

A Decade  
of Truth-In-  
Sentencing  
in Virginia



A decade ago,  
Virginia abolished  
parole and adopted  
truth-in-sentencing  
for convicted felons.

Over 200,000  
criminals have been  
punished under  
no-parole laws.

At this milestone,  
a close look is taken  
at the performance  
of our sentencing  
system.

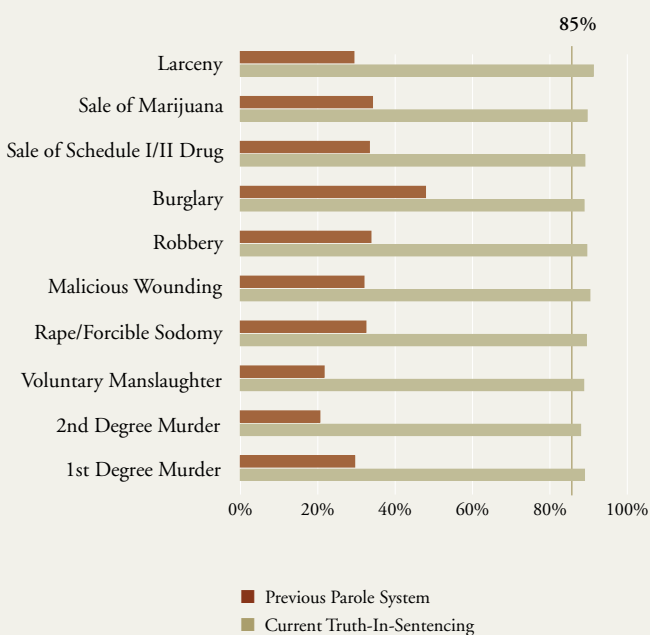
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# 1

## Truth-in-sentencing has been achieved

A primary goal of sentencing reform was to reduce drastically the gap between the sentence pronounced in the courtroom and the incarceration time actually served. Prior to 1995, extensive good conduct credits combined with parole resulted in many inmates serving as little as one-fifth of their sentence. Under truth-in-sentencing, a felon must serve at least 85% of his sentence and, in fact, most felons are now serving 90% of their incarceration terms.

### Percentage of Prison Sentence Served



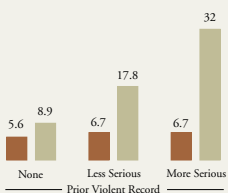
# 2

Under no-parole, violent felons are spending significantly more time in prison

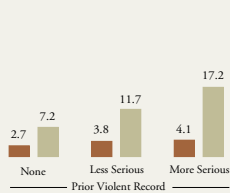
To better ensure public safety, sentence reform targeted violent offenders for longer prison terms. The truth-in-sentencing guidelines were carefully crafted with enhancements designed to yield longer sentencing recommendations for offenders with current or prior convictions for violent crimes. Today, prison stays for violent felons are significantly longer than those historically served and are among the longest in the nation.

## Prison Time Served in Years

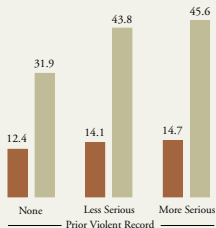
Forcible Rape



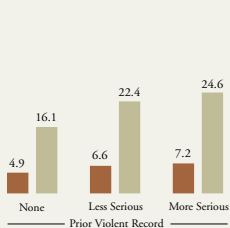
Robbery with Firearm



First-Degree Murder



Second-Degree Murder



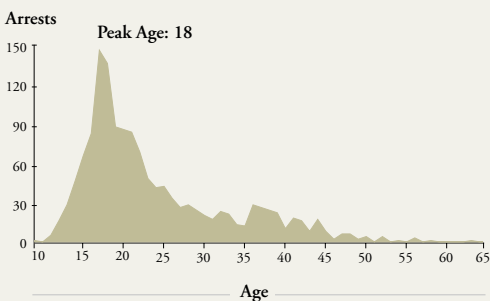
■ Parole System   ■ Truth-In-Sentencing (Projected)

# 3

## There are fewer repeat violent offenders

Targeting young violent offenders for longer terms of incarceration incapacitates at-risk offenders during years in which they are most likely to engage in crime. Between the ages of 15 and 24, a person is at greatest risk of becoming involved in violent criminal behavior, such as robbery.

### Age of Robbery Arrestees, 2003



Longer prison terms for violent offenders should result in fewer repeat violent offenders. While the full effect will not be realized for years to come, Virginia's courts are already seeing fewer violent recidivists. In 1996, more than 28% of violent offenders had a violent felony record. By 2004, this figure had dropped to 24%.

### Percentage of Violent Recidivists Convicted in Circuit Courts



# 4

A greater share of expensive prison beds are being used by violent felons

Reserving expensive prison beds for the most dangerous offenders was an important objective of the sentencing reforms. Due to the focused use of long incarceration terms for violent felons, it was expected that these criminals would queue up in the prison system. Indeed, after a decade of truth-in-sentencing, the composition of Virginia's prison population is undergoing a dramatic shift, with violent felons now comprising a significantly larger share of costly and limited prison space. This shift is expected to continue.

## Percent of Prison Beds Occupied by Violent Offenders

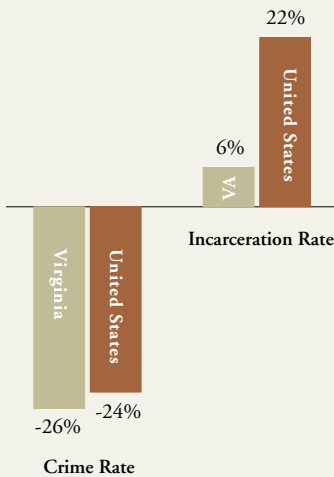


# 5

Many lower-risk felons are being punished through alternative sanctions in lieu of prison without compromising public safety

Virginia's sentencing system is unique in that risk assessment, based on the predicted likelihood of future dangerousness, is integrated into the sentencing guidelines. Safely punishing lower-risk nonviolent felons through alternative sanctions is freeing up scarce prison beds to house the more dangerous offenders. According to the Vera Institute of Justice, the 26% drop in Virginia's crime rate has exceeded the decline in crime nationally. At the same time, Virginia's incarceration rate has grown just 6%, well below the national growth rate, indicating greater discipline and benefit in the use of expensive prison beds as sanctions.

**Change in Crime and Incarceration Rates, 1994 to 2000 — Virginia v. U.S.**

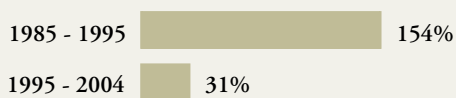


# 6

## Prison population growth has slowed

Despite the unequivocal evidence that violent offenders are serving significantly longer incarceration terms than those previously recorded, Virginia's prison population growth has stabilized and become more predictable and manageable. The prison population grew 154% in the decade immediately preceding the adoption of truth-in-sentencing. Since then, the prison population has grown a total of just 31%. Despite substantially longer prison stays for violent offenders, judicial use of risk assessment and alternative punishment options has brought our prison growth under control and made it more predictable.

### Prison Population Growth



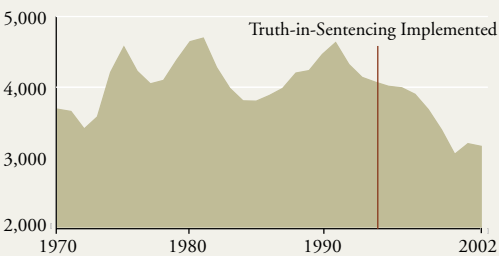


# 7

The overall crime rate has been declining

On the heels of rising crime rates in the late 1970s, crime in Virginia declined somewhat during the early 1980s. A distinctive turnaround began in 1986 and crime rates rose steeply into the early 1990s. Over the last decade, however, the crime rate has dropped. With the exception of a slight increase in 2001, the downturn is the longest sustained period of decline in the crime rate in more than 35 years. In 2002, the overall serious crime rate was lower than at any point since before 1970. Citizens of the Commonwealth are, today, safer from crime than a decade ago. Virginia's focused approach to sanctioning offenders has reserved scarce and expensive prison beds for the most dangerous offenders and promoted the use of less costly punishment options for less serious offenders—all while maintaining public safety.

## Overall Crime per 100,000 Residents

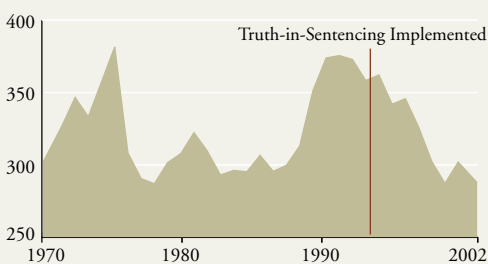




The violent crime rate also has been decreasing

After more than a decade of relative stability, beginning in the late 1980s the violent crime rate grew steeply. Over the past decade, violent crime has declined approximately 20%. Violent crime today is at its lowest since 1978. In 2003, the number of murders was 28% lower than the number in 1994. Similarly, robberies dropped 23%. During the same period, the number of serious assaults declined by 10% and forcible rapes reported in the Commonwealth had decreased by 8%. After ten years of truth-in-sentencing, fewer Virginians are victims of violent crime.

### Violent Crimes per 100,000 Residents

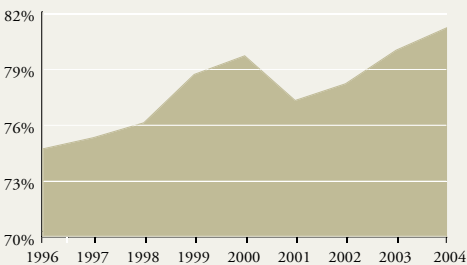


# 9

Judges comply with voluntary sentencing guidelines at a very high rate

Sentencing guidelines play a unique and critical role in ensuring the continuing success of the truth-in-sentencing reform. Judicial acceptance of the guidelines has been crucial in the successful transition from sentencing in a scheme based on parole and generous time off for good inmate conduct to a system in which felons must serve at least 85% of the court imposed jail or prison term. Judicial compliance with the guidelines was nearly 75% when first implemented and has climbed nearly every year over the past decade to its highest recorded level in 2004—81%. The impressive compliance rate surpasses that found in many other places with mandatory guidelines systems. The ongoing success of voluntary guidelines in Virginia reflects the confidence of the judiciary in these benchmarks.

## Guidelines Compliance Trend

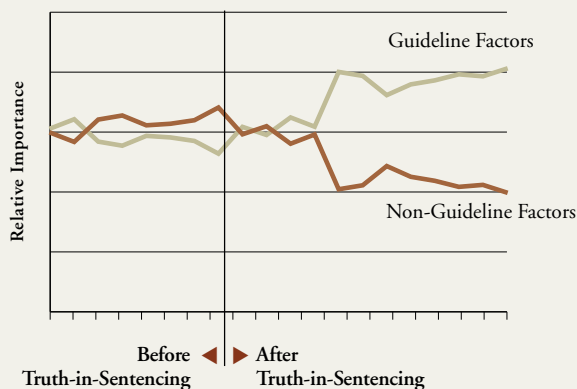


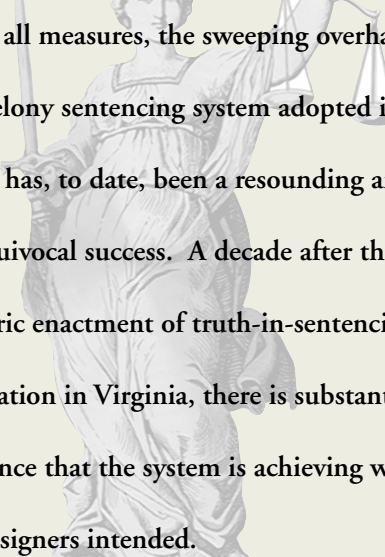
# 10

Unwarranted sentencing disparity has been significantly reduced

The voluntary sentencing guidelines have greatly alleviated unwarranted sentencing disparities across the Commonwealth. Prior to the adoption of the sentencing guidelines, approximately half of the variation in judicial sentences could be explained by factors unrelated to the nature of the crime or the felon's prior criminal record. Such non-guidelines factors included the identity of the judge, locality and the offender's race. Under the sentencing guidelines system in place today, a significantly larger share of the variation is now attributable to distinctions across crimes and criminals. Virginia's guidelines, despite their discretionary nature, serve to reduce disparity over the long term.

## Importance of Factors in Sentencing Decisions





**B**y all measures, the sweeping overhaul of the felony sentencing system adopted in 1994 has, to date, been a resounding and unequivocal success. A decade after the historic enactment of truth-in-sentencing legislation in Virginia, there is substantial evidence that the system is achieving what its designers intended.



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