

Transforming Virginia's Justice System

Inequity has been baked into our justice system for over 400 years. Policing, court proceedings, sentencing, incarceration, and re-entry have systematically and disproportionately punished Black and Brown communities, those living in poverty, and those with mental illness, autism and intellectual and developmental disabilities for generations. As a legislator, Jenn has worked closely with families and individuals who have been through the justice system who had sought help, resources, and support but instead were met with arrests, charges, and incarceration. Through this work, Jenn has seen that our current justice system prioritizes reaction, criminalization, and punishment over prevention, diversion, rehabilitation and re-entry.

Jenn's vision for justice reform is comprehensive. As governor, she will continue the work she began as a legislator eliminating low-level offenses that criminalize mental health conditions, substance abuse and poverty, strengthen police accountability, ensure access to a fair trial for everyone - regardless of status. A McClellan administration will ensure sentences are proportionate to crimes, focus the corrections system on rehabilitation and re-entry, break the school-to-prison pipeline and reform the juvenile justice system. Jenn's agenda will invest in community programs working to address the root causes of crime, support the families of incarcerated individuals, and help those previously incarcerated Virginians with re-entry.

In the General Assembly, Jenn has:

- Passed legislation that [allows individuals with mental illness, autism, and intellectual and developmental disabilities](#) to bring evidence of these conditions forward at trial.
- Passed legislation to extend parole to the [Fishback cases](#) that took place between 1995-2000.
- Passed legislation to end the school-to-prison pipeline, including the following: a bill to require demographic data based on race, ethnicity, ability, and sex be published for public school disciplinary expulsions and suspension; a [bill](#) that decriminalizes disorderly conduct for student offenses at school; and a bill that restores discretion to school principals on reporting to law enforcement student infractions that could constitute misdemeanor offenses.
- Led the charge to create the [Marijuana Equity Study](#), paving the way for equitable marijuana legalization and [spearheaded the effort](#) to legalize simple possession of marijuana on July 1, 2021.
- Passed legislation that raised the [grand larceny threshold](#) from \$500 to \$1000.
- Cosponsored and passed omnibus [police reform legislation](#) that eliminates most no-knock warrants, chokeholds, and creates statewide professional standards of conduct for law enforcement with state enforcement powers.
- Supported the bill to [end qualified immunity](#).

- Cosponsored legislation to establish a Mandatory Marcus Alert system to ensure mental health-equipped response for someone experiencing a mental health crisis.
- Cosponsored legislation that reforms Virginia's [bail](#) and [sentencing](#) laws.
- Cosponsored legislation that bans [incarceration for life](#) for juvenile offenders.
- Cosponsored legislation to create [Civilian Oversight Boards](#) in Virginia.
- Cosponsored legislation tackling racial profiling in law enforcement by [limiting pretextual traffic stops](#).
- Cosponsored legislation authorizing the [Attorney General](#) to investigate police departments that deprive persons of rights, privileges or immunities.
- Cosponsored the bill that [abolished the death penalty](#) in Virginia.
- Cosponsored a [constitutional amendment](#) to automatically restore the rights of re-entering individuals who have completed their sentences.

As Governor, Jenn will:

I. Put Prevention First: Reinvesting in Women, Children and Communities

- a. Invest in behavioral health, evidence-based prevention models, anti-violence community grants, and treatment and support for women, children, individuals and families.
- b. Create a Safe Community Fund to prevent gun violence, substance addiction, domestic violence and child abuse through grants to community based organizations.
- c. Fully fund the Delinquency Prevention and Youth Development Act, which has not received funding since 2008.

II. End Low-Level Offenses that Criminalize Poverty, Mental Health Conditions, Autism, Intellectual/Disabilities and Addiction

- a. Implement marijuana legalization to redress the harms of prohibition.
- b. Conduct a comprehensive review of non-violent criminal and traffic laws to decriminalize or reduce penalties for low-level offenses such as those born out of historic vagrancy laws like disorderly conduct, youth status offenses, and simple possession of drugs.

III. Hold Law Enforcement Accountable for Excessive Force and Police Misconduct

- a. End qualified immunity.
- b. Mandate Civilian Review Oversight Boards.
- c. Create a State Investigative Unit to investigate police misconduct across the Commonwealth.
- d. Expand Marcus Alert by mandating community response teams to de-escalate and address mental health crisis response through mental health support.

IV. Ensure Fair Trials and Sentencing for Everyone

- a. Eliminate cash bail and increase transparency in the pre-trial and trial systems.
- b. Expand and increase funding for public defender offices and end prosecutor funding based on volume of felonies charged.
- c. Eliminate mandatory minimum sentences.
- d. Increase transparency and community involvement in the judicial appointments process.
- e. Direct the Virginia Criminal Sentencing Commission to collect, analyze, and report on sentencing outcomes by race, ethnicity, socio-economic status, and ability.

V. Reform Juvenile Justice

- a. Create a Community Care Team within the Department of Juvenile Justice to build community relationships and expand the spectrum of locations, structures, and options that best serve and address the root causes of juvenile offenses and serve as non carceral facilities.
- b. Continue to dismantle the school-to-prison pipeline by creating the Equity Accountability Program to address educational inequities, establish a School-to-Prison Pipeline Task Force, and require all school districts to set concrete policies to address racism and bias.
- c. Raise the defendant age in juvenile court to 20 years old and make clear that youth below the age of 14 cannot be incarcerated in a carceral setting.
- d. Lift the cap on school support personnel to get more assistant principals, social workers, and behavioral health professionals in our schools.
- e. Fund peer mentorship in schools.

VI. Implement Restorative Practices

- a. Increase offenses eligible for and accelerate implementation of automatic expungement, eliminate the lifetime cap of two sentencing incidents, and ensure those with mental health conditions, and developmental and intellectual disabilities are eligible.
- b. Ensure passage of the [pending constitutional amendment](#) and necessary enabling legislation to automatically restore the rights of re-entering individuals who have completed their sentences.
- c. Oversee implementation of equitable marijuana licensing and entrepreneurship for Black and Brown communities through the newly established Cannabis Control Authority.
- d. Use executive power to pardon anyone incarcerated for legalized marijuana offenses pending legislation to do the same.

VII. Update the Virginia Correctional System

- a. Reinstitute the Department of Corrections Civilian Oversight Board.

- b. Establish a Rehabilitation and Safety Task Force to review and recommend improvements to The Virginia Department of Corrections' current programs to prepare incarcerated individuals for re-entry, such as behavioral health care, more robust jobs and skills training, and extended access to educational resources and improved access and safety surrounding family visitation.
- c. Direct the Rehabilitation and Safety Task Force to analyze how relocating an incarcerated individual to an appropriate security tier facility nearest to their home can play a role in family centered rehabilitative engagement.

VIII. Improve Efficiency, Consistency and Transparency for the Parole and Pardon Process

- a. Direct the Rehabilitation and Safety Task Force to make recommendations for increased efficiency and transparency in release decisions.
- b. Update the process to ensure victims and families of victims are able to testify or submit written testimony at parole hearings.
- c. Live stream Parole Board Hearings.
- d. Reinstitute discretionary parole.
- e. Increase availability for good time earned credits.
- f. Fund additional investigators to help expedite the backlog of pardon petitions.
- g. Create a community liaison position for the Parole Board to help families navigate the pardon and parole process.
- h. Separate the pardon process from the parole process by creating a Director of Pardons.
- i. Commit to responding to pardon petitions within the year of their submission.

I. Put Prevention First: Reinvesting in Women, Children, and Communities

The best way to reform the criminal justice system is to prevent people from entering it in the first place, which will require a cultural shift to focus on prevention first. In our current system – where police have power with very little accountability and community development – behavioral health and violence prevention have been secondary priorities, and communities have suffered. Throughout her career in the General Assembly, Jenn has passed and supported legislation that focuses on preventing the root causes of crime, violence, and inequity that lead Virginians into our justice system.

In 2019, Jenn sat in a circle of women who were incarcerated and asked them point blank, “What can we be doing to better support you?” In Virginia, the rate of female incarceration has increased at higher levels than men.¹ The women each shared why they were serving time - most of them shared stories of low-level offenses like shoplifting, substance addiction, and layers of untreated trauma that drove many of them into the criminal justice system. The increased rates of Incarceration of women can be tied to untreated trauma and mental health conditions, social barriers, economic inequality, reproductive injustice, and racial and sexual discrimination.²

¹ Prison Policy Initiative, [Gender Divide Tracking Women's State Prison Growth](#).

² ACLU, Women in the Criminal Justice System, [Pathways to Incarceration](#).

These trends extend to young girls, particularly young Black and Brown girls - who are disproportionately impacted by more punitive disciplinary measures in school settings, contributing to the school to prison pipeline beginning as early as five years old.³

This trend of increased incarceration of women can also be attributed to Adverse Childhood Experiences (ACEs). ACEs, “stressful or traumatic events,” increase the likelihood that a young person could engage in violence.⁴ ACEs include witnessing or experiencing domestic, sexual, or gun violence, and substance addiction. Evidence shows that ACEs have significant impacts on violence victimization and perpetration and lifelong health and opportunity, including substance misuse.⁵ The work of preventing ACEs will also require preventing gender-based discrimination, and violence against women, children and LGBTQ+ Virginians. 1 in 3 women and 1 in 4 men have experienced some form of physical violence by an intimate partner, with intimate partner violence accounting for 15 percent of all violent crime.⁶

Jenn’s vision for justice reform starts with prevention and reinvestment in Virginia communities. As Governor, Jenn will prioritize investment in evidence-based prevention models, anti-violence community grants, and treatment and support for children, adults, and families. This will decrease police interactions with vulnerable communities and provide the help and support they need through services, not in prisons and jails.

As Governor, Jenn will invest in community-based behavioral health programs, Safe Community grants to address gun violence and substance addiction, domestic violence and child abuse prevention, training and education programs. She also will fully fund the Delinquency Prevention and Youth Development Act.

II. Ending Low-Level Offenses that Criminalize Poverty, Mental Health Conditions, Autism, Intellectual/Developmental Disabilities, and Addiction

Virginia’s criminal and traffic laws over time have led to fines, fees, and penalties that ultimately criminalize poverty, mental health conditions, addiction, and health status. Over the years, Jenn has worked to repeal many of these laws, such as laws [suspending driver’s licenses for unpaid court debt](#), [requiring incarceration for people driving on a suspended license](#), [criminalizing as disorderly conduct incidents on school property, a school bus, or at a school sponsored event](#), and [criminalizing HIV positive status](#). She also [laid the groundwork for marijuana legalization](#) and fought to [legalize simple possession of marijuana](#) by July 1, 2021. But there is more work to be done.

First, Jenn will conduct a comprehensive review of non-violent criminal and traffic laws to decriminalize or reduce penalties for low-level offenses, and a review of simple drug possession laws. Many existing offenses like disorderly conduct, simple possession of drugs, and youth status offenses are vestiges of historic vagrancy laws that sustained the Jim Crow system in Virginia. These crimes and like offenses continue to adversely affect low-income, Black and Brown communities in Virginia today. By identifying these lingering offenses, Jenn can clear a path to make our laws more equitable for all.

As Governor, Jenn will ensure marijuana legalization is done in a way that redresses the harm caused to individuals and communities impacted by marijuana prohibition. She also will task the Sentencing Commission to analyze and report low-level crimes that most affect low-income defendants as part of their efforts to quantify demographic sentencing data in Virginia. These low level offenses could include things like shoplifting, petty theft, disorderly conduct, or driving offenses. On average, Black and Latino men

³ [Girlhood Interrupted: The Erasure of Black Girls’ Childhood](#), Center on Poverty and Inequality, Georgetown Law.

⁴ [Adverse Childhood Experiences and Crime](#), Christopher Freeze.

⁵ Centers for Disease Control and Prevention, Violence Prevention, [Adverse Childhood Experiences](#).

⁶ National Coalition Against Domestic Violence, [Statistics](#).

face significantly greater odds of incarceration than similarly situated white offenders with comparable criminal histories on both the state and federal levels. In Virginia, currently the Sentencing Commission does not keep data on the racial and ethnic disparities of sentencing. Identifying those impacted by these low-level offenses and then eliminating them will make the overarching system more fair and equitable.⁷ Within the first year of her administration, Jenn will direct the Sentencing Commission to report their findings and will then introduce legislation to begin to dismantle the disproportionate criminalization of poverty, mental health conditions, intellectual/developmental disabilities, and addiction.

According to the Center for American Progress, those in the criminal justice system are [three times more likely](#) to report having a cognitive disability than a non-incarcerated person. The [National Alliance of Mental Illness](#) reported that 2 million people with mental illness are booked in jail every year. Since 1985, Virginia has explicitly barred defendants at trial from introducing evidence about their disability or mental illness, including autism — even when that condition may have seriously impacted their mental state at the time of the alleged offense. Yet for crimes requiring a specific intent or knowledge of particular behavior, this information is directly relevant to guilt or innocence.

Matthew Rushin, a 20 year old autistic Virginian who lives with the effects of a traumatic brain injury, collided with two cars in the same night in 2019, which resulted in serious injury to one of the passengers. During his trial, Matthew was prohibited by Virginia law to present evidence of the impact of his autism or brain injury. Matthew's story is part of what led Jenn to pass legislation that allows an individual to present evidence of mental illness, autism, or intellectual/developmental disability in criminal proceedings.

Because of Jenn, as of [July 1, 2021](#), courts and juries must now consider evidence of the impact any mental health condition, autism, or intellectual/developmental disability may have had on a defendant, or whether it should be a factor in bail or sentencing decisions. Jenn also mandated more training and education for judges and attorneys on these conditions.

The current justice system is too heavily reliant on incarceration in the case of mental conditions and substance addiction. In 2020 Jenn sponsored the version of the [Marcus Alert](#) bill that Marcus David Peters' family requested. This bill sought to create a mental health crisis alert system, alerting first responders that an individual was in crisis and needed a community care team to respond to them. Jenn's bill was incorporated into the [bill](#) that passed, which set up a regional alert system across the Commonwealth, but the community care team response model is currently optional. Law enforcement response to behavioral health crises should be limited in nature and start by recognizing that the mere presence of police can trigger trauma and escalate those in crisis. When law enforcement responds as part of a community care team, Jenn will require culturally competent measures including unmarked vehicles, plain clothes and a prohibition of weapons at the scene. As Governor, Jenn will ensure the community care team response model is mandatory.

Working with prisoner clemency and parole requests, Jenn has seen many examples of individuals with substance addiction and the poor choices addiction led them to make. To truly reform the justice system and stop the disproportionate impacts of the "War on Drugs" on Black, Brown, and low-income communities, addiction must be treated in communities as the illness that it is, not through the criminal justice system. Overdose deaths nationwide have more than quadrupled from 2001 to 2016, rising from 9,492 deaths to 42,249 deaths.⁸ In 2020 alone, 2,053 Virginians died of drug overdose deaths.⁹ Virginia families and individuals battling substance addiction need treatment – not death and incarceration.

⁷ [Racial Disparities in Sentencing](#), ACLU.

⁸ Medicaid's Role in Addressing the Opioid Epidemic, Kaiser Family Foundation.

⁹ [Drug Overdose Death on the Rise in Virginia](#), The Farley Center.

As Governor, Jenn will request a comprehensive review to see how defelonizing simple drug possession, and diverting individuals with substance addiction from incarceration to treatment programs, will have on communities across the Commonwealth.

III. Holding Law Enforcement Accountable for Excessive Force and Police Misconduct

With the murder of George Floyd, the country's eyes were opened to the centuries of violence and excessive use of force used by police on Black and Brown individuals and communities. Virginians have seen these injustices play out in our own communities with Windsor police officers harassing and pepper spraying active-duty U.S. Army Lieutenant Caron Nazario in December of 2020, to the shootings of Marcus David Peters, Isaiah Brown, Donovan Lynch, and India Nichole Nelson. Since 2015, 109 people have been shot and killed by police in Virginia.¹⁰

In the General Assembly, Jenn has worked tirelessly to end excessive force and bias in law enforcement. She co-sponsored and helped write [comprehensive police reform legislation](#) and legislation [empowering the Attorney General to investigate and file civil suits against police departments with unlawful practices](#) and [limiting pretextual traffic stops](#), but there is more work to be done to hold police accountable for excessive force. Real accountability is the first step in the long process of building trust between police departments and all communities they are sworn to preserve, protect, and defend.

As Governor, Jenn will hold law enforcement accountable by working to end qualified immunity, which protects police officers from civil liability when their violation of an individual's constitutional rights results in injury and death.

Jenn co-sponsored legislation to establish and increase the power of locally founded Civilian Review Boards (CRB) that engage community stakeholders and create dialogue, checks, and balances between law enforcement and the communities they serve. However, as Governor, Jenn will work to mandate independent civilian review of police misconduct, excessive use of force, and officer-involved deaths in all jurisdictions through local or regional models to provide transparent, independent investigations. Additionally, she will ensure CRBs have full subpoena power and binding decision power in police disciplinary reviews. Jenn will also establish a State Investigative Unit to specifically investigate police misconduct cases statewide.

IV. Ensuring Fair Trials and Sentencing for Everyone

A. Eliminating Cash Bail and Increasing Transparency of the Pre-Trial and Trial Systems

For years, pre-trial and trial procedures have adversely affected economically disadvantaged defendants. Roughly 46 percent of people held in Virginia jails have not been convicted of any crime.¹¹ As Governor, Jenn will eliminate practices that disproportionately affect low-income and Black and Brown communities at the pre-trial and trial stage of the adjudication process.

The cash bail structure in Virginia creates a two-tiered system of justice – if defendants have access to money at the time of their first appearance in court, they can get bail. But if not, they are left to await trial in prison or jail. Cash bail criminalizes poverty, deprives individuals of liberty who have not been found guilty of a crime, and disproportionately impacts Black and Brown Virginians. For lower income defendants, the inability to make bail can lead to jail time before trial, guilty pleas – even when innocent, and

¹⁰ [Washington Post Police Shootings Database.](#)

¹¹ [Legal Aid Justice Center, Pretrial Justice, Virginia Bail 101.](#)

lost employment that affects the economic security of the defendant's family.

As Governor, Jenn will introduce legislation to make Virginia the first state in the South to eliminate cash bail. Additionally, Jenn will increase funding for transportation vouchers and on-site child care to break down barriers for defendants attending court hearings.

B. Expanding and Increasing Funding for Public Defender Offices and Ending Prosecutor Funding Based on Volume of Felonies Charged

The right to counsel for those accused of crimes is an important guarantee afforded by the U.S. Constitution. Public defenders work day in and day out to provide this fundamental right to accused individuals throughout the Commonwealth. Unfortunately, many localities in the Commonwealth do not have public defenders offices and those that do are under-funded.

As Governor, Jenn will invest in pay parity for public defenders offices across Virginia and will work with localities to ensure there is a 50 percent increase in the establishment of public defenders offices by the end of her term with a plan to reach a 100 percent increase within 8 years. Currently, on average, public defenders in Virginia make 40 percent less than their Commonwealth's Attorney counterparts.¹² When Jenn closes the funding gap for public defenders offices, Virginia will attract a larger, talented, and diverse pool of individuals to effectively serve the Commonwealth's defendants.

Commonwealth's Attorneys offices should never have to rely on convictions to receive more funding. Even more, they should never be incentivized to rack up convictions. Jenn will change the funding metrics for Commonwealth's Attorneys offices, making sure that offices are not incentivized to prosecute felonies to obtain increased funding.

C. Eliminating Mandatory Minimum Sentences & Collecting Criminal Sentencing Data

Mandatory minimum sentences substitute one-size fits all political judgment for judicial and jury discretion to tailor punishment that is proportionate to the public harm caused by a specific crime. Originally, Congress intended mandatory minimums to deter serious offenders and offenses, but they have also expanded to include low-level offenses.¹³ Mandatory minimum sentences have not served as a deterrent to violent and drug-related crimes – last year Virginia had one of its highest number of opioid related overdose deaths.¹⁴ During the last half-century, mandatory minimums have punished working, Black, and Brown communities in Virginia at a disparate rate. A 2017 U.S. Sentencing Commission Report noted that African Americans on average face sentences that are 20 percent longer than the sentences handed down for white offenders.¹⁵ By eliminating mandatory minimums, Jenn will begin to redress the past and return sentencing discretion to judges and juries.

She will also direct the Virginia Criminal Sentencing Commission to collect, analyze, and report on sentencing outcomes by race, ethnicity, socio-economic status, and ability to gain an accurate demographic understanding of how sentencing affects different communities within the Commonwealth.

D. Transparency in Judicial Appointments

Currently, judges are appointed and re-appointed by the General Assembly and, in some cases, the Governor. Though these judicial interviews and re-appointments are open to the public, the public is rarely aware of them. As Governor, Jenn will invest in community outreach and education to help community members to more thoroughly engage in the process of providing feedback and input in the judicial appointment process.

¹² [Most Public Defenders in Richmond make less than a secretary in the prosecutor's office.](#) They want a raise, Virginia Mercury, Ned Oliver.

¹³ [Mandatory Minimums and Sentencing Reform](#), Criminal Justice Policy Foundation.

¹⁴ [Worst Year on Record for Drug Overdoses in Virginia](#), NBC12.

¹⁵ [United States Sentencing Commission Report](#).

Jenn began working to diversify the legal profession and judiciary long before becoming a legislator. As a young lawyer, she worked with the Virginia Bar Association and the Millenium Diversity Initiative to develop pipeline programs to encourage young women and minorities to enter the legal profession, including the Oliver Hill/Samuel Tucker Prelaw Institute. She was also a founding board member of the Virginia State Bar Diversity Conference. Jenn will continue these efforts as Governor, investing in judicial recruitment and diversity programs to ensure diversity on the bench and work with Virginia's law schools and bar associations to create judicial pipelines to appoint diverse candidates to the bench.

V. Reforming the Juvenile Justice System

The school-to-prison pipeline disproportionately affects Black and Brown students, low-income students, and students with disabilities, and lays the foundation for the criminalization of children. By 2015, Virginia led the nation in sending students to police officers for school offenses.¹⁶ While in the General Assembly, Jenn led efforts to dismantle the school-to-prison pipeline beginning in 2012 to [publish disciplinary](#) data for public schools based demographics including race, ethnicity, ability, and sex. She also [passed legislation](#) in 2020 that eliminated the requirement for school principals to report to law enforcement certain student infractions which could also constitute misdemeanor offenses and [eliminated the disorderly](#) conduct charge against students for incidents on school property, school buses, or school sponsored events.

Schools should be centers of support and community for students. As Governor, Jenn will invest in programs that promote peer support and mentoring relationships. Jenn will create an Equity Accountability Program to address educational inequities, including a new Director of Inclusion and Diversity under the Secretariat of Education. The new Director of Inclusion and Diversity will be tasked to monitor and lead efforts to ensure that Virginia's schools provide an environment where Virginia's diverse student body can thrive. She will also establish a new School-to-Prison Pipeline Task Force, which will conduct research on how to best reduce the criminalization of children in Virginia's schools and break the cycle of incarceration in some of Virginia's most vulnerable communities. In an effort to combat the systemic racism baked into the school-to-prison pipeline, Jenn will also require all school districts to set concrete policies to address racism and bias to ensure that students are getting an education in an environment that supports them.

In addition to eliminating the school-to-prison pipeline, Jenn will make significant investments and changes to the juvenile justice system including:

- Raising the defendant age in juvenile court from 18 to 20 years old.
- Continuing to work with the General Assembly to change the language of the statute to make clear that children cannot be incarcerated below the age of 14. A recent United Nations Convention report on the rights of children noted that no child should be held in a carceral setting under the age of 14.¹⁷ Children as young as 11 in Virginia can still be placed into detention under vague statutory language that essentially permits incarceration below the age of 14.
- Continuing to work with the General Assembly to raise the age of transfer from juvenile to adult criminal court from 14 to 17 to ensure that children are not being tried as adults.

VI. Implementing Restorative Justice Practices

Bryan Stevenson, of the [Equal Justice Initiative](#), once said that “ultimately, you judge the character of a society not by how they treat their rich and the powerful and the privileged, but by how they treat the

¹⁶ [Virginia Tops Nation in Sending Students to Cops](#), Center for Public Integrity.

¹⁷ [United Nations Report of the Convention on the Rights of the Child](#), at p. 10.

poor, the condemned, the incarcerated. Because it's in that nexus that we actually begin to understand truly profound things about who we are."¹⁸ Jenn has often said that our incarceration system is a system of “warehousing” and not based on the values of rehabilitation and second chances. She is committed to improving the justice and corrections system in Virginia by implementing restorative practices that center rehabilitation and re-entry support.

A. Automatic Restoration of Rights/Felony Disenfranchisement

A prison sentence should end the moment an individual has served their time. However, in Virginia's current system, during re-entry, individuals who re-enter society face challenges in employment, housing, and exercising their constitutional rights. Systemic racism is baked into the fabric of these systems and has disproportionately resulted in the disenfranchisement of one in seven African Americans in Virginia.¹⁹ This cycle of over-criminalization often results in additional poverty, behavioral health challenges, and substance abuse—impacting individuals, their families, and their communities.

As Governor, Jenn will work with the General Assembly to pass [the pending constitutional amendment](#), which she co-patroned, to automatically restore the rights of re-entering individuals who have completed their sentences. Until that constitutional amendment passes, she will use her executive action and restore their rights individually immediately upon release.

B. Implementing Equitable Post-Legalization Marijuana Licensing and Entrepreneurship

During the 2020 General Assembly Session, Jenn [sponsored legislation](#) requiring a study to analyze marijuana legalization in other states and recommend how Virginia should legalize marijuana equitably to redress the disproportionate impact of prohibition on Black and Brown individuals and communities. The study showed the disparate impact of marijuana criminalization on Black communities: between 2010 and 2019, Black Virginians were [3.5 times more likely to be arrested](#) for marijuana possession than white Virginians. Over the last forty years, Virginians have seen firsthand the effects on families and communities resulting from the thousands of Black and Brown men and women who received disproportionate and excessive jail time and fines for Marijuana possession crimes.

The study laid the foundation for marijuana legalization legislation passed in the 2021 session. Jenn led the charge to ensure legalization of simple possession of marijuana on July 1, 2021, not in 2024 when the regulated legal market takes effect. As Governor, Jenn will ensure marijuana legalization occurs equitably and in a way that redresses the disproportionate impact of prohibition on Black and Brown individuals and communities. Jenn will also fund and support equitable social entrepreneurship and continue to center equity in the development of the marketplace and in the distribution of state revenue. Finally, Jenn will expedite expungement of marijuana offenses that have been legalized and use her executive power to release individuals serving sentences for marijuana offenses that are legalized until legislation can do so.

C. Expanding and Expediting the Expungement Process

Until this year, Virginia was one of seven states that did not allow for expungement of any criminal convictions. An individual could only petition for expungement if their charges were dismissed or if they were found not guilty.²⁰ Criminal records can prevent individuals from obtaining jobs, housing, custody of children, and becoming foster parents. Currently, individuals are serving their sentences and upon their release, are denied basic needs such as housing and employment. As a result, the cycle of criminality continues for the individual and their communities bear the brunt.

¹⁸ [We Need to Talk about an Injustice](#), Bryan Stevenson.

¹⁹ [Estimates of People Denied Voting Rights due to a Felony Conviction in the 2020 Election](#), The Sentencing Project.

²⁰ [Lawmaker trying to reach compromise on criminal record expungement](#), RTD, Patrick Wilson.

The General Assembly made great progress [reforming the expungement process](#) to allow individuals with certain charges to access a combination of automatic and petition based expungement under certain criteria. However, Jenn will go farther as Governor by removing the lifetime cap, making more offenses automatically expungeable, and funding expedited implementation of the expungement process. Jenn also will establish a specialized expungement process for individuals with mental health conditions and developmental and intellectual disabilities who have been charged with felonies and misdemeanors.

VII. Update the Virginia Correctional System

The Coronavirus has increased the challenges faced by inmates and corrections staff. Since the beginning of the pandemic, over 9,000 of Virginia's 69,000 inmates have tested positive for COVID-19 and 55 inmates in Virginia prisons have died of the Coronavirus in the last year.²¹ Both those who are incarcerated and correctional facility staff have experienced great challenges in accessing PPE equipment during the pandemic. As Governor, Jenn will ensure that those incarcerated and those who work at our correctional facilities are properly protected from the virus and from future health challenges by reviewing PPE supply chains practices to ensure that they properly distribute lifesaving supplies to correctional facilities.

Even before the pandemic amplified problems in Virginia's correctional facilities, thousands of incarcerated Virginians faced a retributive and neglected system. As Governor, Jenn will improve conditions in our correctional facilities while providing the support needed to actually rehabilitate inmates. Incarceration does not occur in a vacuum. Incarceration impacts entire families and communities. Without the proper support for these families during the incarceration period, the potential for poverty and continued criminalization grows. Children with parents in the criminal justice and corrections systems are more susceptible to behavioral health challenges, psychological strain, and antisocial and criminal behavior. Jenn will increase opportunities for family visitation and use family support systems to assist in rehabilitating individuals who are incarcerated.

Additionally Jenn will:

- Bring back discretionary parole.
- Build on her 2012 legislation to increase earned sentence credits and recent legislation by supporting further efforts to increase "good sentence credits" that allow non-violent offenders to complete their sentences faster while saving Virginia taxpayers.
- Invest an additional \$1 million dollars in the Pre- and Post-Incarceration Services (PAPIS) state grant through the Department of Criminal Justice Services (DCJS), for allocation to community re-entry organizations that assist with housing, food access, and job support for inmates and re-entering individuals.

As Governor, Jenn will restore the Civilian Oversight Board to the Board of Corrections – ensuring that community members have the opportunity to hold the Commonwealth's corrections system accountable. Under the Board she will establish the Rehabilitation and Safety Task Force to audit the Virginia Department of Corrections's current programming and make recommendations to include: behavioral health care, more robust jobs and skills training, extended access to educational resources, and improved access and safety surrounding family visitation.

Between 2014 and 2020, the rate of incarceration has risen significantly for women in Virginia and across the nation by 55 percent.²² This has adversely affected many families with children. Since 2014, 80 percent of women in prison are also mothers and many are the sole caregivers for their children.²³ To facilitate the increase of inmate programming and to maintain relationships between those who are

²¹ [Virginia Coronavirus Updates](#).

²² [Women In The Criminal Justice System: Pathways to Incarceration](#), at p. 6.

²³ [Women In The Criminal Justice System: Pathways to Incarceration](#), at p. 7.

incarcerated and their families and communities, Jenn will direct the Rehabilitation and Safety Task Force in conjunction with the Virginia Department of Corrections (VADOC) to determine the feasibility for relocating offenders to correctional facilities of their required security levels nearest their homes and families. By keeping individuals who are incarcerated closer to their families communities, the potential for rehabilitation increases with more regular interactions with their families – stabilizing relationships.

To oversee the implementation of these restorative reforms to Virginia’s corrections system, Jenn will appoint Regional Community Liaisons to serve as the points of contact between incarcerated individuals, their families, and community stakeholders.

VII. Improving Efficiency, Consistency, and Transparency for the Parole and Pardon Process

In 1995, the Commonwealth eliminated discretionary parole – eliminating the chance for thousands of incarcerated individuals in Virginia of being paroled. Jenn successfully passed legislation in the General Assembly that created greater [parole eligibility](#) for hundreds of incarcerated Virginians. Through that legislation, *Fishback* inmates, or individuals who were convicted between 1995 and 2000 without any chance for parole, were made eligible for parole.

As Governor, Jenn will propose and pass legislation to reinstate discretionary parole. Those who become eligible for discretionary parole will have the opportunity to re-enter society as productive members. Jenn will also increase funding for the investigative unit who staffs the Parole Board to help create greater efficiency in the review process.

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Jenn will direct her Rehabilitation and Safety Task Force to audit the parole process and make recommendations for increased efficiency and transparency in release decisions including:

- Live streaming Parole Board hearings for the public to watch.
- Formulating evidence based guidelines that help demonstrate a person’s readiness for release.
- Updating the requirements for victim and family contact information and registries so their right to provide input in the release decision is protected and preserved.
- Creating community liaison positions for the Parole Board to help families navigate the pardon and parole process.

Additionally, Jenn will separate the pardon process from the parole process by instituting a Pardon Director under the Secretary of the Commonwealth and will fund any necessary investigators required to serve the Pardon Director. She will ensure all pardons are reviewed within the year they are received.

Conclusion

Black, Brown, and Indigenous people have been brutalized and discriminated against over the complex and often painful 414-year history of our Commonwealth. The criminal justice system has often been at the center of that injustice.

Each time communities face yet another tragedy within the justice system, Virginia's most vulnerable populations find themselves feeling the pain of unhealed wounds reopening. The pain and exhaustion that communities of color and other marginalized communities in Virginia feel requires resilience, persistence, and pride to keep individuals moving. But resilience is not enough. In order to create a justice system that is truly just, all Virginians must work to target and eliminate policies and practices that perpetrate the systemic wrongs of past and present.

That justice comes not from performative and surface gestures of unity. Instead, real justice comes from the long, hard, and painful work of evaluating our complete history, digging deep to change our laws, electing and holding leaders accountable to make transformational justice a reality. The work of eradicating the vestiges of racism and discrimination against communities of color, mental health conditions, intellectual and developmental disabilities, poverty, and addiction will take a leader like Jenn. Jenn has done the work of ensuring that real change comes to Virginia and will work as Governor to continue bending *the moral arc of the universe* toward justice.

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