



Criminal Justice Reform--Democrats Lead the Way

Talking Points

Core Message

Democrats are dismantling the racist, unfair, and unjust criminal justice system built during the Jim Crow era. Their recent evidenced-based reforms have focused on making all communities safe. If Republicans take back the VA legislature, criminal justice reforms will be repealed and reversed!

Background

Years of Republican-controlled legislatures have resulted in a criminal justice system characterized by well-calculated racial disparities. Beginning with the 2020 session, Democrats have now taken control of both chambers. Together with Gov. Northam (D), the way is now cleared for significant reform at every level of the state's criminal justice system, from traffic stops to prison sentences. In just 14 months, Democrats have delivered significant criminal justice reform legislation!

Virginia Democrats Deliver Police Reforms

Limited traffic stops

Banned no-knock warrants

Limited police use of choke holds

Created mental health response teams to co-respond with police

Mandated racial bias, de-escalation and crisis intervention training for police

Decertified problem police officers

Empowered civilian review boards



Talking Points

Black and Latino/a Virginians:

- are targeted more frequently by law enforcement.
- are more likely to experience traffic stops under false pretexts.
- are more likely to be incarcerated pretrial.
- are less likely to afford bail.
- serve longer sentences.
- represent a disproportionate percentage of the jail and prison populations.

Virginians want safe communities; Democrats' justice reforms focus on making all communities safe.

Republicans trade on fear, racism, and exploit criminal justice issues for votes.

Republicans' approach to criminal justice is incarceration, while Democrats know that rehabilitation leads to reduced recidivism.

Traffic stops are about searching the vehicle. They are not about broken taillights and dangling air fresheners.

Cuts to public services under Republicans have left police on the front lines, responding to social challenges for which they have not been trained, ranging from homelessness to mental health crises to the opioid epidemic.

Read Local Majority's complete report:

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Criminal Justice Reforms Sessions 2020-2021

1. **Abolished the death penalty**, VA is the first southern state to abolish the death penalty, the 23rd in the US.
2. **Downgraded minor traffic violations to secondary offenses**, reducing pretextual traffic stops intended for search and not concerned with air fresheners.
3. **Limited no-knock warrants**, VA is the third state in the country to bar police from executing warrants without first knocking and announcing themselves.
4. **Limited police use of choke holds** police can only use neck restraints when they are immediately necessary to protect the law enforcement officer or another person.
5. **Marcus Alert** created mental health response teams to co-respond with police.
6. **Mandated racial bias, de-escalation and crisis intervention training for police**. Virginia's police academies will share a standardized curriculum overseen by the Committee on Training. Before an officer is hired, they must undergo a psychological evaluation.
7. **Required the inclusion of minorities**, in addition to social justice and mental health organizations to serve on the Committee on Training, creating the new standardized curriculum, see #6.
8. **Established police officers' code of conduct**, Virginia's first statewide code of conduct.
9. **Decertifying problem police officers**, which prevents them from working on another force across VA.
10. **Empowered civilian review boards** with subpoena and disciplinary authority.
11. **Reformed criminal sentencing**, transferring sentencing authority to judges unless a defendant requests a jury.
12. **Legalized of marijuana**, allowing adult simple possession of less than an ounce of marijuana. The law goes into effect July 1, 2021.
13. **Ended debt-based license suspensions**, no longer suspending driver's licenses for non-driving offenses.
14. **Ensured right of appeal and expanded the Court of Appeals** This law adds six judges to the Virginia eleven-member Court of Appeals, enabling the implementation of the new guarantee that criminal defendants and civil litigants have an automatic right of appeal from a trial verdict—a right afforded by every other state in the country.
15. **Expunged criminal records**, automatically sealing nine misdemeanor charges after seven years if the person is not convicted of other crimes during that time. Charges eligible for sealing include underage possession of alcohol, simple larceny, disorderly conduct, and trespassing.
16. **Increased felony larceny threshold**, raising the threshold from \$500 to \$1000, two years after the Democrats elected in 2017 had raised it from \$200—one of the lowest levels in the country.
17. **Allow inmate credits to shorten sentences**, reduces by one-third the prison sentences of inmates not incarcerated for certain violent offenses, who have followed prison rules and participated in counseling and education programs.
18. **Enfranchised felons**. The General Assembly agreed on a proposed constitutional amendment that would automatically restore voting rights for thousands of Virginians convicted of felonies.
19. **Increased penalties for hate crimes**.
20. **Ended collection of child support payments** from families with juveniles in custody.

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They say: Democrats are not tough on crime.

We say: Democrats want fair, evidence-based criminal justice laws.

They say: Republicans are the party of law and order.

We say: Republicans have criminalized poverty, over-policed and under-served Black and Latino communities for decades. Our criminal justice system is failing to keep communities safe and failing to deliver justice.

They say: Democrats want to cut police funding.

We say: Democrats support adequate police funding. Democrats also support expanded investments in police training, social services, mental health co-responders, and drug treatment, services that actually reduce crime and lead to safer communities.

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