

# Recommendations of the Subcommittee on the Appropriate Classification of Offenses

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GOVERNOR'S COMMISSION ON PAROLE REVIEW



# SUBCOMMITTEE MEMBERS

- Sandra Brandt
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- Alvin Edwards
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- Timothy Heaphy
- Cynthia Hudson
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# IDENTIFIED ISSUES:

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1. Identify and evaluate violent crime types and definitions
2. Compare Virginia Code definition and the Department of Corrections' classification system
3. Identify and evaluate violent crime definitions from other states and on the federal level
4. Additional recommendations for legislative changes based on findings

# Evaluation of Violent Crime Classification

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Evaluate these offenses to determine if “Violent Crime” classification under § 17.1-805 is appropriate:

- **Burglary** §18.2-91 and 18.2-92
- **Escape** §53.1 -203 (1)
- **Prisoners** §53.1-203 (2), (9) and (10)
- **Riot & Unlawful Assembly** §18.2-403 and 4.13
- **Treason** §18.2-481 (3), (4), & (5)
- **Vandalism** §182-162
- **Weapons**
  - Felon - §18.2-308.2 (A)
  - Ineligible Person - §18.2-308.2:1, 18.2-308.2:2(M, i), (M, ii) and 308.2:2
  - Purchase - §18.2-308.2:2 (M)

## **Results of Eliminating the Previously Identified Offenses:**

- ✓ Reduction in Levels of Incarceration
- ✓ Reduction in Recidivism
- ✓ Reduction in Reentry Difficulties

# Virginia Three Strikes Law

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- Study the current population of inmates declared ineligible for parole under the Three Strikes Law to assess the circumstances surrounding the declaration of ineligibility
- Assess the implementation of the 1993 amendments to the Three Strikes Law to determine whether the amendments were implemented as intended by the legislature
- Consider legislative proposals if it is determined that further amendments are warranted

# Classification of Offenses

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- Recommend raising the larceny and simple larceny threshold
  - Threshold has not been raised in 35 years
  - Legislation to raise threshold introduced in 2009, 2012, 2014 and 2015

# Sentencing Commission's Larceny and Fraud Study 2013-2015

Value in Current Offense	Percent
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Less than \$200	29.6%
\$200-\$499	40.3%
\$500-\$999	34.0%
\$1,000-\$2,499	46.1%
\$2,500-\$4,999	30.8%
\$,5000-\$9,999	12.9%
\$10,000 or more	48.6%
<b>Overall</b>	<b>33.1%</b>





## **Results of Raising the Larceny and Simple Larceny Threshold:**

- ✓ Fewer Felons
- ✓ Reduction in Prison Populations
- ✓ System-wide Criminal Justice Cost Savings

# Drug-Related Offenses

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- Sentence reduction for drug-related offenses if offender actively participates in drug treatment, mental health or other recidivism reduction programs
- Increase availability of DOC rehabilitative and reentry programs
- Increase the number of PO's available to supervise offenders released under the rehabilitative initiative

# Participation in Drug Treatment Courts

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- Reexamine eligibility criteria for participation in drug treatment courts and consideration given to offenders eligible to participate in these specialized court dockets
- Using “violent offenses” definition in §17.1-805 in determining eligibility for participation excludes individuals from participating

- ❖ Under existing Code, offenders convicted under §17.1-805 or §19.2-297 are prohibited from participation in Virginia's drug treatment courts
- ❖ §17.1-805 is broader of the two provisions and includes such offenses as burglary (§18.2-92, §18.2-91) and possession of a firearm by a convicted felon (§18.2-308.2 (A))

According to the Virginia Criminal Sentencing Commission, approximately 1 in 5 felony offenders receives a sentencing guidelines enhancement due a conviction for an offense listed in §17.1-805

## Results of Examination and Consideration for Drug Treatment Courts:

- ✓ Expansion of the number of offenders eligible for consideration for participation in drug treatment courts
- ✓ Drug treatment courts are a cost-effective approach to addressing substance-abuse needs of offenders
- ✓ Reduction in recidivism rate of drug court participants

## **Results of Rehabilitation Initiative:**

- ✓ Increase availability of effective, evidence-based DOC recidivism reduction programs
- ✓ Help participants enrolled in such programs address underlying causes of criminal conduct