



VIRGINIA
AFRICAN
AMERICAN
ADVISORY
BOARD

ANNUAL REPORT
October 14, 2020

Prepared by Members of the African American Advisory Board

TABLE OF CONTENTS

VIRGINIA AFRICAN AMERICAN ADVISORY BOARD.....	3
LETTER FROM THE CHAIR	5
EXECUTIVE SUMMARY	7
RECOMMENDATIONS.....	8
SMALL BLACK OWNED BUSINESS	11
EDUCATION.....	155
HEALTH AND THE ENVIRONMENT	188
PUBLIC SAFETY AND CRIMINAL JUSTICE	29

VIRGINIA AFRICAN AMERICAN ADVISORY BOARD

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LETTER FROM THE CHAIR

Governor Northam,

The Virginia African American Advisory Board (VAAAB) presents its annual report and recommendations of issues impacting the African American community. Our recommendations identify the opportunities and challenges facing the African American residents, organizations, and communities throughout the Commonwealth.

We presently face unprecedented challenges arising from the health and economic impact of the global COVID19 pandemic and the widespread social unrest from the reactions to racial inequities and the national protests from intimidating police behavior. Our report chronicles our concerns and offers a strong call for resources, programs, and your office's power to continue and elevate your voice of advocacy, collaboration, and support for our recommendations. Members of the VAAAB and I stand ready to serve our purpose and to support your Administration in its efforts.

During the past year, we have joined with the Virginia Latino Advisory Board, Virginia Asian American Advisory Board, and the Council on Women for collaboration and organization. We co-authored an op-ed and sought opportunities to find common ground, combine our voices on critical issues, and learn from each other. These advisory Boards also participated with COVID-19 workgroups on health equity and education recovery to provide diverse and much-needed perspectives. The timing for dedicated resources and heightened attention is especially critical now. The U.S. Census Bureau projects that by the middle of 2020, nonwhites will account for the majority of the nation's 74 million children. This tipping point moment will have far-reaching economic, educational, Health, and social impact.

While the VAAAB is only in its inaugural year (our first meeting was in October 2019), we believe that we have developed the processes and committee structure for an organizational foundation which will be a vital tool of advocacy for our fellow African American citizens and an invaluable advisory voice to Governors for years to come.

We have organized with four committees:

1. Small Black-Owned Business
2. Health and the Environment
3. Public Safety and Criminal Justice
4. Education

We believe each of these committees are the proper arenas to explore the critical issues impacting our citizens. Via the skills and experiences of our Committee members combined with collaboration with key community leadership groups across the Commonwealth and our direct outreach to our citizens, we have a broad understanding of how to advocate for and advise on the most appropriate opportunities to build healthier communities. As we move forward, we will be instituting a formal survey process to ensure we fully convey our communities' needs.

Considering the demanding challenges of our current environment regarding racial equity in each of our committee groups—education, economics, Health and public safety, we cannot relax and return to business as usual. Our communities need your already strong voice of understanding and resource allocation to be elevated to even higher levels. Far too many of our communities are in desperate conditions. Unemployment at Depression-like levels causes the undue stress of meeting rent or mortgage payments or even the difficult choice of either paying for housing, groceries, or buying medicine. Many of our businesses are shutting down permanently. Health disparities have been magnified with the spread of COVID, and education gaps are certain to widen with the environmental challenges associated with virtual learning in our secondary schools.

Additionally, relative to education, we believe the focus must be on our students becoming either college or career ready. We encourage your targeted resource support for our communities of educational initiatives for the entire education pipeline—Pre-K to high school. In particular, the VAAB fully endorses your funding recommendations for early education initiatives. Finally, a growing fear is that public safety just does not exist for some individuals in our communities. And, with the upcoming national elections, voting intimidation will depress our voting turnout.

Our report addresses the impact of COVID. But, as clearly as the pandemic's disproportionate impact on the clinical Health of our communities, COVID also served to magnify many long-standing inequities for our fellow African American citizens in each of our focus areas. Therefore, we respectfully present our initial recommendations, and we believe this is only the continuation of our conversations as we jointly seek to address the factors of social determinants impacting the quality and length of life.

It is also appropriate to express our gratitude for the numerous investments and programs your Administration has enacted and provided investment over the past year. Equally appreciated has been your passionate advocacy for racial equity. The efforts of your Administration have been welcomed and provide hope that there is a growing understanding of the need for positive change to continue. On behalf of the VAAAB, thank you for the opportunity to serve the Commonwealth and the African American community.

Sincerely,

Gilbert Bland,
Chairman



EXECUTIVE SUMMARY

The Virginia African American Advisory Board (VAAAB) was established by **Governor Ralph Northam and signed into law on March 22, 2019**. The Board serves at the pleasure of Governor Ralph S. Northam. It advises the Governor on issues of African American interest so that the Administration can best serve Virginia's African Americans.

More specifically, the purpose of the VAAAB is to advise the Governor on developing economic, professional, cultural, educational, and governmental links between the Commonwealth of Virginia and the African American community in Virginia.

The Board has chosen to organize around four key areas impacting the African American Community:

- Small Black-Owned Business
- Education
- Health and the Environment
- Public Safety and Criminal Justice

While there are many other concerns, the Board believes that these four areas are critical to strengthening the African American community. These focus areas provide a mechanism by which African Americans have greater access and equitable treatment while helping to increase economic opportunities with fair access, strengthen the educational pipeline, shed light on the injustices African Americans face in the policing and justice system, and create healthier and livable communities while providing equal access to medical services and resources.

Recommendations set forth by the Board will not only enhance the quality of life for the Black community, but it will be demonstrably beneficial to all Virginians- because a rising tide lifts all boats.

RECOMMENDATIONS:

Black-Owned business

The current economic situation necessitates the urgent attention needed to address Black income and wealth. Black revenue is often generated through the ingenuity of Black businesses. This is why we recommend the following as it pertains to Black businesses:

- **Gather data:** The number of Black-owned business must be enumerated and quantified. Virginia needs to know the number of Black businesses because you can grow what you don't know.
- **Create a tracking mechanism:** That assesses whether black-owned businesses are applying and receiving state and federal fund and receiving the necessary support and tools needed
- **Create an economic policy:** To increase the number of Black-owned businesses as part of Virginia's monetary and budget policy.
- **Include business classes:** As electives in all Virginia middle and high schools.

Education

Education continues to be the centerpiece for African American advancement as it relates to achievement and success and a source of continuous struggle as it pertains to access and equity.

We make the following recommendations:

- **Increase African American Educators**
- **Reduction of suspension rates for African American and Special Education students**
- **Provide social and emotional Mental/Behavioral Health in the classroom**
- **Create Career Pathways for African American students**

Health and the Environment

The longevity and quality of life for African Americans will depend on health access and care and the environment. That is why the following recommendations are imperative:

- **Restore the \$22 million removed from the budget for Medicaid expansion coverage**
- **Develop educational opportunities to aid in reducing the stigma surrounding mental health conditions.**
- **Include Mental Health First Aid in High School Curriculums**
- **Continue and Increase support for the VA STEP**

Public Safety and Criminal Justice

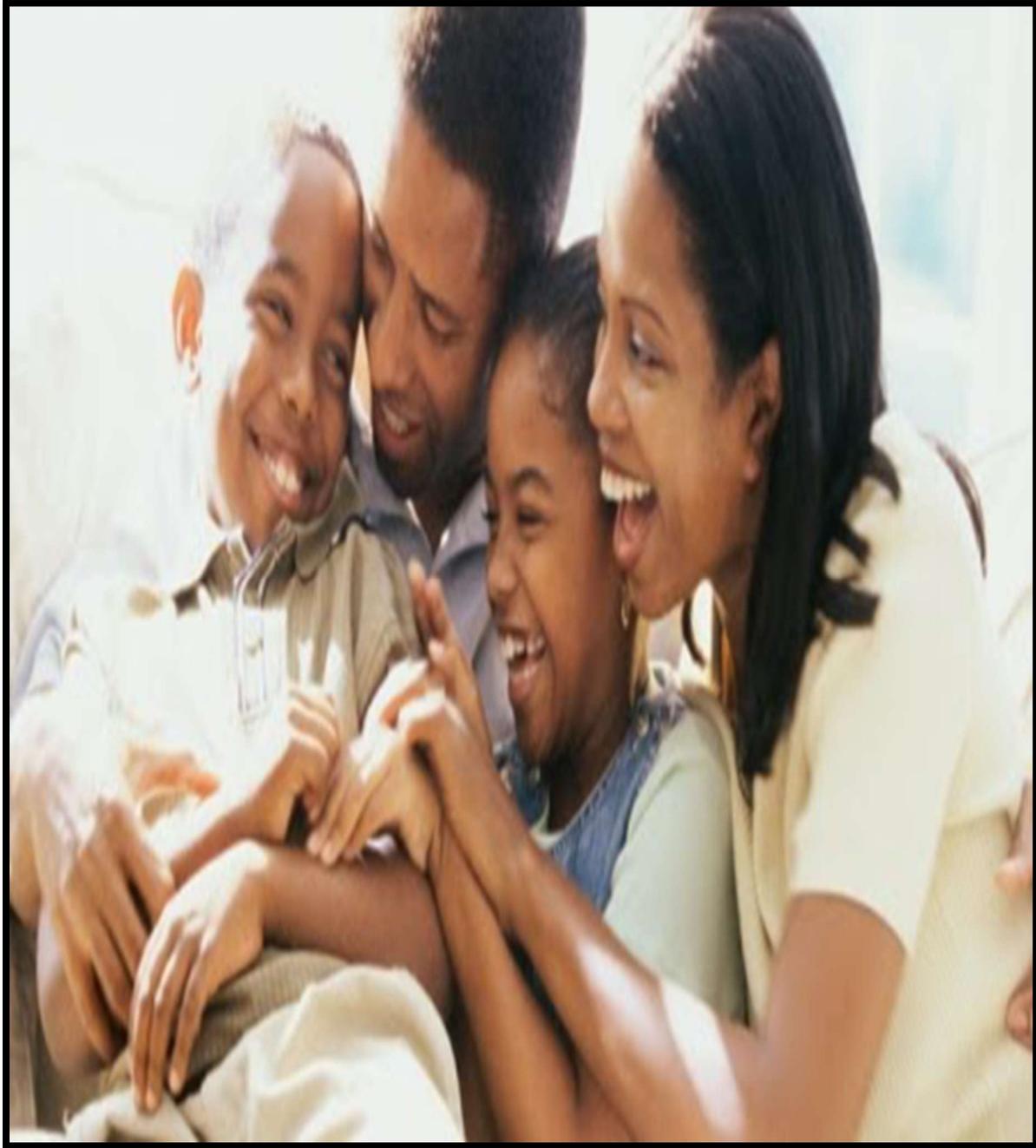
With the continual examples of unarmed Black women and men dying at the hands of police or dying through gun violence in their community, public safety, and criminal justice reform must be addressed holistically and realistically to facilitate meaningful and lasting changes. We recommend the following:

- **Actionable Recommendation #1 – A requirement for Law Enforcement to report “firearm” homicide demographics yearly for public consumption.**
- **Actionable Recommendation #2 Local hospitals should be required to publish the same to include those shots, far greater than those killed due to firearms.**
- **Actionable Recommendation #3 Require police agencies to conduct a comprehensive yearly report on all guns recovered (Norfolk Model has been provided to VAAAB).**

These recommendations go into further detail in the forthcoming pages to accentuate their essence. The Virginia African American advisory board took time and attention to make them

hope that once implemented, the Black community's benefits will be affirmative, perpetual, and historic. The goal is to impact African Americans in the Commonwealth positively.

COMMITTEE REPORTS



SMALL BLACK-OWNED BUSINESS

The purpose of the Small Black-Owned Business committee of the Virginia African American Advisory Board is to examine the barriers that prevent black businesses from starting, sustaining, and thriving in the Commonwealth of Virginia.

The history of Black-owned businesses in the United States parallels the history of African Americans since 1619. Black people demonstrate great innovation, hard work, and persistence, even while suffering duress, discrimination, and hardship. In many aspects, business sprung up as a direct response to African Americans' discriminatory practices. Forbes magazine sums it this way "Historically, black-owned companies, like Madam C.J. Walker's hair-care line and the businesses that formed Tulsa, Oklahoma's Black Wall Street, were developed in direct response to racial discrimination."¹

Despite overcoming so many barriers, Black-owned businesses still face many challenges rooted in racism that prevents them from enjoying the same benefits as their white counterparts. "Data from the Small Business Administration indicates that just over 19 million businesses, or 70.9 percent of all U.S. businesses, are white-owned. Blacks own about 2.6 million businesses or 9.5 percent of all U.S. businesses...The 19 million white-owned businesses have 88 percent of the overall sales and control 86.5 percent of U.S. employment, while black businesses have a mere 1.3 percent of total American sales and 1.7 percent of the nation's employees."²

Though challenges to Black business ownership persist, Black business owners and their self-determination also continue to strive. The number of Black businesses continues to increase, and they must be supported. This is the nexus of the Virginia African American Advisory Board's small black business committee.

¹ <https://www.forbes.com/sites/ruthumoh/2020/02/03/celebrating-black-history-month-2020/#7b7377e2b450>

² <http://blindedmedia.com/are-we-there-yet/>

The committee's timing and purpose is imperative because of the devastating impact that COVID-19 has had on Black businesses.

Black-owned businesses face and will continue to face serious challenges to recovery from the shutdown. Studies from the 2009 economic crisis demonstrated how 60 percent of Black businesses did not survive the downturn.³ The adverse effects of COVID-19 on Black business is already apparent and being felt by the Black community. Just last month in a virtual forum, a black woman business owner cited a staggering statistic regarding Black business in the United States, she said: "By mid-April, 440,000 Black business owners had closed their companies for good. This is a 41 percent plunge. By comparison, 17 percent of White-owned businesses closed at the same time."⁴As daunting as this economic crisis is, which was exasperated by COVID-19 but certainly created and prolonged by systemic racism, we all have a collective responsibility to unleash and target the necessary assets toward sustaining current Black-owned business, provide the required resources to encourage new Black business and ensure that both the existing and the new thrive.

Though this is a formidable task, the Black small business committee of the Virginia African American Advisory Boards recommends undertaking this challenge that the Governor should:

1. Gather data. The Commonwealth of Virginia needs to know how many Black-owned businesses it has sustaining her economy. This is a crucial first step because we cannot increase the number of Black-owned business if there isn't a clear indication of how many exist in 2020. In gathering data, it is essential to be clear on the parameters of how black-owned businesses are being defined. The Black community is often miscounted and left behind because we do not fit a mold. We encourage the Governor to define Black-owned business broadly to ensure that all Black business owners are recognized.
2. Focus state resources on sustaining current Black-owned businesses in danger of shuttering due to the COVID-19 impact. Resources should include access to

³ <https://www.nationalgeographic.com/history/2020/07/black-owned-businesses-may-not-survive-covid-19/>

⁴ http://www.fairfaxtimes.com/articles/fceda-forum-spotlights-access-to-capital-for-minority-owned-businesses/article_5b03c708-e88e-11ea-b135-4b257b593c2e.html

capital, information, and financial stability in all its forms to ensure that there isn't a repeat of Black business's decimation that occurred in the 2009 economic crisis. We ask the Governor to create an online portal where Black companies can register, get information, and apply for resources. We acknowledge and understand that some federal and state resources are being made available. However, we recommend that attention is given to determine if Black businesses are applying, being granted funds and support necessary to remain afloat during these difficult times.

3. Include growing the number of Black-owned businesses as part of the economic policy for Virginia. Once data is gathered on the number of Black-owned businesses in Virginia- set a goal to grow that number yearly.
4. Include business classes as electives in all Virginia middle and high schools.

The Black small business committee of the Virginia African American Advisory Board is committed to have continued communication with the regional Black chambers of commerce to continue to provide the Governor with the best recommendations from the people who are most impacted by these critical economic decisions.

Though we are intimately cognizant of the impact that COVID-19 has had on Black business and the staggering effects on the Black community, we continue to hope that with the right policies and funding in place, Black business in the Commonwealth of Virginia will survive, thrive, and multiple. To that end, we would like the Governor's support to convene the Black regional chamber of commerce and discuss the issues and the resources needed to support Black businesses.

Despite challenges that Black people face across the nation and in Virginia, there are many reasons for optimism and hope. In the September 30 edition of Commonwealth Times, three young Black business owners and Virginia Commonwealth University students were featured⁵. Each started and maintained a business even as they balanced being students and the challenges of

⁵ <https://commonwealthtimes.org/2020/09/30/black-student-owned-businesses-overcome-setbacks-during-unprecedented-year/>

a pandemic. These young people – filled with optimism and expectation are why we on the Black small business committee of the Virginia African American Advisory Board are determined to do all that we can to ensure resources, capital, and support is provided for Black business owners in the Commonwealth of Virginia.

The iconic business executive and civil rights leader Vernon Jordon once said,

"You are where you are today because you stand on somebody's shoulders. And wherever you are heading, you cannot get there by yourself. If you stand on the shoulders of others, you have a joint responsibility to live your life so that others may stand on your shoulders. It's the quid pro quo of life. We exist temporarily through what we take, but we live forever through what we give."

We stand on our ancestors' powerful shoulders, and now we are entrusted with the responsibility to give all that we can to safeguard the future for Black families, children, leaders, and business owners to come. It is with this sentiment we proudly and boldly serve.

As previously mentioned, the small business committee recommends business classes added as an elective for students in the Commonwealth. Throughout the history of African Americans in the United States, education has been a reliable factor in increasing income and wealth. Therefore, the education committee has chosen to address disparities in education for African American children.

EDUCATION

The Purpose of the Education Committee of the Virginia African American advisory board examines educational disparities and inequities that create barriers to African Americans receiving equitable access to educational opportunities, resources, and funding for education.

Virginia has a long, torrid history as it pertains to educating Black children. Black slaves in Virginia were prohibited by law and practice from learning to read or write. Even when Virginia established a free public education system, educating Black children were a complete afterthought. In 1896 the Supreme Court upheld "separate but equal doctrine in the landmark case of Plessy v. Ferguson. However, in practice, Plessy v. Ferguson reinforced the separate and ignored the equal as it pertained to education. Black schools were wholly underfunded by every measure- from the lack of quality buildings to the scarcity and, in many cases, complete lack of books and the lack of a livable compensation for Black teachers. Unfortunately for many Black children in Virginia, many of these measures remain unequal today.

The struggle for equal and quality education for Black children in Virginia can be conceptualized by understanding one piece of history: white school systems in Virginia opted to shut down rather than integrate entirely. Even as the Farmville students' walkout led by Barbara Johns was part of the Brown v. Board of Education ruling that concluded: "separate education facilities were inherently unequal."

Understanding Virginia's history as it pertains to Black children's education will deepen your understanding of why stark divisions and inequalities remain in Black children's education in the Commonwealth of Virginia today.

With this in mind, the Education Committee of the African American Advisory Board makes the following recommendations to the Governor:

- **Increase African American Educators** - Calls to increase the number of African American teachers have intensified over the past decade. Research has shown that African American students benefit in a variety of ways when they have African American teachers. African American students with African American teachers are less likely to be expelled or suspended, are more likely to graduate, and are more likely to be recommended for participation in "gifted" programs. A.A. students are also less likely to be mistakenly referred to special education programs for those with "behavioral disorders. "
 - **Tuition Assistance/ HBCU**
 - **Increase assistance for teacher PREP for all Colleges**
 - **Student Loan Assistance**
 - **Praxis Preparation**
 - **Quality of Life Resources i.e. housing, continuing education**
- **Reduction of suspension rates for marginalized groups** i.e. African American Boys, Special Education Students
 - **Restorative practices** promote inclusiveness, relationship-building, and problem-solving through such beneficial methods as circles for teaching and conflict resolution.
- **Mental/Behavioral Health** -is critical to children's success in school and life. Research demonstrates that students who receive social-emotional and mental health support achieve better academically.
 - Lack of community resources for low-income students (that are available outside instruction, ex: during a crisis)

- Higher Education in administering code of conduct - holding them accountable
- **Career Pathways (African American Community)** Investing in black livelihoods - African Americans disproportionately fill vulnerable jobs and make less. There is a need to invest in job training and education for displaced and vulnerable workers. Also, creating entry-level jobs workforce to take jobs in sectors that can sustain an inevitable economic downturn.
 - CTE - Create high-quality K-12 education with career training that leads to career pathways that builds a resilient middle class.
 - **Workforce Development/Credentialing** - access to educational or credentialing opportunities, on-the-job training, and removing barriers such as transportation and childcare.⁶

We hope that these recommendations would serve as a bridge to close the disparities gap and serve as a propeller to catapult African American children into the 21st century with economic security and the opportunities to create wealth. However, even with all the education opportunities in place, the efficacy is significantly weakened if the Black community's health gaps are not addressed. Healthcare in the Black community is imperative and must be taken seriously.

⁶ <https://www.odu.edu/library/special-collections/dove/timeline>

HEALTH AND THE ENVIRONMENT

The purpose of the Health and Environment Committee is to identify and examine the barriers that have been historically imbedded in health systems and services which prevent access to fair and equitable health care for African Americans in Virginia. The committee's desired outcomes are to is to raise awareness of inequalities, increase health services, and the quality of care for African Americans.

The African American Community is less likely to receive preventive health services and often receives lower-quality care. We hope that lessons learned from COVID-19 will create opportunities to explore and enhance telehealth services, i.e., telephone modalities, payment parity, and home as an originating site. African Americans have worse health outcomes for various conditions. The Commonwealth of Virginia and healthcare professionals must acknowledge that race and racism are factors in receiving health care. The VAAAB Health committee will identify how structural racism affects Maternal Health, Mental Health, Telehealth, COVID-19, and the Environment.

Maternal Health

To help reduce the incidence of maternal and infant mortality and the racial disparities therein, VAAAB **recommends** restoring -- urgently and, if needed, innovatively (such as partnering with nonprofits, other institutions, stakeholders, and funders where possible) -- the state-funded "historic investments"⁷ of \$22 million removed from the budget, which was earmarked for expanded Medicaid coverage for new mothers, increased home visiting, and Medicaid reimbursement for Doula support services.

⁷ <https://www.governor.virginia.gov/newsroom/all-releases/2019/december/headline-849796-en.html>

VAAAB **recognizes** that the reduced revenues from income tax and sales tax in the Commonwealth due to the Covid-19 pandemic have played a significant role in this critically needed and historic investment being removed from the budget.^{8 9}

VAAAB **also recognizes** that given Covid-19's twin pandemic, racial injustice, which can and does significantly increase incidences of maternal and infant mortality, **we cannot wait to move on improving this life or death situation.** As studies have proven, there is a "startling and disproportionate death rate among black Americans around the country from COVID-19," which reveals "persistent inequities and the need for solutions to address them."¹⁰ And, as the Center for Disease Control and Prevention data reveals, **"Since 2016...black women in Virginia died as a result of childbirth at three times the rate of white women, with at least two-thirds of these deaths being preventable."**¹¹

- VAAAB **commends** Governor Northam on his 2019 efforts in proposing the budget for this "historic investment"¹² and putting forth a vision for "eliminating the racial disparity in Virginia's maternal mortality rate by 2025."¹³
- VAAAB **also commends** Governor Northam for helping bring attention to the racial disparities in this national public health crisis that significantly impacts Black Virginians

⁸ <https://wamu.org/story/20/04/22/in-shadow-of-coronavirus-virginia-lawmakers-to-freeze-new-spending-in-state-budget/>

⁹ https://www.thecommonwealthinstitute.org/wp-content/uploads/2020/04/Special_Session_Key-Budget-Policy-Choices-2020-comtes-1.pdf

¹⁰ <https://labblog.uofmhealth.org/rounds/racial-disparities-time-of-covid-19>

¹¹ https://www.washingtonpost.com/opinions/local-opinions/finally-addressing-maternal-and-infant-mortality-rates-in-virginia/2019/12/27/d5c058ee-21e2-11ea-bed5-880264cc91a9_story.html

¹² <https://www.governor.virginia.gov/newsroom/all-releases/2019/december/headline-849796-en.html>

¹³ <https://www.governor.virginia.gov/newsroom/all-releases/2019/december/headline-849796-en.html#>

by designating¹⁴ April 11-17, 2020 as BLACK MATERNAL HEALTH WEEK in the Commonwealth of Virginia.

- VAAAB also **commends** Governor Northam on calling out as “unacceptable that Black women in Virginia continue to die from pregnancy-related causes at more than twice the rate of white women”; that they deserve “high quality, culturally-competent care” like everyone else; and that the Commonwealth “can and must do better.”¹⁵

These funds must be restored and the VAAAB would like to be in continued partnership in identifying new pathways for their restoration and in supporting existing efforts.

VAAAB **believes** Governor Northam rightfully acknowledged “**maternal healthcare is a right**”¹⁶ and **believes** that right cannot be ceded during a pandemic, or at any time.

Recommendation:

Reduce the incidence of maternal and infant mortality, and the racial disparities therein, by restoring – urgently and, if needed, innovatively (such as partnering with nonprofits, other institutions, stakeholders, and funders where possible) – the state funded “historic investments”¹⁷ of \$22 million removed from the budget, which were earmarked for expanded Medicaid coverage

¹⁴ <https://www.governor.virginia.gov/newsroom/proclamations/proclamation/black-maternal-health-week.html>

¹⁵ <https://www.governor.virginia.gov/newsroom/all-releases/2019/december/headline-849796-en.html>

¹⁶ <https://www.governor.virginia.gov/newsroom/proclamations/proclamation/black-maternal-health-week.html>

¹⁷ <https://www.governor.virginia.gov/newsroom/all-releases/2019/december/headline-849796-en.html>

for new mothers, increased home visiting, and Medicaid reimbursement for Doula support services.

Food Insecurity

VAAAB acknowledges that reducing food insecurity in the Commonwealth is a solvable problem that will require continued collaboration across the public, private, and nonprofit sectors. We understand that simply distributing food alone will not solve Virginia’s pre-pandemic 10.6%¹⁸ food insecurity rate, with 13.3 percent¹⁹ of that being children experiencing hunger, and which has only increased²⁰ in the hundreds of thousands during the Covid-19 pandemic, as myriad factors are contributing to the perpetuation of food insecurity. Or, as hunger fighter Amy Witcover-Sanford of Hampton Baptist Church's So All May Eat group so aptly articulated it, “*Hunger is a room in a house of poverty.*”²¹ We know that an example of this is the nearly 18% of the citizens in the Commonwealth living in food deserts,²² which are more likely to be in areas heavily populated by impoverished communities. We know that **this is a public health crisis** that results in higher rates²³ of chronic diseases such as diabetes due to lack of access to nutritious, affordable, and locally sourced foods.

VAAAB **recommends** the following to help reduce food insecurity, and the racial disparities therein:

- (a) **Educating** the public and lawmakers about food insecurity, its roots in structural racism, and the collaborative role the public and lawmakers can have in policymaking solves this problem.

VAAAB acknowledges that food insecurity rates in Black households “tend to be approximately twice the rates among White households”²⁴; that “Black and Hispanic households with children [are] much more

¹⁸ <https://vafoodbanks.org/about-hunger/>

¹⁹ <https://www.mcall.com/dp-nws-newport-news-hunger-discussion-20190324-story.html>

²⁰ <https://www.pilotonline.com/news/health/vp-nw-coronavirus-sentara-food-bank-20200731-6pzfvymm7fbvexqurwljrni3e-story.html>

²¹ <https://www.mcall.com/dp-nws-newport-news-hunger-discussion-20190324-story.html>

²² <https://nifa.usda.gov/announcement/virginia-extension-aids-food-deserts>

²³ <https://www.nbc12.com/2019/01/22/senate-passes-bill-address-virginia-food-deserts/>

²⁴ <https://www.ipr.northwestern.edu/documents/reports/ipr-rapid-research-reports-pulse-hh-data-9-july-2020-by-race-ethnicity.pdf>

likely to experience food hardships”²⁵; and thus the roots of structural racism in this fight against hunger cannot be ignored; we cannot fix what we don’t know is broken.

VAAAB acknowledges significant progress cannot be made in the fight against food insecurity without also combatting those systemic inequalities that contribute significantly to food insecurity among African Americans, such as in employment, higher education, housing, healthcare, and financial literacy.²⁶

Mental Health

Despite the needs, only one in three Black or African American adults who need mental health care receive it. According to the American Psychiatric Association’s Mental Health Facts for African Americans Guide, African Americans are:

- Less likely to receive guideline-consistent care
- Less frequently included in research
- More likely to use emergency rooms or primary care (rather than mental health specialists)²⁷

These alarming statistics cited by NAMI Virginia, supports the Health and Environment committee’s belief that more resources are needed to address the mental and behavioral health challenges facing the Commonwealth of Virginia. NAMI Virginia’s statistics support the committee’s belief that impoverished communities are disproportionately affected: " If Virginia were to opt to expand Medicaid up to 138% of the federal poverty level, as allowed under the

²⁵ <https://www.ipr.northwestern.edu/news/2020/food-insecurity-by-race-ethnicity.html>

²⁶ <https://www.wtkr.com/news/food-bank-looks-to-improve-racial-disparity-in-access-to-food-in-norfolk-food-desert>

²⁷ <https://www.nami.org/Your-Journey/Identity-and-Cultural-Dimensions/Black-African-American>

Affordable Care Act, an estimated 80,000 adults in Virginia who have mental health disorders and are currently uninsured would gain insurance coverage”. Source: SAMHSA²⁸

According to the National Alliance of Mental Illness (NAMI) the experience of being African American and receiving mental health support and maintaining one’s well-being varies from that of majority communities. Black adults in the United States are more likely than white adults to report persistent distress symptoms such as sadness, hopelessness, and feeling like everything is an effort.²⁹ It is reported that those living below the poverty line are more than twice as likely to report serious psychological distress than those living above it. What is concerning about these facts is that only one in three African American adults who need mental health care receive it, according to the American Psychiatric Association.

The racism, discrimination and inequalities faced by African Americans can and does significantly affect mental Health. Being treated as "less than" because color is stressful in itself and is felt in the educational system. The VAAAB Health and Environment committee believes that African Americans have higher occurrences of mental health episodes and are less likely to receive services as a result of lack of education about resources available and the socio-economic disparities often found in impoverished communities.

The Virginia Department of Behavior Health and Developmental Services affirms these disparities: “SAMHSA’s Office of Behavioral Health Equity notes, and we affirm: “The burden

²⁸ <https://namivirginia.org/wp-content/uploads/sites/127/2016/03/Statistics-about-Mental-Illness-in-Virginia.pdf>

²⁹ <https://www.nami.org/Your-Journey/Identity-and-Cultural-Dimensions/Black-African-American>

of being a person of color in America includes the stress from the anticipation of violence in everyday life; diminished access to good health care and education; and, more broadly, socioeconomic differences that might not exist if the individuals were not targeted, marginalized and deprived of the tools to make their lives better.”

Over the past several years, Virginia’s legislature has increased funding for mental and behavioral Health. The advent of COVID-19 has caused a rise in the number of persons seeking support. CSB's are underfunded and are typically the center of crisis support for those needing services. While there have been increases to funding, Virginia's overall behavioral health system remains underfunded and patched together in well-meaning responses to crises with not always sustainable or consistently funded services.³⁰ Transformation of the Virginia behavioral health system is critical to the wellbeing of the people of the Commonwealth of Virginia. Increased funding for STEP is a necessity.

The Health and Environment Committee makes the following recommendations as the VAAAB seeks to improve access and equitable mental health treatment and services for African Americans and people of color:

- Develop educational opportunities to aid in reducing the stigma surrounding mental health conditions. Teaching could include opportunities to discuss mental Health which is often a difficult subject in African American Communities
- Include Mental Health First Aid in High School Curriculums to establish early intervention and empower youth to seek help.

³⁰ <http://www.dbhds.virginia.gov/developmental-services/step-va>

- Address economic disparities which often excludes poverty-stricken communities from receiving necessary treatment.
- Continue and Increase support for the VA STEP

COVID-19

Health disparities during COVID-19 reflect two important patterns of inequity. First, minority communities have a high likelihood of contracting the virus when living in urban areas and disproportionately working in higher-risk environments. According to data from the Bureau of Labor Statistics,³¹ a greater number of African American workers are unable to work from home, compared to white workers. Considering these disparities, the Health and the Health and Environment committee recommends:

Testing

- Testing should be free and have easy access, especially in the African American Community where COVID-19 has had the greatest impact. Testing should be made accessible through the expansion of testing sites beyond clinics, churches, community centers and outdoor events.
- The Commonwealth of Virginia should make it a priority to find accurate tests with low false positive rates.

Contact Tracing

- **Secure Trusted Contact Tracers in the African American Community.** Contact Tracers should be trusted voices in the community. This will help with identifying the root of where COVID-19 started in a community. Contract Tracing also can also provide jobs in the African American community, which is desperately need.

³¹ <https://www.bls.gov/news.release/flex2.t01.htm>

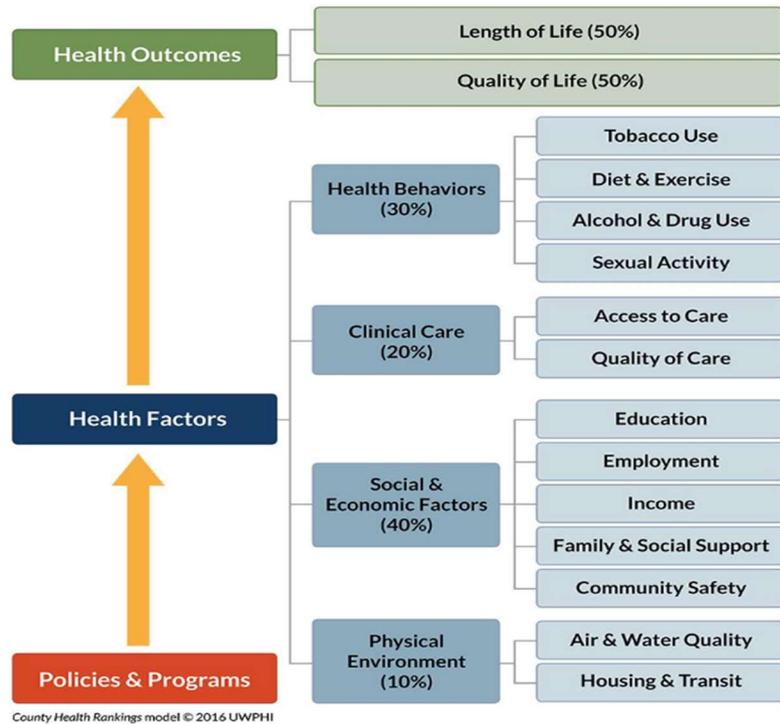
- **Ensure Accurate Data Collection.** COVID-19 data should be accurate in order to establish clear and directive guidelines to protect works and ensure guidelines are enforced.

- **Equitable Treatment in Vaccine Rollout**

A plan to distribute vaccinations should be developed if a limited supply of a vaccine becomes available. Historically, African Americans have been fearful of vaccines/ immunizations, however we recommend trusted voices in the community be trained to build trust. Thoughtful planning and community involvement in implementation are highly recommended.

- **Investment in Social Determinants**

Resources should be targeted to address social determinants of Health, with a focus on areas of greatest needs. Disparities in Health are inextricably linked to housing instability, food deserts, and lack of transportation access. Any healthcare system reform must consider that 70 percent of variation in health outcomes is tied to social determinants rather than the health care one receives.



32

As we look ahead, all these interventions must be implemented in the context of systemic changes that recognize and address racism as a public health crisis. The ongoing uprisings following the murders of George Floyd, Breonna Taylor, and Ahmaud Arbery, and so many others highlight profound inequities that have persisted for years and that underlie health disparities. As the disparate outcomes from COVID-19 have shown, it is not enough to advance policy or strategy without an explicit focus on equity.

The Health and Environment Committee further recommends the following:

1. Legislation -- Racism is a Public Health Crisis

“Across the country, local and state leaders are declaring racism a public health crisis or emergency. These declarations are an important first step in the movement to advance racial equity and justice and must be followed by allocation of resources and strategic action.”³³

³² <https://nam.edu/social-determinants-of-health-101-for-health-care-five-plus-five/>

³³ <https://www.apha.org/topics-and-issues/health-equity/racism-and-health/racism-declarations>

2. Legislation -- Codify with legislation in the 2021 session -- A Health Equity Task Force that guides the work as a health equity working group as part of every future unified command structure during a public emergency declaration. The task force would be led jointly by the Governor's Office of Diversity, Virginia Department of Health Office of Health Equity and the Virginia Department of Emergency Management.
3. Place in the code when a state agency applies for a grant a percentage should be allocated to Diversity, Equity and Inclusion.
4. Create Memorandums of Understanding that more formally link the Virginia Office Health Equity with the Governor's Office of Diversity Equity and Inclusion.
5. Increase access to testing and vaccines at no charge.

African American Virginians are getting sick and dying from COVID-19 at higher rates than white Virginians. The most recent manifestation of racial disparities in Health have long been evident in the United States

6. Develop a public funded messaging campaign with trusted faces.
7. Bring African American and other marginalized communities to the table in a collaborative and transformative manner to address disparities and begin dialogue about community needs. These discussions would include persons from the community working alongside industry leaders, experts, agencies, etc.
8. Promote Resiliency and Sustainability. Create a more equitable emergency management practices, to make Black Indigenous People of Color (BIPOC) more resilient to extreme weather events brought on by climate change.

Unfortunately, health disparities are not the only issues that are life threatening to the Black community in Virginia. This year, the country started to witness in a broader way, because of the use of camera phones and public protest, the need for public safety and criminal justice reform. The Commonwealth and the nation are at crossroads waiting with abated breath on how the 'arc of justice' will bend in this time.

PUBLIC SAFETY AND CRIMINAL JUSTICE

The Public Safety & Criminal Justice Committee strategically addresses safety concerns based on data, that impede quality of life and adversely impact healthy socialization in African American communities. The committee will also examine public safety and criminal justice practices that perpetuate generational poverty, unhealthy neighborhoods, and inevitable incarceration in African American communities. It will also explore and analyze public policies that inadvertently perpetuate violent crime and economic disparity in African American communities.

Police Accountability & Transparency

With the recent killing of George Floyd and the events unfolding across the nation, increased attention has been given to police use of force, accountability, and transparency, with many calling for much needed reforms. As a result, the subcommittee makes the following recommendations:

- **Recommendation #1: All Virginia law enforcement agencies adhere to best practices following state or national accreditation standards.**
- **Recommendation #2: Officers terminated for administrative and criminal misconduct should be eligible for decertification and cannot be hired by another agency.**
- **Recommendation #3: Implement training and policies aimed at reducing improper use of force during encounters with citizens such as but not limited to:**
 - Ban on training the carotid choke hold
 - De-escalation techniques
 - Less-lethal force
 - Verbal warnings before the use of deadly force: officers should be trained as part of their firearms training to give verbal warnings before firing their weapon when rapidly evolving events do not require an officer to take immediate action

- When officers are permitted to shoot at moving vehicles other than in exigent circumstances, which exist only when an officer *has exhausted every other known alternative to using force*
- Use of Force continuum

Additionally, in examining the Virginia Legislative Black Caucus' policing reform priorities in advance of the August 2020 special session, the following proposals received subcommittee endorsement:

- Creating a Civilian Review Board with Subpoena Power
- Establishing a Statewide Officer Database
- Standardizing and Reforming Police Administration, Training, and Accountability
- Expanding Police Decertification Criteria
- Expanding the Use of Body Cams
- Requiring Independent Investigations for All Police-Involved Shootings/Deaths
- Banning the Use of Chokeholds: except during a deadly force incident as defined by the United States Supreme Court in *Graham v. Connor* which is the standard to which all law enforcement agencies
- Passing "Breonna's Law" to End No-Knock Warrants

Gun Violence as a Public Health Issue

Urban violence and gun reduction are not just about crime suppression or enforcement, it is also about prevention, intervention and reentry. One of our chief concerns is gun violence and its impact in the African American community. Since 2011, at least 100,000 people have died due to gun violence in our black and brown communities which has largely gone unnoticed. In Virginia, black men in the Commonwealth make up less than 10 percent of Virginia's population, but account for nearly 61 percent of homicides.

- **Recommendation #1: Require law enforcement to report “firearm” homicide demographics yearly and make data publicly available.**
- **Recommendation #2: Local hospitals should be required to publish the same to include those shot which is far greater than those killed due to firearms.**
- **Recommendation #3: Require police agencies to conduct a comprehensive yearly report on all guns recovered.**

Pretrial Justice

Racial disparities are prevalent in the criminal legal system, including the disproportionate number of persons of color who are detained pretrial. Persons of color disproportionately receive higher bails and more burdensome release conditions compared to their white counterparts.³⁴ Proactive steps must be taken to address these disparities on the individual case and systemic levels.

Recommendation #1: Call for Virginia to examine its pretrial system to ensure that people are not being subjected to unnecessary and costly pretrial detention by mandating the collection and disclosure of a specific set of data on those held pretrial and require it to be made publicly available.

Currently, Virginia does not collect or report data concerning statewide pretrial outcomes. As a result, this has the propensity to lead to unnecessary pretrial detention, marked by racial and economic disparities. Without consistent data collection and reporting on the full range of pretrial decisions, we will not be able to create laws that address these problems or move us from costly and unnecessary pretrial detention.

³⁴ *The Quarterly Journal of Economics*, Volume 133, Issue 4, November 2018, Pages 1885–1932, <https://doi.org/10.1093/qje/qjv012>.

As you may recall, in 2017 the Virginia State Crime Commission (VSCC) was tasked with examining the efficacy of various pretrial release mechanisms at ensuring public safety and appearance at court (Virginia Pretrial Data Project).³⁵ During the following two years, the VSCC worked with multiple state agencies in order to capture data on approximately 23,000 individuals arrested in October 2017 and followed their cases through its conclusion, or December 31, 2018. As the VSCC repeatedly expressed, the task of gathering this data was extremely complex, as Virginia lacks a unified data collection system.

During the 2019 (HB 2121/SB 1687) and 2020 (HB 922/SB 723) General Assembly sessions, legislation was introduced that would have mandated the collection of a specific set of data on individuals held pretrial in Virginia and require the data to be made publicly available. This legislation would have created a continuous, sustained collection process (unlike the VSCC pretrial data project), allowing for the examination of demographics related to race, ethnicity, gender, and age disparities, and other data related to pretrial outcomes.

This legislation was supported by a coalition of state and national organizations under the banner of the Virginia Pretrial Justice Coalition.

Recommendation #2: Support and encourage policies that implement counsel at first appearance.

³⁵ Virginia Pre-Trial Data Project public presentation, November 8, 2018, <http://vscc.virginia.gov/VSCC%20FINAL%20Pretrial%20Data%20Project%20Presentation.pdf>.

National studies show that the early appointment of defense counsel,³⁶ who has the tools to fight for their clients is crucial to achieving just outcomes for people accused of crimes. As cited in “The Role of Defense Counsel in Ensuring a Fair Justice System,” the author states:

“It is at the first arraignment of the defendant that a vigorous defense counsel is needed for the justice system to be a fair one. Studies have repeatedly demonstrated that the defendant who is released on bail ends up with a better ultimate disposition than one who does not. The freed defendant is at a better bargaining position regarding plea negotiations, is able to enter a rehab program and have counselors report to the court about his progress, is able to locate witnesses, and is available to meet with and assist counsel in preparing the case for a hearing or trial.”³⁷

HB 820, introduced during the 2020 General Assembly session, would have guaranteed that everyone in custody has a lawyer at their first court appearance. This legislation was supported by a coalition of state and national organizations under the banner of the Virginia Pretrial Justice Coalition.

COVID-19 & Incarcerated Individuals

Recommendation #1: Encourage the Governor to use his executive authority to release any person in custody who does not pose a demonstrable, imminent threat of bodily harm to someone else during the COVID-19 health crisis to prevent its further spread in our prisons.

Many of the most serious challenges posed by the COVID-19 pandemic relate to our criminal justice system and particularly our nation’s prisons and jails. Due to overcrowded and unsanitary conditions, aging populations, and disparately high rates of pre-existing health conditions, incarcerated persons are arguably the population most vulnerable to COVID-19. It has been reported

³⁶ NACDL resolution urging the recognition of the right to counsel at initial appearance, <https://www.nacdl.org/Content/Urging-the-Recognition-of-Right-to-Counsel-at-Init>.

NACDL resolutions and policies on pretrial practice, <https://www.nacdl.org/Content/PoliciesPretrialPractices>.

³⁷ The Role of Defense Counsel in Ensuring a Fair Justice System (June 2012), <https://www.nacdl.org/Article/June2012-TheRoleofDefenseCounselinEnsur>.

that the nation's top infection hot spots are correctional facilities. For those housed within these institutions, not only does the infection rate greatly surpass that of the general population, but so does the death rate. Current data suggests that incarcerated persons are 5 times more likely to contract COVID-19 and 3 times more likely to die of the virus. As of September 11, 2020, there's well over 120,000 infections in our nation's prisons,³⁸ with over 3,000 in Virginia's correctional facilities.³⁹

We urge Governor Northam to act immediately to prevent the further spread of COVID-19 in our jails and prisons and admonish him to use his executive authority to strategically release people during this public health crisis. This can include prioritizing the immediate release of the elderly and medically vulnerable; releasing persons currently incarcerated due to a technical violation; and releasing people who are within a few months of their release date.

Organizations from across the ideological spectrum have emphasized the need to protect incarcerated individuals and correctional staff through strategic decarceration and other policies.⁴⁰ In Virginia, a large diverse coalition of over 50 criminal and social justice organizations has come

³⁸ The Marshall Project. "A State-by-State at Coronavirus in Prisons."

<https://www.themarshallproject.org/2020/05/01/a-state-by-state-look-at-coronavirus-in-prisons>.

³⁹ Virginia Department of Corrections, <https://vadoc.virginia.gov/news-press-releases/2020/covid-19-updates/>

⁴⁰ Organizations endorsing The SAFER Plan: Preventing the Spread of COVID-19 in the Criminal Justice System, <https://conservativejusticereform.org/safer-plan/>, include The American Conservative Union, REFORM Alliance, R Street Institute, Americans for Prosperity, Cut50, the Due Process Institute, Faith and Freedom Coalition, Freedom Works, FAMM, James Madison Institute, Justice Action Network, National Alliance on Mental Illness, National Urban League, and Right on Crime.

Coalition letter to Congressional leadership regarding supporting the needs of the incarcerated community in the federal response package on the COVID-19 pandemic, including a call for reductions in incarceration levels to limit overcrowding (May 2020), <https://www.nacdl.org/getattachment/47b7881e-3475-4870-9f2d-cecc5557fe89/coalition-letter-to-congress-on-supporting-those-incarcerated-in-next-covid-19-response-may-2020-.pdf>.

Coalition letter to the National Governors Association executive committee regarding the need to protect incarcerated individuals from further spread of COVID-19 via decarceration and mitigation efforts (March 2020), <https://www.nacdl.org/getattachment/ccf55c4b-22d4-46d0-aa53-5dc0ca497482/coalition-letter-to-nat-governors-assoc-on-mitigating-covid-19-in-prisons-and-jails-march-2020-.pdf>.

together under the banner of the Virginia COVID-19 Justice Coalition to respond to COVID-19 as it relates to Virginia’s criminal legal and immigration systems.

The General Assembly’s adoption of Governor Northam’s budget amendment to authorize limited release of incarcerated individuals who may be vulnerable to COVID-19 was admirable. It was originally reported by the Department of Corrections that under the amendment about 2,000 people would be eligible for early release consideration. However, too little is being done too slowly. Everyday we fail to act, more individuals’ lives are put at-risk. Even medical and public health experts are calling for “greater leadership from the system trusted to care for this population.”⁴¹

Additionally, the need to protect incarcerated individuals during this pandemic is a racial justice issue, as it has been widely reported that communities of color are more at-risk of contracting and dying from COVID-19,⁴² and with African Americans and other communities of color disproportionately represented in our nation’s jails and prisons.⁴³

We look forward to working with the Administration to begin the discussions and work necessary to advance this report's recommendations. The VAAAB has developed a survey to begin the dialogue with the African American community about its needs and concerns. Our hope is that our recommendations affirm the needs of the community and find solutions to the disparities and inequities that have long plagued our Commonwealth.

⁴¹ [What COVID-19 Means For America’s Incarcerated Population — And How To Ensure It’s Not Left Behind](https://www.healthaffairs.org/doi/10.1377/hblog20200310.290180/full/?eType=EmailBlastContent&eld=10186eab-2ae6-4f8b-a424-cbf210865d08), <https://www.healthaffairs.org/doi/10.1377/hblog20200310.290180/full/?eType=EmailBlastContent&eld=10186eab-2ae6-4f8b-a424-cbf210865d08>

⁴² Center for Disease Control and Prevention Health Equity Considerations and Racial and Ethnic Minority Groups, <https://www.cdc.gov/coronavirus/2019-ncov/community/health-equity/race-ethnicity.html>.
What Do Coronavirus Racial Disparities Look Like State-by-State, <https://www.npr.org/sections/health-shots/2020/05/30/865413079/what-do-coronavirus-racial-disparities-look-like-state-by-state>.

⁴³ Breaking Down Mass Incarceration in the 2020 Census: State-by-state Incarceration Rates by Race/Ethnicity, <https://www.prisonpolicy.org/reports/rates.html>.

APPENDIX 1

Jan 15, 2019

Dear Members of the General Assembly,

Advocates in Virginia have joined the call for our state to examine its pretrial system to ensure that people are not being subjected to unnecessary and costly pretrial detention. It is time to restore the presumption of innocence to our criminal justice system and end the practice of holding people in jail who have not been convicted of a crime and are not a demonstrable risk to public safety. Scrutiny of pretrial practices in Virginia is long overdue; though little public information exists about statewide pretrial outcomes, what we already know is deeply troubling. We believe that pretrial justice starts with transparency.

Virginia's pretrial detention rate has been on the rise for decades. In fact, the most common outcome for those who come through Virginia's pretrial system is outright detention (26 percent of people), followed by release conditioned on paying money (18 percent of people), often in amounts that are out of reach. Unnecessary pretrial detention exposes people to harsh conditions of confinement that forever alter their life outcomes.

Unjust pretrial detention affects us all. People in jail are cut off from important life functions like working, caring for their families, or accessing medication to maintain their mental or physical health. For anyone already struggling, being jailed pretrial can mean sliding further into desperate circumstances. Studies show that unnecessary pretrial detention makes some people more likely to break the law once released.

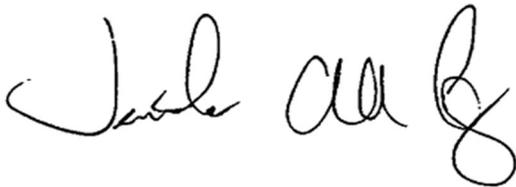
People are innocent until proven guilty and entitled to due process. We believe in the Constitution and the due process protections it affords to all accused people. We also believe strongly in the presumption of innocence. Pretrial detention forces many people — regardless of guilt or innocence — to take a plea just to get out of jail so they can return to their lives. People denied pretrial release or held on an unaffordable bond face an impossible choice: languish in jail waiting for their day in court or give up their rights by pleading guilty just so they can go home. No one should have to make that choice.

“Bail reform,” as this movement is known, is attracting rightful attention across the country. However, lessons from other states' attempts at “bail reform” show that there is no quick fix for pretrial systems that have been broken for years. In Maryland, where lawmakers focused primarily on eliminating cash bail, early results show an increase in the number of people being detained outright. Clearly, the complexity of pretrial decision-making requires a full understanding of all the failed practices and procedures that contribute to unnecessary pretrial detention.

Virginia does not collect or report data concerning statewide pretrial outcomes. As a result, the current process leads to unnecessary pretrial detention, punctuated by racial and economic disparities. Without consistent data collection and reporting on the full range of pretrial decisions, we will not be able to create laws that address these problems or move us closer to justice and away from costly, unnecessary, and often unfair detention.

For all these reasons, we fully support Del. Jennifer Carroll Foy's HB 2121 and Senator Jennifer McClellan's SB1687 pretrial transparency bill that will allow us to better understand the pretrial experiences of everyone involved in the Virginia criminal justice system- from types of release conditions like bond or pretrial services, to length of incarceration, including racial and economic demographics. As drafted, this bill would promote an unparalleled level of transparency and accountability in the state's criminal justice system and arm policymakers, researchers and everyday people with pertinent information about the issues that are plaguing the system. It will allow for informed consideration of policy change and strengthen the state's efforts to provide support to the many Virginians who are criminalized instead of given access to the support they need to live healthy productive lives. We call on the Governor, Lt. Governor, and every member of the General Assembly to support this bill.

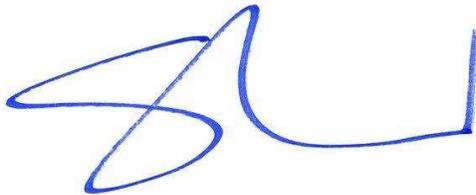
Warm Regards,



Delegate Jennifer Carroll Foy



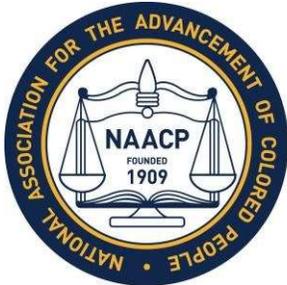
Senator Jennifer McClellan



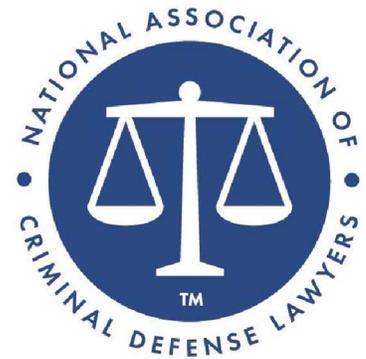
Delegate Sam Rasoul



APPENDIX 2



Virginia State Conference
NAACP



Richmond Chapter



VIRGINIA PRETRIAL JUSTICE COALITION

Dear Honorable Members of the Senate Judiciary and House Courts of Justice Committees:

We are a group of community members and justice reform organizations who are committed to ensuring individuals receive fair, rational, and humane treatment within the Commonwealth's criminal justice system. Today we write to express our concerns surrounding Virginia's pretrial and bail practices; to address the ongoing work of the Virginia State Crime Commission's (VSCC) Pre-Trial Data Project; and to discuss the lack of regular, institutional data collection that is necessary to permit a meaningful, ongoing, substantive assessment of the Commonwealth's pretrial practices. To that end, we call upon you to:

- exercise caution in relying on the conclusions in VSCC's Virginia Pre-Trial Data Project Preliminary Findings⁴⁴,
- support the public release of the data collected during the VSCC study,
- and vote in favor of HB 922/SB 723 which call for ongoing data collection regarding Virginia's pretrial system.

In 2017, the Virginia State Crime Commission was tasked with examining the efficacy of various pretrial release mechanisms at ensuring public safety and appearance at court.⁴⁵ Over the ensuing two years, the VSCC worked with a number of agencies in an effort to capture data on approximately 23,000 individuals arrested in October 2017 and to follow their cases through December 31, 2018. As the VSCC has repeatedly expressed, the task of gathering this data was extremely complex, as Virginia lacks a unified data collection system.

In December 2019, the VSCC issued a report, "Virginia Pre-Trial Data Project Preliminary Findings." The preliminary findings focused on addressing two specific, narrow research questions posed to the VSCC in the early stages of the data collection project:

- (1) "Did public safety and court appearance rates vary between defendants released on bond whose cases were heard in localities served by pretrial services agencies versus localities not served by pretrial services agencies?" and
- (2) "For defendants released on bond whose cases were heard in localities served by pretrial services agencies, did public safety and court appearance rates vary between defendants receiving pretrial services agency supervision and defendants not receiving pretrial services agency supervision?"

Caution is urged in drawing any conclusions about Virginia's pretrial process from these preliminary findings. Moreover, until we know more about the Commission's methodology, the current conclusions in the preliminary report should not be used to make policy without more research. A letter to the Commission requesting more insight into its process and suggesting additional research questions is forthcoming. It is our hope that the VSCC's final report and analysis will include significantly more detail that can inform future decision-making by courts and legislators.

⁴⁴ Virginia Pre-Trial Data Project Preliminary Findings, December 2019
<http://vscc.virginia.gov/images/VSCC%20PreTrial%20Data%20Project%20Preliminary%20Findings.pdf>

⁴⁵ Virginia Pre-Trial Data Project public presentation, November 8, 2018
<http://vscc.virginia.gov/VSCC%20FINAL%20Pretrial%20Data%20Project%20Presentation.pdf>

VIRGINIA PRETRIAL JUSTICE COALITION

The data collection process has resulted in the accumulation of hundreds of data points, from demographic information to pretrial detention periods, bail setting practices to sentencing outcomes. It has the potential

to be a rich source of information that can allow for a broad, robust, and detailed snapshot of Virginia's criminal justice system. The equity implications of the data are clear as the study confirms the disproportionate minority representation in Virginia's criminal justice system, with 40% of the approximately 23,000 people in the study cohort being Black, despite the fact that Blacks/African-Americans make up just under 20% of the Commonwealth's population.⁴⁶ To allow the fullest use of this data and to ensure the public has the ability to be informed about the operation of its criminal justice system on both the state and local level, the data gathered by the VSCC during its study should be made available to researchers and the public.⁴⁷

The decision about whether to make the data public rests with the VSCC leadership, some of whom sit on the very committees receiving this letter.⁴⁸ VSCC's last two scheduled public meetings regarding the pretrial data project were cancelled and no new, public meeting dates are currently scheduled, limiting the ability for the community to have a voice in the VSCC's work. The new legislative session is an opportunity to commit to procedures which increase transparency and utilize data to inform our decision-making and improve our understanding of the impacts of pretrial decisions on case outcomes and community safety.

Equally important is the passage of HB 922 (Del. Carroll Foy) and SB 723 (Sen. McClellan). These bills will require criminal justice agencies around the Commonwealth to collect and share data related to the pretrial process. Unlike the VSCC's data project, these bills create a continuous, sustained collection process, allowing for the ongoing assessment of practices and creation of yardsticks against which to measure the impact of various reforms and changes. This will enable us to make more informed decisions about how to minimize unnecessary, costly pretrial detention, while promoting community safety and the meaningful, timely disposition of criminal cases. It will allow for examinations of demographics to shed light on issues of race, ethnicity, gender, and age disparities and can promote practices which move the Commonwealth towards a more just criminal legal system. We urge you to vote in favor of those bills when they come before your respective committees and to support the public release of the data from VSCC's Pre-trial Data Project.

⁴⁶ U.S. Census Bureau population estimates for July 1, 2019, <https://www.census.gov/quickfacts/VA>, last visited Jan. 16, 2020.

⁴⁷ The data would be provided as disaggregated, anonymized information to allow meaningful research while ensuring privacy and confidentiality for those who are members of the data cohort.

⁴⁸ The Virginia State Crime Commission is led by a thirteen-member board: nine members are legislators assigned to the board based on the rules of proportional representation, three are gubernatorial appointments, with the remaining member being the Attorney General or their designee.

Respectfully,

ACLU Virginia

Civil Rights Corps

Justice Forward Virginia

League of Women Voters

Legal Aid Justice Center

National Association of Criminal Defense Lawyers

New Virginia Majority

Pretrial Justice Institute

Progress Virginia

Richmond Community Bail Fund

RIHD, Inc.

Virginia Sexual and Domestic Violence

Action

Alliance

Williamsburg Court Watch

CC: Virginia State Crime Commission and staff
