

A portrait of Jay Jones, a man with short dark hair, wearing a dark suit jacket, a light blue shirt, and a red tie. He is looking directly at the camera with a neutral expression. The background is a light, slightly blurred indoor setting.

JAY JONES

FOR ATTORNEY GENERAL

REFORMING OUR CRIMINAL JUSTICE SYSTEM

Dear Virginians,

Five generations ago, my ancestors were freed from the shackles of slavery. Just two generations ago, my grandfather, one of Virginia's first Black lawyers, was forced by Jim Crow to obtain his law degree in the north. And my father was one of the first to integrate his elementary school in 1960.

As I travel throughout the Commonwealth and stand as an elected official in the former capital of the Confederacy, I often wonder how my ancestors would feel, and what they would think, about their descendant who has the opportunity to be Virginia's first Black Attorney General.

I'm running for Attorney General because we've made progress in building a more fair and equitable Virginia, but we all know we have not come far enough. The vestiges of slavery and Jim Crow live on in our Commonwealth's criminal code, in our judicial system, and in our policing. They criminalize Black and Brown communities and make every Virginian less safe. In order to embrace the new Virginia decade, we must build a justice system that works for everybody in our Commonwealth, not just a select few.

We have arrived at a true moment of opportunity in our country and in our Commonwealth. We must elect leaders who will rise to that moment and seize the chance to create real change in our justice system, rather than continuing with those who have proven time and time again that they will only do the bare minimum to get by. For his entire career, Mark Herring has shown that he will follow when he has to, but he will not lead. As Attorney General, he has failed to move our state forward in the bold way Virginians now demand. Herring allows others to do the hard work to end the death penalty, hold police accountable, or reduce mass incarceration. Yet when change is inevitable, he steps in to claim the credit.

REFORMING OUR CRIMINAL JUSTICE SYSTEM

We need leaders who will be proactive, not reactive, and who won't wait to see which way the political wind blows before they take a stand. As Attorney General, I will be that leader.

I'm proud of my work with Governor Northam to make Virginia the first state in the South to abolish the death penaltyⁱ, a racially-based and ineffective descendant of the horrific practice of lynching. We also passed historic justice reforms that ended no knock warrantsⁱⁱ, reduced police militarizationⁱⁱⁱ, increased police training and accountability^{iv}, and reformed criminal sentencing^v. But we have so much more work to do.

Virginia's next Attorney General must be willing from day one to lead on these critical issues as we continue fighting to bring justice to a system that denies it far too often. My plan for reforming our criminal justice system is my commitment to do just that.

Together we will tackle inequities in our judicial system by reforming sentencing and the appeals process, create accountability in policing to build trust between law enforcement and the communities they serve, and work to root out racial discrimination in our criminal code. The policies outlined below are not a panacea, and they will not erase hundreds of years of inequality, but I believe they are a critical next step in ensuring safety and justice for every Virginian.

Virginia is at a turning point. We can be a Commonwealth that works for all of its citizens, or we can continue the old way of doing things. We must seize this moment to create real reform and become a national model for how committed leaders can affect true change. Above all, this plan will serve as the beginning, not the end, of our efforts to best do that.



Jay Jones pictured with Governor Northam and other Virginia leaders as the abolishment of the death penalty is signed into law.

Sincerely,

A handwritten signature in blue ink that reads "Jay".

REFORMING OUR CRIMINAL JUSTICE SYSTEM

4 1. End inequities and injustices in the judicial system

- 4 A. Restore judicial discretion and reduce inequities in the criminal justice system by working to end mandatory minimum sentencing for drug and non-violent offenses.
- 5 B. Expand and strengthen the Conviction Integrity Unit and ensure it has the resources it needs to right past wrongs.
- 5 C. Push legislation to require the Virginia Sentencing Commission and magistrate judges to maintain data tracking sentencing outcomes, bail decisions, and results of pretrial hearings by race to better identify and address disparities within our criminal justice system.

6 2. Improve policing and end brutality and abuse

- 6 A. Automatically investigate police shootings, and more proactively investigate police departments exhibiting a pattern and practice of racial bias.
- 6 B. Work with the legislature and use the bully pulpit of the AG's office to end qualified immunity that shields law enforcement from the civil consequences of illegal actions.
- 7 C. Spearhead effective data collection on police shootings and complaints against police by creating a centralized database that can be used to better address problematic practices.
- 7 D. Create a law enforcement resource unit that can assist local police departments lacking in resources with training and workforce development.

8 3. Make building a fairer and more equitable Virginia a priority for the Attorney General's Office

- 8 A. Create a true Civil Rights Division that will be a priority, not an afterthought for the Attorney General's Office.
- 9 B. Create an expanded network of satellite offices in communities throughout the state to ensure local communities are represented and their concerns are heard and can be acted upon by the Attorney General's Office.
- 9 C. Conduct a full review of Virginia's legal code to identify lingering elements of Jim Crow and work to overturn racist and discriminatory codes.
- 9 D. Expand the breadth of experience within the AG's office by hiring more AAGs with a public defender background.

10 Citations

REFORMING OUR CRIMINAL JUSTICE SYSTEM

1. END INEQUITIES AND INJUSTICES IN THE JUDICIAL SYSTEM

Too often, the focus of Virginia’s judicial system is retribution and punishment rather than truly making us safer by addressing the root causes of crime and reducing recidivism. I believe that’s the wrong approach. By taking the following steps, our Commonwealth can reduce inequities and injustices in our system and improve public safety by giving judges greater discretion in sentencing and ensuring they have the information they need to make smart decisions.

A. Restore judicial discretion and reduce inequities in the criminal justice system by working to end mandatory minimum sentencing for drug and non-violent offenses.

Even in the year 2021, we continue to lock up too many Virginians. Our criminal justice system is driven by an outdated “one-size-fits-all” punitive sentencing model that too often fails to consider the best ways to actually reduce crime, in favor of prescribing harsh sentences regardless of whether such measures actually make us safer.

Sadly, over the last eight years Mark Herring has failed to meaningfully address the issue of mass incarceration, leaving Virginia with the 16th highest incarceration rate in the country.^{vi} While nearby states such as Maryland, North Carolina, and Pennsylvania have drastically reduced^{vii} their incarceration rates since 2014, Virginia trails behind these reductions—and locks up a higher proportion of its citizens than each of them.

It comes as no surprise that Black Virginians disproportionately bear the burdens of this failure. Even after decriminalization, Black Virginians have continued to be nearly four times as likely to face charges over infractions such as marijuana possession despite similar use rates.^{vii} Disparate arrest patterns hold true for other drug and non-violent offenses as well.

Because of these disparities in policing and mandatory minimum sentences, Black and Brown Virginians are often caught in a cycle of ever-escalating penalties for minor drug charges. To stop this cycle, we must bring an end to mandatory minimum sentences for drug and non-violent offenses^{ix} and restore judicial discretion in sentencing. I proudly supported legislation this year to reform minimum sentences for drug and non-violent offenders and as Attorney General I will continue that work to bring fair sentencing to our criminal justice system.

Not only is our current path discriminatory and ineffective, there are monetary costs as well: our Commonwealth spends over \$20,000 a year for each person we incarcerate.^x If we are going to build a Virginia that works for everybody, we must leave behind these failed strategies of the past and truly invest in our citizens. By reducing mass incarceration, we can free up taxpayer

REFORMING OUR CRIMINAL JUSTICE SYSTEM

dollars that can instead go toward priorities such as education, social services, or economic development to empower working families. By shifting our approach to keeping Virginians safe, we can reorient how we think about the carceral state and move upstream to deal with the root causes of crime, rather than relying on punitive measures after the damage has been done.

B. Expand and strengthen the Conviction Integrity Unit and ensure it has the resources it needs to right past wrongs.

The Attorney General's newly created Conviction Integrity Unit is long overdue. Studies have estimated a wrongful conviction rate^{xi} of roughly 6% in a general state prison population. Black Americans have also been shown to be disproportionately affected by wrongful convictions, with one study showing 47% of all exonerations^{xii} have been earned by Black men and women.

This is unacceptable and must change immediately—there are few things worse than stealing an innocent person's freedom. As Attorney General, I will expand and strengthen the Conviction Integrity Unit to aggressively pursue wrongful convictions and guarantee true justice in our judicial system. By working quickly to right these wrongs, we can take a critical step towards building trust in our justice system and tearing down the racial inequities that have plagued it for generations.

C. Push legislation to require the Virginia Sentencing Commission and magistrate judges to maintain data tracking sentencing outcomes, bail decisions, and results of pretrial hearings by race to better identify and address disparities within our criminal justice system.

To make smart decisions in our fight to build a more equitable criminal justice system, we must begin tracking sentencing outcomes, bail decisions, and pretrial hearings by race. Without this critical data, judges, policymakers, and other members of our justice system are left in the dark regarding the ways in which their decisions reinforce existing injustices. I will work with the state legislature to require the Virginia Sentencing Commission and magistrate judges to maintain data tracking these decisions so that moving forward, we can identify inequities and take further and more effective action on sentencing and bail reform.

2. IMPROVE POLICING AND END BRUTALITY AND ABUSE

From Donovan Lynch in Virginia Beach, to Caron Nazario in Windsor, to Isaiah Brown in Spotsylvania, communities across Virginia have been devastated by too many instances of police brutality and abuse. Sadly, these high-profile incidents only highlight truths that people of color have known for far too long: that an encounter with law enforcement can quickly turn violent, especially for Black Americans who are shot at more than twice the rate of whites.^{xiii} To bring an end to police brutality, build real trust between law enforcement and our communities, and improve public safety, we must improve the quality of policing in Virginia, empower the many good officers we have instead of protecting those who commit wrongdoing, and ensure true accountability in policing.

A. Automatically investigate police shootings, and more proactively investigate police departments exhibiting a pattern and practice of racial bias.

Tragically, Virginians have seen the same devastating cycle repeat itself over and over again: a police shooting, thoughts and prayers, performative calls for reform, then inaction. Our next Attorney General must take a more aggressive stand when dealing with instances of police brutality and racial bias and must be a true leader who is committed to pushing for reform.

In too many instances, allegations of police brutality or abuse have not been adequately investigated by an independent party. I will lead an empowered Civil Rights Office that will investigate police shootings as a matter of procedure so that we can guarantee urgency and transparency in the investigatory process. This independence will be critical in building confidence in our justice system and creating trust between communities and police.

The office will also work to expand pattern and practice investigations to root out bias in our police departments before they happen, not after instances of brutality make primetime news on CNN. These types of investigations are considered “one of the best ways to rein in and reform dysfunctional departments”^{xiv} and have worked to reform departments and reduce brutality^{xv} in cities such as Los Angeles, Pittsburgh, and Detroit. The expansion of these investigations will be one of the most important jobs for the next Attorney General.

B. Work with the legislature and use the bully pulpit of the AG’s office to end qualified immunity that shields law enforcement from the civil consequences of illegal actions.

We must make clear that in Virginia, nobody is above the law, especially those who enforce it. That’s why we must take steps to end qualified immunity, the legal shield that often prevents police

REFORMING OUR CRIMINAL JUSTICE SYSTEM

from being held accountable for their actions on the job. Mark Herring has refused to lead on this, but I will never back down.

As a member of the House of Delegates, I have been a proud leader in this fight, including as a chief co-patron of legislation ending qualified immunity^{xvi} because too often, justice through the court system is denied to Virginians who have suffered at the hands of law enforcement. It's time to tear down this dark relic of the past and instead build true trust between law enforcement and the communities they serve by holding responsible officers who abuse their position. We need to act, and act now. As Attorney General, I will use the bully pulpit of the AG's office and my legislative experience to work to bring an end to this damaging practice.

C. Spearhead effective data collection on police shootings and complaints against police by creating a centralized database that can be used to better address problematic practices.

It is an outrage that in the year 2021 there is no centralized database or data collection system for police shootings or complaints. This lack of data impedes pattern and practice investigations and harms efforts to create a more equitable policing system. I will work with local law enforcement departments and the state legislature to improve data collection and record keeping to address racial bias and other problematic practices in local departments, while maintaining a database of such violations that can be accessed by Virginians in communities throughout the state.

D. Create a law enforcement resource unit that can assist local police departments lacking in resources with training and workforce development.

Too often, local police departments lack the resources necessary to develop and implement proper training, accreditation, and vetting. They can also struggle with developing and implementing first responder programs to respond to situations that may be escalated by the presence of armed law enforcement. There are several different ways in which an Attorney General can step in and provide the resources and expertise needed to professionalize policing and improve conduct.

As Attorney General, I would create use of force, de-escalation, and implicit bias training curriculums that have been proven to reduce^{xvii} use of force and discretionary arrests. Improved training can be amplified by assisting departments with accreditation and vetting of new officers according to the standards set out in the Virginia Law Enforcement Professional Standards Commission^{xviii}.

Additionally, law enforcement officers are too often given the difficult task of managing mental health crises and other situations where the presence of an armed officer might escalate tensions. I will work hand in hand with local departments to help them implement a first responder model which dispatches trained responders to situations that require social workers, mental health professionals, or counselors. This approach has been shown to reduce use of

REFORMING OUR CRIMINAL JUSTICE SYSTEM

force^{xix} in these situations by almost 40 percent and will allow officers to focus on policing, instead of being forced to manage every emergency situation.

Ultimately, the goal of law enforcement is to ensure safety for every community. By taking these steps, we can improve public safety and empower the vast majority of officers who protect and serve Virginians every single day, while fostering stronger and more effective policing.

3. MAKE BUILDING A FAIRER AND MORE EQUITABLE VIRGINIA A PRIORITY FOR THE ATTORNEY GENERAL'S OFFICE

For much of Virginia's history, the Attorney General's Office has been a vehicle for suppression and injustice. I believe that by bringing a new perspective and fresh ideas to the office, we can flip that history. I will be an Attorney General that fights for the rights of every Virginian, not just a select few, and will work to build an equitable Office that prioritizes fighting for communities that have too often been ignored.

A. Create a true Civil Rights Division that will be a priority, not an afterthought for the Attorney General's Office.

Across the country, civil rights are under attack. Whether it's the troubling rise in hate crimes, efforts to suppress the vote, or workplace discrimination, these violations of our basic rights have no place in our Commonwealth. Virginians deserve a Civil Rights Office that is empowered to take aggressive action on behalf of their basic rights. I have called for an office with investigatory and enforcement powers,^{xx} and will continue to advocate for a stepped up office as Attorney General.

The expanded Civil Rights Division will include a Voter Protection and Election Integrity Unit to aggressively protect this sacred right for every Virginian. The unit will work closely with the Virginia Department of Elections to investigate complaints of improper administration and work to protect every voter's access to the ballot. It will also operate a hotline and accept written complaints to work in real time to address complaints of voter harassment and intimidation.

Virginia's next Attorney General must make clear that hate has no home in this Commonwealth and an emboldened Civil Rights Office can do just that. As Attorney General, I won't wait until election season to take action on this issue because I know we can't play political games with civil rights. I will move aggressively, not wait seven years while the political pressure builds. I will be proactive, not prioritize an animal law unit while Virginians are under threat.

REFORMING OUR CRIMINAL JUSTICE SYSTEM

B. Create an expanded network of satellite offices in communities throughout the state to ensure local communities are represented and their concerns are heard and can be acted upon by the Attorney General's Office.

As the people's lawyer, the Attorney General needs to be accessible to all Virginians, regardless of background or geographic location. An effective Attorney General cannot solely pontificate from Richmond. I will expand on the existing network of regional offices in Fairfax, Roanoke, and Abingdon to include Hampton Roads, Southside, and the Shenandoah Valley.

These offices will play a critical role expanding the accessibility and awareness of the Attorney General while meeting communities where they are to better solve the problems of everyday Virginians. With these offices, the Attorney General's office can work proactively with leadership in communities to root out discrimination and bias, fight gun violence, and stand for civil rights before situations escalate and the damage is done. And it will ensure all Virginians, no matter who they are or where they live, have access to the people's lawyer.

C. Conduct a full review of Virginia's legal code to identify lingering elements of Jim Crow and work to overturn racist and discriminatory codes.

We know that throughout our legal code^{xxi} the vestiges of slavery and Jim Crow linger, helping perpetuate the discriminatory system we have today. While we have taken steps toward erasing those vestiges, including the elimination of the death penalty, there is more work to do. As Attorney General, I will conduct a thorough review of the Virginia legal code, and work with the state legislature to root out racist and discriminatory laws. Only by bringing an end to the codification of this language can we truly begin to build a justice system that works for every Virginian.

D. Expand the breadth of experience within the AG's office by hiring more AAGs with a public defender background.

The Attorney General's office is tasked with serving as the people's lawyer, meaning that in order to be effective, it must be informed by a full understanding of our criminal justice system from all sides. Yet too often, such offices are populated heavily by prosecutors, and lack the unique viewpoints and experiences of public defenders who see a very different side of our courts. This can lead to state policies and actions that are overly focused on punitive measures, rather than taking stock of all sides of an issue and arriving at a strategy that best tackles its root causes.

Public defenders are often overlooked and poorly compensated.^{xxii} Despite their critical role in our criminal justice system, their perspective and values are too often pushed to the side in favor of higher profile prosecutors and corporate attorneys. I will be an Attorney General that seeks to expand the breadth of experience and perspective available in the office to better represent the entirety of our criminal justice system. To do so, we must hire more attorneys in the AG's office with public defender backgrounds.

REFORMING OUR CRIMINAL JUSTICE SYSTEM

CITATIONS

- I. ["Virginia On Track To Be 1st Southern State To Abolish Death Penalty." NPR, 2/23/21](#)
- II. [HB 5099, Virginia Legislative Special Session 1, 2020](#)
- III. [SB 5030, Virginia Legislative Special Session 1, 2020](#)
- IV. [SB 5014, Virginia Legislative Special Session 1, 2020; SB 5030, Virginia Legislative Special Session 1, 2020](#)
- V. [SB 5007, Virginia Legislative Special Session 1, 2020](#)
- VI. ["State-by-state data." The Sentencing project, 4/28/21](#)
- VII. ["National Prisoner Statistics Program." Bureau of Justice Statistics, 2014-2019](#)
- VIII. ["Racial Disparities Persist After Marijuana Decriminalization." VPM, 2/18/21](#)
- IX. [HB 2331, Virginia Legislature, 2021 Sessions](#)
- X. ["Study: Virginia spends more than \\$20,000 on each inmate in prison per year." WSET, 7/24/17](#)
- XI. ["Measuring Self-Reported Wrongful Convictions Among Prisoners." Journal of Quantitative Criminology, 4/6/18](#)
- XII. ["Race and Wrongful Convictions in the United States." Newkirk Center for Science and Society, University of California Irvine, 3/17/17](#)
- XIII. ["Police Shootings Database." Washington Post, 4/27/21](#)
- XIV. ["The Trump administration abandoned a proven way to reduce police violence." Washington Post, 6/9/20](#)
- XV. ["Violent Crime Rates Declined in 10 Jurisdictions Following Comprehensive Police Reform." Center for American Progress, 11/16/20](#)
- XVI. [HB 2045, Virginia Legislative Session 2021](#)
- XVII. ["Can You Build a Better Cop?" American Society of Criminology, Volume 17 Issue 1](#)
- XVIII. ["Annual Report." Virginia Law Enforcement Professional Standards Commission, 2018](#)
- XIX. ["The Mentally Ill and Crisis Intervention Teams: Reflections on Jails and the U.S. Mental Health Challenge." The Prison Journal, 9/28/15](#)
- XX. [HB 2210, Virginia Legislative Session 2021](#)
- XXI. ["Examining racial inequity in Virginia law: Here are laws that are now in effect and those that are not." Staunton News Leader, 7/1/20.](#)
- XXII. ["Most public defenders in Richmond make less than a secretary in the prosecutor's office. They want a raise." Virginia Mercury, 9/30/19](#)

**TO LEARN
MORE:**

JAYJONES.COM

[f @jayccjonesva](#)

[t @jonesjay](#)

[i @jccjones](#)