
| Kansas..... | KS | Washington..... | WA |
| Kentucky..... | KY | West Virginia..... | WV |
| Louisiana..... | LA | Wisconsin..... | WI |
| Maine..... | ME | Wyoming..... | WY |
| Maryland..... | MD | | |
| Massachusetts..... | MA | American Samoa..... | AS |
| Michigan..... | MI | Fed. States of Micronesia..... | FM |
| Minnesota..... | MN | Guam..... | GU |
| Mississippi..... | MS | Marshall Islands..... | MH |
| Missouri..... | MO | Northern Mariana Islands..... | MP |
| Montana..... | MT | Palau..... | PW |
| Nebraska..... | NE | Virgin Islands..... | VI |
| Nevada..... | NV | Federal/US..... | US |
| New Hampshire..... | NH | | |
| New Jersey..... | NJ | Missing..... | .99 |
| New Mexico..... | NM | Unknown..... | .88 |

APPENDIX 5



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 [X]

New law violation: YES [] NO [X]



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.vcsc.virginia.gov

