



## **Plan of Action for a Fairer Commonwealth: Creating a More Equitable Justice System That Works for All Virginians**

For centuries, Virginia's criminal justice system has disproportionately targeted Black and Brown communities in the Commonwealth. Built with punishment in mind rather than rehabilitation and plagued by systemic racism, it has continually failed to address the systemic issues and underlying causes that lead people to become part of the system, instead leading to the over-policing, over-criminalization, and over-incarceration of Black Virginians. Virginians deserve a criminal justice system that treats every person equally regardless of where they live, the color of their skin, or their socioeconomic status. It is time we reevaluate not only how we prevent crime, but how we charge, sentence, and rehabilitate justice-involved individuals. We can keep our communities safe, prevent crime, and support victims while providing justice-involved individuals with the tools they need to participate meaningfully in their communities.

Virginia incarcerates around 60,000 people in its jails and prisons on any given day and supervises more than 70,000 through probation and parole.<sup>1</sup> Incarceration is extremely costly for taxpayers and disproportionately impacts Black and Brown Virginians. Housing offenders in our state prisons costs an average of \$34,000 per offender per year, and the cost in our local correctional facilities is approximately \$32,000 per offender, per year.<sup>2</sup> While Black Virginians represent only 20% of our population,<sup>3</sup> they represent 55% of the incarcerated population in our state correctional facilities.<sup>4</sup> It is time for big and bold action to keep our neighbors safe and our practices just. As Virginia's next governor, Terry will deliver criminal justice reform necessary to promote an equitable criminal justice system rooted in strong reforms and second chances.

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<sup>1</sup> Virginia Department of Corrections: Monthly Population Summa January 2020. (n.d.). Research Unit. Statistical Analysis & Forecast Unit. Retrieved from <https://vadoc.virginia.gov/media/1490/vadoc-monthly-offender-population-report-2020-01.pdf>

FY 2018 Jail Cost Report: Annual Jail Revenues and Expenditures Report (Including Canteen and other Auxiliary Funds). (2019, November 1). Retrieved from <https://rga.lis.virginia.gov/Published/2019/RD511/PDF>

<sup>2</sup> Ibid.

<sup>3</sup> U.S. Census Bureau QuickFacts: Virginia. (n.d.). Retrieved from <https://www.census.gov/quickfacts/VA>

<sup>4</sup> Virginia Department of Corrections: Management Information Summary Annual Report For the Fiscal Year Ending June 30, 2020. (n.d.). Budget Office. Division of Administration. Retrieved from <https://vadoc.virginia.gov/media/1623/vadoc-financial-annual-mis-report-2020.pdf>

As Virginia's 72nd Governor, Terry bucked the status quo and championed progressive criminal justice reforms, despite facing relentless opposition from a Republican legislature. He boldly restored the voting rights of over 173,000 Virginians, more than any governor in the nation, and issued 227 pardons, more than any governor before him. These pardons corrected wrongful convictions, allowed individuals who received harsh and unjust sentences to finally return home to their families, and formally forgave countless Virginians who paid their debts to society. He also developed strong rapport with the re-entry community, hearing from them directly on what issues needed to be improved upon and taking action to meet their needs.

During his tenure, Terry transformed Virginia's juvenile justice system and reduced our population of incarcerated youths by nearly two-thirds, invested the resulting savings into community programs, provided free transportation for families to support visitation, and brought high-speed internet to Bon Air Juvenile Correctional Center (Bon Air JCC), resulting in the state's first-ever college credit programs for committed youths.<sup>5</sup> Terry also invested millions of dollars in re-entry programs, alternatives to incarceration, and mental health and substance use disorder services. As governor, he recognized the importance of investing in these critical programs, and when faced with a \$2.4 billion deficit early in his term, he chose to close an adult prison rather than eliminate critical rehabilitation programs. Terry was proud to later announce in 2016 that Virginia had achieved the lowest recidivism rate in the nation for the first time at 23.4%, meaning that individuals leaving our state correctional centers were successfully rebuilding their lives and we were preventing future victimization in our communities.<sup>6</sup>

As the next governor of Virginia, Terry will continue to take bold action and work with the diverse stakeholders in this complex system to create necessary change. With equity at the forefront, he will fight to achieve justice in sentencing, focus on rehabilitation and addressing the root causes of criminal behavior and recidivism instead of punishment, offer second chances, rebuild trust between law-enforcement agencies and communities, continue to combat the opioid addiction epidemic, and solidify the transformation of our juvenile justice system. Terry believes leading starts with listening. The best way to fix problems is to hear from those directly affected by the issues we are facing and take aggressive action to address them.

We have reached a pivotal moment in our country. Citizens across our nation and our Commonwealth are desperate for change in our criminal justice system. If we want to finally implement real criminal justice reform, we have to be bold. We owe it to the generations of Virginians who have been targeted and treated unjustly because of the color of their skin or the neighborhood they live in. With a Democratic majority in our legislature, Terry will push Virginia forward and ensure all Virginians live in safe communities and have fair justice under the law by reimagining our criminal justice system with innovative ideas.

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<sup>5</sup>Martz, M. (2017, August 28). McAuliffe celebrates progress made in juvenile justice system in 'Family Day' at Bon Air. Retrieved from [https://richmond.com/news/local/mcauliffe-celebrates-progress-made-in-juvenile-justice-system-in-family-day-at-bon-air/article\\_f4531eb8-2667-59af-aa53-113f73c83522.html](https://richmond.com/news/local/mcauliffe-celebrates-progress-made-in-juvenile-justice-system-in-family-day-at-bon-air/article_f4531eb8-2667-59af-aa53-113f73c83522.html)

<sup>6</sup>Nolan, J. (2016, December 14). Virginia has lowest recidivism rate of 45 states, state Department of Corrections says. Retrieved from [https://dailyprogress.com/news/state/virginia-has-lowest-recidivism-rate-of-45-states-state-department-of-corrections-says/article\\_7d7c8566-c198-11e6-8e57-97319d0c3099.html](https://dailyprogress.com/news/state/virginia-has-lowest-recidivism-rate-of-45-states-state-department-of-corrections-says/article_7d7c8566-c198-11e6-8e57-97319d0c3099.html)

As governor, Terry will work tirelessly to:

### **Break Down Barriers and Help Virginians Secure Second Chances**

For too long, Black Virginians have been disproportionately impacted by Virginia's criminal justice policies and overrepresented in our criminal justice system. Terry recognizes that having a criminal charge or conviction, or serving a period of incarceration, impacts every aspect of a person's life, and can prevent someone from getting a job, securing housing, advancing their education, or providing for themselves and their families. As governor, Terry challenged DOC to implement bold and innovative strategies to ensure that people could be successful upon their re-entry, which ultimately resulted in the agency winning a number of national awards, including for a partnership with the Department of Motor Vehicles to provide state I.D. cards for offenders prior to release. Terry is a passionate believer in second chances, and will take big, bold action to ensure more Virginians are given second chances and the opportunity to contribute meaningfully in their communities. Terry's plan will:

- **Ensure restoration of voting rights is automatic.** As Virginia's 72nd Governor, Terry's proudest accomplishment was reversing a Jim Crow law that disenfranchised hundreds of thousands of Virginians and restoring civil rights to over 173,000 Virginians, more than any governor in history. Despite being sued by the Republican leadership in the Virginia General Assembly twice, Terry committed to personally restoring every one of those individual's rights and he delivered on that promise. Terry is proud of this accomplishment and recognizes the tremendous impact it has had on these Virginians' lives, but there is more work to be done. That starts with bringing Virginia in line with states across the country. In 39 states, people convicted of felonies either never lose their voting rights or have them automatically restored at some point. In 11 states, including Virginia, people convicted of felonies lose their rights indefinitely.<sup>7</sup> Individuals who have paid their debt to society and completed their sentences should not be prohibited from participating in our great democracy. Terry will work with the Democratic-controlled legislature and voters across the Commonwealth to ensure a constitutional amendment to automatically reinstate a Virginian's voting rights is proposed, passed, and implemented.
- **Unveil the "Office for Returning Citizens".** Each year, more than 10,000 people leave our Virginia Department of Corrections (DOC) and return back to our communities. Some return home after decades of incarceration and may no longer have family or friends in their communities to provide them with a safe environment to live in, help them learn new technologies, or support them through the adjustment. The DOC does an incredible job preparing returning citizens to go home through extensive programming and support in probation and parole districts, but we have to do more to set people up for success upon their release. As governor, Terry will create and unveil the "Office for Returning Citizens" to meet this need. The Office will work with peer specialists and other experts to connect returning citizens with critical supports beginning on day one, and throughout their transition. Peer navigators will talk with returned citizens about their experiences and help them identify housing and employment opportunities while also providing emotional support. Terry recognizes that once a person has paid their debt to

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<sup>7</sup> Potyondy, P. (2020, October 1). Restoration of Voting Rights for Felons. Retrieved from <https://www.ncsl.org/research/elections-and-campaigns/felon-voting-rights.aspx>

society they must be welcomed back to our communities as full, contributing members of our society.

- **Create meaningful opportunities for expungement and expunge all past marijuana convictions.** Having a criminal charge or conviction someone's record can prevent them from getting a job, seeking education or securing housing. Once on a person's record, these charges are very difficult to remove, even after a person has paid their debt to society. Virginia has not updated its expungement laws in 44 years, and the existing process does not allow criminal charges to be automatically removed from a person's record even if they are never convicted of that crime. A person who has been convicted of a crime does not have any ability to have the conviction expunged, preventing them from ever truly moving on from charges and participating meaningfully in their communities. This process is extremely limited, time-consuming, and cost-prohibitive for lower-income individuals. It is time Virginia join the 41 other states that allow expungements for misdemeanor convictions and 36 that allow it for felony convictions.<sup>8</sup> We must enact meaningful reforms that will break down these barriers, including addressing long-standing racial justice issues related to marijuana convictions by automatically expunge all past convictions of marijuana possession. Terry will work with the legislature to once and for all pass expungement reform in Virginia.
- **Expand eligibility for parole.** In 1995, the Virginia legislature abolished discretionary parole and replaced it with Truth-in-Sentencing and geriatric conditional release. Under this harshly punitive scheme, offenders sentenced after 1995 are required to serve 85% of their sentences, and in most cases, do not have an opportunity to be considered for parole until they are 60 and have served 10 years of their sentences or 65 and have served five years of their sentences. During the 2020 legislative session, the legislature adopted modest bills to expand parole for some terminally ill offenders, those who were juveniles at the time of the offense, and those impacted by the *Fishback v. Commonwealth* case; however, these bills are limited in scope and do not go far enough. Terry has met numerous individuals who took advantage of the extensive programs and services available to them while incarcerated, rehabilitated themselves, and have successfully returned to their communities upon their release on parole. In fact, a number of individuals who have been released on parole in Virginia are now working in their communities to prevent the very crimes they once contributed to. It is long past time that we right historical wrongs that have incarcerated Black Virginians at a disproportionate rate. Terry will create meaningful opportunities for individuals who have rehabilitated themselves to seize their second chances.
- **Appoint a Pardons Director at the Virginia Parole Board (VPB).** As Virginia's 72nd Governor, Terry granted 227 pardons, more than any other governor before him. He also increased funding for investigators at the VPB to help address the growing backlog, even making one full-time member of the Board part-time to help pay for additional investigators. However, Terry recognizes that there is still an overwhelming number of individuals in Virginia who deserve consideration. We must give these people second

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<sup>8</sup> Automatic Expungement. (2020, August 31). [PowerPoint slides]. Virginia State Crime Commission. Retrieved from <http://vscc.virginia.gov/2020/VSCC%20Presentation%20-%20Automatic%20Expungement.pdf>

chances and provide relief to individuals who received harsh or unjust sentences. Terry will appoint a Pardons Director within the VPB to serve as a liaison between the Chair and the Secretary of the Commonwealth's office. This position will promote transparency, streamline the process by establishing direct oversight of the VPB petitions process, and ensure decisions are made and communicated in a timely manner. As governor, Terry will also ensure that every pending pardon petition is reviewed and will commit to reviewing every petition within one calendar year of its submission moving forward.

### **Ensure the Equitable and Fair Administration of Justice**

Virginia has one of the highest incarceration rates in the nation at 779 per 100,000 people, ranking 16th in the nation and well above the national average of 698.<sup>9</sup> Our criminal justice system is fraught with injustices and systemic racism. Black Virginians are over-represented in our criminal justice system and it is past time that we take action to right this wrong. We must critically examine every aspect of our system, from our criminal laws, enforcement practices, to sentencing and re-entry services. We must ensure that every Virginian is treated fairly under the law regardless of the color of their skin or what neighborhood they live in. As Governor, Terry will:

- **Legalize marijuana, expunge past convictions, and create a Community Reinvestment Fund.** For too long, marijuana laws have disproportionately impacted Black and Brown communities in Virginia and across the nation. Despite reports of similar rates of use, Black Virginians are 3.5 times more likely to be arrested and 3.9 times more likely to be convicted of marijuana-related offenses compared to their white counterparts.<sup>10</sup> Virginia has already taken critical steps to decriminalize simple possession of marijuana, but it is time that the Commonwealth right historical wrongs and becomes the first southern state to legalize marijuana. Terry recognizes that equity must be at the forefront of any legislation and that the communities and populations that have been impacted the most by the criminalization and enforcement of marijuana are given meaningful opportunities to benefit from legalization. That includes creating a Community Reinvestment Fund that will inject revenues into communities and provide access to critical services, support community-driven programs to prevent harm and crime, expand access to treatment for substance use disorders, and fund alternatives to incarceration. It is also critical that Black and Brown Virginians are given meaningful ownership opportunities in the new industry. Terry is committed to getting this done.
- **Reform mandatory minimum sentences and refuse to sign any legislation including new mandatory minimums.** Virginia has over 200 mandatory minimum sentences on the books, and they disproportionately impact Black Virginians in the criminal justice system. Mandatory minimum sentences are a one-size-fits-all solution to sentencing that removes judicial discretion entirely from a case and there is no evidence to suggest they

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<sup>9</sup> Initiative, Prison Policy. "States of Incarceration: The Global Context 2018." Prison Policy Initiative, June 2018, [www.prisonpolicy.org/global/2018.html](http://www.prisonpolicy.org/global/2018.html).

<sup>10</sup> Key Considerations for Marijuana Legalization. (2020). Joint Legislative Audit and Review Commission. Retrieved from <http://jlarc.virginia.gov/pdfs/reports/Rpt542-6.pdf>

make our communities safer. According to the DOC, more than one-third of Black offenders (40.5%) have one or more mandatory minimum sentences compared to less than one-quarter of white offenders (25.9%) We have to reform mandatory minimum sentencing in Virginia and ensure that judges have the ability to review the circumstances and complexities of every individual case. Terry is committed to taking bold action on this issue, and like Governor Northam, will refuse to sign any piece of legislation that contains a new mandatory minimum sentence.

- **Expand public defender offices and improve recruitment and retention.** Every person is entitled to due process under the law and has a right to legal representation in the courtroom. Unfortunately, too many Virginians cannot afford their own legal representation. Public defenders play a critical role in ensuring that people have access to legal counsel regardless of their socioeconomic status. Currently, Virginia only has 26 public defender offices covering roughly half the localities in the Commonwealth, meaning that many localities do not have access to public defenders. Additionally, the starting salary for public defenders in Virginia is low, making it difficult to recruit and retain high-quality public defenders to represent low-income individuals involved in the criminal justice system. Terry believes everyone should have a fair shot in the courtroom, and he will provide additional funding to expand public defender offices and work with the Virginia Indigent Defense Commission to identify opportunities to recruit and retain the highest-quality attorneys.
- **Increase funding for pretrial services.** Across the nation, states and local jurisdictions are recognizing the need to shift our reliance from monetary bail that criminalizes poverty to a more appropriate, risk-informed process. There is no reason that a low-risk person should remain incarcerated while they await trial simply because they cannot afford bail. Spending even a few days in jail can cause a person to lose their job and prevent them from caring for their children or family members. That is why we must invest in programs like pretrial services that allow localities to release individuals before trial with the appropriate level of supervision to prevent failed appearances in court or new arrests. As Virginia's 72nd Governor, Terry invested \$3.5 million in pretrial services, but many localities still lack access. As governor, Terry will work to expand pretrial services and ensure defendants have the tools they need to be successful.

### **Rebuild Trust Between Communities and Law Enforcement**

Law enforcement plays a critical role in keeping our communities safe and protecting our citizens. However, the trust between law enforcement and the communities has been deteriorating over the years and was shattered following the tragic murders of George Floyd, Breonna Taylor, Ahmaud Arbery, and many others from Black and Brown communities. The 2020 Democratic legislature, with the leadership of Governor Northam, took action to begin to rebuild that trust, improve training, increase accountability, and begin shifting responsibilities away from law-enforcement agencies and back into our communities where they belong. That work must continue. That means continuing to professionalize, expanding body-worn camera programs, drastically increasing diversity, refocusing on community policing, and shifting responsibilities back into community services so law enforcement can focus on keeping Virginians safe and building relationships with their communities. As Governor, Terry will:

- **Increase funding and technical assistance for community policing initiatives.** Achieving long-term public safety requires strong relationships, mutual respect, and understanding between law enforcement and the communities they serve. That means shifting our focus away from militarization of law-enforcement agencies and back to the basics of communication and trust. Community policing is grounded in the belief that when we all work together, we can better address the underlying issues our communities are facing and prevent crime more effectively. While most law-enforcement agencies in Virginia strive to implement community policing models, having additional resources to support innovative programs is critical if we are going to rebuild the broken trust between our communities and law-enforcement agencies. The Virginia Department of Criminal Justice Services receives hundreds of millions in federal grants each year, and as governor, Terry will ensure that federal and state funds are directed to supporting community policing efforts.
- **Improve confidence in law enforcement by increasing diversity and focusing on procedural justice.** Terry recognizes how critical it is to improve confidence in law enforcement, particularly for Black and Brown communities. While increasing diversity, improving career advancement, and rooting out cultural issues that prevent diverse candidates from becoming law-enforcement officers is critical, we must also ensure that agencies are focused on recruiting and retaining officers who believe in and ensure procedural justice. A recent study indicates that Black and Brown communities are most concerned with officers that promote procedural justice and utilize fair and effective policing practices.<sup>11</sup> We must ensure that procedural justice is modeled at the highest levels of leadership and informs recruitment and career advancement opportunities, and agencies must hold officers accountable when they fail to uphold this principle. Terry will leverage federal and state funds to invest in initiatives that will promote effective and just policing practices while improving diversity and recruiting the highest-quality law enforcement-officers.
- **Create a state fund to support law-enforcement accreditation.** Virginia has over 330 law-enforcement agencies and over 22,000 certified law-enforcement officers. Of those agencies, less than one-third have achieved accreditation nationally or in Virginia. Accreditation is a rigorous process that examines every aspect of an agency's policies and operations, and ensures that agencies are held to the highest standards of excellence. Unfortunately, the cost of accreditation can be prohibitive for some agencies, especially small agencies. Terry recognizes the importance of accreditation, and will create a state fund that will help support the cost for local agencies so they can complete the process and become accredited.

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<sup>11</sup> MacLean, Charles E. "Improving African American Confidence in Law Enforcement: Recruit to Optimize Procedural Justice, Not Racial Quotas - Charles E MacLean, 2020." SAGE Journals, 30 Dec. 2020, journals.sagepub.com/doi/10.1177/1461355720974698.

## **Implement Data-Driven, Evidence-Informed Approaches that Reduce Recidivism and Promote Rehabilitation**

As Virginia's 72nd Governor, Terry strived to build a criminal justice system grounded in rehabilitation and second chances, but the system remains rife with racial, socioeconomic, and geographic injustices. Too often, leaders make decisions about our criminal justice system based on political expediency rather than scientific evidence about criminal behavior and opportunities to improve outcomes for offenders and our communities. Terry rejected this trend and made tremendous strides reforming our system. We know that over 90% of individuals in our correctional facilities will eventually return home as our neighbors, and over 10,000 offenders are released back to the community each year. Terry continues to recognize that in order for these individuals to be successful and participate meaningfully in our society, we have to equip them with the tools they need to succeed. Focusing on data-driven and evidence-informed approaches rehabilitation, redemption, and second chances will allow these members of our communities to thrive and keep our Commonwealth safe. Terry's plan will:

- **Invest in re-entry services and treat addiction and mental illness as health issues, not criminal justice issues.** More than one in four individuals in our state correctional facilities have a mental illness, and approximately 800 have a serious mental illness.<sup>12</sup> This number is even higher in our local and regional jails, with some jails reporting that 70% of offenders have, or are suspected to have, a mental illness.<sup>13</sup> These numbers are similarly high when it comes to substance use, with more than one in four offenders in our state prisons reporting moderate to heavy drug or alcohol use prior to their incarceration.<sup>14</sup> We must expand access to and connect people with services on the front end in order to prevent them from interacting with our justice system. Additionally, Virginia must provide critical services to individuals who are incarcerated, including re-entry services, so they can be successful when they return to our communities. Terry took aggressive action as governor, providing funding to create specialized mental health units in our prisons,<sup>15</sup> mental health specialist positions in probation and parole offices, mental health pilot programs in our local jails, community residential treatment programs, and more.<sup>16</sup> As Virginia's next governor, Terry will continue to ensure our communities and correctional facilities have the resources they need.
- **Reform probation and community supervision practices.** Despite years of studies demonstrating that uniformly applied intensive community supervision programs that fail to address a person's risk level or individualized needs are expensive and often

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<sup>12</sup> Options to Reduce the Number of Seriously Mentally Ill State Responsible Offenders in Local and Regional Jails. (2018, October 15). Virginia Department of Corrections. Retrieved from <https://rga.lis.virginia.gov/Published/2018/RD384/PDF>

<sup>13</sup> Ibid.

<sup>14</sup> Quarterly Report to the Governor and General Assembly. (n.d.). Virginia Department of Corrections. Retrieved from <https://rga.lis.virginia.gov/Published/2020/RD71/PDF>

<sup>15</sup> Ress, D. (2019, August 25). McAuliffe proposes boost in mental health spending. Retrieved from <https://www.dailypress.com/government/dp-nws-mental-health-mcauliffe-20171213-story.html>

<sup>16</sup> Governor McAuliffe's Proposed Amendments to FY 2016 of the 2014-2016 Biennial Budget and the Proposed Biennial Budget for 2016-2018 Biennium. (2015, December 17). [PowerPoint slides]. Retrieved from <https://dpb.virginia.gov/budget/buddoc16/Budget%20Director's%20Presentation%2012-17-2015.pdf>

ineffective, we continue to see these practices used in our criminal justice system.<sup>17</sup> These stringent programs can be especially problematic for low-income individuals who may not be able to attend frequent probation meetings or comply with the numerous requirements because they don't have reliable transportation or child care, or are not able to take time off of work, which can ultimately lead to technical violations that land people back in jail or prison. In fact, a 2019 report indicates that nationwide, one-fourth of all new admissions to state prisons are the result of technical violations, costing states over \$2.5 billion annually.<sup>18</sup> These rigid practices can cause people to lose their jobs, homes, and children.<sup>19</sup> We must be good stewards of taxpayer dollars and invest our limited resources to get back on their feet and participate in our society. That includes being responsive to individuals' risks and needs, tailoring case plans to each individual, and directing intensive resources to the only highest-risk individuals. Terry will reform ineffective and outdated practices and invest in evidence-based programs that will improve outcomes for justice-involved populations and our communities.

- **Expand Violence Intervention and Prevention Programs.** As governor, Terry will expand violence intervention programs that support local efforts to interrupt and prevent violence and provide access to critical services that help to break this dangerous cycle. Virginia has established a number of these programs in recent years, and under Governor Northam's leadership funded Hospital-based Violence Intervention Programs (HVIPs) and other community-based violence intervention programs. The legislature also passed a bill sponsored by Delegate Marcia Price and modeled after Congressman Bobby Scott's federal Youth PROMISE Act, creating pilot programs to combat youth and gang violence in five communities. These types of programs effectively interrupt the cycle of violence by identifying at-risk individuals or victims of violence and wrapping critical services around them either in the hospital or in their communities. Research demonstrates their success in reducing hospital costs, recidivism and incarceration rates.<sup>20</sup> Terry will expand these programs and ensure they receive permanent funding.
- **Increase funding for Career and Technical Education (CTE) programs.** As governor, Terry recognized the importance of providing career training during incarceration. In 2016, he proudly announced that DOC had won a national award for creating the nation's only program allowing offenders to receive college credit for completing certain CTE programs. A recent internal study of offender recidivism demonstrated just how critical these programs are, revealing that offenders who completed CTE programs recidivated at

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<sup>17</sup> Doleac, J. (2018, July 2). Study after study shows ex-prisoners would be better off without intense supervision. Retrieved from <https://www.brookings.edu/blog/up-front/2018/07/02/study-after-study-shows-ex-prisoners-would-be-better-off-without-intense-supervision/>

<sup>18</sup> Council of State Governments Justice Center, "Confined and Costly: How Supervision Violations Are Filling Prisons and Burdening Budgets" (2019), <https://csgjusticecenter.org/wp-content/uploads/2020/01/confined-and-costly.pdf>

<sup>19</sup> To Safely Cut Incarceration, States Rethink Responses to Supervision Violations. (n.d.). Retrieved from <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2019/07/to-safely-cut-incarceration-states-rethink-responses-to-supervision-violations>

<sup>20</sup> "Intervention Strategies." Giffords, Giffords Law Center to Prevent Gun Violence, 30 Nov. 2020, [giffords.org/lawcenter/gun-laws/policy-areas/other-laws-policies/intervention-strategies/](https://giffords.org/lawcenter/gun-laws/policy-areas/other-laws-policies/intervention-strategies/).

a rate of 14.2% compared to the general population at 22.4%.<sup>21</sup> Even more striking was that offenders who received a GED and did not complete CTE programs recidivated at a slightly higher rate of 19%.<sup>22</sup> This clearly demonstrates that providing individuals who are incarcerated with the skills and training they need to step into jobs upon their release will be more successful and able to participate in the legitimate economy. Terry will expand access to these critical programs throughout our correctional facilities.

- **Fund additional program slots for Community Corrections Alternative Programs (CCAP).** Under Terry’s leadership, Virginia replaced ineffective boot camp-style programs with community-based alternatives to incarceration for individuals convicted of non-violent offenses. CCAP programs became operational in 2017 and provide intensive re-entry and transitional services to participants. These programs are ideal for individuals with substance use disorders, specifically individuals with opiate dependencies.<sup>23</sup> COVID-19 has exacerbated the opioid epidemic that has ravaged our communities for years, and we have seen tragic increases in overdose deaths in Virginia this year. The Virginia Department of Health reported 66% increases in overdose deaths this year and stated that this year is expected to be the worst year for fatal overdoses in Virginia’s history, with a projection of over 2,000 deaths.<sup>24</sup> We must take action and offer intensive treatment for individuals experiencing addiction rather than incarceration. The DOC reports that since its inception, courts have sentenced thousands of individuals to participate in CCAP programs, but the DOC is only funded for 225 participants. There is an obvious need to expand these programs and Terry will include funding in his budget so that more individuals in need can be served.<sup>25</sup>
- **Expand Medication Assisted Treatment (MAT) programs in correctional facilities and in re-entry programs.** While the addiction and opioid epidemic has decimated Virginia families for years, this epidemic is especially lethal for individuals who were recently incarcerated. One recent study found that returning citizens were 42 times more likely to experience a fatal overdose compared to the rest of the population, and another found that the opioid overdose death rate was 120 times higher for recently released individuals.<sup>26</sup> These numbers are staggering and must be addressed. As Virginia’s 72nd Governor, Terry worked tirelessly to combat the addiction and opioid epidemic and created the framework for the DOC to implement its MAT program in their facilities and in post-release re-entry programs. MAT programs provide counseling and medication

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<sup>21</sup> Correctional Education Study Findings: FY2013 Releases. (2020, March 6). Virginia Department of Corrections. Retrieved from <https://vadoc.virginia.gov/media/1491/vadoc-correctional-education-report-2013.pdf>

<sup>22</sup> Ibid.

<sup>23</sup> Provide Funding To Address Sentencing Court Demands For Opiate Treatment In The Community Corrections Alternative Program (CCAP). (n.d.). Retrieved from [http://publicreports.dpb.virginia.gov/rdPage.aspx?rdReport=OB\\_DocView](http://publicreports.dpb.virginia.gov/rdPage.aspx?rdReport=OB_DocView)

<sup>24</sup> Hobron, K. R. (2020, October). Fatal Drug Overdose Quarterly Report. Retrieved from <https://www.vdh.virginia.gov/content/uploads/sites/18/2020/10/Quarterly-Drug-Death-Report-FINAL-Q2-2020.pdf>

<sup>25</sup> Provide Funding To Address Sentencing Court Demands For Opiate Treatment In The Community Corrections Alternative Program (CCAP). (n.d.). Retrieved from [http://publicreports.dpb.virginia.gov/rdPage.aspx?rdReport=OB\\_DocView](http://publicreports.dpb.virginia.gov/rdPage.aspx?rdReport=OB_DocView)

<sup>26</sup> Troilo, M. (2018, December 7). We know how to prevent opioid overdose deaths for people leaving prison. So why are prisons doing nothing? Retrieved from <https://www.prisonpolicy.org/blog/2018/12/07/opioids/>

that reduce cravings, prevent intoxication, and help individuals recover from addiction. A recent study demonstrated that MAT programs reduced overdose deaths by 85%, helped people remain in treatment, and reduced recidivism.<sup>27</sup> As governor, Terry will work with DOC to expand these programs and create a continuum of care for justice-involved individuals.

### **Support Families and Children with Incarcerated Parents**

Recent estimates show that 2.7 million children in America have a parent who is currently incarcerated. More striking, 5 million children in America have had a parent in prison or jail at one point.<sup>28</sup> The arrest and conviction of a parent is already traumatic enough for a child, sending their parent to prison can trigger behavior problems, poor performance in school, and severance of the parental relationship.<sup>29</sup> Children with incarcerated parents are six times more likely to be incarcerated at some point in their lives and that is unacceptable.<sup>30</sup> Terry believes no child should have to suffer as a result of their parent's actions. When a parent is incarcerated, we must do everything within our power to support family connections and bonding. Terry will work with our correctional facilities to build upon existing programs and encourage the development of innovative programs to support children and parents involved in the justice system, and break the generational cycle of incarceration. Terry's plan will:

- **Stand up a nursery program for incarcerated mothers.** While infrequent, five to six women in our state correctional facilities give birth while incarcerated each year in Virginia.<sup>31</sup> Nearly a dozen states have created nursery programs within their correctional facilities or in community-based settings that allow mothers to reside with their children. These programs prevent separation, facilitate bonding, and enable new mothers to receive the support they need through participation in critical parenting and other programs, while also supporting their children through strong early childhood education programs. Others states' programs have demonstrated success in helping mothers and their children form strong attachments, improving self-confidence among participants, and reducing recidivism.<sup>32</sup> In recent years, the DOC has begun laying the groundwork to bring this type of program to Virginia. Terry will ensure this program receives the funding it needs to prevent separation of new mothers and their children, and build strong, successful families.

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<sup>27</sup> Ibid.

<sup>28</sup> Children of Incarcerated Parents. (2020, April 17). Retrieved from <https://nicic.gov/children-of-incarcerated-parents>

<sup>29</sup> Hairston, C. F. (2007, October). Focus on Children with Incarcerated Parents. Annie E. Casey Foundation. Retrieved from

[https://repositories.lib.utexas.edu/bitstream/handle/2152/15158/AECasey\\_Children\\_IncParents.pdf?sequence=2](https://repositories.lib.utexas.edu/bitstream/handle/2152/15158/AECasey_Children_IncParents.pdf?sequence=2)

<sup>30</sup> Martin, E. (2017, May). Hidden Consequences: The Impact of Incarceration on Dependent Children. Retrieved from <https://www.ncjrs.gov/pdffiles1/nij/250349.pdf>

<sup>31</sup> Department of Planning and Budget: 2020 Fiscal Impact Statement. (n.d.). Retrieved from <https://lis.virginia.gov/cgi-bin/legp604.exe?201+oth+HB1648FH1122+PDF>

<sup>32</sup> Mothers, Infants and Imprisonment. (2009, May). Institute on Women and Criminal Justice. Retrieved from [https://www.prisonlegalnews.org/media/publications/womens\\_prison\\_assoc\\_report\\_on\\_prison\\_nurseries\\_and\\_community\\_alternatives\\_2009.pdf](https://www.prisonlegalnews.org/media/publications/womens_prison_assoc_report_on_prison_nurseries_and_community_alternatives_2009.pdf)

- **Establish programs that maintain and strengthen strong families during incarceration.** Research shows that when families maintain connections and have opportunities to strengthen bonds, people are more likely to succeed upon their release.<sup>33</sup> As Virginia's 72nd Governor, Terry took action to reduce the cost of phone calls in our state correctional facilities from \$1.48 per minute to \$0.04 per minute because he recognized that the high cost of phone calls were likely preventing regular communication between families.<sup>34</sup> He knows we must build upon these efforts and enable the DOC to implement innovative programs that ensure children are able to see their incarcerated parents and have meaningful opportunities to bond, and maintain and grow their relationships. As Virginia's next governor, Terry will work with the DOC to get this done.

### **Complete the Transformation of Virginia's Juvenile Justice System**

Under Terry's leadership as 72nd Governor, Virginia completely transformed its juvenile justice system with a clear goal to reduce, reform, replace, and sustain. This transformation reduced the number of incarcerated youth in Virginia by nearly two-thirds, closed one of the Commonwealth's prison-like juvenile correctional centers, and reinvested the savings into community programs and services. These community-based services replaced incarceration with evidence-based alternatives in order to provide youths with the services and treatment they need close to their communities. As Virginia's next Governor, Terry will continue to advocate for juveniles involved in the criminal justice system and solidify this transformation. Terry's plan will:

- **Replace Virginia's prison-like juvenile correctional center with therapeutic facilities close to where youths live.** Under Terry's leadership, Virginia closed one of its two prison-like juvenile correctional centers and made record investments in community-based services for justice-involved youths with the savings. The transformation plan envisioned closing both facilities and replacing them with smaller, therapeutic facilities located in parts of the state where most confined youths reside. The Department of Juvenile Justice (DJJ) reports that a majority of their residents live more than a one-hour drive from Bon Air JCC, which creates a significant challenge for families wishing to visit. Under Terry's leadership, DJJ provided free transportation to families for visitation, but the distance remains a barrier. However, years later, these new facilities have not been built, and our youths requiring the most intensive care and supervision remain at Bon Air JCC. It is critical that Virginia complete the transformation of the juvenile justice system and invest in a more appropriate, healing environment for our youths. This new model will create more therapeutic environments to rehabilitate the youths in our care and lead to better outcomes for them, their families, and their communities.

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<sup>33</sup> Nwoko, S. (2016, October 12). Family Relationships and the Incarcerated Individual. Retrieved from <https://www.ebpsociety.org/blog/education/221-family-relationships-incarcerated-individual>

<sup>34</sup> Governor McAuliffe Announces Further Reduction on Inmate Phone Call Rates. (n.d.). Retrieved from <https://vadic.virginia.gov/news-press-releases/2015/governor-mcauliffe-announces-further-reduction-on-inmate-phone-call-rates/>

- **Eliminate prosecutorial discretion to certify a child to be tried and sentenced as an adult.** In Virginia, youths as young as 14 years old can be tried and sentenced as adults. For many offenses, prosecutors have the discretion to automatically certify a child for transfer to an adult court and the juvenile judge has no ability to weigh in on that decision. Thankfully, under Governor Northam's leadership during the 2020 legislative session and in partnership with the Democratic legislature, prosecutors can no longer automatically certify juveniles under the age of 16 for transfer to adult courts. Now, prosecutors must petition a court to request a transfer, and judges have the opportunity to review critical information about a youth's social history and background before making determinations. While this is a significant step forward, we must go further and extend this protection to youths under the age of 18. Automatic transfer and full prosecutorial discretion to certify and send a case to adult courts should be reserved for the most serious cases, such as rape or murder. Other lower-level offenses should remain under the purview of the juvenile court system.