

Virginia's Criminal Legal System

10 Truths We Need to Talk About

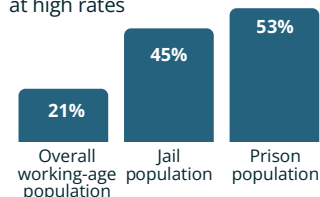


1

The Criminal Legal System Discriminates Against Black Virginians at Every Stage

In 2023, police would stop, search, and arrest Black drivers at a higher rate than the group's share of the population and at a higher rate than white drivers. This discrimination doesn't end on the roadside: judges were also more likely to detain pretrial, sentence more harshly, and impose higher court fines and fees on Black Virginians than white people for the same charges. These aren't isolated numbers; they're evidence of a system that reflects deeply entrenched systemic racism.

The system jails Black Virginians at high rates



Court Fines and Fees Criminalize Poverty and Cost Virginia More Than It Collects

2

In the budget year ending June 2024 (FY2024), Virginia courts collected just 56% of the more than \$377.5 million imposed in fines and fees. The state often spends money trying to collect this debt, including contracting with private debt collectors that can add as much as 35% in fees, which can further trap people in long-term debt. For people trying to rebuild their lives, these financial penalties pull money away from basic needs like rent, food, and child care, making recovery and stability even harder.

Virginia Spends Over \$1.5 Billion a Year on Prisons

In FY2024, Virginia gave nearly \$1.6 billion to the Department of Corrections. That's a massive investment in incarceration, even though less than 1 in 5 people (17.6%) commit another crime — one of the lowest recidivism rates in the country. Virginia's violent crime rate is also decreasing, yet Virginia has one of the highest incarceration rates in the world, mainly due to local jails and

technical (parole) violations, such as missing any meeting with your parole officer or failure to maintain a job.

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Virginia's Justice Reforms Are Working

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In recent years, Virginia has taken meaningful steps to reduce incarceration and help people rebuild their lives. In 2024, the state fully rolled out its enhanced Earned Sentence Credit (ESC) program, allowing eligible people to reduce their sentence by up to 15 days for every 30 days served. More than 7,000 people became immediately eligible for retroactive sentence credits. Virginia has also expanded access to record sealing for certain offenses, and costly filing fees have been removed.

More people are returning to their families & communities with a real chance at stability. But there's more work to do.

Putting just **0.5%** into community violence intervention would help prevent violence before it happens — a true contribution toward a more safe Virginia.

5

Community-Based Alternatives Help People Rebuild and Treat the Root Causes of Harm

Substance use is a public health issue, and criminalizing addiction doesn't heal communities. Virginia programs like Recovery Courts, reentry services, and Marcus Alert mobile crisis teams that offer care over incarceration are leading to better outcomes. Recovery Courts connect people with treatment and supervision instead of jail, reducing rearrest. These courts save the state about \$19,200 per person by lowering incarceration costs and arrests. Evidence shows that without treatment, criminal justice supervision and sanctions do little to reduce recidivism for people with substance use disorders.

Advancing justice in Virginia means addressing barriers within the system and building on our recent progress.

6

Virginia's School-to-Prison Pipeline Pushes Too Many Kids Into the Legal System

Across Virginia, schools rely too much on suspensions that exclude students and push them away rather than leaning in with care — and refer Black youth at a rate 1.7 times higher than white youth to the juvenile justice system, even for similar behaviors. Programs like restorative justice, mentoring, and mental health support reduce disciplinary referrals, increase school connection, and lower recidivism. But many localities still lack the funding or trained staff to implement these alternatives, leaving students in some regions with no other alternatives.

Schools should be places where students feel safe, supported, and able to thrive. To build that future, we must invest in restorative practices instead of criminalizing our youth.

7

Virginia Locks Up Thousands without a Conviction

On any given day, Virginia jails thousands of people who are simply awaiting trial, without conviction. In July 2025, people being held pretrial made up more than half (54%) of the state's total jail population. Due to discrimination, discussed in item #1, this policy especially harms Black Virginians. Being jailed pretrial can have devastating ripple effects. People can lose their jobs, housing, or even custody of their children, disrupting stability long before guilt or innocence is decided. And with the average cost of pretrial detention exceeding \$145 per person per day, Virginia's overreliance on jail isn't just harmful, it's expensive.

8

Support Is Essential for Safe and Stable Reentry

Every year, thousands of Virginians return from incarceration, ready to rebuild their lives. But barriers to stable housing, jobs, education, or mental health care make that transition much harder. Reentry services like job training, housing assistance, and counseling are essential. But in Virginia, these supports remain underfunded, inconsistent, and unavailable in many communities. Research shows that programs like Virginia Correctional Enterprises' pre-release job training lead to better employment outcomes and lower recidivism.

States that invest in coordinated reentry, combining transitional planning with community-based support, see safer, stronger communities as a result.

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Virginia Sheriffs & Jails are Collaborating with ICE

Virginia's local jails and sheriffs increasingly partner with ICE to detain immigrants, even as their sweeping arrests impact more of our neighbors. In early June 2025, 60% of daily ICE arrests in Virginia and D.C. involved people with no criminal record, double January's rate. Virginia local jails are detaining people under federal contracts, and 287(g) agreements encourage deputies to target people for civil immigration issues, instead of focusing on community safety. This enforcement is costly and disruptive: localities pay to arrest and detain people who've been forcibly removed from our communities, but haven't been convicted of any crime. Meanwhile, our community members have been torn away from their children, communities, and jobs.

When enforcement centers on immigration status rather than public safety, it undermines trust, wastes resources, and destabilizes communities.

Poverty and Addiction Need Care, Not Cuffs

Real safety comes from meeting people's needs. Yet Virginia's criminal legal system too often punishes people for surviving hardship. People experiencing homelessness are often arrested for behavior directly linked to poverty, like sleeping in public or loitering, rather than being connected to shelter or care. As discussed in item #5, the state often treats people with substance use disorder in a similar way. These practices cycle people through jails, even though connecting people with care results in better outcomes and is less costly.

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