

Leading Advocacy Groups Call for Bold and Dramatic Criminal Justice Reform During Special Legislative Session in Virginia

Washington, DC (July 23, 2020) – Beginning August 18, 2020, the Virginia General Assembly will convene a special legislative session during which it is expected to address numerous proposals for meaningful criminal justice reform in the Commonwealth. This special session holds the potential to enact significant, and indeed sweeping, policing and criminal justice reforms, including some that died during the regular legislative session or were carried over for study. It is the view of the signatory organizations to this statement that this critical juncture in the nation's history offers an important and unique opportunity to bring about the kinds of changes that will make policing and criminal justice in Virginia more fair, rational, and humane.

According to the [Prison Policy Initiative](#), there are some 69,000 people behind bars in Virginia. That translates into an incarceration rate of approximately 779 per 100,000 people in the Commonwealth (this figure includes those in prisons, jails, immigration detention, and juvenile justice facilities). That is a rate even higher than the United States as a whole, which is the leading nation in terms of incarceration. When those people in Virginia who are under some form of criminal justice supervision are added, that figure jumps to 131,000. The racial disparities evident in all of this data are profound.

Reforms that are imperative during this special session include, but are not limited to, legislation that addresses and accomplishes the following:

- Confront and eradicate the well-known and undeniable racial and ethnic disparities at every stage of the criminal process, from policing all the way through to re-entry and the collateral consequences of arrest and conviction;
- Hold police accountable by increasing transparency and strengthening oversight and regulation;
- Prevent pretextual detentions and the excessive use of force by law enforcement;
- Address other long-awaited and much-needed reforms to Virginia's criminal justice system, including in the areas of overcharging, expungement, as well as bail reform, fines and fees reform, and the resuscitation of parole;
- Eliminate mandatory minimum sentencing laws; and
- Enact common sense procedural reforms including increased sentencing options and mental health treatment.

"Now is the time for the Commonwealth of Virginia, my home state, to bring about the change necessary to be a leader in policing practices and criminal justice reform," said **National Association of Criminal Defense Lawyers (NACDL) President Nina J. Ginsberg**. "Virginia's elected legislative leaders must hear and act upon the desperate and unambiguous cries of their constituents for change. Indeed, rather than lagging behind other states, Virginia should be setting the example. Anything less would likely be the missed opportunity of a generation."

"Virginia must not squander the opportunity to overcome historical inequities and lead the nation towards common sense criminal justice reform," said **Rich Johnson of the Virginia Association of Criminal Defense Lawyers (VACDL) Legislative Committee**. "The times are ripe for real change in the way law enforcement in Virginia interacts with its citizens, and we hope the upcoming special session of the General Assembly will usher in the beginning of that change."

“The COVID-19 crisis and recent calls for criminal justice reform create an inflection point for Virginia to lead the rest of the country by ensuring an effective justice system characterized by restoration and equality for all,” said **Jeremiah Mosteller, Policy Counsel at the Due Process Institute**. “As a Virginian, I have been encouraged by the steps our General Assembly has already taken in recent sessions to improve our justice system and urge our elected leaders to utilize this unique opportunity to fix the remaining problems. These solutions should seek to reduce overcriminalization, improve accountability in policing, and ensure everyone’s constitutional rights are protected in the Commonwealth’s justice system.”

“Virginia has an opportunity to begin breaking the vicious cycle of trauma and violence that drives mass incarceration and devastates Black and Brown communities,” said **Equal Justice USA Executive Director Shari Silberstein**. “With this agenda for reform, lawmakers can start reducing the great harm of prisons and policing and create the space to join the entire nation in reimagining justice and accountability.”

“To end mass criminalization, we ultimately must end reliance on fines and fees to raise revenue,” said **Priya Sarathy Jones, national policy and campaigns director at the Fines and Fees Justice Center**. “When policymakers use police to raise revenue, they systematically extract wealth from communities of color — who not only are disproportionately stopped, cited and arrested, but more likely to face potentially violent encounters with police.”

“Police transparency and accountability is critical for preventing wrongful convictions and healing victims of injustice,” said **Innocence Project State Campaigns Director Michelle Feldman**. “Virginia took major steps on criminal justice last session, and this is an opportunity to make real changes to policing.”

“The current climate presents a perfect opportunity for Virginia lawmakers to address the root causes of policing issues,” said **Chief John Dixon (Ret.), Petersburg, Virginia, Police Department, on behalf of the Law Enforcement Action Partnership**. “I urge our legislators to demonstrate their commitment to ending racial disparities in the justice system, improving police accountability, and ending excessive sentencing guidelines.”

“Pragmatic policing reforms are important to ensure public safety and to promote positive community engagement,” said **Jessica Kelley, Manager, Government Affairs, and Manager, Criminal Justice & Civil Liberties, at the R Street Institute**. “We hope to discuss reforms dealing with how we hold officers accountable as well as how officers are being recruited and trained. Further, we believe that equipping officers with more appropriate tactical tools and decreasing the militarization of local departments is critical to reform.”

The signatory organizations strongly urge the Virginia General Assembly to make serious and lasting improvements to the Commonwealth’s policing practices and its criminal law. The people of Virginia deserve no less. These groups are prepared to assist the General Assembly as it takes up this critically important work.

Signatory Organizations

[National Association of Criminal Defense Lawyers \(NACDL\)](#)

[Virginia Association of Criminal Defense Lawyers \(VACDL\)](#)

[Due Process Institute](#)

[Equal Justice USA](#)

[Fines & Fees Justice Center](#)

[Human Rights for Kids](#)

[Innocence Project](#)

[Law Enforcement Action Partnership \(LEAP\)](#)

[R Street Institute](#)