

Office of the
Commonwealth's Attorney



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VIRGINIA PROGRESSIVE PROSECUTORS CALL FOR CRIMINAL JUSTICE REFORMS IN COMING LEGISLATIVE SESSION

Reforms advocated for by the group include expungement of criminal records, an end to mandatory minimum sentences, an end to cash bail, abolition of the death penalty, and an end to "three strikes" felony enhancement for larceny offenses.

Virginia Progressive Prosecutors for Justice (VPPFJ) is a group of Commonwealth's Attorneys representing over 40% of Virginia's population who support and advocate for commonsense criminal justice reforms to make their communities safer and the commonwealth's justice system more fair and equitable. On January 4, 2021, they issued the following letter to leaders in the General Assembly regarding reforms they plan to advocate for in the coming legislative session.

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January 4, 2020

Dear Speaker Filler-Corn, Leader Herring, Leader Saslaw, and Chair Edwards:

We are a group of reform-minded Commonwealth's Attorneys who represent and are responsible for the safety of over 40% of Virginia's population. We supported many of the groundbreaking criminal justice reforms that you and your colleagues in the General Assembly implemented in the August special session. In the coming legislative session, we encourage you to build on these reforms and continue to make the Commonwealth a national leader in promoting justice.

Specifically, we write to encourage the General Assembly to advance the following proposals, which we believe will help keep our communities safe while producing more equitable outcomes in our courts:

- Automated, automatic, and free expungement of criminal records for formerly system-involved community members: Our communities are safest when we more fully reintegrate those convicted of crimes into society, instead of forcing them down a path of recidivism. Too often, a persistent criminal record prevents those who have interacted with the criminal justice system from finding employment, securing housing, or attaining an education long after they have proven to no longer pose a safety risk to the community. Ensuring equal access to such second chances for those who have achieved rehabilitative benchmarks will improve safety outcomes while promoting equity across our criminal justice system. We can achieve this by automatically expunging certain criminal records free of charge after individuals have maintained a clean record for an amount of time that corresponds to the severity of their offense.
- End mandatory minimum sentences: We wrote in advance of the special session in support of the General Assembly striking mandatory minimums from state law. We once again urge you and your colleagues to implement this critical reform. Mandatory minimums prevent judges from taking an individualized, holistic approach to each sentence based on the specific circumstances of a given case. They lead to the irrationally lengthy prison sentences that fuel mass incarceration while exacerbating the racial and socioeconomic inequities that have come to characterize our criminal justice system. Banning mandatory minimums will make our communities safer and stem the tide of mass incarceration.
- End cash bail: Cash bail leads to a two-tiered justice system – one for the rich and one for everyone else. Those who sit behind bars while awaiting trial are exposed to significant collateral consequences, like the loss of a job or even custody of their children. What’s more, these impacts are disproportionately experienced by Virginians of color. If someone poses a significant safety or flight risk, no amount of money will change that, and that person should be held pretrial. Otherwise, we should rely on Virginia’s comprehensive suite of pretrial services to help decisionmakers make informed determinations about the interventions and supervision that will allow for pretrial release while keeping the community safe and incentivizing defendants to show up to court. The state should increase its investment in pretrial services, social services, and support networks to provide for universal access to resources like social workers that help mitigate recidivism. Ending cash bail is a vital step toward ensuring fair and equal access to justice in the Commonwealth.
- Abolish the death penalty: The death penalty is unjust, racially biased, and ineffective at deterring crime. We have more equitable and effective means of keeping our communities safe and addressing society’s most heinous crimes. It is past time for Virginia to end this antiquated practice.
- End the “three strikes” felony enhancement for petty larceny offenses: The collateral consequences associated with felonies far exceed those of misdemeanors. State law currently saddles too many Virginians with these collateral consequences by transforming a misdemeanor larceny offense into a felony offense when an individual has previously been convicted of misdemeanor larceny offenses. This senselessly punitive means of addressing a nonviolent property crime fuels mass incarceration and furthers recidivism. Ending this “three strikes” enhancement will make our communities safer and our criminal justice system more equitable.

Again, we applaud the recent progress of the General Assembly on criminal justice reform. We believe that these policy changes constitute a natural extension of that progress. We stand ready to assist with the passage of these reforms in any manner you deem helpful.

Signed,

Hon. Amy Ashworth
Prince William County and City of Manassas

Hon. Anton Bell
City of Hampton

Hon. Buta Biberaj
Loudoun County

Hon. Parisa Dehghani-Tafti
Arlington County and City of Falls Church

Hon. Steve Descano
Fairfax County and City of Fairfax

Hon. Howard Gwynn
City of Newport News

Hon. James M. Hingeley
Albemarle County

Hon. Stephanie N. Morales
City of Portsmouth

Hon. Joseph D. Platania
City of Charlottesville

Hon. Bryan Porter
City of Alexandria

Hon. Shannon L. Taylor
Henrico County

Hon. Gregory D. Underwood
City of Norfolk