



## **A JOURNEY OF UNDERSTANDING: OUR CRIMINAL JUSTICE SYSTEM**

by

### **The Criminal Justice Immersion Team 2018**

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#### **Introduction**

We began our immersion journey united in the recognition that the criminal justice system within the greater Richmond metro area is crucial to the health of our region. Our team spanned a range of familiarity with criminal justice, from members who were largely unfamiliar to members who have worked in various organizations that are directly involved with criminal justice. Within this range, however, we all had a level of discomfort with the system as it exists.

Recognizing the magnitude and scope of “criminal justice”, we began our immersion process with the overarching goal of learning as much as possible for our own edification and to allow us to educate and inform others about the topic. In using terminology from the Virginia Center for Inclusive Communities, we recognized that this topic fell into the quadrant of “things we know we don’t know”. We began our interviews with an open mind and a desire to learn.

#### **Findings**

Kelly King Horne (LMR ‘11) (Homeward) and Megan Rollins (LMR ‘15) (Boaz and Ruth) gave us rich information that helped us to have a sense of the barriers facing those who have been incarcerated. Horne explained the cycle of homelessness as it relates to incarceration, substance use, and/or mental health. Homeward approaches their work as an umbrella organization that utilizes research, data, and collaboration to support organizations that work directly with those experiencing homelessness. Boaz and Ruth focuses on empowering, rebuilding, and connecting the residents of Highland Park, many of whom have experienced incarceration. These interviews provided an invaluable foundation for our team as well as suggestions for other resources within the Richmond area.

We wanted to span the spectrum within the criminal justice system, gathering as many perspectives as possible. This led us to those working with people recently released from jail, like Dr. Sarah Scarbrough (REAL Life program), Sara Dimick (Offender Aid and Restoration of Richmond), and Robin Telfian (Soles2Share). In these settings we learned

about the barriers facing those integrating into the population after incarceration. Many of these barriers are seemingly simple things like procuring a cell phone, housing, transportation, employment, and treatment for substance use or mental health. They may be simple but that does not make them easy for those coming out of jail to obtain. Unfortunately, these barriers become impenetrable walls that keep those who have experienced incarceration locked in a cycle of recidivism.

Similarly, we heard from those in the justice system about the cycle of poverty and lack of opportunity that begets crime. Claire Gastanaga (LMR '96) (ACLU of Virginia), Michael Herring (Commonwealth Attorney of Virginia), and John Gibney (U.S. District Judge, Eastern District of Virginia) each have different backgrounds and perspectives, yet they all named poverty as one of the top three contributing factors to crime in the Richmond region.

Each of them also talked specifically about the lack of rehabilitation in our jail system. Rather than working to rehabilitate offenders, jails and prisons instead create better criminals. There is not enough action to prepare them for life outside of jail, nor is there adequate treatment for the symptoms that led to their initial incarceration. This is particularly troubling with regard to mental health issues and substance use. People suffering from one or both of those issues are the most likely to return to jail.

According to Homeward's 2017 point-in-time survey data reflecting Richmond's homeless population, 63.9% reported having a problem with alcohol at some point in their lives. 63% reported having a problem with drugs at some point in their lives. 38.7% reported having a mental health problem at some point in their lives, and 54.3% reported having a long-term disability, with 79.4% of that number indicating their disability was related to drug or alcohol use, and 44.6% indicating their disability was related to mental health.

Similar data emerged from the Richmond Behavioral Health Authority. Shenee McCray and Dr. Jennifer Matovich reported that among the population they serve, 80-85% have a substance abuse disorder. This may in some cases be linked to a mental health issue, but unfortunately, according to Dr. Matovich, most prison employees are not trained to detect mental health issues. Our system is designed to react to the symptom of the illness (violence, crime, etc.) rather than understanding and addressing the cause (substance use, mental illness, trauma).

Another area of research for our team centered around laws and law enforcement. Claire Gastanaga from the ACLU and Judge Gibney both talked extensively about the felony threshold and expressed a desire to raise it. While this will change in Virginia on July 1, 2018 from \$250 to \$500, Virginia will still remain on the low end of this, with many states using a \$1,000 threshold (Hipolit, CBS6 wtvr.com). This, along with what some characterize as antiquated drug laws, lead to overcrowding in prisons.

A surprising point of data uncovered in the ACLU interview is the unchallenged power of Commonwealth's Attorneys throughout the state. The ACLU's report, entitled "Unchallenged Power", explained that found that Commonwealth's attorneys (CAs) in Virginia ran for office uncontested in 72% of elections from 2005-15. Of Virginia's 120 localities in which CAs are elected every four years, 40% did not have a single contested race during the same 10-year period ("New ACLU Report: Virginia's Local, Elected

Prosecutors Have ‘Unparalleled Power’ That Goes Largely Unchecked”). The prosecuting attorney has a significant amount of power in determining how many and what charges a defendant will face. This has a direct impact in determining potential sentences, especially because the majority of cases are resolved through a plea bargain offered by the prosecutor. Despite the impact of their power and authority, most members of our team were unable to identify the Commonwealth's Attorney in their area of residence.

We also had a desire to understand better the perspective of those in law enforcement. Several members of our team had the opportunity to participate in MILO simulator training, in which participants play the role of a police officer entering an unknown and potentially dangerous situation and are forced to make a split-second decision whether to shoot or not shoot. This experience was incredibly impactful and helped participants understand how complex those situations are for law enforcement officers.

We also had members participate in site visits (e.g., Central State Hospital, RBHA's Crisis Stabilization Unit, Crisis Triage Center at Chippenham Hospital, Richmond Justice Center) through the Crisis Intervention Training (CIT) program, a formalized training program to train law enforcement officers to better respond to situations involving people in crisis. CIT programs are local, collaborative initiatives that bring together first responders, mental health providers, hospital emergency departments, individuals with mental illness and their families, and other community partners. The goal of the educational and scenario-based training is to help keep people with mental illness out of jail, and get them into treatment, where they are more likely to begin the recovery process.

These opportunities coalesced in exemplifying for our team the immense complexity of the criminal justice system. While we felt overwhelmed at times, ultimately we emerged hopeful and energized in our efforts to affect change. The passion of those we interviewed and the increasing sense of collaboration among many organizations in the region gives good reason to believe change is afoot. Each of us is grateful to have become more educated and we all yearn to learn even more and to follow our own call to action.

Each constituent interviewed was asked what could our immersion team do for their organization. Answers varied, however a clear theme emerged: *spread the word*. All constituents advocated for citizens to become further educated and aware of the flaws in our criminal justice system.

The finite consensus from all of our research and experiences came with resounding clarity: *the system as it exists does not work*.

## **Call to Action**

Our call to action for our LMR class members is to become involved however and on whatever level you can. This can be donating time, resources, and/or expertise to one of these organizations. It can be becoming further educated about entanglements of the criminal justice system. It can be as small as donating a pair of socks and shoes. We simply ask that you become aware and respond as you feel moved. *Our region and its people are too precious to lose to a broken system.*

## Interviews

- **Sara Dimick**, Offender Aid and Restoration of Richmond
- **Claire Gastanaga**, (LMR '96) ACLU of Virginia
- **Judge John Gibney**, U.S. District Judge, Eastern District of Virginia
- **Michael Herring**, Commonwealth Attorney, City of Richmond
- **Kelly King Horne**, LMR ('11), Homeward
- **Dr. Jennifer Matovich**, Central State Hospital
- **Shenee McCray**, Richmond Behavioral Health
- **Megan Rollins**, (LMR '15), Boaz and Ruth
- **Dr. Sara Scarbrough**, REAL Richmond
- **Robin Telfianoles**, 2Share

## Experiential Activities

- **Richmond Police Department** - MILO Simulation
- **Richmond Police Department** - Site visits through Crisis Intervention Training (CIT)

## Works Cited

- Hipolit, Melissa. "New Law Will Increase Felony Threshold from \$200 to \$500." CBS6. <http://wtvr.com/2018/02/08/new-law-will-increase-felony-larceny-threshold-from-200-to-500/>
- Matovich, Dr. Jennifer, and McCray, Shenee. Interview. 1 February 2018.
- "New ACLU Report: Virginia's Local, Elected Prosecutors Have 'Unparalleled Power' That Goes Largely Unchecked." ACLU of Virginia. June 2016. <https://acluva.org/en/press-releases/new-aclu-va-report-virginias-local-elected-prosecutors-have-unparalleled-power-goes>

## Other Resources

<i>Richmond Free Press</i> - "VCU Offers Chance for Jail Inmates to Write Their Way Out"	<a href="http://m.richmondfreepress.com/news/2017/dec/06/vcu-offers-chance-jail-inmates-write-way-out/">http://m.richmondfreepress.com/news/2017/dec/06/vcu-offers-chance-jail-inmates-write-way-out/</a>
A Review of Mental Health Services in Local and Regional Jails; Office of the State Inspector General (2014)	<a href="https://static.prisonpolicy.org/scans/52d5520409c49.pdf">https://static.prisonpolicy.org/scans/52d5520409c49.pdf</a>
Mental Health and Recidivism; Virginia Department of Corrections (2015)	<a href="https://vadoc.virginia.gov/about/facts/research/mental-health-and-recidivism-2015.pdf">https://vadoc.virginia.gov/about/facts/research/mental-health-and-recidivism-2015.pdf</a>
The Essential Elements of Mental Health Dockets in Virginia	<a href="http://www.dbhds.virginia.gov/library/forensics/fofo%20-%20mental%20health%20docket%20report%20final.pdf">http://www.dbhds.virginia.gov/library/forensics/fofo%20-%20mental%20health%20docket%20report%20final.pdf</a>
NAMI Fact Sheet: Mental Illness and the Criminal	<a href="https://namivirginia.org/wp-">https://namivirginia.org/wp-</a>

Justice System	<a href="content/uploads/sites/127/2016/03/MIandCriminalJusticeSystem.pdf">content/uploads/sites/127/2016/03/MIandCriminalJusticeSystem.pdf</a>
NAMI Fact Sheet: Virginia Statistics	<a href="https://namivirginia.org/about-mental-illness/data-on-mental-health-in-virginia/virginia-statistics/">https://namivirginia.org/about-mental-illness/data-on-mental-health-in-virginia/virginia-statistics/</a>
<i>Richmond Times-Dispatch</i> “Chesterfield Crisis Triage Center Will Reduce Mental Health Wait”	<a href="http://www.richmond.com/news/local/chesterfield/crisis-triage-center-will-help-reduce-mental-health-wait/article_1f4505fa-8565-5888-9370-f41571cc17ac.html">http://www.richmond.com/news/local/chesterfield/crisis-triage-center-will-help-reduce-mental-health-wait/article_1f4505fa-8565-5888-9370-f41571cc17ac.html</a>
<i>New York Times</i> Opinion: “Missing: Criminal Justice Data”	<a href="https://www.nytimes.com/2018/03/21/opinion/missing-criminal-justice-data.html">https://www.nytimes.com/2018/03/21/opinion/missing-criminal-justice-data.html</a>
<i>Richmond Times-Dispatch</i> “Man Shot by Richmond Police at Forest Hill Food Lion”	<a href="http://www.richmond.com/news/local/city-of-richmond/man-shot-by-richmond-police-at-forest-hill-food-lion/article_c99ce9fe-fe03-50c1-ad61-f798344ded65.html">http://www.richmond.com/news/local/city-of-richmond/man-shot-by-richmond-police-at-forest-hill-food-lion/article_c99ce9fe-fe03-50c1-ad61-f798344ded65.html</a>
<i>Richmond Times-Dispatch</i> “Two Former Heroin Addicts on Their Journey to Recovery”	<a href="http://www.richmond.com/news/local/two-former-heroin-addicts-on-their-journey-of-recovery-it/article_ee292887-31b4-5df4-a71b-37068c9038db.html">http://www.richmond.com/news/local/two-former-heroin-addicts-on-their-journey-of-recovery-it/article_ee292887-31b4-5df4-a71b-37068c9038db.html</a>
CBS 6 News “Richmond Teens Have ‘Eye-Opening’ Lesson from Police”	<a href="http://wtvr.com/2018/02/08/new-law-will-increase-felony-larceny-threshold-from-200-to-500/">http://wtvr.com/2018/02/08/new-law-will-increase-felony-larceny-threshold-from-200-to-500/</a>
Netflix documentary <i>13th</i>	<a href="https://www.netflix.com">https://www.netflix.com</a>
<i>Richmond Times-Dispatch</i> “Nearly 90 Percent of Inmates in Jails Run by Henrico Sheriff’s Office Say Their Drug Use Helped Put Them Behind Bars”	<a href="http://www.richmond.com/news/local/crime/nearly-percent-of-inmates-in-jails-run-by-henrico-sheriff/article_6254f76a-a89a-587b-8a04-56a2244df73e.html">http://www.richmond.com/news/local/crime/nearly-percent-of-inmates-in-jails-run-by-henrico-sheriff/article_6254f76a-a89a-587b-8a04-56a2244df73e.html</a>
<i>Richmond Magazine</i> “One Year in City Jail Costs More than One Year at VCU”	<a href="https://rvamag.com/politics/one-year-in-a-richmond-city-jail-costs-more-than-one-year-at-vcu.html">https://rvamag.com/politics/one-year-in-a-richmond-city-jail-costs-more-than-one-year-at-vcu.html</a>
<i>Justice Policy Report</i> : “Virginia’s Justice System: Expensive, Ineffective and Unfair”	<a href="http://www.justicepolicy.org/uploads/justicepolicy/documents/va_justice_system_expensive_ineffective_and_unfair_final.pdf">http://www.justicepolicy.org/uploads/justicepolicy/documents/va_justice_system_expensive_ineffective_and_unfair_final.pdf</a>
VERA: Richmond Incarceration Trends	<a href="http://trends.vera.org/profile?fips=51760&amp;incarcerationData=all">http://trends.vera.org/profile?fips=51760&amp;incarcerationData=all</a>
Prison Policy Initiative: States of Incarceration: The Global Context 2016	<a href="https://www.prisonpolicy.org/global/2016.html">https://www.prisonpolicy.org/global/2016.html</a>
CBS <i>60 Minutes</i> “Behind Bars”	<a href="https://www.cbsnews.com/video/60-minutes-presents-behind-bars-2/">https://www.cbsnews.com/video/60-minutes-presents-behind-bars-2/</a>
<i>Last Week Tonight with John Oliver</i> “Mental Health”	<a href="https://www.youtube.com/watch?v=NGY6DqB1HX8">https://www.youtube.com/watch?v=NGY6DqB1HX8</a>
NPR <i>1A</i> podcast “The Problem with Prisons”	<a href="https://the1a.org/shows/2018-04-17/the-problem-in-prisons">https://the1a.org/shows/2018-04-17/the-problem-in-prisons</a>
<i>Just Mercy</i> by Bryan Stevenson	<a href="http://bryanstevenson.com">http://bryanstevenson.com</a>