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HOUSE JOINT RESOLUTION NO. 27

Offered January 8, 2020

Prefiled December 30, 2019

Directing the Virginia State Crime Commission to study equity and fairness in Virginia's criminal justice system. Report.

Patron—Mullin

Referred to Committee on Rules

WHEREAS, the Constitution of the United States guarantees certain basic rights in the criminal justice system that include due process and equal protection of the laws; and

WHEREAS, according to the Federal Bureau of Investigation's Uniform Crime Reporting Program's 2018 report *Crime in the United States*, 27.4 percent of all individuals arrested in the United States are African American, a percentage that is double their share of the total population; and

WHEREAS, based on data drawn from the U.S. Bureau of Justice Statistics (BJS) 2011 Police-Public Contact Survey, white drivers were ticketed and searched at lower rates than black and Hispanic drivers; and

WHEREAS, some studies have shown that prosecutors are more likely to charge people of color with crimes that carry heavier sentences than whites; and

WHEREAS, according to BJS, in 2017, African Americans were incarcerated in local jails at a rate more than three times that of non-Hispanic whites; and

WHEREAS, according to BJS, in 2017, African American males ages 18 and 19 were about 12 times more likely to be imprisoned than white males of the same age; and

WHEREAS, according to BJS, African American and Hispanic adults were imprisoned in state or federal correctional facilities at a rate, respectively, of 5.7 times and three times that of white adults ; and

WHEREAS, disparate treatment of people of color occurs incrementally across the entire spectrum of the criminal justice system and may result from decision making at various points in the criminal justice process; and

WHEREAS, racial, ethnic, and economic disparity within the criminal justice system is unjust, fosters public mistrust of the criminal justice system, and impedes the ability to promote public safety; and

WHEREAS, understanding and addressing such existing disparities and inequities at every stage of the criminal justice system is imperative to creating a fair criminal justice system that is credible and thus able to serve a more effective role in preventing and responding to crime; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Virginia State Crime Commission be directed to study equity and fairness in Virginia's criminal justice system.

In conducting its study, the Virginia State Crime Commission shall (i) determine and analyze disparities and inequities existing at each point in Virginia's criminal justice system, including policing, arrests, charging decisions, pretrial incarceration, trials, case outcomes, and sentencing, and (ii) make recommendations on how to address any such disparities and inequities in order to make Virginia's criminal justice system more equitable and fair.

All agencies of the Commonwealth shall provide assistance to the Virginia State Crime Commission for this study, upon request.

The Virginia State Crime Commission shall complete its meetings by November 30, 2020, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2021 Regular Session of the General Assembly. The executive summary shall state whether the Virginia State Crime Commission intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

INTRODUCED

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