

Issue: Criminal Justice

Criminal Injustice in Virginia – Talking Points

Summary

Virginia's criminal justice system prioritizes punishment over rehabilitation and the result is a ballooning prison population that has grown even as crime rates have dropped dramatically. Between 2010 and 2015, crime rates in Virginia dipped by 19.5 percent, yet the rate of incarceration per 100,000 people dropped just 2 percent. The costs are significant in human terms, disproportionately impacting African-American populations. Incarceration also places an enormous burden on the state: the annual budget for Virginia's Department of Corrections exceeds \$1 billion, with an average cost to incarcerate just one individual exceeding \$21,000 per year.

Elements of a Broken System

Lack of educational and vocational training opportunities. Only about a third of prisoners have access to vocational training, so it should come as no surprise that 89 percent of re-offenders are unemployed when they commit another crime. In 2015, just 6 percent of prisoners in Virginia had access to higher education, yet national statistics show that education leads to a 43 percent reduction in recidivism.

Lack of mental health screening and treatment. An estimated 56 percent of state prisoners and 64 percent of jail inmates have mental health issues. Yet SB940, proposed in the 2017 legislative session which would have required correctional facility staff to screen admissions for mental illness and provide treatment, died in the Republican-controlled appropriations committee.

Abolishment of parole. In 1991, Virginia abolished any possibility of parole, leaving offenders who committed felonies after this ban with no hope of early release for good behavior, further contributing to the burgeoning prison population. The state legislature is, however, slated to reconsider "three strikes" automatic convictions in the 2019 legislative session.

Threshold for felony theft. In almost every state, if stolen goods are valued at more than \$1,000, the crime is a felony, while in Virginia the threshold is just \$500. The many attempts to increase this felony trigger prior to the 2018 session were rejected by the Republican majority committees.

The cash bail system results in pre-trial freedom for wealthier defendants while defendants without resources are often held. This policy has adverse effects on defendants who may be innocent and costs Virginia significantly more than supervisory costs. Attorney General Mark Herring (D) is advocating for bail reform but a long-term solution will require legislative action.

Mandatory minimum sentences rob judges of the ability to make common sense sentencing decisions, leading first-time offenders to receive long sentences for relatively minor crimes. In 2016, SB130, introduced by Senator John S. Edwards (D) to address this, failed in the Republican-controlled committee.

Virginians across the state would benefit from reforms that provide prisoners with better access to education, training, and mental health care, while lessening the length of sentences, eliminating mandatory sentencing guidelines, increasing the threshold for felony theft, and other changes that would create a fairer criminal justice system and reduce the drain on Virginia's budget.