

# VIRGINIA PROGRESSIVE PROSECUTORS FOR JUSTICE



## COMMONWEALTH'S ATTORNEYS

*HON. AMY ASHWORTH*  
PRINCE WILLIAM COUNTY AND CITY OF MANASSAS

*HON. ANTON BELL*  
CITY OF HAMPTON

*HON. BUTA BIBERAJ*  
LOUDOUN COUNTY

*HON. PARISA DEGHANI-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

March 8, 2021

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. At the outset of the legislative session, we wrote to you in support of criminal justice reforms that would build on the momentum of the August 2020 special session and distinguish the Commonwealth as a national leader in promoting equal justice for all. On the heels of another historic legislative session, we now write to commend your leadership in shepherding the passage of a majority of the reforms we advocated and urge future action on those that stalled.

Specifically, we applaud you and your colleagues for the following legislative accomplishments, which collectively constitute groundbreaking progress toward a more fair and equitable criminal justice system in Virginia:

- Abolition of the death penalty: The death penalty is unjust, racially biased, and ineffective at deterring crime. We are proud that Virginia will now be the first former Confederate state to abandon this archaic practice.
- Expungement of criminal records for formerly system-involved community members: Prioritizing the reintegration of individuals convicted of crimes back into our communities after they have served their time makes our Commonwealth safer. Too often, a persistent criminal record prevented Virginians who had interacted with the criminal justice system from living healthy, full, and productive lives long after they had proven to no longer pose a safety risk, unnecessarily fueling recidivism. Thankfully, due to the expungement reforms passed in the most recent legislative session, the Commonwealth will now afford those with criminal records opportunities to reclaim their lives and fully reintegrate into society.

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- Ending the “three strikes” felony enhancement for petit larceny offenses: The collateral consequences associated with felonies far exceed those of misdemeanors. Too many Virginians were senselessly saddled with these collateral consequences for nonviolent property crimes when a past misdemeanor larceny offense triggered a subsequent such offense to be transformed into a felony. This mindlessly punitive law fueled mass incarceration and furthered recidivism. Our communities will be safer and our justice system more equitable now that the General Assembly has done away with it.

While the General Assembly did not ultimately secure passage of the following reforms, we encourage you and your colleagues to prioritize them in the coming session and will continue to advocate in favor of them:

- Ending mandatory minimum sentences: As we wrote in advance of both the August 2020 special session and the most recent session, 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. Ending mandatory minimums will make our communities safer and stem the tide of mass incarceration. We are encouraged that majorities of both chambers recognized the need for action on this front and hope that this consensus serves as a foundation for a full repeal of all mandatory minimums when the General Assembly reconvenes.
- Ending 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 – disproportionately Virginians of color -- are exposed to significant collateral consequences, like the loss of a job or even custody of their children. 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 employ a strong presumption in favor of pre-trial release and not put a price on Virginians' freedom. The General Assembly's passage of legislation mandating the collection of data on pretrial detention reflects a recognition that this system is flawed. We urge you and your colleagues to take the next step in the coming legislative session and end cash bail.

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Thank you, again, for your principled leadership during the legislative session. The historic progress you and your colleagues made in reforming Virginia's criminal justice system will allow us to more effectively keep our constituents safe while producing more just and equitable outcomes in courthouses across the Commonwealth.

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