

Impact of Larceny/Fraud Thresholds on Virginia Prison Bed Space

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Larceny/Fraud Thresholds

- Larceny/Fraud Thresholds refer to the dollar amount that delineates misdemeanor crimes from felony crimes
- The Larceny/Fraud Threshold in Virginia increased from \$100 to \$200 in 1980
- There are 438 separate Virginia Crime Codes (VCC) covered under the larceny/fraud threshold*
- In FY2007, there were 438 new commitments to the DOC for a felony Larceny/Fraud threshold offense

* There are also 14 Arson, 30 Computer Crimes, 1 Conspiracy and 63 Other Non-Violent VCC's with the \$200 threshold

Larceny/Fraud Thresholds

- Over time, the purchasing power of money changes due to inflation
- Between August 2007 and August 2008, the price of consumer goods increased by 5.4% (Bureau of Labor Statistics 9/16/2008)
- An item purchased in 1980 for \$200 would today cost approximately \$525

Real Dollar Value of Virginia's Larceny/Fraud Threshold

Real Dollars

\$600.00

\$500.00

\$400.00

\$300.00

\$200.00

\$100.00

\$0.00

2008 National
Average = \$525

	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
— National Average	\$200.	\$206.	\$234.	\$241.	\$252.	\$261.	\$266.	\$275.	\$287.	\$300.	\$317.	\$330.	\$340.	\$350.	\$359.	\$369.	\$380.	\$389.	\$395.	\$404.	\$417.	\$429.	\$436.	\$446.	\$458.	\$474.	\$489.	\$503.	\$525.
— Regional Average	\$200.	\$221.	\$235.	\$243.	\$253.	\$261.	\$265.	\$274.	\$284.	\$296.	\$312.	\$324.	\$333.	\$343.	\$353.	\$363.	\$375.	\$375.	\$388.	\$395.	\$410.	\$421.	\$427.	\$435.	\$445.	\$460.	\$471.	\$483.	

Source: Consumer Price Index (CPI) produced by the U.S. Department of Labor, Bureau of Labor Statistics applied to Virginia Larceny Threshold of \$200 (effective 1980)

Impact of Larceny/Fraud Thresholds

- To bring the threshold closer to real terms in 2008, thresholds of \$500 or \$600 might be considered
- Adjusting the threshold will have an impact on bed space requirements
 - Misdemeanor larceny/fraud cases
 - Maximum penalty is 12 months or less
 - Offenders convicted of misdemeanor larceny/fraud offenses will not serve time with the DOC unless accompanied by a felony because DOC only takes offenders with a sentence of 1 year or more
 - Felony larceny/fraud cases
 - Penalties vary according to the crime, but all have the potential of receiving a prison sentence
 - If crimes are reduced to a misdemeanor, these offenders would no longer come to VA DOC for that offense
 - There could be a shift from prison beds to jail beds; however, the offenders would spend a shorter amount of time incarcerated in jails (< one year)

Impact of Larceny/Fraud

Thresholds: Methodology

FY2007 New Court Commitment (NCC) data was used to identify cases that could potentially be impacted by such a change.

- Additional data was collected for all cases with a threshold offense.
- DOC Pre-Sentence Investigation Reports (PSI) were utilized to obtain the dollar amount involved in the offenses from the narrative sections of these reports.
- For offenders without a PSI (69 offenders), Virginia Criminal Sentencing Commission (VCSC) Guidelines data was used to insert restitution amounts as a proxy for the dollar amount of larceny or fraud.

Impact of Larceny/Fraud Thresholds

Two separate groups of offenders were identified

- “Pure” threshold cases had no additional felonies
 - The threshold amount would have a direct impact on these offenders because they are only serving time for a threshold offense.
 - An increase in the threshold would reduce the offense to a misdemeanor for cases falling below the new threshold. Such misdemeanor sentenced inmates would not be sentenced to the DOC.
- Offenders who had at least one threshold offense but also were serving time for at least one additional felony
 - Unlike the “pure” threshold offenders, these offenders may have become DOC inmates; regardless of the threshold amount.
 - However; their prison sentence might be shorter.

Threshold Offenders in FY2007 DOC New Court Commitments (NCC)

	Pure Threshold Offenders	Threshold & Other Felony Offenders
Total FY2007 NCC Threshold Offenders	82	356
Larceny Threshold Offenses Only	1	0
Fraud Threshold Offenses Only	70	103
Larceny & Fraud Threshold Offenses	11	253

Threshold Offenders in FY2007 DOC NCC, Below \$500 Threshold

	Pure Threshold Offenders	Threshold & Other Felony Offenders
Threshold \$500 or More		
# FY2007 NCC Below Threshold	14 (24.6%)	40 (21.3%)
Avg. Sentence (months) Threshold Offenders < \$500	23.6 months	33 months
Avg. Sentence (months) Threshold Offenders \$500 +	25.4 months	42 months

- Pure Threshold cases < \$500 would not go to prison (maximum sentence would be 12 months)
- Pure threshold offenders are sentenced to serve an average of 9.4 months less those with additional felonies

Threshold Offenders in FY2007 DOC NCC, Below \$600 Threshold

	Pure Threshold Offenders	Threshold & Other Felony Offenders
Threshold \$600 or More		
# FY2007 NCC Below Threshold	16 (28.1%)	50 (26.6%)
Avg. Sentence (months) Threshold Offenders < \$600	25.2	32.6
Avg. Sentence (months) Threshold Offenders \$600 +	24.9	42.8

- Pure Threshold cases < \$600 would not go to prison (maximum sentence would be 12 months)
- Pure threshold offenders are sentenced to serve an average of 7.4 months less those with additional felonies

Impact of Increasing the Larceny/Fraud Thresholds on DOC Prison Beds

	\$500 Threshold		\$600 Threshold	
	Beds Saved	Fiscal Impact	Beds Saved	Fiscal Impact
FY2009	54	\$1,482,408	66	\$1,811,832
FY2010	103	\$2,827,556	128	\$3,513,856
FY2011	120	\$3,294,240	147	\$4,035,444
FY2012	124	\$3,404,048	154	\$4,227,608
FY2013	129	\$3,541,308	159	\$4,364,868
FY2014	135	\$3,706,020	164	\$4,502,128

Cost per Bed from DPB =

\$27,452