



*Study of Parole-Eligible
and Geriatric Inmates in
State Correctional Facilities*

**Presented by the
Virginia Criminal Sentencing Commission
September 17, 2009**

Legislative Directive

Item 48

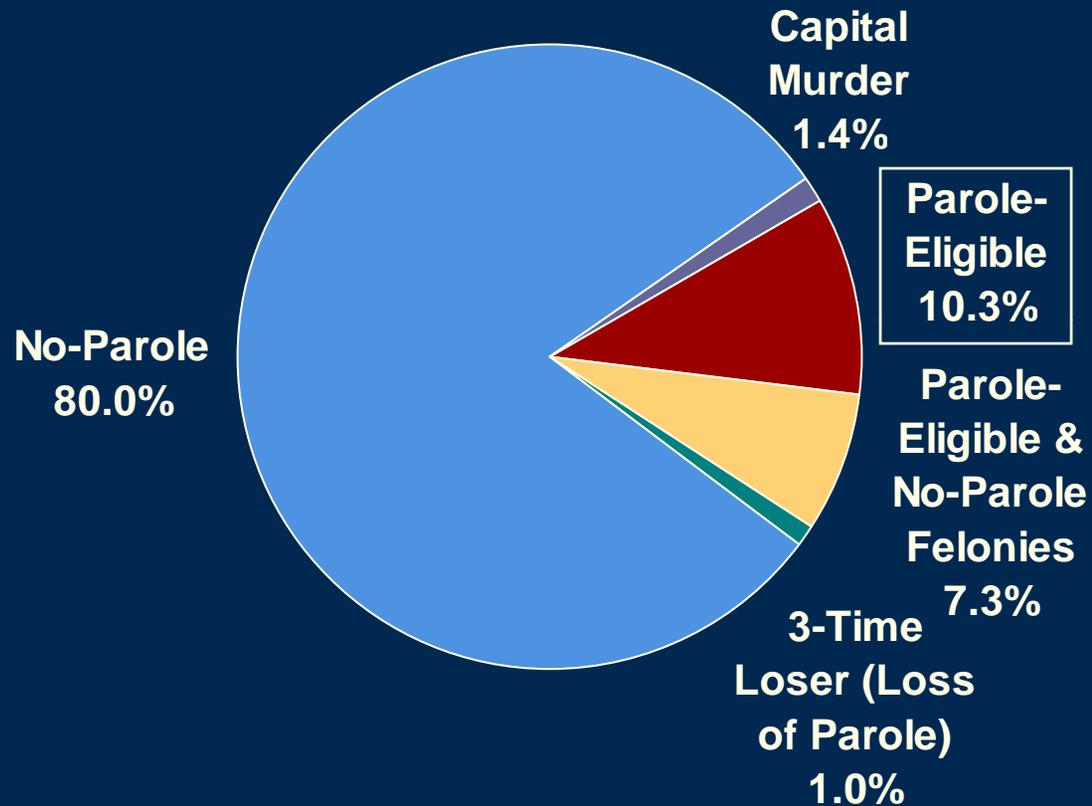
**Judicial Department
Virginia Criminal Sentencing Commission**

Language

B. The Virginia Criminal Sentencing Commission shall review the status of all offenders housed in state facilities operated by the Virginia Department of Corrections who are subject to consideration for parole. The purpose of the review is to determine the numbers of such offenders who have already, or will within the next six years, serve an amount of time in prison, which would be equal to or more than the amount of time for which they would have been sentenced for the same offense, and under the same circumstances, under the current sentencing guidelines system. The review shall include consideration of the numbers and types of older offenders who may be eligible for geriatric release. The Department of Corrections and the Virginia Parole Board shall provide all necessary information and assistance in carrying out this review. This review shall be presented to the Secretary of Public Safety, the Chairmen of the Senate and House Courts of Justice Committees, the Chairman of the Virginia State Crime Commission, and the Chairmen of the Senate Finance and House Appropriations Committees by September 1, 2009.

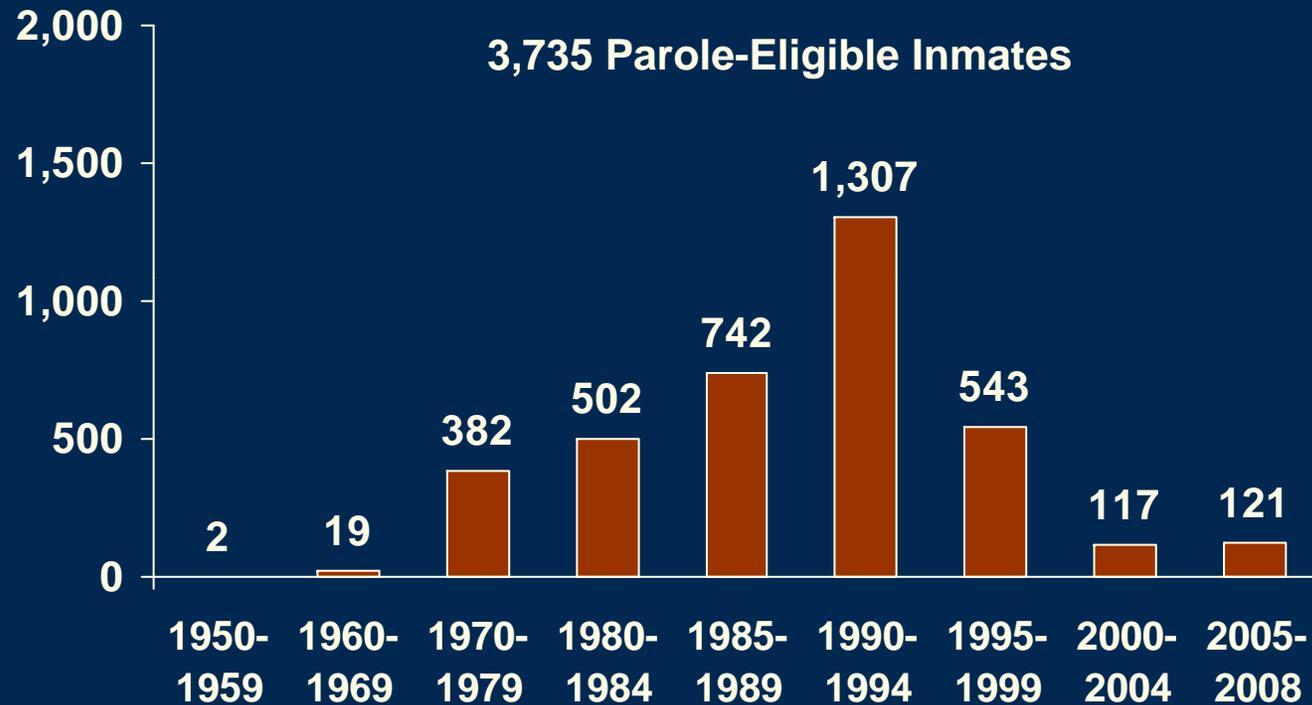


State-Responsible Prison Inmates Classified as of December 31, 2008



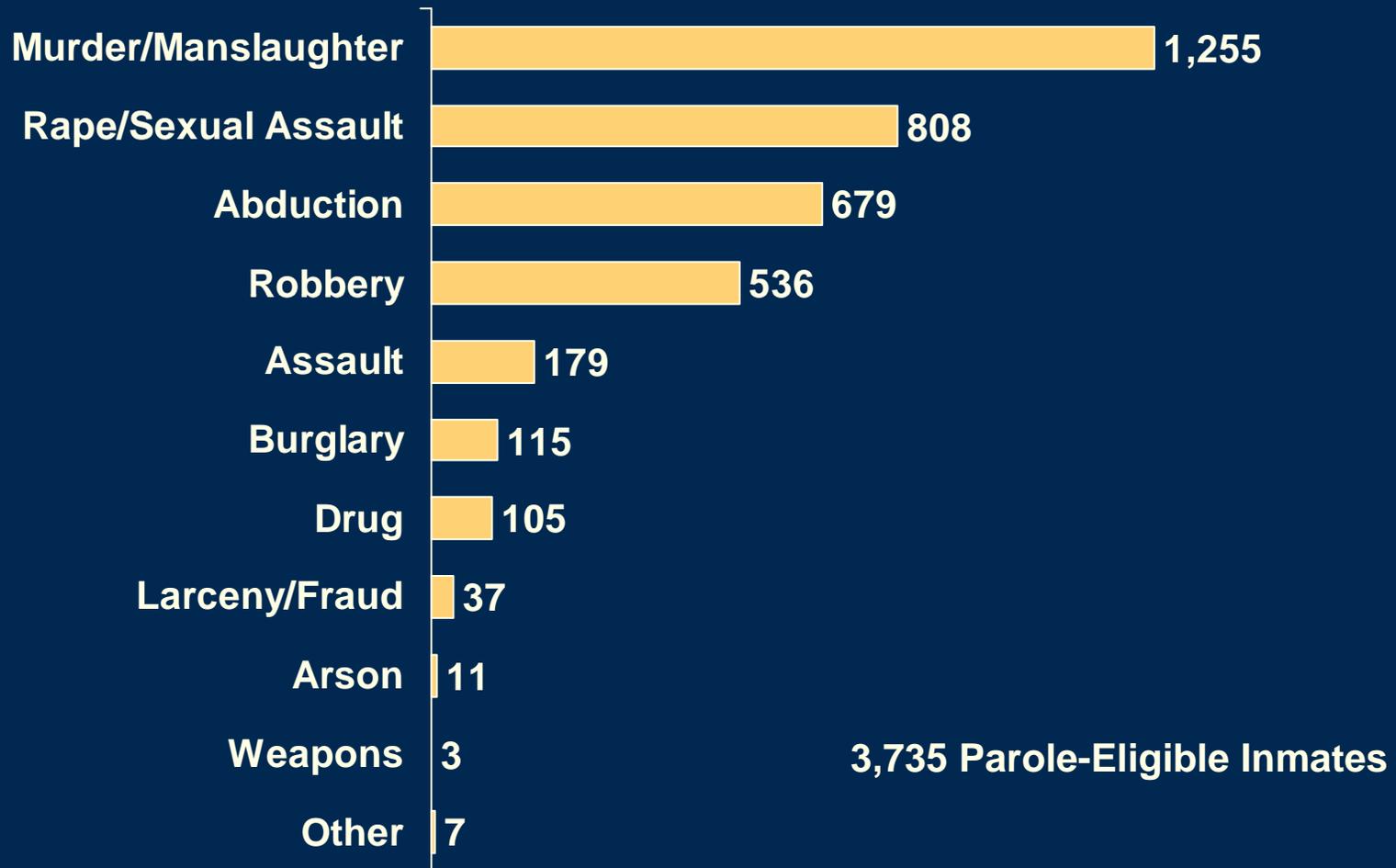
36,232 Classified Prison Inmates

Parole-Eligible Inmates as of December 31, 2008 by Year Originally Received into Department of Corrections



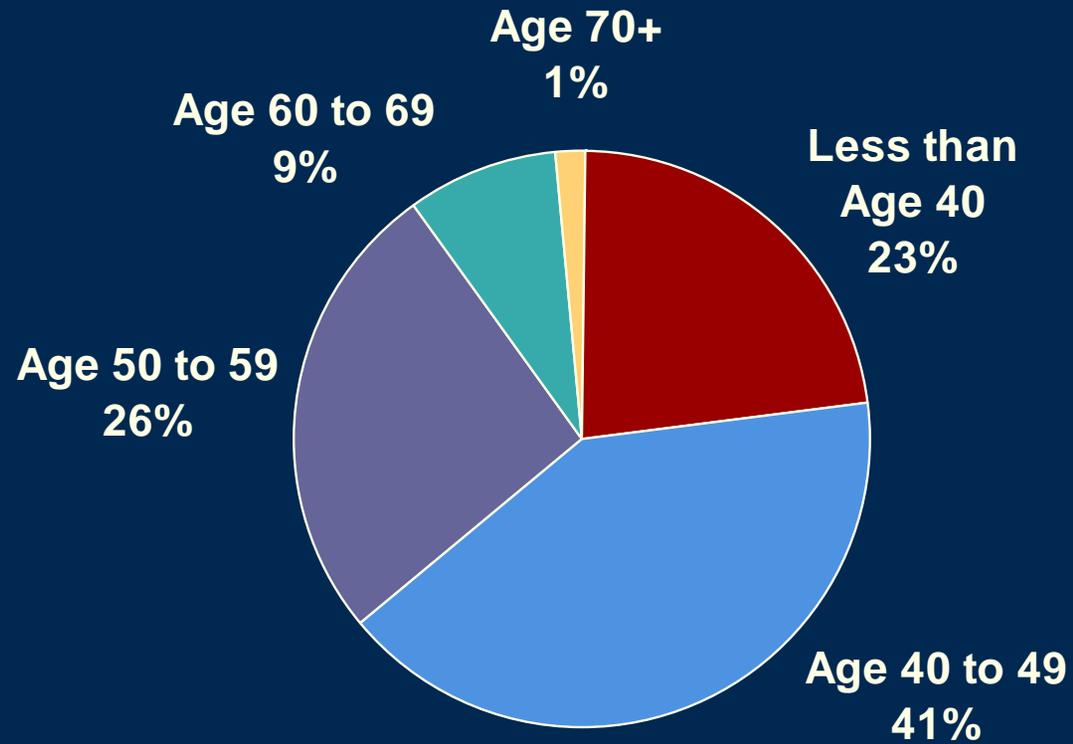
Note: Date originally received into DOC is the first date the inmate was incarcerated for the crime(s) for which he is currently serving time. This does not include subsequent intakes, including the date received for any parole violations.

Parole-Eligible Inmates as of December 31, 2008 by Most Serious Offense (as Classified by DOC)



Note: Most serious offense as classified by DOC may not be the same as the most serious offense identified by the sentencing guidelines.

Parole-Eligible Inmates as of December 31, 2008 by Age



3,735 Parole-Eligible Inmates

Scoring the Sentencing Guidelines

- ✦ **Staff developed programming to electronically score the sentencing guidelines**
 - **Guidelines could be scored for 3,341 of the parole-eligible inmates**
- ✦ **Guidelines recommendations were calculated for each sentencing event associated with an inmate's current term of incarceration**
- ✦ **For the 950 inmates who were incarcerated for more than one sentencing event, the guidelines recommendations were summed across events to calculate the total sentence recommendation**

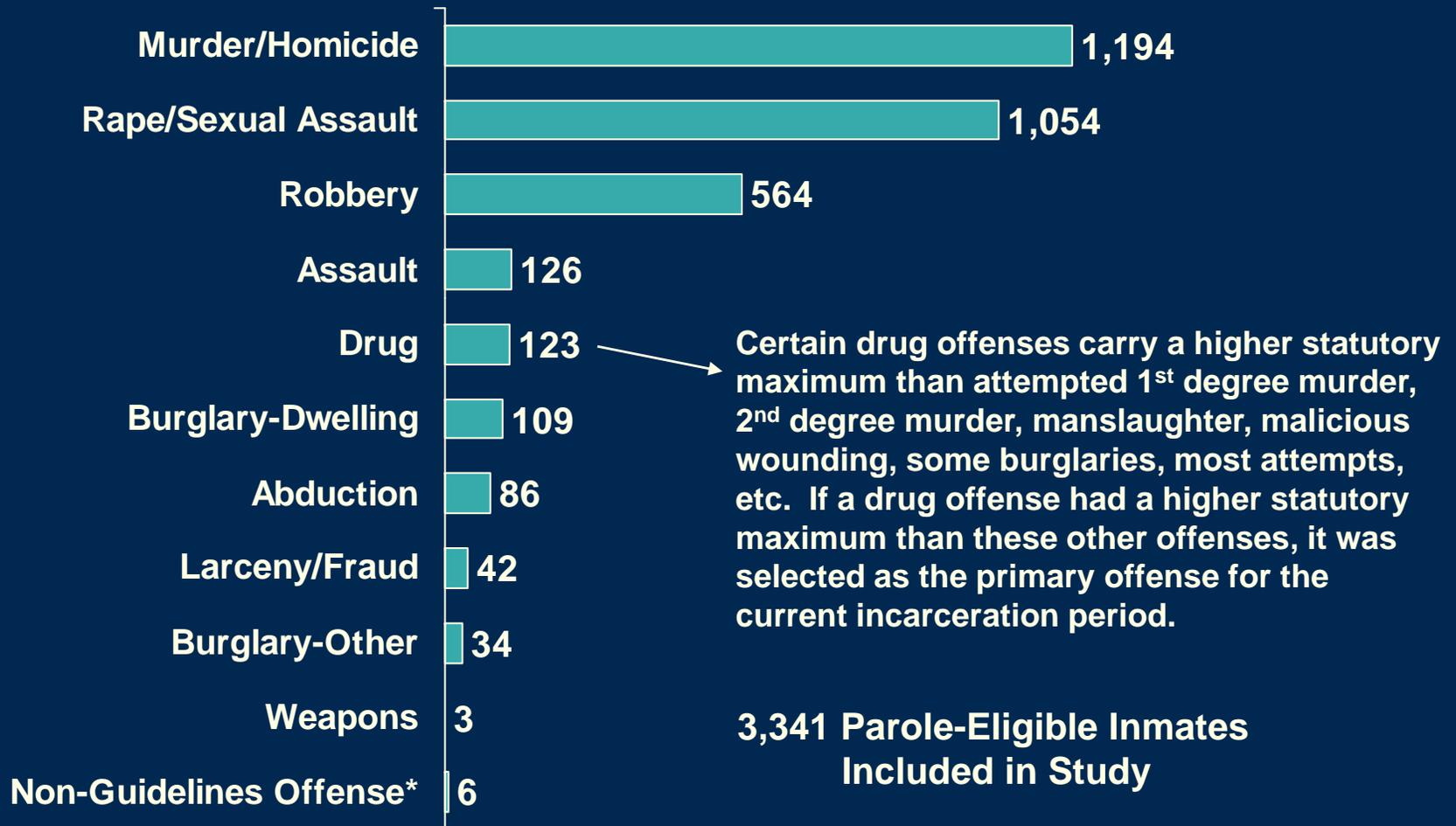
Study Limitations

- ✦ **Automated data may not capture all offenses**
- ✦ **Total sentence recommendation is based only on sentencing events covered by the guidelines**
- ✦ **Parole violations are not incorporated into the guidelines score**
- ✦ **Prior probation violations are scored as part of the offender's prior record**
- ✦ **Current probation violations are scored if they are sentenced at the same time as an offense covered by the guidelines**
 - **If a probation violation is handled in a separate hearing (apart from any felony offense), it is not incorporated into the guidelines recommendation**

Findings

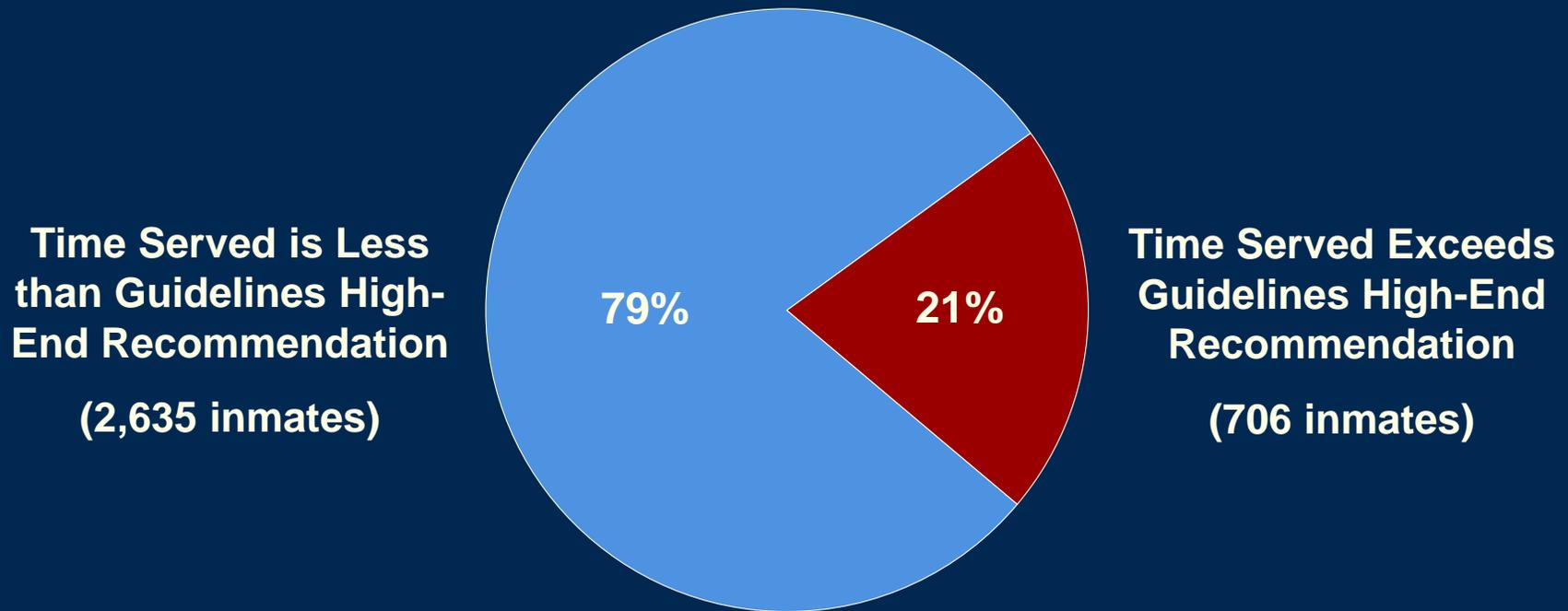


Most Serious Guidelines Offense for Incarceration Term



* These inmates remained in the study because they had been sentenced in a separate sentencing event for other offenses that are covered by the guidelines.

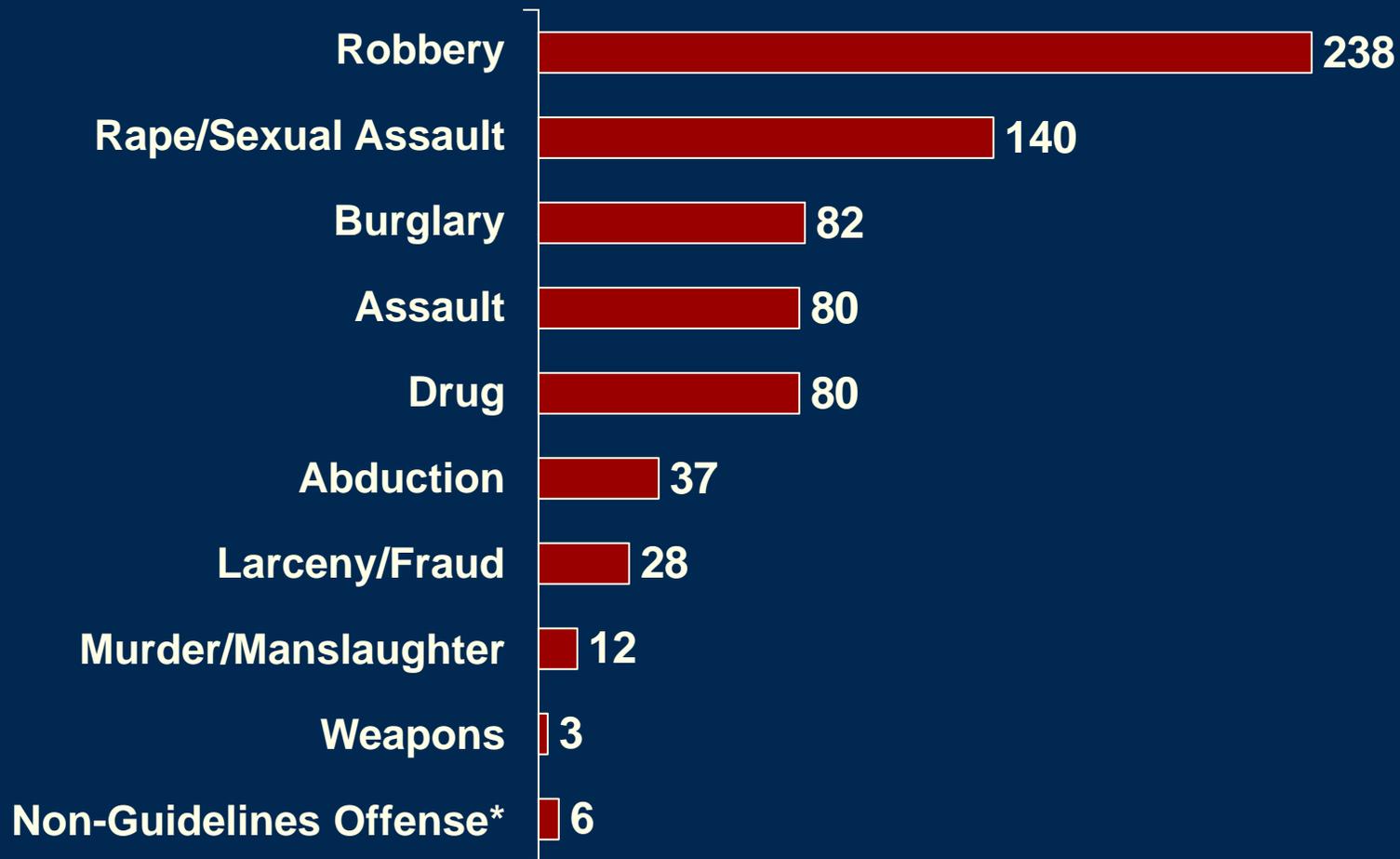
Sentencing Guidelines High-End Recommendation versus Time Served in Custody (as of December 31, 2008)



3,341 Parole-Eligible Inmates Included in Study

Parole-Eligible Inmates Whose Time Served Exceeds the Guidelines High-End Recommendation:

Most Serious Guidelines Offense for Incarceration Term (706 Inmates)



* These inmates remained in the study because they had been sentenced in a separate sentencing event for other offenses that are covered by the guidelines.

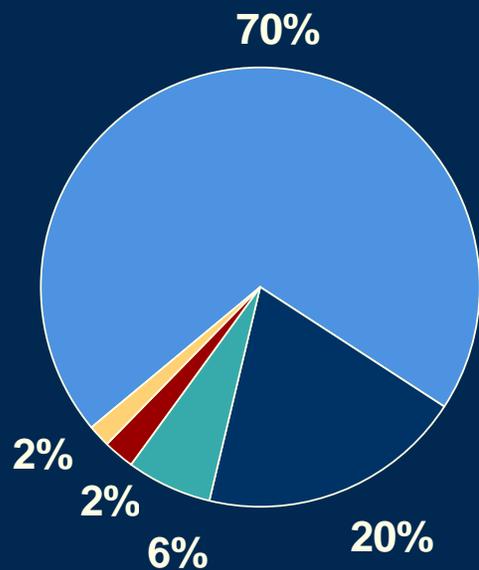
Parole-Eligible Inmates Whose Time Served Exceeds the Guidelines High-End Recommendation:

Sentence Length (706 Inmates)

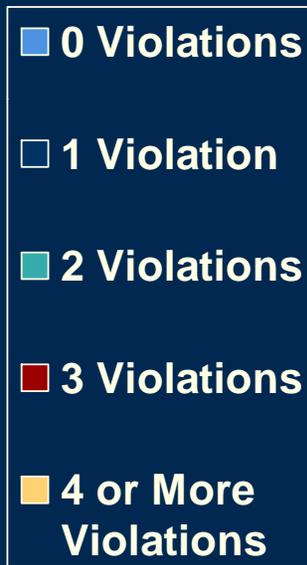
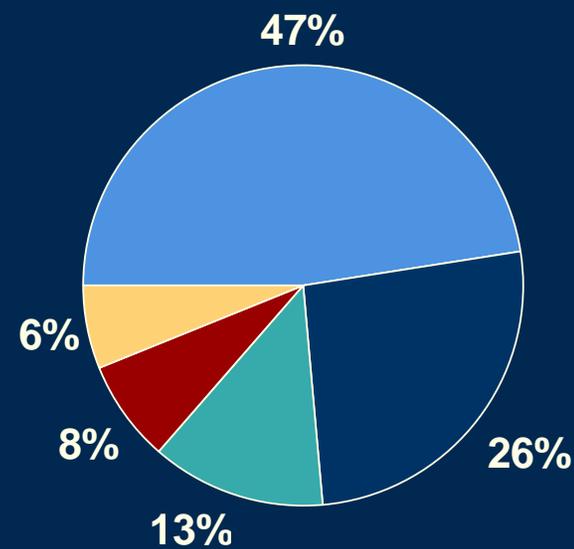
Most Serious Offense for Incarceration Term	Sentenced to <100 Years	Sentenced to 100+ Years	1 Life Sentence	2+ Life Sentences	Total
Robbery	214	6	15	3	238
Rape/Sexual Assault	118	3	18	1	140
Burglary	78	0	4	0	82
Assault	71	0	9	0	80
Drug	80	0	0	0	80
Abduction	26	1	7	3	37
Larceny/Fraud	28	0	0	0	28
Murder/Manslaughter	7	0	5	0	12
Weapons	3	0	0	0	3
Non-Guidelines Offense	6	0	0	0	6
Total	631	10	58	7	706

Probation and Parole Violations

**Time Served is Less than Guidelines
High-End Recommendation
(2,635 inmates)**



**Time Served Exceeds Guidelines
High-End Recommendation
(706 inmates)**



3,341 Parole-Eligible Inmates Included in Study

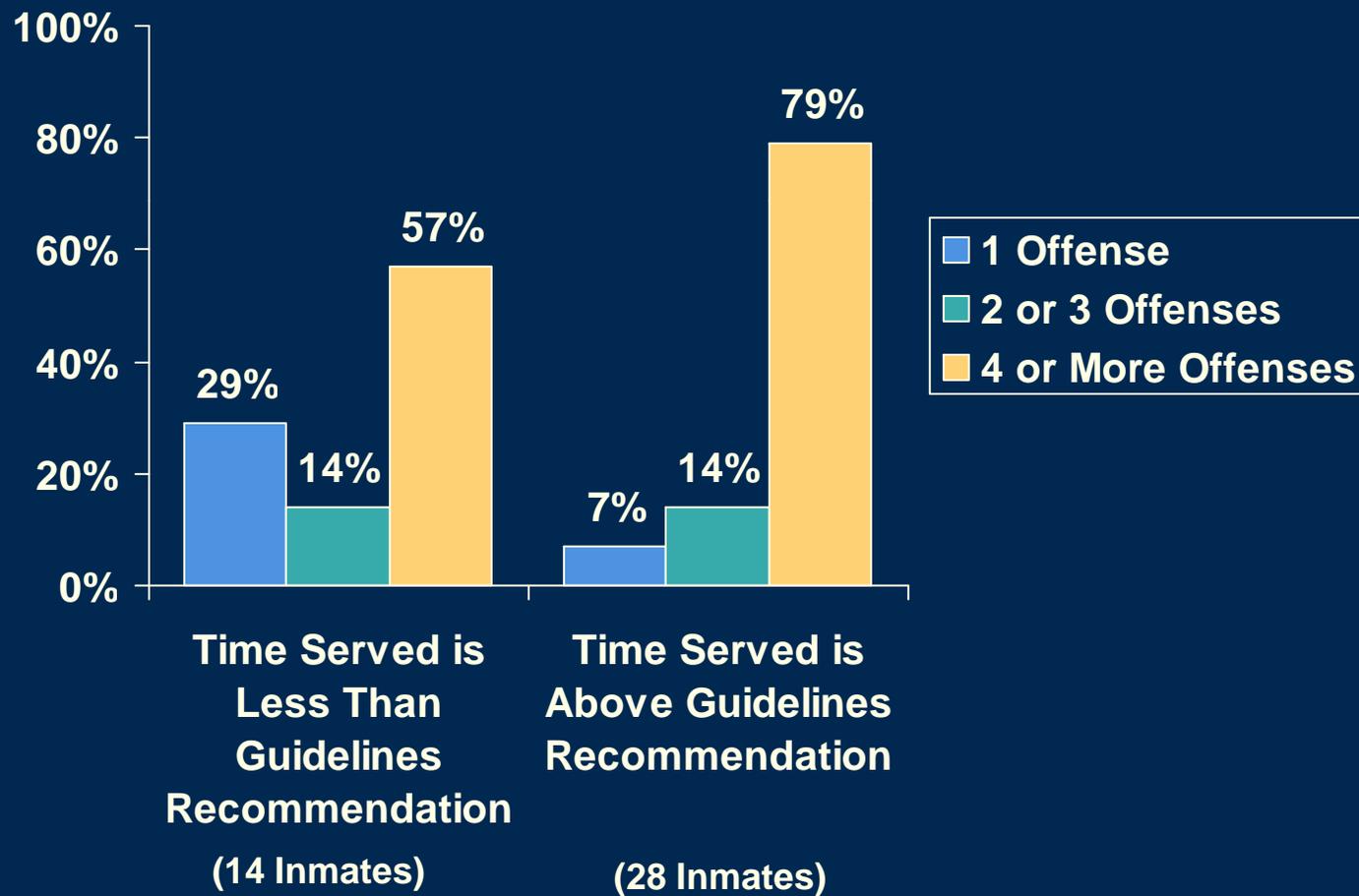
Parole-Eligible Inmates Whose Time Served Exceeds the Guidelines High-End Recommendation:

Probation and Parole Violations (706 Inmates)

Most Serious Offense for Incarceration Term	No Violations	1 Violation	2 or More Violations	Total
Robbery	47%	32%	21%	100%
Rape/Sexual Assault	72%	17%	11%	100%
Burglary	31%	18%	51%	100%
Assault	70%	25%	5%	100%
Drug	16%	29%	55%	100%
Abduction	46%	41%	13%	100%
Larceny/Fraud	7%	18%	75%	100%
Murder/Manslaughter	58%	25%	17%	100%
Weapon/Firearm	33%	33%	33%	100%
Non-Guidelines Offense	17%	50%	33%	100%

Parole-Eligible Inmates Whose Most Serious Offense is Larceny/Fraud:

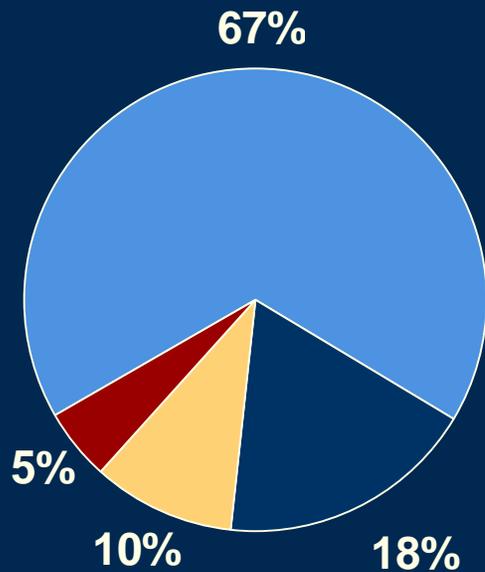
Number of Offenses for Current Incarceration Term
(42 Inmates)



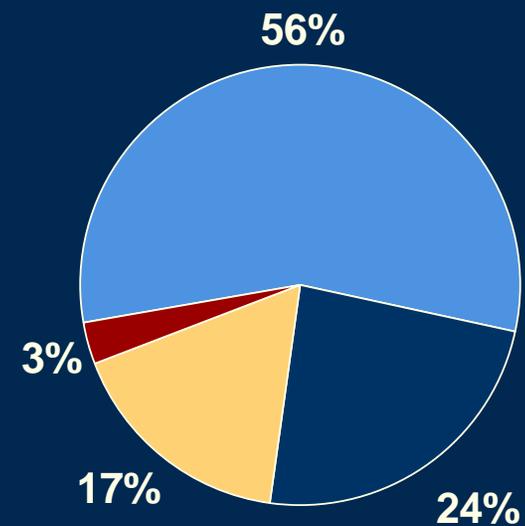
Parole-Eligible Inmates Whose Most Serious Offense is Robbery:

Type of Victim Injury (564 Inmates)

Time Served is Less than Guidelines Recommendation
(326 inmates)

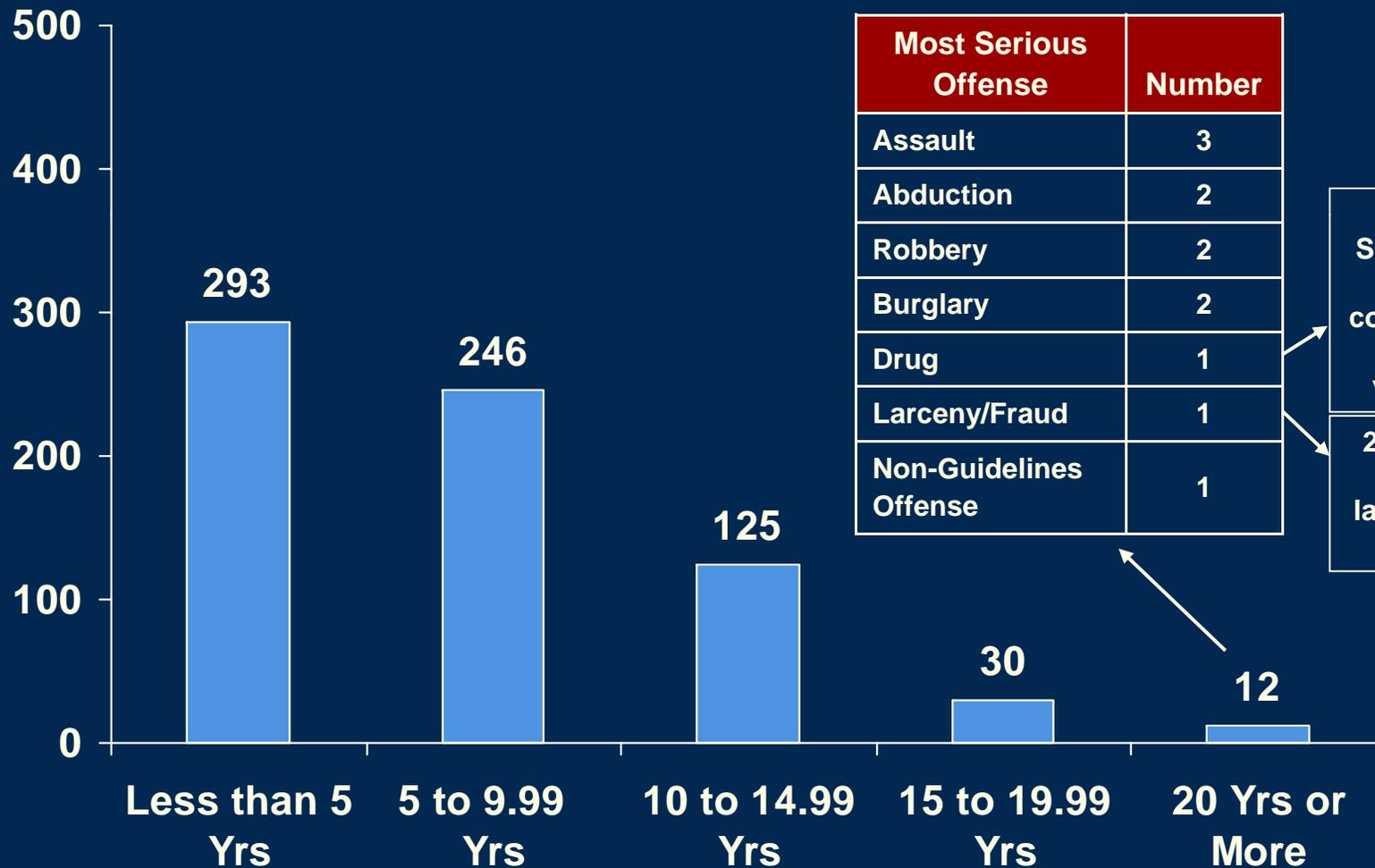


Time Served Exceeds Guidelines Recommendation
(238 inmates)



Parole-Eligible Inmates Whose Time Served Exceeds the Guidelines High-End Recommendation:

Amount of Time Served Beyond the Guidelines Recommendation (706 Inmates)



Most Serious Offense	Number
Assault	3
Abduction	2
Robbery	2
Burglary	2
Drug	1
Larceny/Fraud	1
Non-Guidelines Offense	1

Sale of a Schedule I/II drug, conspiracy, 2 parole violations

2 counts of grand larceny from a person

Parole-Eligible Inmates Whose Time Served Will Exceed the Guidelines Recommendation by December 31, 2014

	Additional Inmates					
2008	2009	2010	2011	2012	2013	2014
706	46	46	44	43	33	42

Note: Inmates who are expected to reach their mandatory parole date prior to exceeding the guidelines high-end recommendation are excluded.

Inmates Eligible for Geriatric Release



Inmates Eligible for Geriatric Release as of December 31, 2008

	State-Responsible Inmate Population	Inmates Eligible for Geriatric Release		
		Parole System Inmates*	Truth-in- Sentencing Inmates	Total
December 31, 2001	32,946	231	14	245
December 31, 2004	35,916	328	47	375
December 31, 2008	38,256	460	115	575

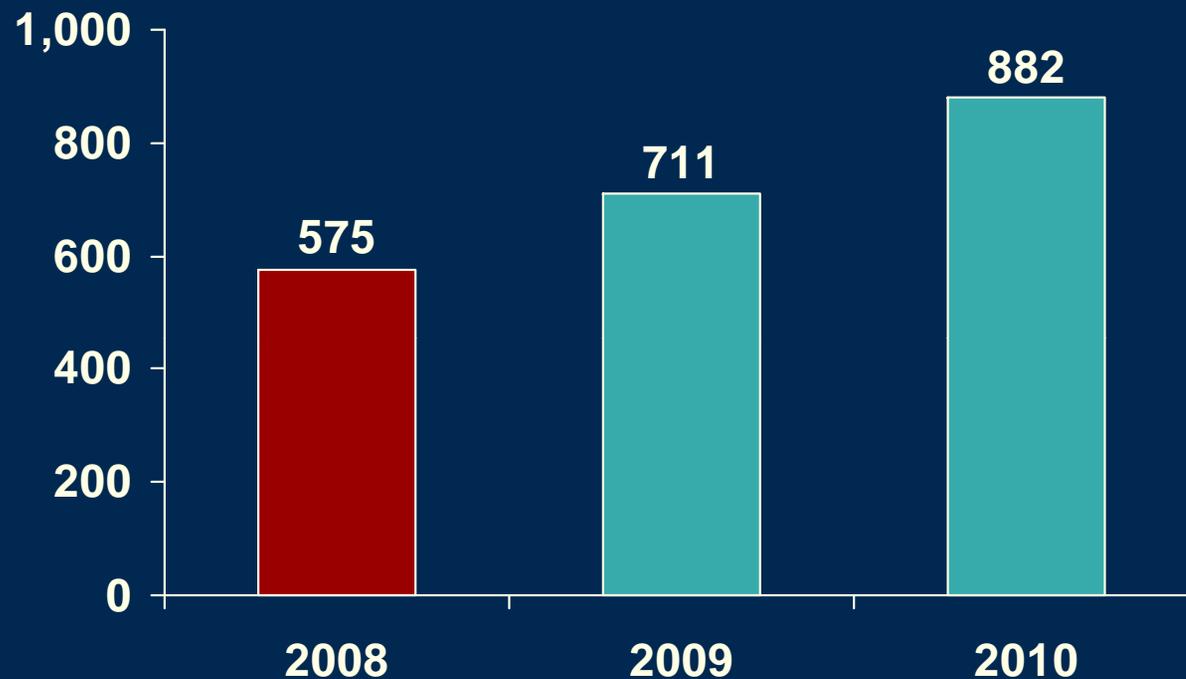
* Parole system inmates include offenders who have a combination of parole-eligible felonies and no-parole felonies

Inmates Eligible for Geriatric Release by Age and Time Served

	Age 60 to 64 and Served at Least 10 Years		Age 65 or More and Served at Least 5 Years	
	Number	Median Time Served*	Number	Median Time Served*
December 31, 2001	112	19 yrs.	133	12 yrs.
December 31, 2004	184	20 yrs.	191	14 yrs.
December 31, 2008	292	21 yrs.	283	17 yrs.

* Median time served is the middle value, where half of the values are higher and half are lower

Projected Number of Geriatric-Eligible Inmates, 2009 and 2010



Projection is based on inmates confined as of December 31, 2008

Note: A portion of these inmates may reach their mandatory parole release date or the expiration of their sentence before they reach the necessary age and time-served thresholds to qualify for geriatric release.

