



Virginia Criminal Sentencing Commission

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Meeting of the Virginia Criminal Sentencing Commission

April 6, 2026

10:00 am – 12:05 pm

Meeting held at the Virginia Supreme Court Building

Meeting Minutes

Members Attending in Person: **Judge Dennis Hupp** (Chairman), **Delegate Rae C. Cousins**, **Jae Davenport**, **Marcus Elam**, **Bethany Harrison**, **Judge Jack S. Hurley, Jr.**, **Nancy Parr**, **Lakishi Stevenson**, **Judge Bryant L. Sugg** and **Mindy Applewhite**

Members Attending Virtually*:

Judge Robert Humphreys – Reason cited: Principal residence is more than 60 miles from the meeting location / Participation location: Virginia Beach, Va.

Judge Stacey Moreau – Reason cited: Principal residence is more than 60 miles from the meeting location / Participation location: Chatham, Va.

K. Scott Miles – Reason cited: Principal residence is more than 60 miles from the meeting location / Participation location: Norfolk, Va.

Senator Russet Perry – Reason cited: Principal residence is more than 60 miles from the meeting location / Participation location: Leesburg, Va.

Judge Tania M.L. Saylor – Reason cited: Principal residence is more than 60 miles from the meeting location / Participation location: Fairfax, Va.

Members Absent: **Judge Steven C. Frucci** and **Judge Victoria A.B. Willis**

WELCOME

Before calling the meeting to order, Judge Hupp, Chairman, welcomed Commission members. Judge Hupp introduced new members. Ms. Jae Davenport has been designated to represent the Attorney General's Office. She is Deputy Attorney General of the Criminal Justice and Public Safety Division. She has decades of experience in criminal justice, including service as a public defender, Standards of Practice Enforcement Attorney for Indigent Defense Counsel and Legislative Advocate, Deputy Secretary of Public Safety and Homeland Security, and Deputy Counsel to the Governor. Governor Youngkin appointed Mindy Applewhite to serve as the Commission's victim representative. Ms. Applewhite retired in 2017 as a Deputy Chief Probation and Parole Officer and subsequently served as a Parole Examiner to the Parole Board for four years. For the past five years, she has worked as an Intelligence Officer with the Chesterfield Sheriff's Office.

The Commission is waiting for two more formal appointments from the House of Delegates. The meeting commenced promptly at 10:00am.

AGENDA

The meeting agenda is available at: <http://www.vcsc.virginia.gov/2026Meetings/MtgAgenda040626.pdf>

APPROVAL OF MINUTES FROM LAST COMMISSION MEETING

Minutes from the meeting held on November 6, 2025, were approved as submitted. The minutes are available at: <http://www.vcsc.virginia.gov/2026Meetings/Minutes110625.pdf>

REPORT ON THE 2026 GENERAL ASSEMBLY AND LEGISLATIVE IMPACT ANALYSIS

Presentation link: http://www.vcsc.virginia.gov/2026Meetings/2026GAB_Impacts040626.pdf

Dr. Chang Kwon, the Commission's Chief Methodologist, described the many activities of Commission staff during the 2026 Session of the General Assembly. These activities included the preparation of fiscal impact statements, as required by statute, responding to legislators' requests for supplemental information, monitoring legislation, observing the judicial interview process, and providing technical assistance to other agencies. He provided an overview of the requirements pertaining to fiscal impact statements that must be prepared by the Commission. Dr. Kwon then presented an overview of the number and kinds of impact statements prepared for the 2026 General Assembly. Staff produced a total of 313 impact statements. Proposals requiring fiscal impact statements most frequently involved the expansion or clarification of an existing statute (95%) or the definition of a new crime (50%). Dr. Kwon displayed a slide to show the diversity of topic areas among fiscal impact statements prepared. For the 2026 Session, the most common topic area was firearms/weapons. Commission staff also completed ad hoc analyses requested by legislators, the Department of Planning & Budget and other state agencies. As indicated by Dr. Kwon, legislators can ask the Joint Legislative Audit and Review Committee (JLARC) to conduct an independent review of any fiscal impact statement prepared by the Commission. The number of such requests has ranged from zero to two per year. During the 2026 Session, JLARC was not asked to review any of the Commission's fiscal impact statements.

Mr. Jody Fridley, the Commission's Director, highlighted a few bills that related directly to the Commission, Sentencing Guidelines, or criminal penalties. He noted that his presentation was not intended to be comprehensive but would focus on the legislation most relevant to the Commission's work. First, he informed members that no legislation had been introduced during the 2026 General Assembly session pertaining to the recommendations in the Commission's 2025 Annual Report. Therefore, the Commission's recommendations for Guidelines revisions would become effective on July 1, 2026.

The Commission had requested legislation (Senate Bill 330) to provide that any clerk of a circuit court who provides secure remote access to nonconfidential court records shall allow both the Commission and the Department of Corrections to enter into a single subscriber agreement. Senator Perry patroned the bill. The bill passed by both houses and was approved by the Governor.

PRETRIAL SERVICES – VPRAI TO PSA AND THE USE OF INTERVIEWS

Presentation link: <http://www.vcsc.virginia.gov/2026Meetings/DCJS040625.pdf>

Judge Hupp introduced Jennifer MacArthur, the Adult Justice Programs Manager in the Division of Programs and Services at the Department of Criminal Justice Services (DCJS). Judge Hupp continued to introduce Wesley Smallwood who serves as Pretrial Services Coordinator in the Adult Justice Programs Section at DCJS and the State Team Lead for the Virginia Pretrial Advancement Project.

Ms. MacArthur expressed her support of SB714 and mentioned the lack of pretrial interview service due to a variety of reasons. She also informed commission members of the presence of Mr. Gary Huges, director of Chesterfield Pretrial Service.

Mr. Smallwood discussed the history of pretrial service and VPRAI (Virginia Pretrial Risk Assessment Instrument) in the Commonwealth. He explained the gap between the number of people who were investigated for pretrial service and the number of people who were eligible. He displayed how the adoption of PSA has closed the gap in pretrial investigation in pilot jurisdictions. In particular, Mr. Smallwood stressed that the purpose of pretrial risk assessment tools is not to replace but to assist judicial decisions.

Commission member Ms. Harrison asked if PSAs include a list of the criminal convictions or the person assessed. Mr. Smallwood answered that PSA looked at criminal history but the result does not display it. Commission member Senator Perry was concerned that without face-to-face interview with a pretrial officer under PSA, some valuable information may not be included, such as someone's medical condition and needs. Mr. Smallwood responded that the opportunity of being interviewed still exists while PSA will fill the gap for the people who cannot be interviewed.

Mr. Smallwood also invited Mr. Gary Huges to talk about their experience with PSA at Chesterfield Pretrial Service. Mr. Huges noted that over the past year, PSA has allowed Chesterfield to reach almost universal assessment for all eligible defendants for pretrial supervision. He also noted that missing interviews or troubled behavior at interviews may bring out bias upon pretrial decisions.

Commission member Mr. Miles from Norfolk shared his observation of judges' view of pretrial interview. He commented that when pretrial offices switched from VPRAI to PSA, interviews stopped as it is no longer required and judges felt that they are getting less valuable information now. Commission Member Ms. Nancy Parr asked about the number of interviews conducted for jurisdictions that switched from VPRAI to PSA. Mr. Smallwood responded that out of six jurisdictions that made the switch, two of them are still doing pretrial interviews, including Prince William County and Waynesboro Blue Ridge Court Services. It was up to the local agencies to make a decision on pretrial interviews. For Chesterfield, there is a six-month pilot study and they will check if there is any impact on pretrial release and outcome without interview. Mr. Smallwood confirmed that local resources, pretrial structure and capability, and even jails play a role in the decision of interview practice.

PROPOSED RESEARCH PROJECT ON PRETRIAL SERVICES AND INTERVIEWS

Presentation link: http://www.vcsc.virginia.gov/2026Meetings/PretrialServicesProject_040626.pdf

Dr. Chang Kwon, Chief Methodologist, discussed two research proposals on pretrial interviews. The first research project evaluates the impact of interviews upon release decisions and pretrial outcomes. The second research compares PSA or VPRAI. Commission member Ms. Parr suggested including public defenders and prosecutors in the research to assess their thoughts on the benefits of pretrial interviews.

Mr. Fridley then asked the commission's permission to present this research at the ASC (American Society of Criminology) Fall 2026 conference. A Commission member made a motion and the commission approved the research proposals.

PROPOSED EMBEZZLEMENT STUDY

Presentation link: <http://www.vcsc.virginia.gov/2026Meetings/EmbezzlementStudy040626.pdf>

Mr. Thomas Barnes, Research Associate, provided a brief summary of the rationale and timeline for a new embezzlement study. He pointed out that the structure of the Larceny worksheets changes from three worksheets to two on July 1, 2026, and that this will affect the scoring of embezzlement cases and the accompanying sentencing recommendations. Some stakeholders have mentioned that even high dollar embezzlement cases may not result in incarceration and, for this reason, the relationship between the dollar value of the crime and sentencing decisions should be reexamined. Commission staff proposed to begin collecting data on embezzlement cases in 2026, with the bulk of the analysis to be performed in 2027. Mr. Barnes discussed how the current Larceny worksheets score amount of embezzlement. He pointed out that there is no amount of embezzlement factor on the revised Larceny Worksheet A, because this factor did not have a statistically significant impact on the decision to incarcerate or not. He also displayed a slide based on FY2024-FY2025 embezzlement data showing that the median value of restitution did not strictly increase with a harsher sentencing outcome. Restitution is not always reflective of the actual dollar value of the crime, especially in cases where a separate restitution hearing is held after sentencing.

UPDATE ON PROJECTS

Mr. Fridley provided a brief update on several ongoing projects. These included the use of juvenile data to populate guidelines in SWIFT and the development of a new process to report missing guidelines to circuit court clerks, Commonwealth's attorneys, and judges.

MISCELLANEOUS ITEMS

Mr. Fridley advised that the National Association of Sentencing Commissions (NASC) will hold its 2026 conference in Albuquerque, New Mexico, on August 12–14. He invited any members interested in attending to contact him directly.

He noted that staff would be present at the upcoming Judicial Conference and would host a table where judges could ask questions regarding the Guidelines.

Finally, Mr. Fridley reminded members of the remaining 2026 meeting dates: June 15, September 14, and November 9.

PUBLIC COMMENT

One member of the public provided written comment.

With no comments and there being no further business, the Commission adjourned at 12:15p.m.

Sentencing Commission Meeting Recording

NEXT VCSC MEETING:

Tentative Date: Monday, June 15, 2026

Time: 10:00 a.m.

Members of the public may request remote access or sign up for public comment by sending an e-mail to:

Cwilliamson@vacourts.gov.

Respectfully submitted by:

Carolyn Williamson, Research Associate

Minutes Reviewed by:

Joseph Fridley, Director