



The LIDS Commitment

SPECIAL EDITION

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Post Release Supervision Violations

Inmates released to 'Post Release Supervision' are individuals who have been convicted of an offense on or after January 1, 1995, in which the court has imposed a suspended term of incarceration, in addition to the active term, between six months and three years. Once released from the active sentence, the offender remains on post release supervision for a period determined by the court. The period of post release supervision shall be under the supervision and review of the Virginia Parole Board. Procedures for any such termination and recommitment shall be conducted in the same manner as procedures for the revocation of parole. (§19.2-295.2).

(Please note that violations involving individuals sentenced to 'Post Release Supervision' under §19.2-295.2:1 for Providing False Information for Failing to Provide Registration Information to the Sex Offender and Crimes Against Minors Registry are still handled by the sentencing court.)

Historically, a revocation for an inmate under post release supervision would begin with the issuance of a Parole Board Warrant (PB-14). However, 2023 legislation introduced a change in the way the Code of Virginia says these violations should be addressed. In 2023 §53.1-161 was updated to add that in the case of a violation of an individual on post release supervision, the circuit court in the sentencing jurisdiction should issue a warrant for the individual's arrest and return to custody. As understood by Compensation Board staff, the original legislative intent was to place authority and responsibility for post release supervision violations entirely with the courts. However, §53.1-161 was not changed to remove the role of the Parole Board.

This partial change in legislation and lack of clarity has created unintended confusion and unsurety amongst courts, jails and probation/parole officers. The Virginia Parole Board has notified us of their intent to request an update/clarification to this language in the 2025 General Assembly Session. After review and discussion with staff of the Parole Board and the Supreme Court of Virginia, the procedure as governed under current law is as follows.

- 1) Determination that an individual meets criteria for a violation is made by local probation/parole officers. Upon a determination that a post release supervision offender has met the conditions for a violation, probation/parole officers will still initiate the violation using a PB-15. The probation/parole officer will then notify the circuit court in the sentencing jurisdiction, requesting a capias be issued.

- 2) The Circuit Court (of the original sentencing jurisdiction) will issue a Capias and Recommitment Order for Post Release Supervision Violation (CC-1306) (§53.1-161). This form orders the arrest and return of the individual to custody. A copy of this capias is sent to the Parole Board and the jail. Once this capias has been issued, the PB-15 is lifted.
 - These individuals do not receive bond
 - These individuals are not taken before a magistrate
 - If the capias is filed as a pleading in the underlying criminal case then the case number would generally be the original case number, however, as an elected official the circuit court clerk has the autonomy to use the original case number *or* assign a new one.
- 3) If the Circuit Court issues a 'Release' order, confirm with the court whether they intend for the inmate to actually be released from custody OR are using the 'Release' order as a way to remove the case from their docket.
 - Although the procedure is for the offender to be held without bond, §53.1-161 does give the court the authority to release the individual.
- 4) LIDS confinements entered as a result of Post Release Supervision Violations should be confined with the following:
 - Reason Confined=11
 - VCC=PAR-4860-S9 (Postrelease, return of parolee, felon, Parole Board case)

A copy of the process as outlined in this article may also be found in the 'LIDS Quick Reference Guide' under Post Release Supervision.

- 5) VA Parole Board will notify the jail once they are ready to schedule the inmate's hearing.
 - The length of time before an inmate has a hearing may be affected by the presence of other pending charges.

If the jail has questions about a specific Post Release Supervision violator or have not been contacted by the Parole Board to schedule a hearing within 60 days form the inmate's commit date, and can determine no additional pending charges, they may **email the Parole Board at PRSe-mail@vpb.virginia.gov**

Procedures regarding this process may be updated as there are future changes in legislation.