

**History and Impact of 1994  
Parole Abolition and Sentencing Reform**

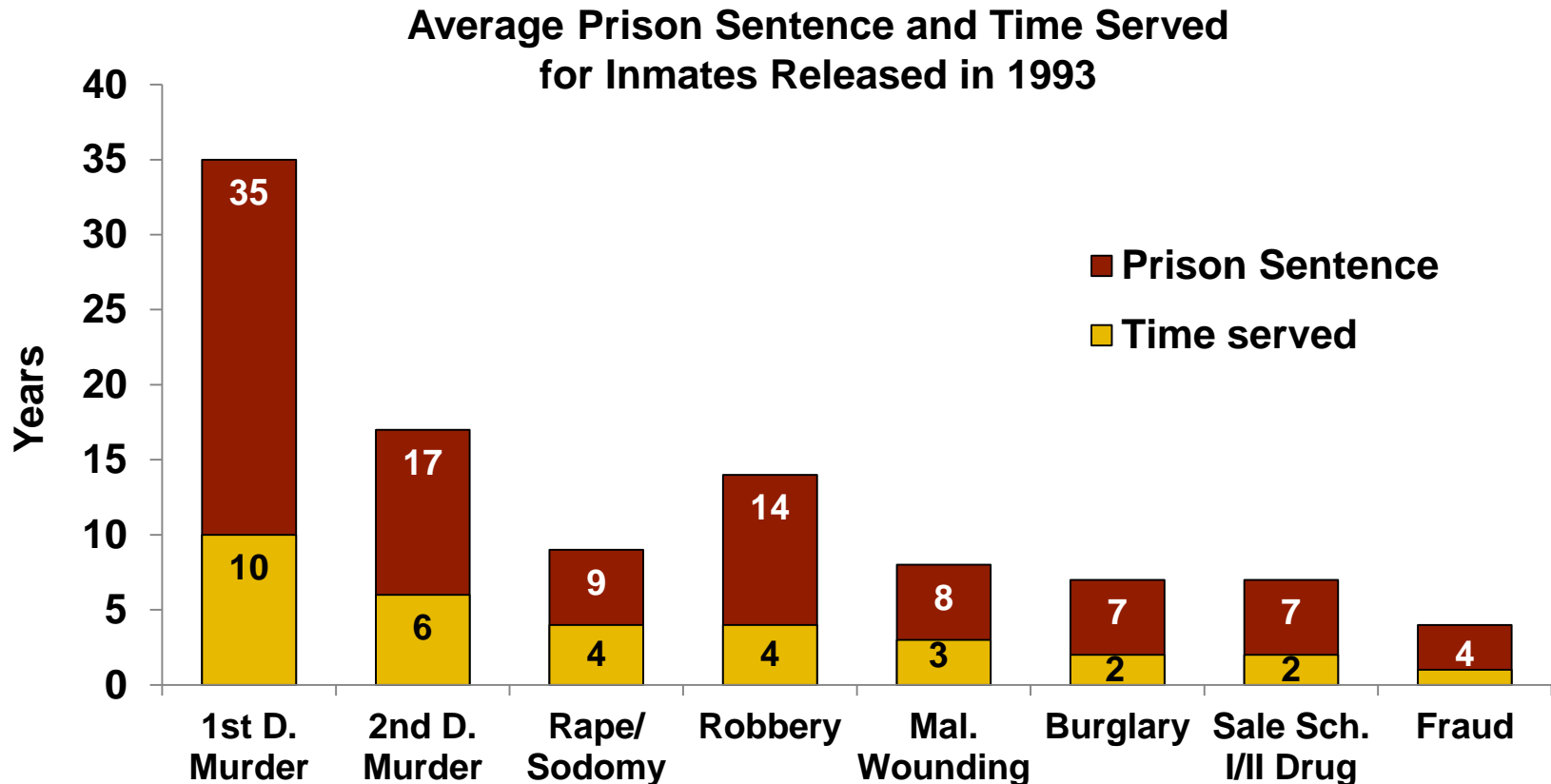
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**July 20, 2015**

# Criminal Justice Reform Objectives in 1994

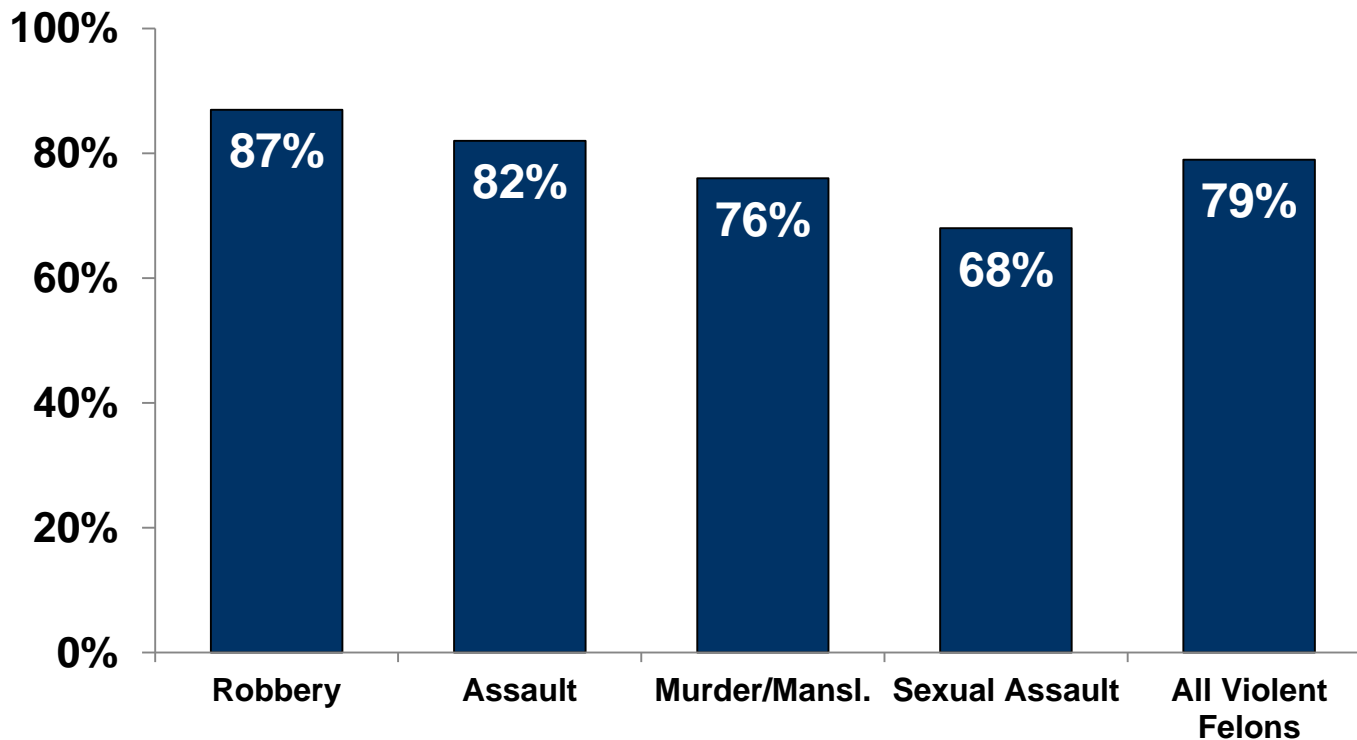
- **The abolition of parole was a key issue in the 1993 gubernatorial campaign.**
- **The new governor formed a commission to develop a comprehensive sentencing reform plan.**
  - **Town hall meetings – citizen concern over lack of transparency in the system**
  - **Review of federal guidelines and experiences in Florida, North Carolina, Pennsylvania and Texas**
  - **Thorough examination of historical sentencing and time served**

# Under the parole system, Virginia's inmates were serving a fraction of the sentences ordered by the court.



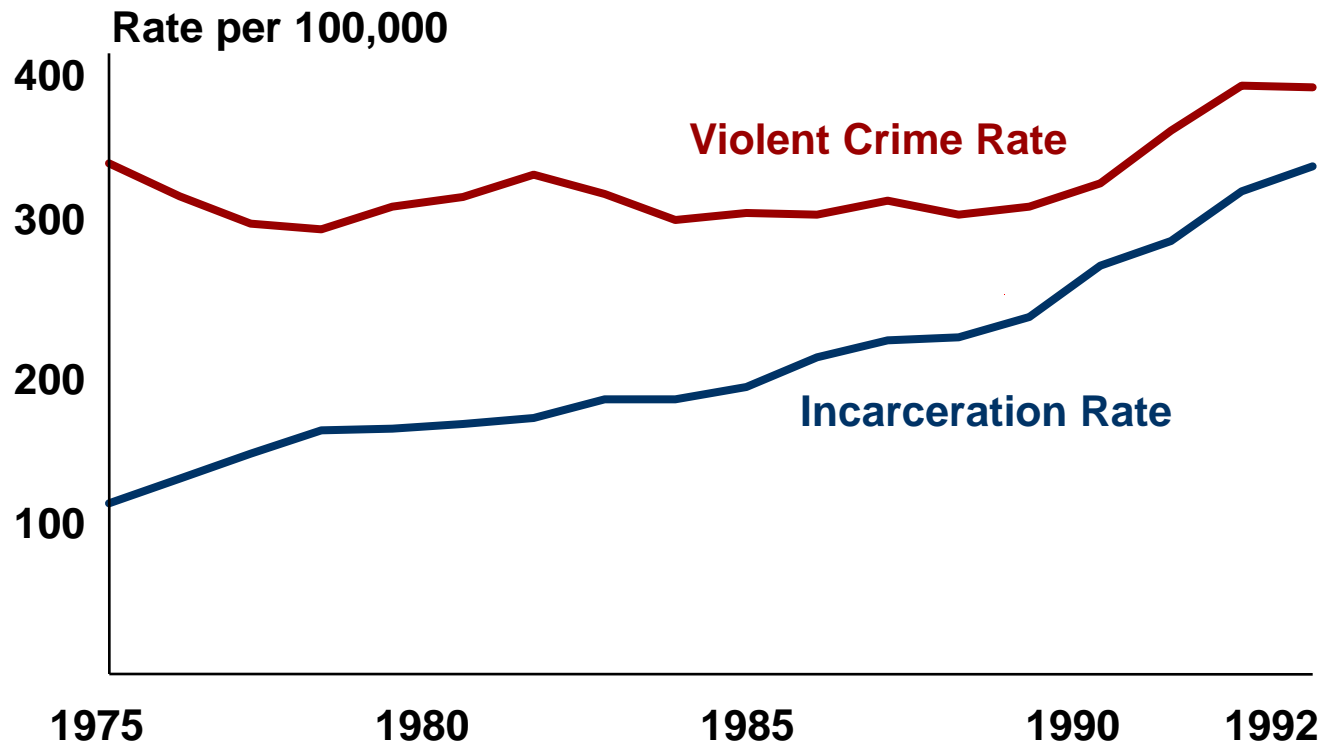
# Most offenders convicted of violent felonies in 1992 were identified as having prior criminal convictions.

**Percent of Convicted Violent Felons with Prior Convictions  
1992**



# Virginia's violent crime rate had begun to increase significantly in the late 1980s.

Virginia Prison Incarceration Rate and Violent Crime Rate  
(1975 - 1992)



# Virginia's Sentencing Reform Legislation (1994)

## Goals of Sentencing Reform:

**Abolish parole**

**Establish truth-in-sentencing  
(minimum 85% time served)**

**Target violent felons for longer  
terms of incarceration**

**Keep the average time served  
the same for nonviolent felons**

**Redirect lowest-risk nonviolent  
felons to less costly sanctions**

**Expand alternative punishment  
options for nonviolent felons**

**Reduce sentencing disparities**

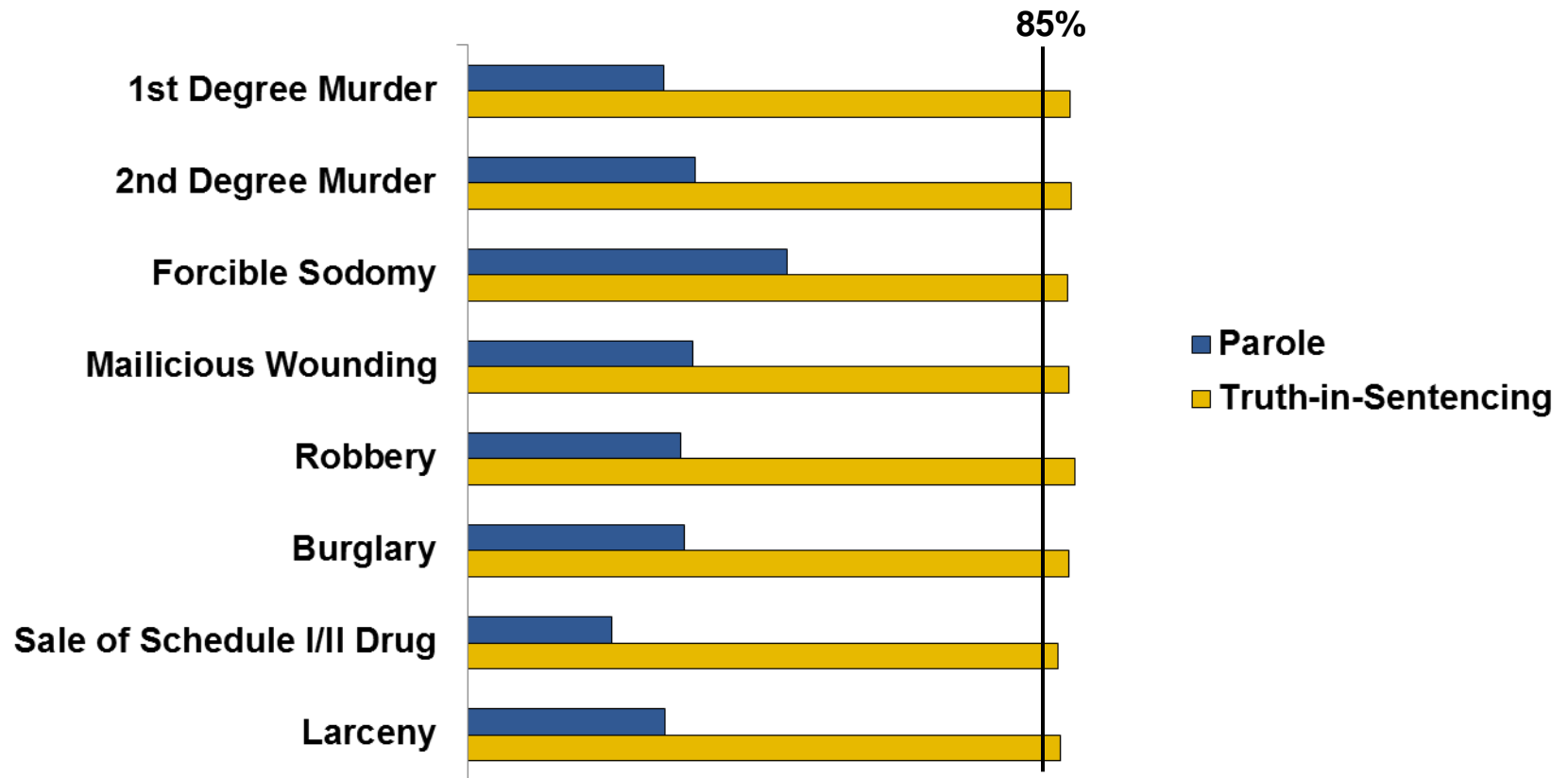
**Create a sentencing commission to  
oversee voluntary guidelines system**

**Sentencing reform  
provisions took effect for  
felonies committed on or  
after January 1, 1995.**



# Under truth-in-sentencing, felons are serving at least 85% of the sentence ordered by the court.

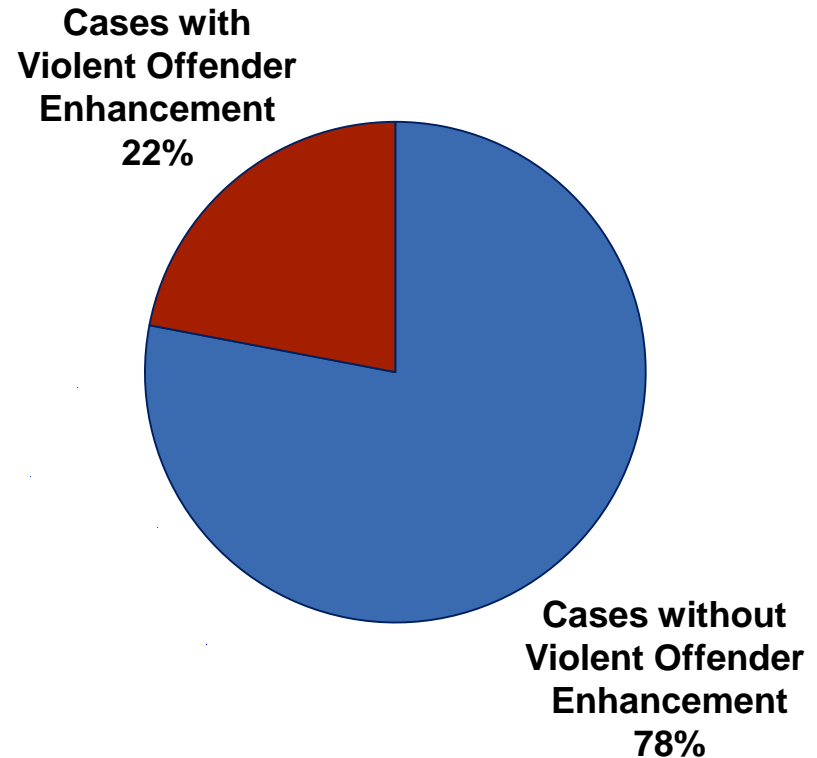
## Percentage of Prison Sentence Served



Parole system data represent FY1993 prison releases; truth-in-sentencing data is derived from the rate of sentence credits earned among prison inmates as of December 31, 2013

# Guidelines Midpoint Enhancements for Violent Offenders (pursuant to § 17.1-805)

- **Guideline midpoint enhancements (ranging from 100% to 500%) produce sentence recommendations for violent offenders that are significantly longer than the time served by these offenders under the parole system.**
- **Offenders who are convicted of a violent crime, or who have been previously convicted of a violent crime, receive these enhancements.**
- **Approximately one in five felons qualifies for a guidelines enhancement.**

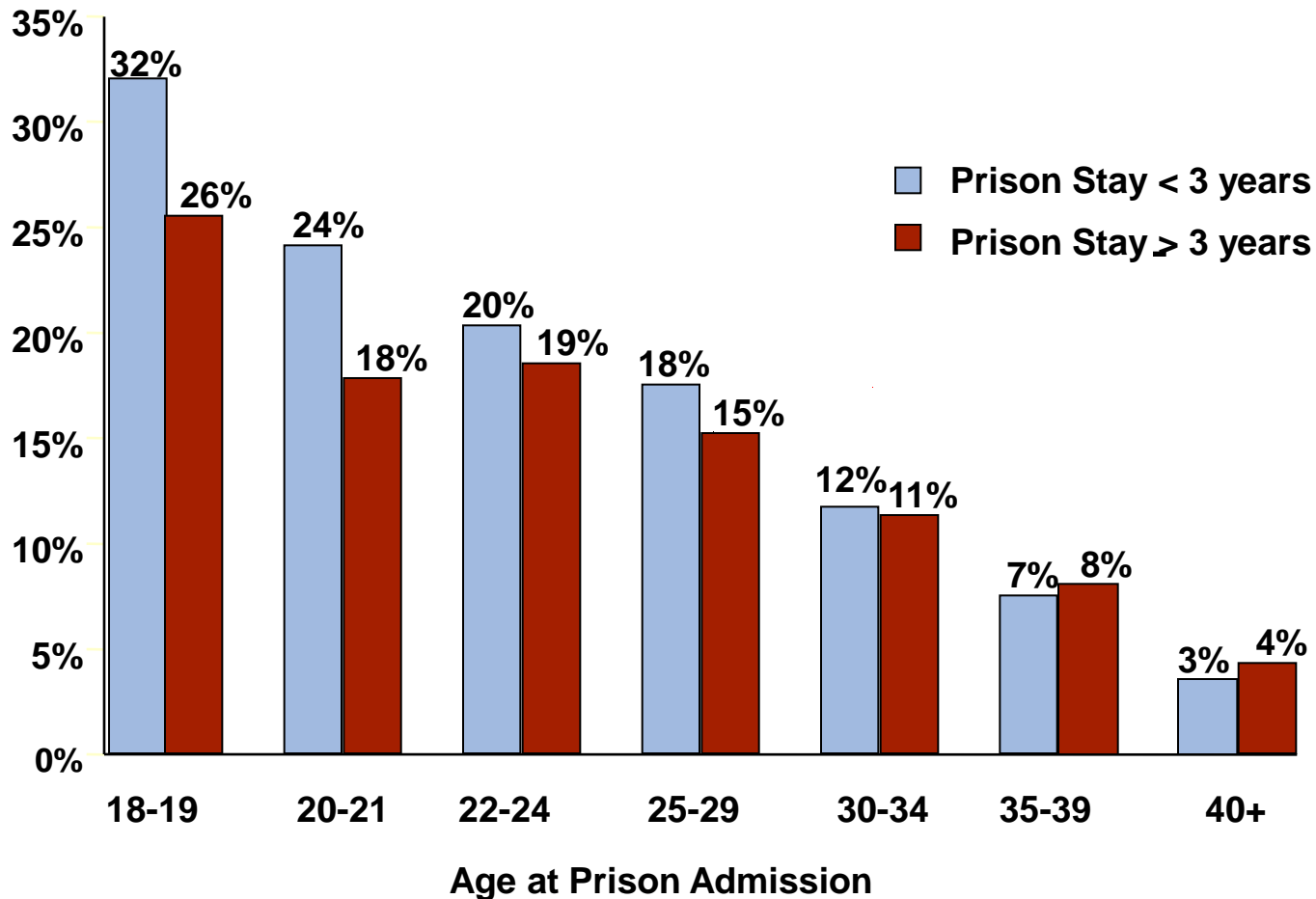


FY2014  
Number of Cases = 25,428



# Incapacitating young offenders for longer terms was found to have a greater impact on recidivism.

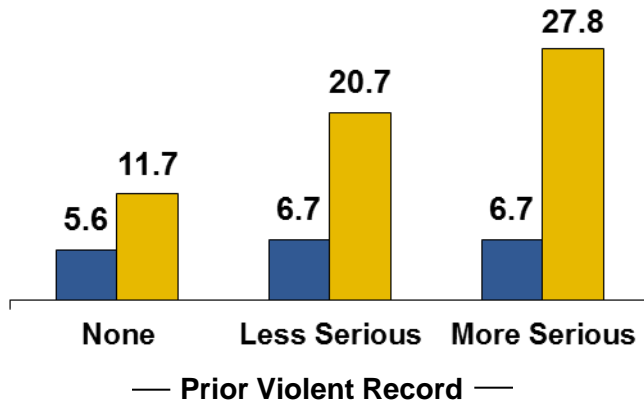
## Percentage of Violent Felons Returning to Prison for New Violent Crime within Three Years



# Violent offenders, and particularly repeat violent offenders, are serving significantly longer under truth-in-sentencing.

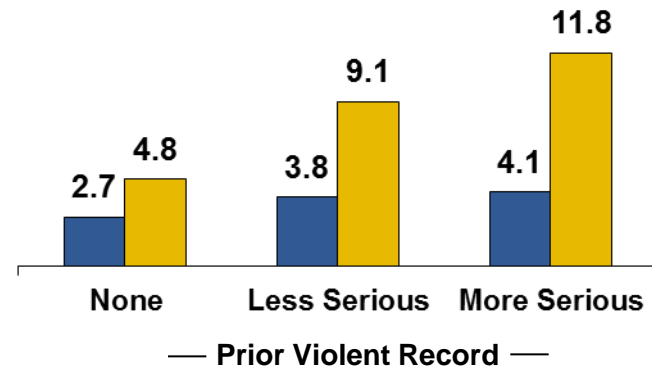
## Forcible Rape

Prison Time Served (in years)



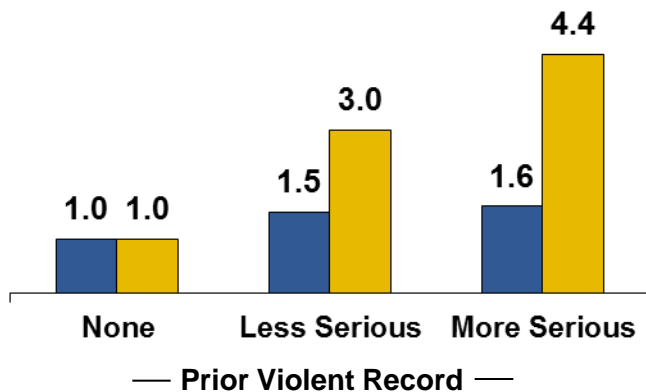
## Robbery with Firearm

Prison Time Served (in years)



## Sale of a Schedule I/II Drug

Prison Time Served (in years)

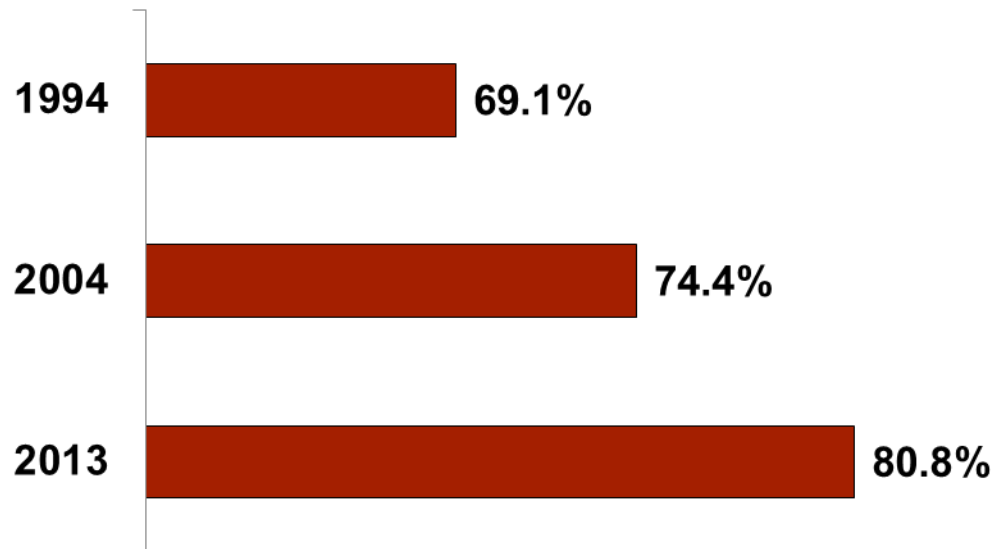


■ Parole System      ■ Truth-in-Sentencing

These figures present values of actual incarceration time served under parole laws from 1988 through 1992 and expected time to be served under truth-in-sentencing provisions for cases sentenced FY2010 through FY2014. Time served values are represented by the median (the middle value, where half the time served values are higher and half are lower). Truth-in-sentencing data include only cases recommended for, and sentenced to, incarceration of more than six months.

# A larger share of Virginia's prison beds are occupied by violent felons.

**Percent of State Prison Beds Holding Violent Felons\***



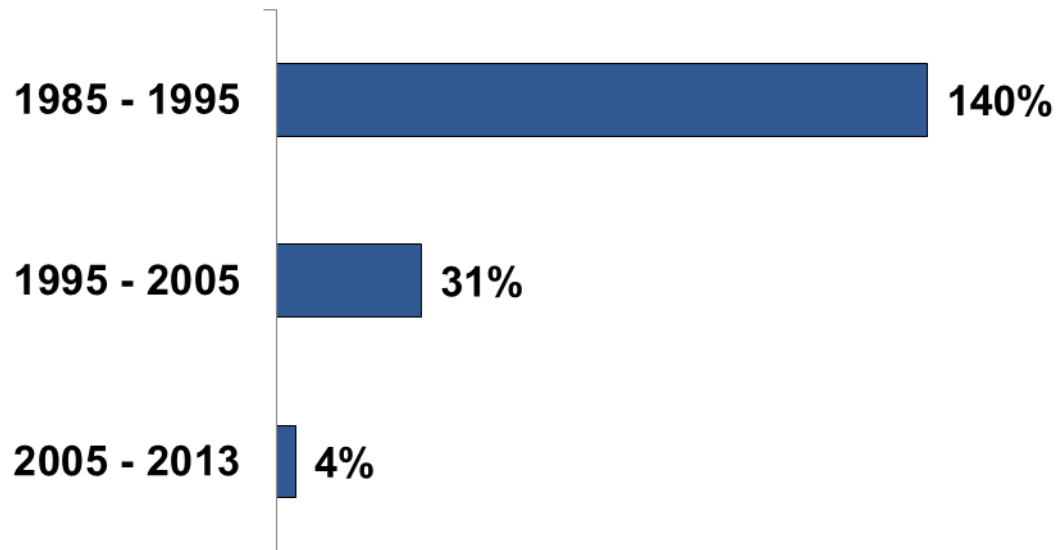
\* Identifies inmates who have a current or previous conviction for a violent felony as defined in § 17.1-805.

# Use of Nonviolent Offender Risk Assessment

- Pursuant to the 1994 legislative mandate, the Commission developed an offender risk assessment instrument based on a study of Virginia felons.
- The risk assessment is completed in larceny, fraud and drug cases for offenders who are recommended for incarceration by the sentencing guidelines.
- Offenders must also meet the eligibility criteria (e.g., offenders with current or prior violent felony convictions are excluded from risk assessment).
- For offenders who score low enough on the risk scale, the sentencing guidelines cover sheet indicates a dual recommendation:
  - Traditional incarceration
  - Alternative sanction

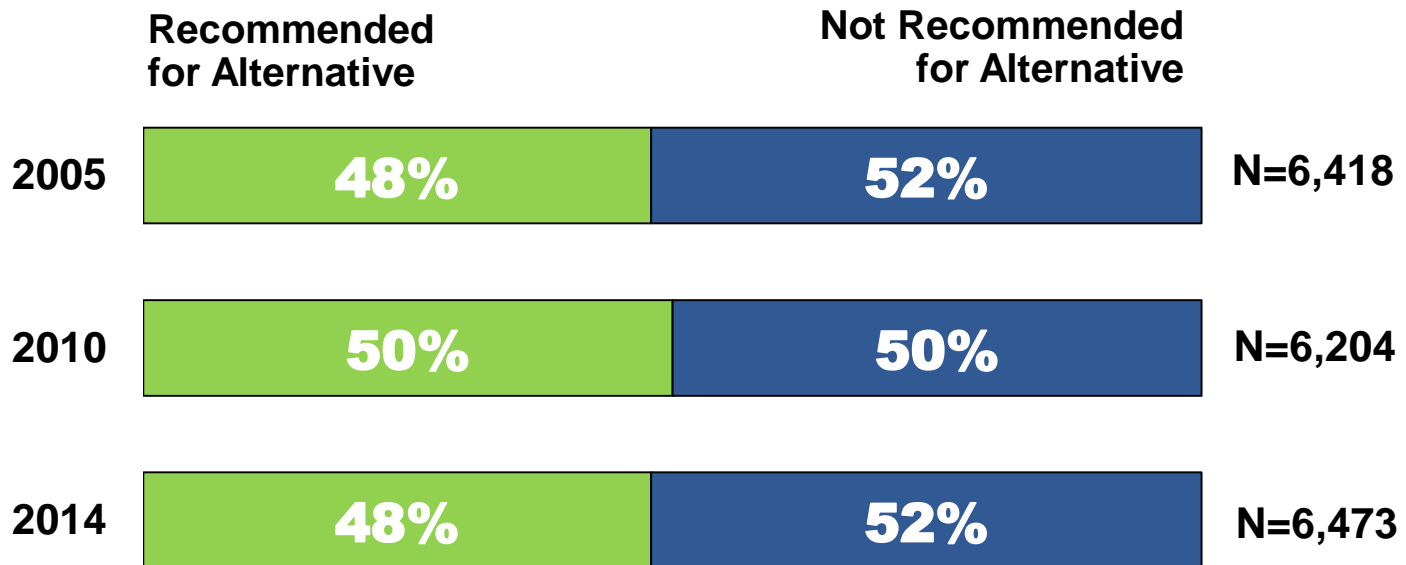
# Virginia's prison population growth has slowed.

## Prison Population Growth



**Each year, roughly 3,000 low-risk drug and property offenders are recommended for alternative sanctions in lieu of traditional incarceration in prison or jail.**

### Risk Assessment Outcomes for Nonviolent Offenders



Analysis is based on offenders recommended by the sentencing guidelines for prison or jail incarceration.

# Issues for Parole Review Commission to Consider

- Compliance with felony sentencing guidelines is around 80% while compliance with current technical violation sentencing guidelines is about 50%
- More alternative sanctions and technologically advanced electronic monitoring options are available today than were available in 1995
- Diverting non-violent property and drug offenders from jails and prisons would allow for longer active time served for the most serious violent and sexual predators
- Truth in sentencing and the abolition of parole has resulted in transparency in the criminal justice system for the public, reduction in sentencing disparity, and increased time served for violent criminals **BUT even effective public policies can be improved after 20 years since implementation**