

**Governor's  
Commission on  
Violent Crime  
in Virginia**

***Final Report***

**Crime Prevention**

**Criminal Justice/  
Law Enforcement**

***January, 1994***

7 15-94  
146853  
P.I.

ite  
activity

146853

U.S. Department of Justice  
National Institute of Justice

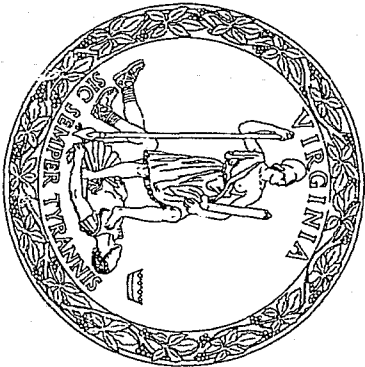
This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material has been granted by

Commonwealth of Virginia

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.



*January, 1994*

**Governor's Commission  
on Violent Crime  
in Virginia**  
*A Final Report*

146853



*Transmittal Letter from  
Chair O. Randolph Rollins  
to Governor L. Douglas Wilder*



COMMONWEALTH of VIRGINIA

O. Randolph Rollins  
Secretary of Public Safety

Office of the Governor  
Richmond 23219  
December, 1993

(804) 786-5351  
TDD (804) 786-7765

The Honorable Lawrence Douglas Wilder  
Governor, Commonwealth of Virginia  
State Capitol  
Richmond, Virginia 23219

Dear Governor Wilder:

I am pleased to present to you the Final Report of the Governor's Commission on Violent Crime.

In creating the Commission, you asked that we make recommendations to reduce violent crime and the fear of crime in Virginia. You identified three primary strategies: (1) to prevent crime in the first place, (2) to solve crime when it occurs and to strengthen the criminal justice system, and (3) to reduce criminal recidivism.

Over a period of 18 months, the Commission has been seriously engaged in this task. We heard from experts and from ordinary citizens, and we benefitted from a unique Anti-Crime Forum held at Virginia Commonwealth University and keynoted by the Attorney General of the United States Janet Reno and by you.

In December 1992, we delivered an interim report containing 30 legislative recommendations. You adopted 14 of those proposals as your 1993 Violent Crime Legislative Initiative, and 13--including the historic one-handgun-per-month purchase limit--were adopted by the General Assembly. Without doubt, this is the most comprehensive criminal justice legislation ever adopted in the Commonwealth.

In addition to the legislative proposals, the Final Report presents 20 programmatic initiatives which address the causes of violent crime in our society. Many of these programs are included in your 1994-96 executive budget.

While much remains to be done, the Commission believes this Final Report provides, in concrete terms, a blueprint for the Commonwealth as it continues to perform the first mission of government: to preserve and protect the public safety.

Thank you for the opportunity to serve.

Respectfully submitted,

*O. Randolph Rollins*  
O. Randolph Rollins  
Chairman



*Executive Order Authorizing  
the Establishment of the  
Commission on Violent Crime*



**COMMONWEALTH of VIRGINIA**

Office of the Governor  
Richmond 23219

Lawrence Douglas Wilder  
Governor

EXECUTIVE ORDER NUMBER FORTY-EIGHT (92)

CREATING GOVERNOR'S COMMISSION ON VIOLENT CRIME

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and, including, but not limited to, Section 2.1-51.36 of the Code of Virginia, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby create the Governor's Commission on Violent Crime.

The Commission is classified as a gubernatorial advisory commission in accordance with Sections 2.1-51.35 and 9-6.25 of the Code of Virginia.

The Commission shall have the specific duty of advising the Governor on: how the Commonwealth could further address and reduce the escalating frequency and impact of violent crime, particularly crimes of murder, aggravated assault, rape and other serious sex offenses; the causes of and offenders responsible for violent crime; the role of firearms and firearms trafficking in violent crime; and violent crime committed by juveniles. The Commission shall pay particular attention to violent crime, its causes and impacts for large urban areas and the potential for violent crime to develop into mass violence. The Commission shall also explore opportunities for cooperation among jurisdictions and between the public and the private sectors.

In making its recommendations, the Commission shall consider the following strategies, among others, for the reduction of violent crime and the fear of crime in Virginia: (1) to prevent crime from occurring in the first place; (2) to solve crime when it occurs and to strengthen the criminal justice system through new laws, procedures, resources and techniques which will expedite verdicts, provide meaningful sanctions and protect the rights of all persons; and (3) to reduce criminal recidivism by equipping offenders with skills and perspectives to return to society as productive citizens. The Commission shall make legislative and budget recommendations for the Governor's consideration for the 1993 and 1994 sessions of the General Assembly, having due regard for Virginia's financial projections.

The Secretary of Public Safety shall serve as Chair of the Commission and the Governor's Special Assistant for Drug Policy will serve as Co-Chair. Members of the Commission shall be appointed by the Governor and shall serve at his pleasure. The Commission shall consist of no more than 15 members, including state and local representatives of criminal justice agencies and the courts, local officials, corrections officials, a legislative representative,

*"The Commonwealth can't just stand still and take reactive steps. We must be bold if we are to turn the tide against criminality and violence in our state and our nation....Finding solutions to these problems will take courage and innovation. We cannot legislate opportunity, nor hard work or responsibility and the need to restore the family unit."*

*Governor L. Douglas Wilder*

the Office of the Governor, and others. My initial appointments are attached as Appendix I of this executive order.

Such funding as is necessary for the fulfillment of the Commission's responsibilities during the term of its existence shall be provided by federal anti-crime grant funds and by the Secretary of Public Safety. Other support as is necessary for the conduct of the Commission's business during the term of its existence may be provided by such executive branch public safety agencies as the Governor may from time to time designate. Total expenditures for the Commission's work are estimated to be \$25,000.

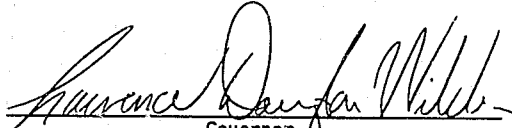
Such staff support as is necessary for the conduct of the Commission's business during the term of its existence will be provided by the Office of the Secretary of Public Safety or provided by such executive branch agencies as the Governor may from time to time designate. An estimated 5,000 hours of staff support will be required to assist the Commission.

Members of the Commission shall be reimbursed only for reasonable and necessary expenses incurred in the performance of their official duties.

The Commission shall complete its examinations of these matters and report to the Governor no later than June, 1993. It may issue interim reports and make recommendations at any time it deems necessary.

This Executive Order shall become effective June 15, 1992, and shall remain in full force and effect until June 14, 1993, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 11 day of June, 1992.

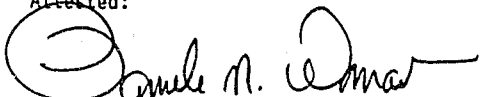
  
Governor

---

*In June 1993, Governor Wilder issued Executive Order Number Seventy-one (93) continuing the Governor's Commission on Violent Crime until December 31, 1993.*

---

Attested:

  
Secretary of the Commonwealth





**Governor's Commission  
on Violent Crime  
Members**



*Governor Wilder with members of the Commission on Violent Crime. Seated from left to right: Helen Fahey; Robert Ball; Governor Wilder; Chair O. Randolph Rollins; Walter Felton. Standing, left to right: Charles Kehoe; J. Dean Lewis; Richard Cullen; Buford Parsons, Jr.; Clarence Jackson; Jorman Granger; Vicechair, Robert Northern; Lindsay Dorrier and Edward Murray. Members not present: V. Stuart Cook; Carl Baker and Pat Minetti.*

**Chair and  
Vicechair**

■ **The Honorable  
O. Randolph Rollins**  
Secretary of Public Safety  
*Commission Chair*

■ **Robert B. Northern**  
Special Assistant for Drug Policy  
Governor's Office  
*Commission Vicechair*

**Commission  
Members**

■ **The Honorable  
Robert B. Ball, Sr.**  
Member  
Virginia House of Delegates

■ **V. Stuart Cook**  
Sheriff  
Hanover County

■ **Colonel Carl R. Baker**  
Superintendent  
Virginia State Police

■ **Jorman D. Granger**  
Deputy Chief of Staff  
Governor's Office

■ **The Honorable  
Lindsay G. Dorrier, Jr.**  
Director  
Criminal Justice Services

■ **Clarence L. Jackson**  
Chair  
Virginia Parole Board

■ **The Honorable  
Helen F. Fahey**  
U. S. Attorney  
U. S. Department of Justice

■ **Edward W. Murray**  
Director  
Corrections

■ **The Honorable  
Buford M. Parsons, Jr.**  
Circuit Court Judge  
Henrico County

■ **Pat G. Minetti**  
Chief of Police  
City of Hampton

■ **The Honorable  
Richard Cullen**  
Attorney  
McGuire, Woods, Battle and Boothe

■ **Charles J. Kehoe**  
Director  
Youth and Family Services

■ **The Honorable  
J. Dean Lewis**  
Juvenile Court Judge  
Fredericksburg, Virginia



**G**overnor's Commission  
on Violent Crime  
Staff



Governor Wilder with staff members to the Commission on Violent Crime. Seated from left to right: Eric Finkbeiner; staff director Richard Kern; Robert Ball; Governor Wilder; Chair O. Randolph Rollins; Kim Hunt; Jim Davis. Standing, left to right: Linda Nablo; Dennis Waite; staff leader, Kirk Showalter; Forrest Powell; staff leader Pat Harris; Mellie Randall; James McDonough; staff leader Jerry Conner; Carlie Merritt and Walter Felton. Members not present: John Britton; Gunnar Kohlbeck; Dick Hall-Sizemore.

*Staff Director*

- **Dr. Richard P. Kern**  
Criminal Justice Services  
Criminal Justice Research Center  
*Staff Director to the Commission*

*Crime Prevention  
Subcommittee*

*Criminal Justice/  
Law Enforcement  
Subcommittee*

*Inmate Productivity  
Subcommittee*

- **Pat Harris**  
Criminal Justice Services  
*Staff Leader*
- **Mellie Randall**  
Mental Health, Mental Retardation  
and Substance Abuse Services
- **Gunnar Kohlbeck**  
Virginia State Police

- **Major Jerry Connor**  
Virginia State Police  
*Staff Leader*
- **John Britton**  
Corrections
- **Linda Nablo**  
Youth and Family Services
- **Dick Hall-Sizemore**  
Planning and Budget

- **Kirk Showalter**  
Planning and Budget  
*Staff leader*
- **Dr. Dennis Waite**  
Youth and Family Services
- **Jim Davis**  
Correctional Education
- **Dr. Kim Hunt**  
Criminal Justice Services
- **Forrest Powell**  
Corrections

*General Resource*

- **The Honorable  
Theophilise Twitty**  
Deputy Secretary of Public Safety  
Governor's Cabinet
- **The Honorable  
Walter Felton**  
Administrative Coordinator  
Commonwealth's Attorneys'  
Services Council
- **Eric Finkbeiner**  
Criminal Justice Services
- **Kris Ragan**  
Criminal Justice Services

*This report was prepared by the Department of Criminal Justice Services.*

Development and editing:

- Dr. James McDonough,  
Project Coordinator
- Dr. Jim Creech
- Carolyn Williamson
- Richard Cross  
Criminal Justice Research Center

Layout and design:

- Carlie Merritt  
Division of Information Systems and  
Technology



# Table of Contents

- Executive Summary ..... i
- Section I: Violent Crime Trends and Issues ..... 1
  - Violent Crime Rates for The United States (1992) ..... 2
  - Violent Crime Rates for Virginia Localities (1990-1992) ..... 4
  - Violent Crime Rate Trends for Virginia (1980-1992) ..... 6
  - Violent Crime Trends for Murder, Rape, Robbery and Aggravated Assault in Virginia (1980-1992) ..... 6
  - Types of Weapons Used in Virginia Murders (1992) ..... 8
  - Prior Criminal Record for Violent Felons in Virginia (1990-1992) ..... 8
  - Juvenile Violent Crime Arrests in Virginia (1980-1992) ..... 10
  - Schedule I/II Drug Arrests Involving Juveniles (1982-1992) ..... 10
  - Age Distribution for Murder Arrests in Virginia (1991) ..... 11
  - Virginia Population Estimates for Persons Age 15 to 24 ..... 11
  - Summary of Violent Crime Trends and Issues ..... 12
- Section II: The Governor's Commission on Violent Crime ..... 13
  - Introduction ..... 14
  - Members of the Violent Crime Commission ..... 14
  - The Commission's Work ..... 15
  - Commission Meetings and Testimony ..... 16
  - Active Role of the Governor and Commission Members ..... 20
- Section III: Legislative Recommendations ..... 21
  - Introduction to Recommendations Enacted by the 1993 General Assembly ..... 22
    - One Handgun Per Month Purchase Limit ..... 22
    - Firearms Dealers: Record Keeping/Penalty Enhancement ..... 22
    - Juvenile Possession of Handguns ..... 23
    - Juvenile Criminal History Records ..... 23
    - Destruction of Seized Weapons ..... 24
    - Require Presentence Reports for Felony Convictions to Contain Juvenile Criminal History Record Information ..... 24
    - Increased Penalty for Obstruction of Justice ..... 24
    - Serious or Habitual Offender Comprehensive Action Programs ..... 25
    - Increased Maximum Penalty for Second-Degree Murder ..... 25
    - Amended Parole Eligibility for Violent Offenders ..... 26
    - Out-of-State Prison Commitments as Parole Eligibility Factor ..... 26
    - Provide Enhanced Prior Notice of Prisoner Releases ..... 27
    - Joint Preliminary Hearings and Trials ..... 27
    - Purpose of Zoning Ordinances Amended to Include Crime Prevention ..... 28
    - Study a Safer By Design Community Program ..... 28
    - Expanded Juvenile Work Programs ..... 29
    - Increased Inmate Work Programs ..... 29
    - Study the Effects of Cultural Insensitivity on Violent Crime ..... 30
    - Truth-In-Sentencing Commission Established ..... 30
  - Introduction to Other Legislative Recommendations ..... 31
    - Increase the Penalty for Carrying a Concealed Firearm ..... 31
    - Enact a Three-Day Waiting Period for Handgun Purchases ..... 31
    - Allow Authority for Local Firearms Ordinances ..... 31
    - Authorize State Police to License Firearms Dealers ..... 31
    - Authorize State Police to Require State Permits for Gun Shows ..... 32
    - Allow Public Adjudication of Serious Juvenile Offenders ..... 32





*Table of Contents,  
continued*

Authorize Bifurcated Trials .....	32
Amend Parole Eligibility Laws for Sex Offenders .....	33
Authorize State Police to Run Witness Protection Program .....	33
1993 Budget Initiatives .....	34
Section IV: Programmatic Recommendations .....	35
• Introduction to Programmatic Recommendations .....	35
• Introduction to Crime Prevention Subcommittee Programmatic Recommendations .....	36
Fund Community Crime Prevention Services .....	36
Fund the Incident-Based Crime Reporting System .....	36
Fund One-To-One Mentoring Programs .....	37
Implement Programs to Reduce Youth Violence .....	37
Provide Funding to Expand Court Appointed Special Advocates .....	37
Fund Community Policing Training .....	38
Fund a Crime Prevention Through Environmental Design Curriculum .....	38
Continue Funding the Governor's Anti-Crime Partnership .....	39
Provide Funds to Improve Retail Store Employee Safety .....	39
• Introduction to Criminal Justice/Law Enforcement Subcommittee Programmatic Recommendations .....	40
Increase Prosecutorial Resources .....	40
Provide Increased Training for Commonwealth's Attorneys .....	40
Create a Statewide Toll-Free Victim Assistance Telephone Line .....	41
Fund Statewide Victim Assistance Programs .....	41
Fund a Virginia Witness Protection Program .....	42
Reallocate Undisbursed Crime Victims' Compensation Funds .....	42
Include Municipal Misdemeanors in Victims' Compensation Funding .....	43
Create a Unified Criminal Justice Decision Support System Committee .....	43
• Introduction to Inmate Productivity Subcommittee Programmatic Recommendations .....	44
Provide Vocational Assessment in Adult Institutions .....	44
Expand Prison Work Release Facilities .....	44
Provide Working Capital for Virginia Correctional Enterprises .....	45
Pilot Test Work Release Programs for Local Jail Inmates .....	45
Expand Correctional Substance Abuse Programs .....	46
Expand and Coordinate Inmate Community Aftercare Services .....	46
Expand Home Electronic Monitoring Programs .....	47
Evaluate Alternative Sanction Programs .....	47
Train Judges on Available Intermediate Sanctions .....	48
Train Probation and Parole Officers in Sex Offender Supervision .....	48
Pilot Test Intensive Supervision Program for Sex Offenders .....	49
Evaluate the Effectiveness of Sex Offender Treatment .....	49
Use Risk Assessment Scales for Intermediate Sanction Candidates .....	50
Appendices	
A. Meeting Dates of the Governor's Commission on Violent Crime .....	51
B. Participants in Programs to Combat Violent Crime: The Community Reacts .....	52
Acknowledgements .....	53
Sources .....	54
Special Report: Guns and Violent Crime .....	55



## *Executive Summary*

In June, 1992 Governor L. Douglas Wilder created the Governor's Commission on Violent Crime. The Commission was given the task of providing the Governor with recommendations on: reducing and preventing violent crime, strengthening the criminal justice system by improving laws, procedures and practices, expediting verdicts and providing meaningful sanctions for offenders, and reducing inmate recidivism by improving their ability to successfully return to society.

The Governor directed the Commission to develop legislative and budgetary recommendations for the General Assembly. This report examines the findings and recommendations that resulted from the Commission's work in the areas of crime prevention, criminal justice system improvements, and reductions in recidivism.

The Commission was composed of 15 members and chaired by Secretary of Public Safety O. Randolph Rollins. Members included state and local representatives of criminal justice agencies and the courts, local officials, correctional officials, a legislative representative, the U.S. Attorney for the Eastern District of Virginia, and a Commonwealth's Attorney.

The Commission's approach was to gather facts regarding the problems facing the Commonwealth and develop strategies to address these problems. The Commission and its subcommittees held meetings during 1992, including three public hearings throughout the state. In January, 1993, the Commission's legislative recommendations were presented to the General Assembly. Following the legislative session, the Commission held

additional meetings in 1993, including a public forum to discuss its programmatic and budgetary recommendations. Following the forum, the Commission selected its priority issues and presented them for consideration in the Governor's budget for the upcoming biennium.

The report is divided into five major sections. The Commission recognized that any deliberations concerning violent crime must be based on an understanding of violent crime. Therefore, Section I contains the information presented to the Commission to define the problem it had to address: the extent and nature of violent crime in Virginia, and the factors that contribute to the recent increases in violence.

Although in 1992 Virginia ranked only 36th nationally in violent crime, its crime rate has risen dramatically in recent years. Between 1987 and 1992, all categories of violent crime increased: murders by 20%, rapes by 22%, robberies by 33% and aggravated assaults by 43%. Contrary to some perceptions, these increases were not confined to the cities. During this period, violent crime increased by 18% in suburban areas, 22% in rural areas, and 29% in central cities.

An ominous trend in Virginia's violent crime statistics is the sharp increase in juvenile involvement in these crimes. The rate of juvenile arrests for all violent crimes increased more than 60% between 1980 and 1992; for murder arrests, the increase was more than 250%. Among persons arrested for murder in Virginia, the most common age is 19.

Section I emphasizes that increases in violent crime come despite more than a decade-long decrease in the number of Virginia's population in the "crime



*Executive Summary,  
continued*

prone" age group of 15 to 24 year-olds. The fact that the number of persons in this group is forecasted to begin rising within several years may signal that even greater increases in violent crime will occur in the late 1990s. This forecast has led some to call for Virginia to begin preparing to deal with this increase before it occurs. The Commission's work is a major step in this preparation.

Section II provides a detailed look at how the Commission was created and how it performed its duties. The Commission divided itself into three subcommittees, each addressing specific components of the violent crime problem. The Commission and its subcommittees heard testimony from various criminal justice specialists, representatives from private and public organizations, as well as concerned citizens.

In addition, the Commission included a statewide survey of Virginia adults to determine their attitudes on violent crime issues and a widely publicized public forum to elicit input and support from diverse groups and individuals from Virginia. Drawing on this information, the Commission first developed a package of legislative recommendations, then budgetary and programmatic recommendations for combatting violent crime.

Section III describes the legislative recommendations the Commission developed. The Commission produced 14 recommendations for legislative action by the 1993 General Assembly. These recommendations were aimed at reducing the availability of handguns to offenders and juveniles,

improving records on firearm purchases and on juveniles who commit serious offenses, increasing penalties and tightening parole eligibility for certain offenders, and other issues. Most of these recommendations received bipartisan support in the General Assembly.

Section IV of the report describes the programmatic recommendations developed by the Commission. These initiatives do not require amending Virginia law but do require funding or other action to create or expand programs aimed at dealing with violent crime.

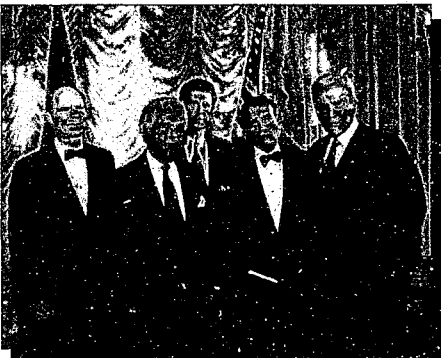
The recommendations, developed after extensive subcommittee deliberations and with widespread citizen involvement through hearings and the public forum, will be offered to the 1994 General Assembly. Major initiatives included in the Commission's recommendations involve expanded funding for the Governor's Anti-Crime Partnership, increased inmate work opportunities, added prosecutorial resources, new funding for mentoring programs for at-risk youth, and other programs.

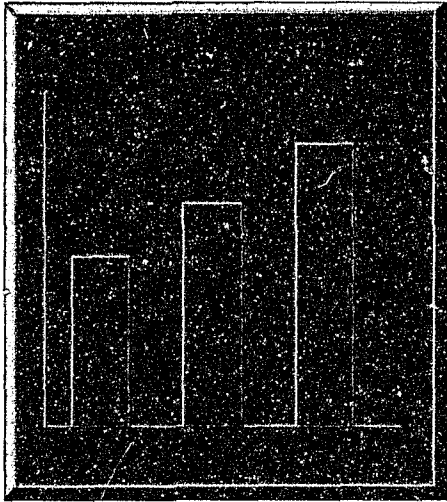
Section V of the report is a special feature dealing with firearms and the role of firearms in violent crime. Despite the growing attention being focused on gun violence, there has been limited information available to date on the link between guns and violent crime. In order to better inform policy makers regarding firearms and violent crime, this section of the report focuses on the prevalence of guns in crime, the involvement of juveniles in crimes using guns, the types of weapons used in crime, how criminals get their firearms, and what firearms laws currently exist and how these laws are used.

---

*Democrats and Republicans together promoted the passage of the One-Handgun-a-Month legislation proposed by the Governor's Commission on Violent Crime. Pictured with Governor Wilder are Secretary O. Randolph Rollins, Lt. Governor Don Beyer, Commission Member Richard Cullen and U.S. Senator John Warner.*

---





# *Section I:*

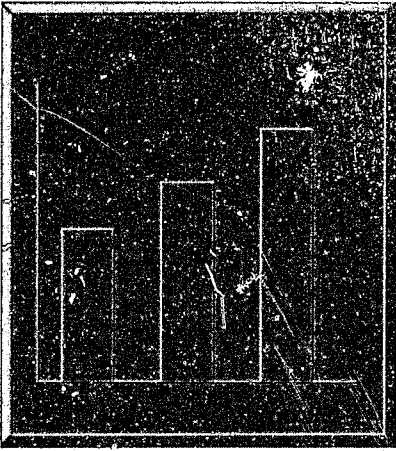
## *Violent Crime Trends and Issues*

---

*"...Poverty, breakdowns in families, drugs - nothing is an excuse for putting a gun up beside somebody's head."*

*U.S. Attorney General Janet Reno  
June, 1993  
Governor's Forum on Violent Crime*

---



## Violent Crime Rates for the United States (1992)

To understand Virginia's violent crime problem, it helps to put the problem in perspective by comparing violent crime rates in Virginia and other states.

Display 1 compares the overall violent crime rank for each of the continental states and the District of Columbia in the year 1992 and Display 2 presents the numerical violent crime rate for each state. Violent crime rates include these offenses defined by the Uniform Crime Reporting system: murder/non-negligent manslaughter, forcible rape, robbery, and aggravated assault. All of these offenses involve the use of force or the threat of force. The overall violent crime rate for each state is expressed as the number of violent crimes reported to law enforcement per 100,000 people in the state's population.

On the map below, states are ranked in five categories based on their relative violent crime rates. States with the higher

ranks are shown in darker colors, and states with lower ranks are shown in lighter colors.

- Virginia's crime rate ranks lower than most U.S. states. Virginia's rate, 375 crimes per 100,000 population, ranked 36th among the states. This compares to the nation's highest violent crime rate of 2,833 in the District of Columbia and the nation's lowest rate of 83 in North Dakota.

- Virginia's violent crime rate also ranks lower than most other Southern states and states that border Virginia. As a region, the South had an overall violent crime rate of 810 - more than twice Virginia's rate. Among Southern states and states bordering Virginia, only West Virginia (211) had a lower violent crime rate.

- Virginia's violent crime rate ranks near those of several Western and Midwestern states such as Idaho (281), Minnesota (338), Nebraska (349), Utah (290) and Wyoming (319). Virginia's rank is also comparable to the Eastern states of Pennsylvania (427) and Rhode Island (394).

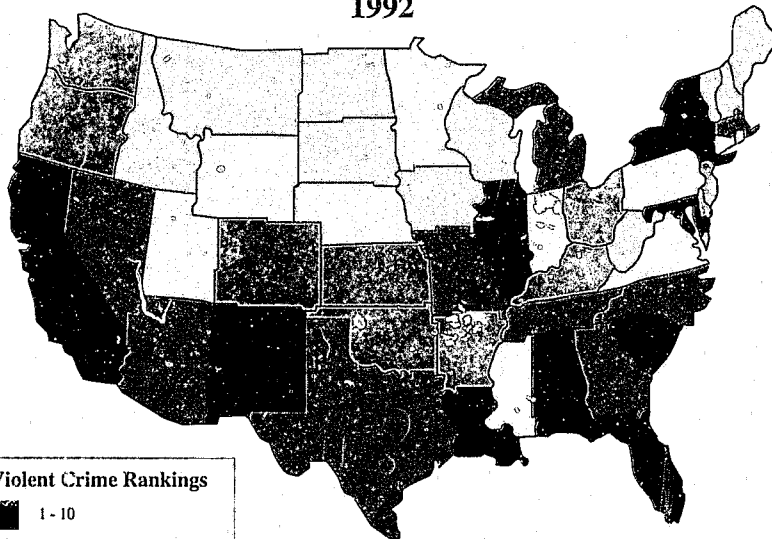
- States with the highest violent crime rates include those with the nation's largest urban areas: California (1,120), Illinois (977), and New York (1,122). However, some predominantly rural states also had comparable high rates: Alabama (872), New Mexico (935) and South Carolina (944).

- States with the lowest violent crime rates were predominantly rural states in the Midwest and New England: Maine (131), Montana (170), New Hampshire (126), South Dakota (194) and Vermont (109).

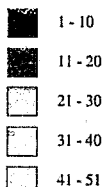
More than 1.9 million violent crimes were reported to law enforcement authorities in the U.S. during 1992.

Display 1

### Violent Crime Rankings for U.S. 1992



#### Violent Crime Rankings



Display 2

**1992 Violent Crime in the United States**

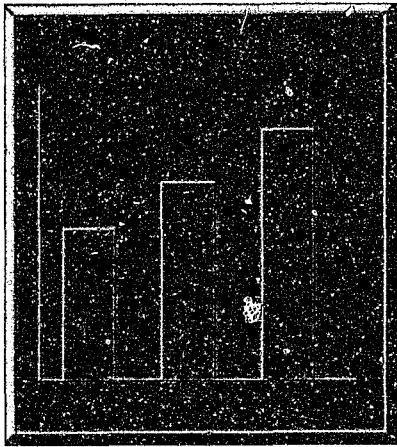
Rank	State	Number of Violent Crimes	Rate Per 100,000	Rank	State	Number of Violent Crimes	Rate Per 100,000
1	Washington D.C.	16,685	2,832.8	27	Washington	27,454	534.5
2	Florida	162,827	1,207.2	28	Ohio	57,935	525.9
3	New York	203,311	1,122.1	29	Kansas	12,888	510.8
4	California	345,624	1,119.7	30	Oregon	15,189	510.2
5	Maryland	49,085	1,000.1	31	Indiana	28,791	508.5
6	Louisiana	42,209	984.6	32	Connecticut	16,252	495.3
7	Illinois	113,664	977.3	33	Pennsylvania	51,276	427.0
8	South Carolina	34,029	944.5	34	Mississippi	10,763	411.7
9	New Mexico	14,781	934.9	35	Rhode Island	3,965	394.5
10	Alabama	36,052	871.7	36	Virginia	23,907	374.9
11	Texas	142,369	806.3	37	Nebraska	5,598	348.6
12	Massachusetts	46,727	779.0	38	Minnesota	15,144	338.0
13	Michigan	72,672	770.1	39	Wyoming	1,489	319.5
14	Tennessee	37,487	746.2	40	Utah	5,267	290.5
15	Missouri	38,448	740.4	41	Idaho	3,003	281.4
16	Georgia	49,496	733.2	42	Iowa	7,816	278.0
17	Nevada	9,247	696.8	43	Wisconsin	13,806	275.7
18	North Carolina	46,600	681.0	44	Hawaii	2,998	258.4
19	Arizona	25,706	670.8	45	West Virginia	3,833	211.5
20	Alaska	3,877	660.5	46	South Dakota	1,383	194.5
21	New Jersey	48,745	625.8	47	Montana	1,400	169.9
22	Oklahoma	20,005	622.8	48	Maine	1,616	130.9
23	Delaware	4,280	621.2	49	New Hampshire	1,397	125.7
24	Colorado	20,086	578.8	50	Vermont	624	109.5
25	Arkansas	13,831	576.5	51	North Dakota	530	83.3
26	Kentucky	20,107	535.5				

*During the past decade, Virginia's overall violent crime rate has never ranked greater than 34th among the 50 states and the District of Columbia.*

• Virginia's violent crime rate has consistently ranked below that of other U.S. states. During the last 10 years, Virginia's rate has never ranked greater than 34th among the 50 states and District of Columbia.

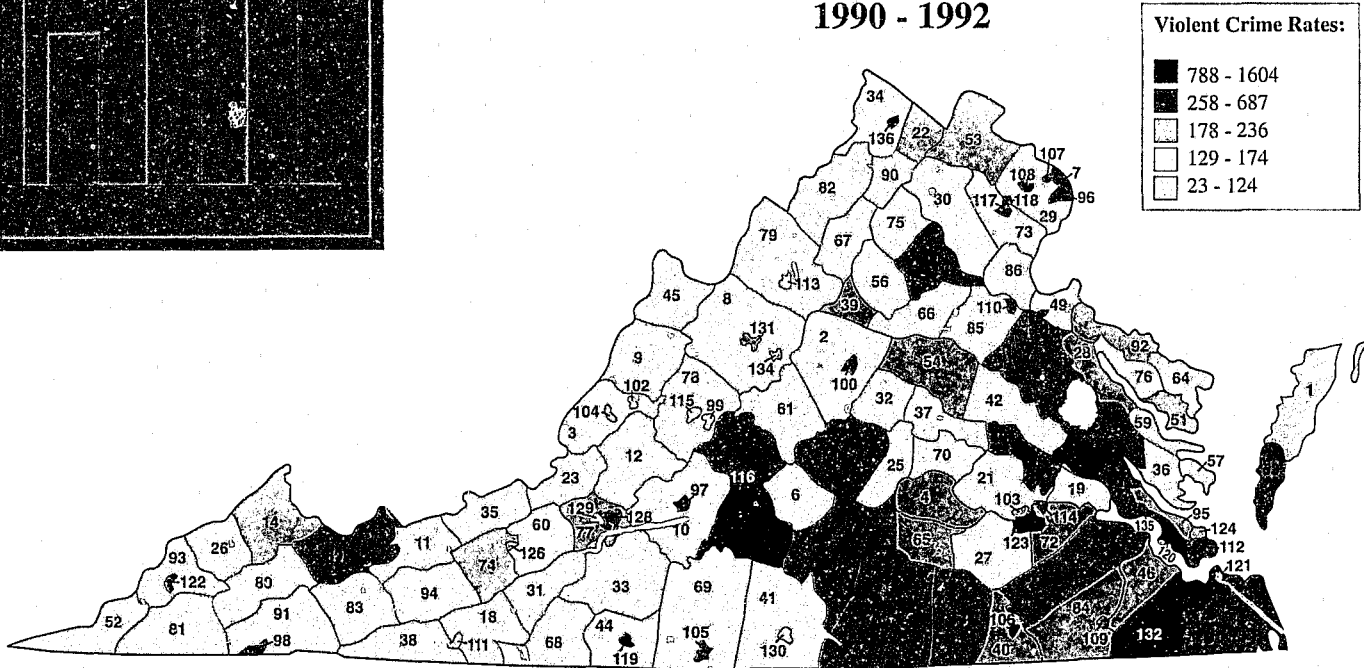
In addition to having an overall violent crime rate below the national

average, Virginia's rate for specific types of violent crimes is below the national average. In 1992, Virginia's rate per 100,000 people for murder/non-negligent manslaughter (8.8), forcible rape (31.5), robbery (138) and aggravated assault (197) were also below the national rate.



Display 3

## Violent Crime Rate for Virginia Localities 3 Year Average 1990 - 1992



Note: Numbers in map represent location codes shown in table.

Locality	Location	Rank	Locality	Location	Rank	Locality	Location	Rank	Locality	Location	Rank
Accomack	1	72	Giles	35	111	Pittsylvania	69	101	Colonial Heights	103	59
Albemarle	2	83	Gloucester	36	110	Powhatan	70	134	Covington	104	55
Alleghany	3	105	Goochland	37	133	Prince Edward	71	37	Danville	105	29
Amelia	4	68	Grayson	38	135	Prince George	72	69	Emporia	106	8
Amherst	5	35	Greene	39	62	Prince William	73	48	Fairfax	107	32
Appomattox	6	104	Greensville	40	50	Pulaski	74	54	Falls Church	108	17
Arlington	7	21	Halifax	41	76	Rappahannock	75	85	Franklin	109	11
Augusta	8	75	Hanover	42	106	Richmond County	76	109	Fredericksburg	110	16
Bath	9	150	Henrico	43	36	Roanoke County	77	71	Galax	111	67
Bedford	10	124	Henry	44	89	Rockbridge	78	112	Hampton	112	20
Bland	11	121	Highland	45	113	Rockingham	79	128	Harrisonburg	113	91
Botetourt	12	126	Isle of Wight	46	66	Russell	80	129	Hopewell	114	12
Brunswick	13	45	James City	47	28	Scott	81	81	Lexington	115	87
Buchanan	14	70	King and Queen	48	31	Shenandoah	82	123	Lynchburg	116	10
Buckingham	15	34	King George	49	92	Smyth	83	79	Manassas	117	39
Campbell	16	33	King William	50	43	Southampton	84	73	Manassas Park	118	77
Caroline	17	26	Lancaster	51	49	Spotsylvania	85	119	Martinsville	119	9
Carroll	18	117	Lee	52	78	Stafford	86	75	Newport News	120	7
Charles City	19	86	Loudoun	53	65	Surry	87	23	Norfolk	121	4
Charlotte	20	22	Louisa	54	56	Sussex	88	19	Norton	122	30
Chesterfield	21	84	Lunenburg	55	44	Tazewell	89	40	Petersburg	123	2
Clarke	22	58	Madison	56	93	Warren	90	103	Poquoson	124	51
Craig	23	136	Mathews	57	115	Washington	91	94	Portsmouth	125	3
Culpeper	24	46	Mecklenburg	58	38	Westmoreland	92	53	Radford	126	57
Cumberland	25	116	Middlesex	59	107	Wise	93	114	Richmond City	127	1
Dickenson	26	131	Montgomery	60	74	Wythe	94	100	Roanoke City	128	15
Dinwiddie	27	80	Nelson	61	132	York	95	52	Salem	129	125
Essex	28	60	New Kent	62	61	Alexandria	96	14	South Boston	130	82
Fairfax County	29	99	Northampton	63	41	Bedford City	97	24	Staunton	131	63
Fauquier	30	98	Northumberland	64	122	Bristol	98	27	Suffolk	132	6
Floyd	31	118	Nottoway	65	64	Buena Vista	99	96	Virginia Beach	133	42
Fluvanna	32	120	Orange	66	102	Charlottesville	100	13	Waynesboro	134	47
Franklin	33	127	Page	67	88	Chesapeake	101	18	Williamsburg	135	25
Frederick	34	97	Patrick	68	108	Clifton Forge	102	90	Winchester	136	5

Location numbers 1 through 95 represent County localities and 96 through 136 represent City localities.

## Violent Crime Rates for Virginia Localities (1990-1992)

The map and accompanying table in Display 3 present the overall violent crime rate and rank for each of Virginia's 136 cities and counties. Rates are based on the number of violent crimes reported to law enforcement per 100,000 people in the locality's population. Rates presented here are based on a three-year average of violent crimes reported in the years 1990, 1991 and 1992. A multi-year average provides a more stable indicator of violent crime in a locality than a rate based on a single year. This is especially important when comparing local-level crime rates because localities with small populations and few violent crimes may have crime rates which vary dramatically from year to year based on small changes in the number of crimes.

On the adjacent map, localities are ranked in five categories based on their relative violent crime rates. Localities with the higher ranks are shown in darker colors, and localities with lower ranks are shown in lighter colors. The four lightest colors each represent about 25 percent of the localities. The darkest burgundy color represents the 10 localities with highest violent crime rates in the state. The name, location and violent crime rank for each locality is shown in the table below the map.

- Generally, the more densely populated urban areas of Virginia had the highest violent crime rates. The City of Richmond had the highest violent crime rate, with 1604 violent crimes per 100,000 population. Other localities with high violent crime rates were Petersburg (1313), Portsmouth (1155), and Norfolk (1108). Many of the high crime

rate localities lie within the "urban crescent" which stretches from Northern Virginia southward to Richmond, then east to the Tidewater area.

- Not all localities with high violent crime rates were large urban areas. For example, Winchester (923), Emporia (831) and Martinsville (800) have populations less than 25,000, yet had violent crime rates comparable to some large urban areas.

- Localities with the lowest violent crime rates tended to be in rural areas, primarily in the western regions of the state. Craig County, with 23 violent crimes per 100,000 population, had the lowest violent crime rate in the Commonwealth.

- Violent crime rates can vary between localities for different reasons. Therefore, caution should be used when comparing rates in different localities. For example, localities with large, temporary influxes of nonresidents such as tourists, commuters, military personnel or students may have artificially high crime rates because these large numbers of people are potential crime victims (or perpetrators), but are not counted among the localities' population when crime rates are calculated. Rates may also differ due to variations in victim reporting practices in the localities. Localities with domestic violence centers, rape counseling centers and similar programs may report higher violent crime rates because there are more opportunities for victims to come forward and report such crimes.



## Violent Crime Rate Trends for Virginia (1980 - 1992)

Violent crime can also be understood by examining how crime rates change over time. Display 4 presents a historical look at the overall violent crime rate in Virginia for the period 1980 through 1992, and allows an examination of both short and long-term violent crime trends. The violent crime rate is expressed as number of violent crimes reported to law enforcement per 100,000 population.

- Virginia's violent crime rate increased by 23% from 1980 to 1992. In 1980, there were 307 violent crimes per 100,000 population. By 1992, this figure had risen to 378 violent crimes per 100,000. Nearly all of this increase occurred between 1987 and 1992.

- The violent crime rate showed a minor peak in 1981, then declined during the early to mid-1980s. Violent crime reached its lowest point in 1983 (292 violent crimes per 100,000).

- The violent crime rate began to rise in 1988, then rose sharply in 1990 and again in 1991. In 1991, violent crime reached its highest rate (379 violent crimes per 100,000).

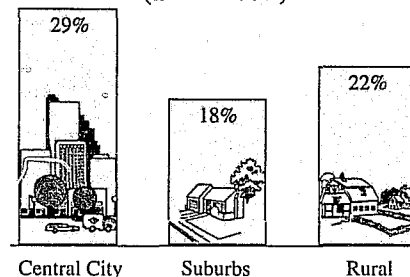
- The increase in violent crime was not restricted to urban areas. As seen in Display 5, violent crime increased in urban, suburban and rural areas.

Criminologists and others have attributed the rise in violent crime during the late 1980s and early 1990s to several different factors. One factor was an increase in the sale and use of "crack" cocaine, which was accompanied by violent turf wars between crack dealers competing to distribute and sell the drug. Other factors cited include the increasing availability and firepower of handguns

and the rising number of juveniles becoming involved in violent crime.

Display 5

### Growth in Violent Crime by Location (1987 - 1992)

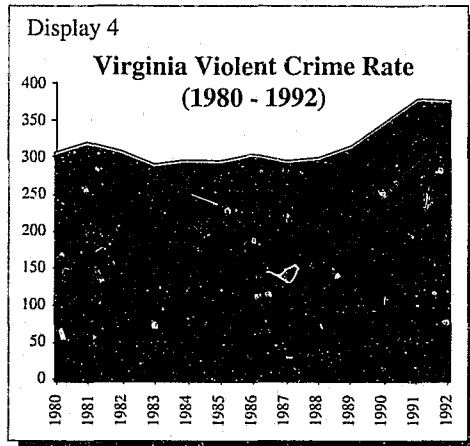
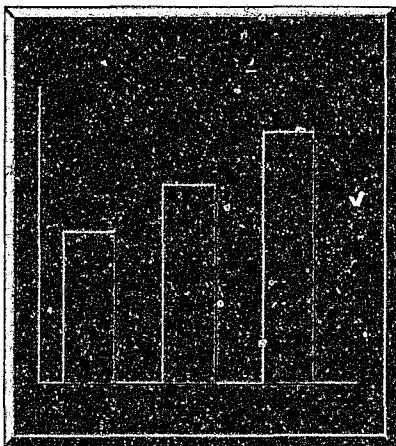
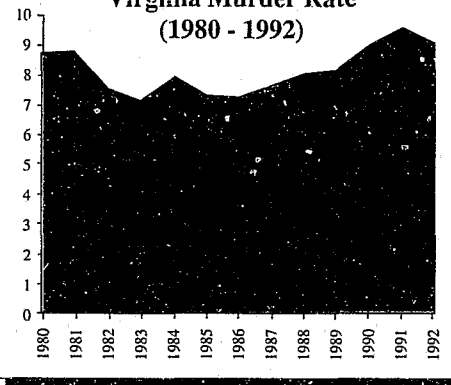


## Violent Crime Rate Trends for Murder, Rape, Robbery and Aggravated Assault in Virginia (1980-1992)

Virginia's overall violent crime rate is composed of four types of violent crimes: murder/nonnegligent manslaughter, forcible rape, robbery and aggravated assault. Each of these offenses occur with different frequencies, so it is impossible to describe the occurrence of each offense in Virginia using the overall violent crime rate. Displays 6 - 9 present the violent crime rate for each of these offenses over the period 1980 to 1992. When comparing rates in

Display 6

### Virginia Murder Rate (1980 - 1992)

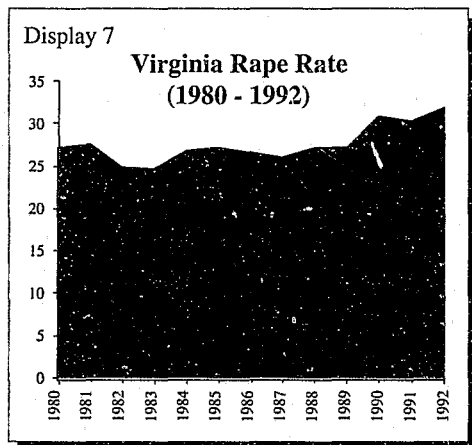


the four displays, note that the crime rate scales differ on each graph.

- Virginia's murder/nonnegligent manslaughter rate showed the smallest increase of the four types of violent crimes from 1980 to 1992. The murder rate increased by less than four percent during this period, from 8.6 per 100,000 population in 1980 to 8.9 in 1992.

- Although Virginia's murder rate in 1992 was similar to that in 1980, the rate varied during the years between 1980 and 1992. Compared to 1980 and 1981, the murder rate generally decreased from 1981 through 1986. The murder rate reached its lowest point in 1983 (7 murders per 100,000).

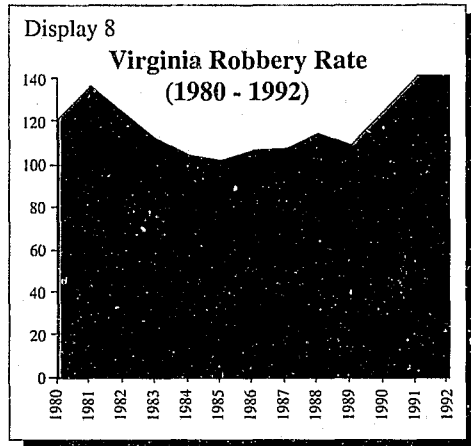
- Beginning in 1987 the murder rate began to increase, and rose sharply in 1990 and 1991. The murder rate reached its highest point in 1991 (9.4 murders per 100,000). The murder rate decreased in 1992 from its peak in 1991.



- Virginia's forcible rape rate increased by 17% from 1980 to 1992. Like the murder rate, the rape rate decreased in the early 1980s and reached its lowest point (24.7 rapes per 100,000) in 1983.

- Beginning in 1988 the rape rate began to increase. This increase continued during the late 1980s and early 1990s,

and reached its highest point (31.9 rapes per 100,000) in 1992.



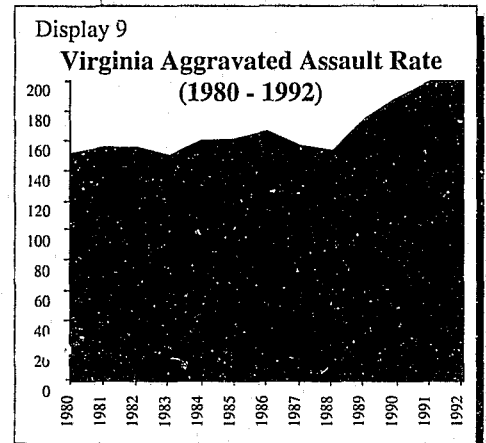
- Virginia's robbery rate increased by 16% from 1980 to 1992. The robbery rate reached a minor peak in 1981, then decreased to its lowest point (101 robberies per 100,000) in 1985.

- Beginning in 1986 the robbery rate began to increase. The robbery rate increased sharply in 1990 and 1991, and reached its highest point (140 robberies per 100,000) in 1991. In 1992, the robbery rate remained close to its high 1991 rate.

- Virginia's aggravated assault rate showed the greatest increase of the violent crime types from 1980 to 1992. Aggravated assault increased by 33% during this period, from 150 assaults per 100,000 in 1980 to 200 assaults per 100,000 in 1992.

- The aggravated assault rate reached its lowest points (150 assaults per 100,000) in 1980 and 1983.

- The aggravated assault rate increased sharply in 1989, 1990 and 1991, and reached its highest point (200 assaults per 100,000) in 1992.



## Types of Weapons Used in Virginia Murders (1992)

In 1992, law enforcement agencies reported 563 murders and non-negligent homicides committed in Virginia. Display 10 indicates the types of weapons used to commit these murders.

- Firearms were used to commit nearly three-quarters of all the murders committed in Virginia in 1992. Eighty-three percent of the firearms used to commit murders in Virginia were handguns.
- Ten percent of the firearms used to commit murders in Virginia were shotguns, and 5% were rifles.
- Knives or other cutting instruments were used to commit 12% of the murders committed in Virginia, hands or feet were used to commit 6%, clubs or other blunt instruments were used to commit 5% and 5% were committed with poison, explosives, fire, narcotics, drowning, strangulation, asphyxiation and other weapons or methods.

Handguns were clearly the weapon of choice in homicides committed during 1992. Although the preference for handguns is not new, there has been a dramatic increase in the number of handgun murders in recent years. Display 11 illustrates the rise in the number of handgun murders in Virginia between 1987 and 1992.

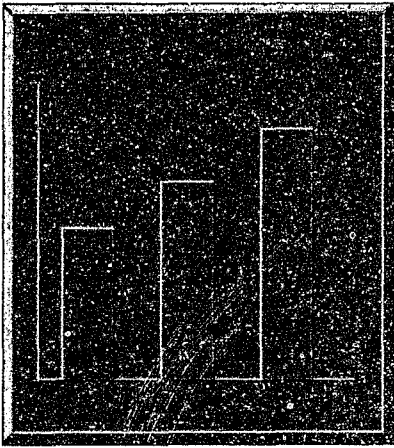
## Prior Criminal Record for Violent Felons in Virginia (1990-1992)

An offender's prior criminal history is the single best predictor of future crime activity. Previous Virginia research has shown that felons incarcerated by the Department of Corrections often have criminal records showing offenses committed prior to their incarceration.

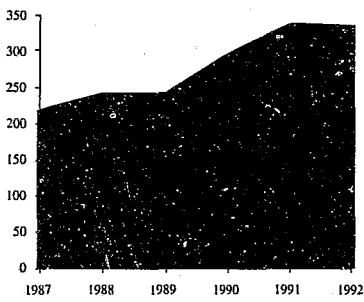
Display 12 presents the prior criminal history of violent felons sentenced to Virginia prisons during the period 1990-1992. Prior records are shown for offenders incarcerated for murder, rape/sodomy (victim less than 13 years old), rape/sodomy (victim 13 years old or greater), robbery, and aggravated assault. Prior record is also shown for all violent offenders combined. Percentages for each offense type do not total to 100% because prior misdemeanors are not included.

- Overall, about one in five violent offenders had a prior conviction for a nonviolent felony. About one in five had a prior conviction for another violent felony. Only about one in four offenders had no prior felony conviction.
- Robbers were the most likely to have a prior nonviolent felony conviction and the most likely to have a prior conviction for a felony similar to robbery. One in four robbers had previously been convicted of another robbery. About one in seven rapists (victim 13 years old or greater) had previously been convicted of a similar crime.

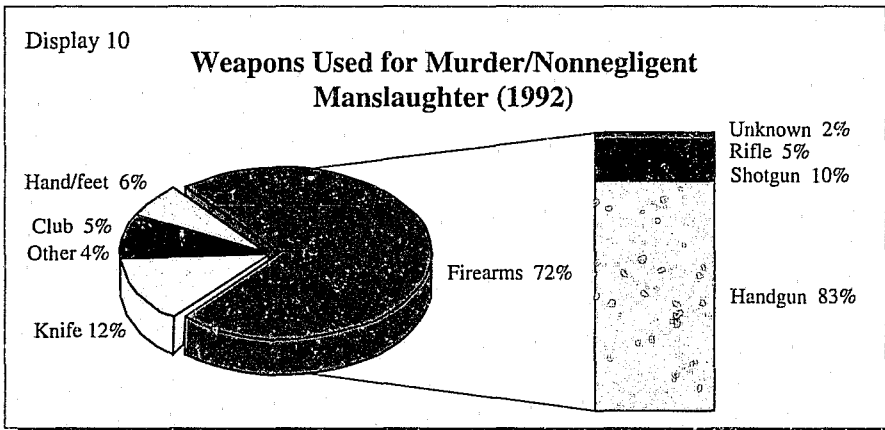
- Murderers and rapists (victim less than 13 years old) were the violent offenders least likely to have a prior felony conviction. About one-third of these offenders had no prior felony conviction.



Display 11  
Murders Involving Handguns

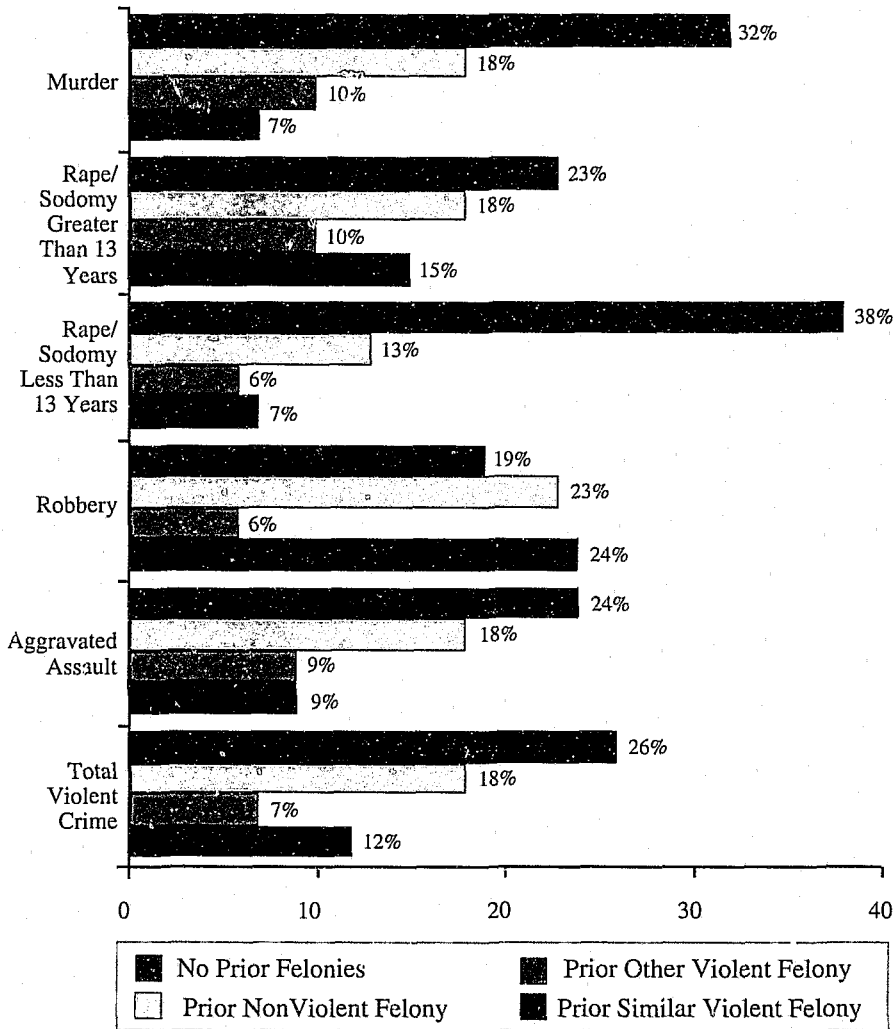


Three-quarters of the homicides in Virginia are committed with a firearm, and more than 80% of the firearms used are handguns. Much of the increase in murders and other violent crimes in Virginia and the nation has been linked to the proliferation of handguns. This display presents the number of murders committed with a handgun in Virginia during the six-year period 1987 to 1992. The number of murders committed using a handgun during this period increased by more than 50%.



Display 12

**Prior Criminal Record for Violent Felons in Virginia  
By Current Conviction (1990 - 1992)**



• Nearly one in five offenders incarcerated for aggravated assault had a prior nonviolent felony conviction. About one in 10 had a conviction for a prior similar felony.

Criminological research has documented the existence of chronic repeat offenders-known as "career criminals"-who account for an extraordinary amount of the crimes in any given year. In response to these findings, many jurisdictions across the country have instituted career criminal programs. In general, career criminal programs incor-

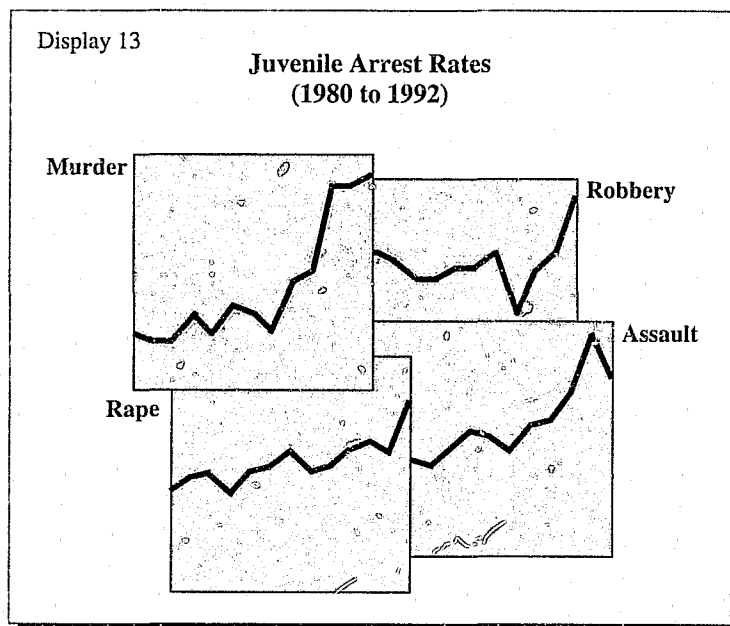
porate one or more of the following measures geared toward the habitual offender: (1) special police surveillance, (2) preventative pretrial detention, (3) selective prosecution, (4) strict or mandatory sentencing standards, and (5) denial of parole eligibility. These programs are designed to identify chronic offenders early in their "careers" and incarcerate them during their peak years of criminal activity. Proponents of these programs argue that their potential crime reduction benefit is maximized by incarcerating for long periods of time only the most hard-core offenders.

## Juvenile Violent Crime Arrests in Virginia (1980-1992)

One aspect of violent crime that has particularly alarmed both government officials and the public is the rapid increase in violent crimes committed by juveniles. Juveniles are defined as persons under 18 years old.

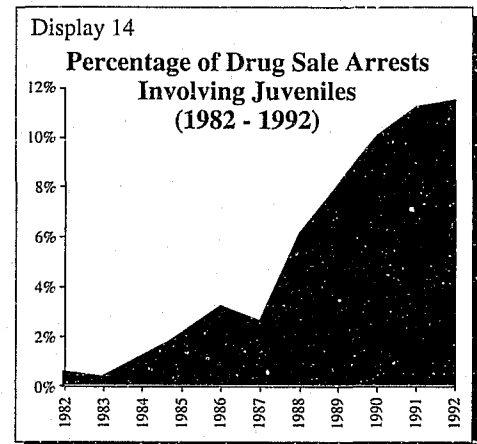
Display 13 depicts the arrest rate trends for juveniles involved in murder/nonnegligent homicide, rape/forcible sodomy, robbery and aggravated assault between 1980 and 1992. Arrest rates are based on the number of arrests per 100,000 juveniles in the population.

- Overall, the juvenile arrest rate for violent crime increased nearly 61%.
- The juvenile arrest rate for murder increased nearly 280%.
- The juvenile arrest rate for rape increased about 89%.
- The juvenile arrest rate for robbery increased about 47%.
- The juvenile arrest rate for aggravated assault increased about 59%.



## Schedule I/II Drug Arrests Involving Juveniles (1982-1992)

Many people believe that increases in violent crime among juveniles are tied to the increasing numbers of juveniles entering the illegal drug trade. A decade ago, nearly all of the offenders arrested for drug sales in Virginia were adults. However, arrest data for the last 10 years clearly shows this is no longer true. Display 14 shows the percentage of all Virginia arrests for the sale of Schedule I/II drugs that involved juveniles from 1982 to 1992. Schedule I/II drugs include "hard" drugs such as heroin, cocaine, and crack cocaine.



- In 1982, juveniles accounted for less than 1% of all Schedule I/II drug sale arrests. Beginning in 1987, the percentage of these arrests involving juveniles rose dramatically. By 1992, juveniles accounted for about 13% of these arrests.
- In 1982, only four juveniles were arrested for the sale of hard drugs. In 1992, 511 juveniles were arrested for these offenses, an increase of more than 125 times the number in 1982.

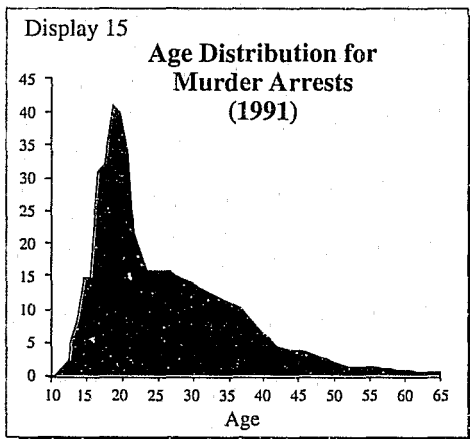
Possible explanations for the increase in juvenile drug sales arrests include recruiting of juveniles by adults to transport and distribute drugs and large economic rewards, coupled with relatively light penalties for juvenile offenders.

## Age Distribution for Murder Arrests in Virginia (1991)

There is a strong relationship between age and crime. Prior research has shown that many criminal "careers" begin at around age 14, peak in the late teens or early 20s, and then gradually decline until about age 30. After age 30, most offenders "retire" from an active criminal life. Display 15 illustrates the integral relationship between age and violent crime by mapping the age distribution of those arrested for murder/non-negligent manslaughter in Virginia during 1991.

- The youngest assailant arrested for murder was less than 13 years old.
- The number of persons arrested rose sharply at age 14 and continued to rise until it peaked at age 19.
- After peaking at age 19, murder arrests declined sharply from age 21 through age 24, then declined more slowly with increasing age.

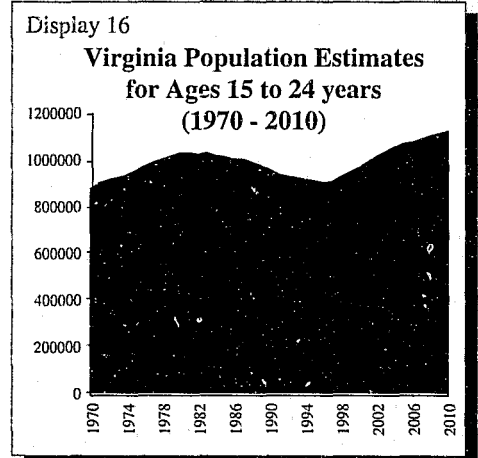
The age distribution for murder arrests is very similar to the age distribution for persons arrested for rape, robbery and aggravated assault.



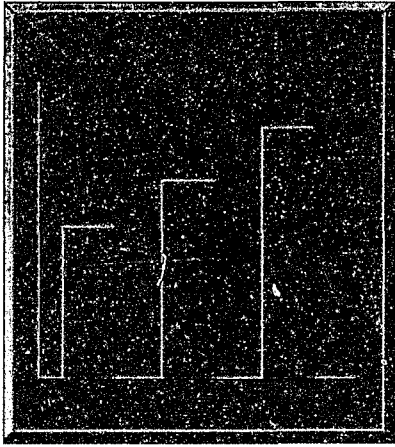
## Virginia Population Estimates for Persons Age 15 to 24

Because young people are disproportionately involved in crime, the proportion of the population between the ages of 15 to 24 is known to criminologists as the "crime-prone" age group. Given this strong relationship, some criminologists have attempted to forecast general levels of violent crime by tracking the number of people in the population who fall into the crime prone age group. Display 16 shows the number of persons age 15 to 24 in Virginia from 1970 to the present, and the number projected in the population through the year 2010.

- The number of 15 to 24 year-olds in Virginia's population has been declining since about 1980. Part of the decrease in the overall violent crime rate during the early 1980s has been attributed to this drop in the size of Virginia's crime-prone population.
- Given the current decline in the crime prone age group, the recent record increases in violent crime are unexpected. Some have suggested that even though the number of young people has decreased, more of this number is prone to violence than in previous generations. Two factors often mentioned as contributors to this violence are the widespread sale and use of illegal drugs and the proliferation of handguns.
- The current decline in the number of 15 to 24 year-olds is expected to end around 1995. Beginning in about 1996, it is forecast that Virginia will see a steady increase in the number of young people in its population as the children of the baby boomers (the "baby boom echo generation") mature into the 15-24 year age group. It is also forecast that this increase will level off around the year 2010.



## Summary of Violent Crime Trends and Issues



This analysis of violent crime showed that Virginia has some reason to be optimistic, but also has reason to be concerned about violent crime trends. First, Virginia's overall violent crime rate is lower than that in 35 other states and the District of Columbia. Furthermore, Virginia's violent crime rate is lower than most other Southern states and lower than four of the five states that border Virginia. Virginia's violent crime rate has ranked well below the national average for more than a decade.

Despite this favorable comparison to other states, Virginia's violent crime problem has increased dramatically in recent years. A look at Virginia's overall violent crime rate trends showed that violent crime increased by 23% between 1980 and 1992, with the most dramatic increases occurring between 1987 and 1992. All major categories of violent crime have increased since 1987: murders increased by about 20%, rapes by 22%, robberies by 33% and aggravated assaults by 43%.

Generally, urban areas of the state had higher violent crime rates than suburban and rural areas. However, the comparatively lower rates in these areas did not mean that violent crime was not increasing outside the cities. Between 1987 and 1992, violent crime increased by 18% in suburban areas and 22% in rural areas.

These increases in violent crime have coincided with a proliferation in firearms in society. Virginia crime statistics clearly show the role of these firearms in violent crime. Nearly three-quarters of the murders in Virginia during 1992 were committed using a

firearm, and more than 80% of these firearms were handguns. The number of murders by handgun increased by more than 50% between 1987 and 1992.

Two populations in particular were cited for their contributions to the increasing violent crime rates: previously imprisoned offenders and juveniles. A look at the prior criminal records of violent felons sentenced to Virginia prisons in 1990-1992 showed that about one in four had a prior felony conviction for a nonviolent offense, and one in ten had a prior felony conviction for a violent offense. A look at Virginia's violent crime statistics also showed a sharp increase in juvenile involvement in these crimes. The rate of juvenile arrests for all violent crimes increased more than 60% between 1980 and 1992; for murder arrests, the increase was more than 250%. Among persons arrested for murder in Virginia, the most common age is 19.

All of these increases in violent crime come despite more than a decade-long decrease in the number of Virginia's population in the "crime-prone" age group of 15 to 24 year-olds. The fact that the number of persons in this group is forecasted to begin rising within several years may signal that even greater increases in violent crime will occur in the late 1990s.

This forecast has prompted calls for Virginia to begin preparing to deal with this increase before it occurs. The recognition that violent crime has increased rapidly in the recent past, and has the potential to increase even more rapidly in the near future, was a major impetus for Governor Wilders' creation of the Governor's Commission on Violent Crime.



## *Section II:*

# *The Governor's Commission on Violent Crime*

---

*"This Commission did not hesitate to take on controversial, politically unpopular issues like gun control. But we also insisted that every proposal responded to a specific problem, and we looked for reasonableness - not perfection - in the solutions.*

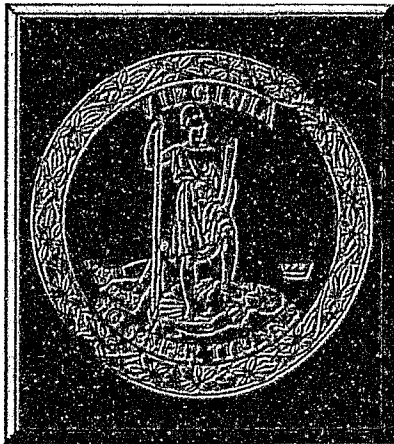
*I believe Virginians in the future will point to the Commission's comprehensive strategy as the essential foundation for how to reduce violent crime and the fear of crime in our communities. The one-handgun-per-month purchase limit and programs like SHOCAP and mentoring for juveniles, for example, are but a start.*

*Of greater significance is the widespread, bipartisan acceptance of the Commission's work. To me, that evidences a change in the climate of public opinion which will support new, active efforts to rid our society of the scourge of crime."*

*O. Randolph Rollins  
Secretary of Public Safety*

---





## Introduction

On June 15, 1992, Governor L. Douglas Wilder created the Governor's Commission on Violent Crime. The Commission was given the task of advising the Governor on the following issues:

- How the Commonwealth can reduce the escalating frequency and impact of violent crime, particularly murder, aggravated assault, rape and other serious sex offenses;
- The causes of violent crime and the offenders responsible for committing violent crimes;
- The role of firearms and firearms trafficking in violent crime;
- Violent crime committed by juveniles;
- The causes and impacts of violent crime in large urban areas and the potential for violent crime to develop into mass violence; and,
- Opportunities for reducing violent crime through cooperation among jurisdictions and between the public and private sectors.

The Governor instructed the Commission to consider the following strategies in making its recommendations for the reduction of violent crime and the fear of crime in Virginia:

- Preventing the occurrence of violent crime;
- Solving violent crimes and strengthening the criminal justice system through new laws, procedures, resources and techniques which expedite verdicts, provide meaningful sanctions and protect the rights of all persons; and,
- Reducing recidivism by equipping offenders with skills and perspectives needed to return to society as productive citizens.

The Commission was asked to make legislative and budgetary recommendations for the Governor's consideration for the 1993 and 1994 sessions of the General Assembly.



## Members of the Violent Crime Commission

The Governor appointed 15 individuals to the Commission. Secretary of Public Safety O. Randolph Rollins was appointed as Chair and Robert B. Northern, the Governor's Special Assistant for Drug Policy, was appointed as Vice-chair. Other appointments included state and local representatives of criminal justice agencies and the courts, local officials, corrections officials, a legislative representative, the U.S. Attorney for the Eastern District of Virginia, and a Commonwealth's Attorney.

The Violent Crime Commission held its first meeting on June 18, 1992. In his opening remarks, Secretary Rollins stressed to the members that the Commission was expected to deal with difficult, and sometimes controversial, issues. He emphasized that violent crime is a problem that concerns all Virginians, and that solutions to the problem must be developed at all levels of government. He, like Governor Wilder, cited the need for a bipartisan approach to developing recommendations and initiatives for dealing with violent crime.

## The Commission's Work

### 1992 Activities

At its first meeting, the Commission divided itself into three subcommittees, each of which would address a specific component of the violent crime problem:

#### *The Crime Prevention Subcommittee*

Chair, Pat G. Minetti

Members include

Lindsay G. Dorrier, Jr.

Jorman D. Granger

J. Dean Lewis

Edward W. Murray

#### *The Criminal Justice/Law Enforcement Subcommittee*

Chair, Helen F. Fahey

Members include

Carl R. Baker

V. Stuart Cook

Richard Cullen

Robert B. Northern

#### *The Inmate Productivity Subcommittee*

Chair, Robert B. Ball

Members include

Clarence L. Jackson

Charles J. Kehoe

Buford M. Parsons

O. Randolph Rollins

The Commission recognized that some of the issues before it would have to be addressed through recommendations for legislative action, while other issues would have to be addressed through recommendations for programmatic initiatives. Because the Governor had requested legislative proposals for the 1993 General Assembly, the Commission decided that its initial meetings would focus on violent crime issues that required legislative action.

During 1992, the full Commission held four more meetings. Additionally, the Crime Prevention Subcommittee met three times, including a public hearing held in Hampton in October. The Criminal Justice/Law Enforcement Subcommittee met three times, including a public hearing in Arlington in September. The Inmate Productivity Subcommittee met four times, including a public hearing in Roanoke in October. The public hearings were designed to gather input from citizens throughout the Commonwealth and various public and private organizations. Some of the organizations or agencies that addressed the Commission included the Virginia State Sheriff's Association, Commission on Youth, Commission on Poverty, Virginia Municipal League and the Virginia State Crime Commission. A complete list of the meeting dates for the full Commission and the Subcommittees is shown in the Appendix.

During their June through December meetings, the Commission heard testimony from various criminal justice specialists, representatives of public and private organizations, as well as concerned citizens. Drawing on this and other information, the Commission discussed, debated and finally developed a package of legislative recommendations for combating violent crime.



*To ensure citizen participation, the Commission subcommittees held three public hearings in different regions of Virginia during 1992.*





The Commission's legislative recommendations were reviewed by the Secretary of Public Safety, then sent to the Governor and the General Assembly for consideration and action. The Commission's legislative recommendations are described in Section III of this report.

### 1993 Activities

Following the General Assembly's action on its legislative recommendations, the Commission on Violent Crime turned its attention in 1993 to developing a series of programmatic recommendations for combating violent crime.

The full Commission met three times during 1993, in April, June and August. The three Commission subcommittees also met several times during 1993. The Crime Prevention Subcommittee met four times, the Criminal Justice/Law Enforcement Subcommittee met three times, and the Inmate Productivity Subcommittee met six times. The Commission's final meeting was held in August, 1993.

The Commission's programmatic initiatives were developed in concert with the state agencies that would be responsible for implementing the initiatives, as well as with affected public and private organizations. The final version of the programmatic recommendations was completed during the fall of 1993. The recommendations were then reviewed by the Secretary of Public Safety before being sent to the Governor. The Commission's programmatic recommendations are described in detail in Section IV of this report.

## Commission Meetings and Testimony

The Commission sought to gather as much information as possible on the nature, scope and causes of violent crime to guide its deliberations and recommendations. The Commission sought advice from experts on violent crime, as well as input from Virginia citizens on their concerns about violent crime.

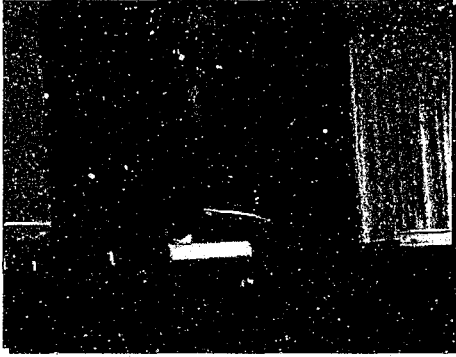
### Expert Testimony

At its August 1992 meeting, the Commission heard presentations from two internationally recognized criminologists, Dr. Alfred Blumstein of Carnegie-Mellon University and Professor Franklin Zimring of the University of California at Berkeley.



Dr. Blumstein is an expert on career criminals, prison populations, sentencing and parole, and habitual criminality. He presented the Commission with evidence that criminals commit crimes at dramatically different rates and that many stop committing crimes as they mature. He recommended devoting prison resources to incapacitating violent offenders who commit many crimes and who show no sign of maturing out of crime. He recommended against devoting scarce prison resources to locking up drug offenders on long sentences.

Dr. Blumstein asserted that incarcerating drug offenders has little effect on drug crime. He described the



replacement theory of criminal activity, which contends that locking up a drug dealer for a long time is unlikely to reduce drug crime because the dealer's activity is quickly replaced by another dealer. Crimes such as serial rape are more effectively addressed through lengthy prison sentences because it is unlikely that a serial rapist's activity will quickly be replaced by another serial rapist.

Dr. Blumstein emphasized prevention and treatment options, noting that too many resources are devoted to unsuccessful incarceration strategies for drug offenders. A reduction in demand for illegal drugs through treatment and prevention would not only reduce drug crime, but also other crime since drug use is associated with other crimes.

Professor Franklin Zimring is an authority on firearms and violence and on youth violence. Professor Zimring challenged the Commission to look beyond the extreme positions in the gun control debate. He stated that the United States is both a violent society and a society with many guns, and that these factors compound one another. He told the Commission that the threat of death in assaults and robberies in the U.S. is increased by the prevalence of guns, and that an assault with a gun is five times more likely to result in a death than an assault using another type of weapon.

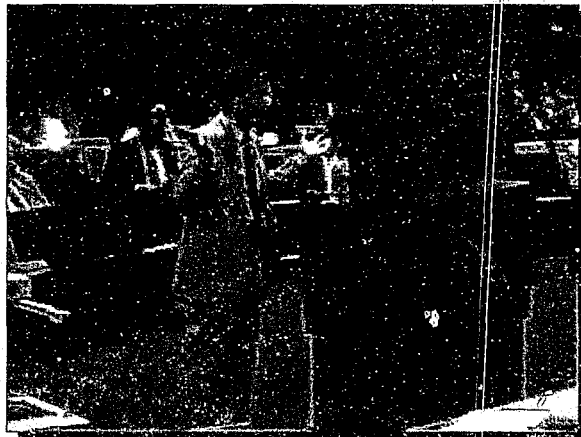
Professor Zimring reviewed several types of firearms laws, and suggested

that Virginia look at what types of firearms laws "give you the most effect for the least cost." He suggested to the Commission that it consider:

- (1) evaluating the effectiveness of Virginia's instant firearms purchaser background check;
- (2) allowing localities to enact their own firearms laws; and,
- (3) supporting local firearms control initiatives with statewide enforcement if local laws require enforcement in areas outside of local control.

#### Citizen Survey of Violent Crime Issues

To provide the Commission with data on the concerns that Virginia citizens have about violent crime, the Department of Criminal Justice Services' Criminal Justice Research Center and the Virginia Commonwealth University Survey Research Laboratory conducted a statewide survey of Virginia adults to determine their attitudes on violent crime issues. The Research Center and the Survey Research Laboratory developed a series of survey questions based on violent crime issues currently being examined by the Commission. These issues included gun control, juvenile crime, and sentencing and parole practices.



---

*"The propensity toward violent crime makes the gun problem worse. The easy availability of firearms makes the crime problem worse."*

*Professor Franklin  
Zimring*

---



The public opinion survey was conducted by telephone between December 17, 1992 and January 4, 1993. The scientifically designed random-digit dialing technique provided a statistically representative sample of the State's adult population. The 815 completed interviews provided a 73% response rate, and a margin of error of plus or minus 3.5%.

To aid in the analysis and interpretation of the data, all of the survey respondents were grouped according to standard demographic characteristics such as age, race, sex, geographical region of the State, educational level, and household income level.

Results of the survey showed wide public support for many of the Commission's legislative recommendations. For example, a large majority of Virginians, including handgun owners, supported a limit on the number of handguns an individual can purchase in one month. A large majority of survey respondents also supported prohibiting juveniles from possessing handguns, and providing juries with prior criminal history information about convicted offenders before the jury imposes a sentence.

---

*"I think that Virginia has led the nation in terms of letting all leaders know that people are sick and fed-up with guns."*

*U.S. Attorney General  
Janet Reno*

---



### Community Forum on Violent Crime

On June 22, 1993, the Commission held a widely publicized public forum entitled Proposed Programs to Combat Violent Crime: The Community Reacts at Virginia Commonwealth University in Richmond. The Forum was conducted to highlight the Commission's programmatic initiatives and elicit input and support from government and private organizations, businesses, and private citizens concerned about violent crime.

More than 50 citizens with informed opinions and perspectives on Virginia's violent crime problem participated in the Forum. Participants heard ideas from the Commission and asked questions of Commission members. Teachers, police officers, clergy, community activists, business executives, media representatives, criminologists and social service providers came together to build on the work already done by the Commission and add information to develop a more comprehensive plan.

Keynote speakers at the Community Forum were Governor Wilder and U.S. Attorney General Janet Reno. In his opening remarks, Governor Wilder told the Forum that Virginia ranks only 36th in the nation in violent crime - better than most states. But, he said, Virginia citizens still will not tolerate brutality inflicted on fellow citizens. He said Virginia cannot be content to merely react to violent crime after it occurs. Instead, Virginia must take bold steps to break the cycle of crime in our communities.

To illustrate how violent crime and the fear of crime affects the lives of Virginian citizens, the Governor cited the case of a Richmond resident who had recently appeared on the television program "48 Hours." The female resident described to viewers the anxiety

created by violent crime, and how she was forced to peep out of her windows and live in fear that drug dealers would approach her children. After her television appearance, the woman's home was sprayed with bullets, the inside of her home was vandalized, and her bedroom was set on fire. Other residents of the neighborhood remarked that the woman should have known better than to stand up and speak out about crime.

Governor Wilder noted that everyone wants to "talk tough" about crime, but that continuing to rely on building more prisons costs "tough money." He cited the need to examine other alternatives to reducing and preventing violent crime. The Governor identified innovative strategies such as mentoring programs to provide guidance to children and young adults, the Anti-Crime Partnership Program, and job training and work release programs for prison inmates to improve their chances of successfully returning to society.

U.S. Attorney General Janet Reno began her remarks by telling the Forum that it's time to stop paying lip service to crime and actually start doing something about it. She praised the Governor and the Commission for their comprehensive effort and noted that this is what is needed if America is really going to deal with the violent crime problem. She reflected the concern often heard by members of the Commission that people are frustrated when they see violent criminals sentenced to long prison terms and then released after serving only one-half of the sentence. She stressed the need to make it clear to criminals that punishment will be swift and it will be certain.

The Attorney General also spoke at length about the need to prevent crime



rather than respond to it. She suggested that many of the problems in society—youth violence, gangs, drug abuse, drop-outs—are symptoms of a deeper problem. The problem is that children have been forgotten and neglected. She said that the best crime prevention strategy is to strengthen the role of the family and the community in children's lives, and use these institutions to guide young people toward productive lives and away from violence. She noted that unless society invests more in its members when they are children, it will never be able to build enough prisons for them by the time they are 18.

Following the keynote speakers, each of the Commission's three subcommittees presented its preliminary reports and programmatic recommendations to the Forum. Secretary Rollins asked the Forum participants to evaluate the recommendations and offer their own opinions, ideas and suggestions. He asked that the focus of the discussion be on the soundness of the concepts presented rather than on the details or the cost involved. The Secretary also asked that the members identify the recommendations that were considered priorities and which would form the basis for further work by the Commission.

The Commission's programmatic recommendations are described in detail in Section IV of this report.



## Active Role of the Governor and Commission Members

Throughout the work of the Commission, Governor Wilder and the members of the Commission worked to promote and support the Commission's work. Much of this work involved bringing the violent crime issues before the Commission to the public to involve the public in the discussions and provide citizen support for the initiatives recommended by the Commission.

The Commission's charge by the Governor meant that the Commission members had to deal with several controversial topics: firearms regulations, violent juvenile offenders, and sentencing and parole practices. Of all the issues addressed by the Commission in 1992, none sparked as much public discussion and controversy as the Commission's recommendation to the General Assembly to limit the number of handguns that an individual can purchase to one per month. Throughout the winter of 1992-1993, the discussions and debate among members of the Commission and the General Assembly were mirrored by extensive public relations campaigns supporting and opposing the proposed legislation.

---

*"Today we will be discussing innovative programs to reduce violence, to address the cycle of crime in our communities, and to allow our cities to develop and implement comprehensive community approaches to fighting violence."*

*Governor L. Douglas Wilder*

---



Despite the political risks involved in opposing the "gun lobby," Governor Wilder and Secretary Rollins made appearances on several state and national television news programs to support the Commission's recommendation to limit handgun sales. Both also supported the Commission's recommendations by making public appearances throughout the Commonwealth. The Governor and the Secretary continuously pointed out that limiting multiple purchases of handguns was the only effective way to eliminate Virginia's dubious reputation as the gun-running capitol of the East Coast.

Then-U.S. Attorney Richard Cullen worked to secure public support for the proposed handgun legislation. He promoted the creation of Virginians Against Gun Trafficking, a citizens and business group that worked for the proposed handgun legislation, and actively solicited support from Virginia's major business leaders.

The work by the Governor and members of the Commission to build support for the Commission's recommendations succeeded in building a consensus of public and legislative backing for the proposal to limit handgun sales, as well as for other Commission recommendations aimed at reducing violent crime. Twenty-four Virginia newspapers, as well as the Washington Post and the New York Times, printed editorials supporting the recommendation to limit handgun purchases.

After much controversy and debate, the 1993 General Assembly ultimately passed legislation enacting all but one of the recommendations put forth by Governor Wilder's Commission on Violent Crime.



## *Section III:*

# *Legislative Recommendations*

---

*"The overwhelming success of the legislative recommendations of the Governor's Commission on Violent Crime is a tribute not only to the quality and expertise of its members, but also to their ability to mobilize support from a broad cross-section of Virginians."*

*Delegate James Almand  
Chair, House Courts of Justice Committee*

*"What we are doing with this legislation is moving forward with significant steps to combat violent crime. And we need to keep moving forward, to sustain the momentum."*

*Senator Edward Holland  
Chair, Senate Courts of Justice Committee*

---





## One Handgun Per Month Purchase Limit

This bill changed Virginia law to limit to one the number of handguns that may be purchased by an individual in any 30-day period. Exceptions are made for licensed firearms dealers, law enforcement and correctional agencies, private security companies, for purchasing antique handguns, and for replacing lost or stolen handguns.

The one-handgun-a-month law was designed to curtail gun traffickers who buy large numbers of handguns in Virginia and then illegally sell them elsewhere. Gun trace data has shown that Virginia has become a major source of guns for criminals in large eastern cities.

### Introduction to Recommendations Enacted by the 1993 General Assembly

The Commission produced 14 recommendations for legislative action by the 1993 General Assembly. These recommendations addressed handgun sales and possession, better records on firearms purchases and on juveniles who commit serious offenses, increasing penalties and tightening parole eligibility for certain offenders, and other issues.

Most of these recommendations received bipartisan support in the General Assembly. The principal patrons of the Commission's recommendations were Senator Edward Holland, Chair of the Senate Courts of Justice Committee, and Delegate James Almand, Chair of the House Courts of Justice Committee.

The General Assembly enacted most of the Commission's recommendations. In some instances, it enacted laws based on other bills which contained substantially the same provisions as the Commission's recommendations.

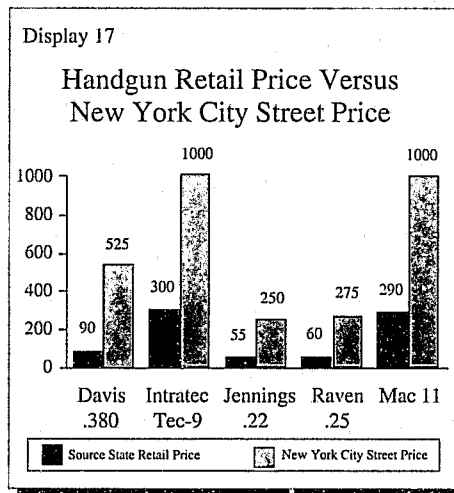
This section of the report describes the laws enacted by the 1993 General Assembly that were based on, or substantially similar to, the recommendations of the Commission.

## Firearms Dealers: Record Keeping/Penalty Enhancement

This law requires firearms dealers to report to the State Police the number and category (handgun or long gun) of firearms sold in any transaction. This information must be reported along with the consent form required for the criminal history background check. The law also increases the amount of time that multiple handgun transaction information can be retained by State Police from 30 days to 12 months. The law reduces the amount of time that firearms dealers must retain records on transactions from ten years to two years. The law also increases the penalty for firearms dealers found guilty of illegally selling, renting, trading or transferring firearms from a Class 1 misdemeanor to a Class 6 felony.

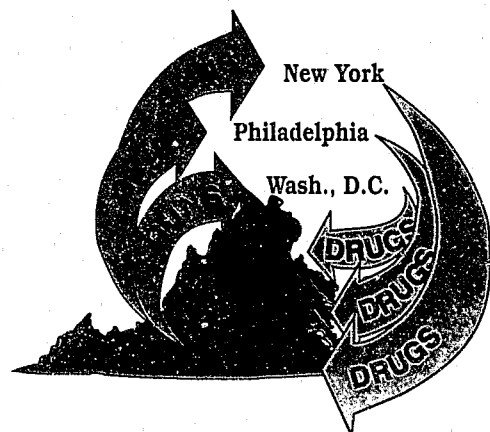
Allowing the State Police to collect and maintain this information will improve their ability to develop cases against straw purchasers and gun-runners. Prior law requiring State Police to destroy information on approved transactions within 30 days made it difficult to identify and track persons serving as straw purchasers. Information about the types of firearms being sold is needed to enforce the one handgun per month purchase limit law.

This law amended and reenacted §18.2-308.2:2 and §54.1-4201 of the Code of Virginia.



This law will be enforced using Virginia's computerized "instant" record check system to screen handgun purchases. If an individual tries to purchase a handgun within 30 days of an earlier handgun purchase, the firearms dealer would be notified not to make the sale. Persons making permissible multiple handgun purchases may do so by following procedures developed by the State Police.

This law amended and reenacted §18.2-308.2:2 of the Code of Virginia.



## Juvenile Possession of Handguns

This law made it illegal for persons under the age of 18 to possess or transport a handgun or assault firearm anywhere in Virginia, with certain legitimate exceptions. Violation of this law is a Class 1 misdemeanor. Under prior law, juveniles could openly possess and carry firearms in all but places of worship, courthouses and schools. This law was passed to reduce Virginia's surge in violent crime being committed by juveniles using firearms.

The juvenile murder arrest rate has climbed over 275% since 1987. In 1987, only 19 juveniles were arrested for murder in Virginia. In 1992, there were 72 murder arrests involving juveniles. Many criminologists attribute this surge in violence to the proliferating use of handguns by youth.

---

*The number of juveniles arrested in Virginia for murder using a handgun more than quadrupled between 1987 and 1990.*

---

Exceptions are made for juveniles to legally possess firearms: while in one's home or on one's property, while in the home or on the property of a parent, grandparent or legal guardian, on the property of another with that person's written permission, while engaged in lawful hunting, while engaged in target shooting at an established shooting range and while carrying out one's duties as a member of the armed forces or National Guard.

This law amended and reenacted §16.1-228 and §18.2-308.2:1, added §18.2-308.7, and repealed §18.2-287.3 of the Code of Virginia

## Juvenile Criminal History Records

This law requires the Central Criminal History Records Exchange (CCRE) to maintain fingerprints and case disposition information for juveniles 15 years or older charged with a felony, and for juveniles 13 years or older charged with certain serious felonies.

This information will be used only to determine eligibility to possess or purchase firearms; to prepare pre- and post-sentence investigation reports; aid court service units serving juvenile courts; and for fingerprint comparison with fingerprints in the Automated Fingerprint Information System (AFIS). The fingerprints maintained at CCRE will be destroyed when the juvenile turns 29, provided the juvenile is not convicted of another felony while between the ages of 18 and 29.

This law also prohibits persons under age 29 from possessing a firearm if the person was adjudicated delinquent as a juvenile based on a felony committed while between the ages of 15 and 18.

Under prior law, juvenile fingerprints were voluntarily submitted to CCRE. Although juvenile fingerprints constituted less than 1% of all AFIS prints, over 20% of all AFIS matches or identifications were made with juvenile fingerprints. Law enforcement investigations are hampered because the prints of many juvenile suspects are not available in a database such as AFIS. This capability will also aid circuit court judges and juvenile probation officers by providing better access to juvenile records.

This law amended and reenacted Sections 16.1-299, 16.1-301, 16.1-306, 18.2-308.2, 18.2-308.2:1, 19.2-388 and 19.2-390, and added §19.2-389.1 to the Code of Virginia.

---

*In a statewide survey, 82% of Virginians said that criminal justice officials should have access to an adult offender's prior juvenile record.*

---

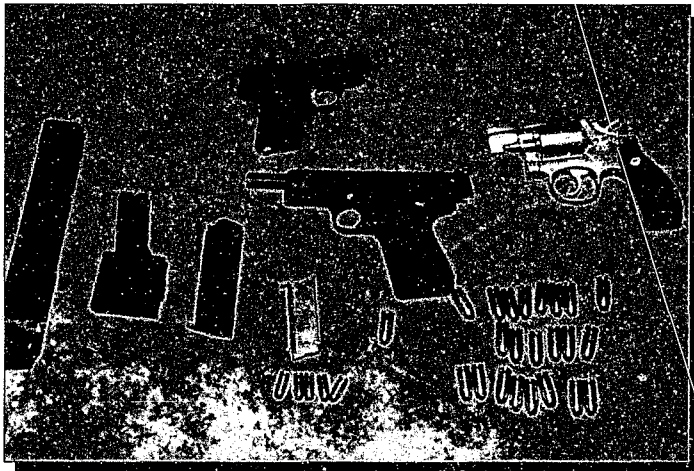


## Destruction of Seized Weapons

This law amended the Code of Virginia to allow courts to order the destruction of weapons seized by sheriffs or police chiefs if the weapons have minimal sales or law enforcement value.

It is estimated that Virginia law enforcement officers seized 20,000 firearms in 1991. Currently, law enforcement agencies have the option of selling their seized firearms. Selling these firearms creates the potential for some of these weapons to be used in violent crimes. Although many law enforcement agencies do destroy firearms they seize, it is not known how many agencies destroy them and do not destroy them. Allowing courts to order the destruction of seized weapons which have little sales or law enforcement value will help to reduce the stockpile of firearms which may be used to commit crimes.

This law amended and reenacted §19.2-286.11 of the Code of Virginia. The law passed by the General Assembly was not the specific bill developed by the Commission, however it did contain some of the same provisions.



## Require Presentence Reports for Felony Convictions to Contain Juvenile Criminal History Information

This bill changed Virginia law to require that each presentence investigation report prepared on an individual convicted of a felony will include a report on the individual's criminal record as an adult and as a juvenile. The juvenile record information will be obtained from a review of available juvenile court records.

Prior law required that only the adult criminal record be included in the criminal history information contained in the presentence investigation report. Without juvenile record information, judges do not receive facts that are essential to determine an appropriate sentence for offenders.

This law amended and reenacted §19.2-299 of the Code of Virginia.

## Increased Penalty for Obstruction of Justice

This law increased the statutory penalty for obstructing a judge, magistrate, justice, juror, witness, or law enforcement officer in the performance of their duties from a Class 4 misdemeanor to a Class 3 misdemeanor. The law also adds Commonwealth's Attorneys to the list of criminal justice officials accorded protection under the obstruction of justice provisions.

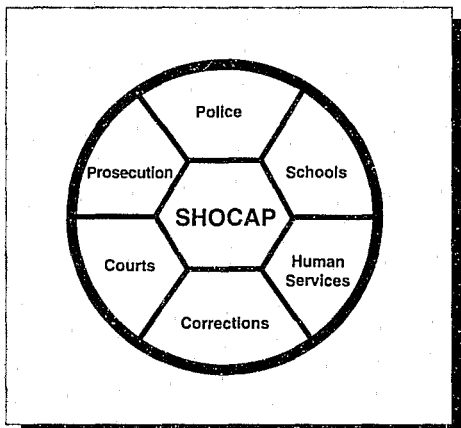
Threatening or using force against participants in a trial undermines the integrity of the trial process. By increasing this penalty, the Commonwealth is making it clear that efforts to obstruct justice will not be tolerated.

This law amended and reenacted §18.2-460 of the Code of Virginia.

## Serious or Habitual Offender Comprehensive Action Programs

This law allows city and county governments to establish multiagency Serious or Habitual Offender Comprehensive Action Programs (SHOCAPs) to share information about certain serious juvenile offenders. SHOCAP committees, made up of representatives from law enforcement, courts, corrections, schools, health, youth and family services, and Commonwealth Attorneys, will be able to share information about juveniles who are convicted of certain felonies (murder, rape, armed robbery, sexual abuse and malicious wounding) or who have been convicted at least three times for offenses which would be felonies or Class 1 misdemeanors if committed by an adult.

Confidential data may be shared by participating agencies, but each person who receives this information must sign a statement acknowledging their statutory duty to preserve confidentiality. Individuals who knowingly allow unauthorized disclosure of this information are guilty of a Class 3 misdemeanor. SHOCAP agencies and their personnel are granted immunity for any good faith disclosure of information.



This law added §16.1-330.1 and §16.1-330.2 to the Code of Virginia.

## Increased Maximum Penalty for Second-Degree Murder

This law increased the penalty for second-degree murder from a Class 3 felony (five to 20 years and/or a fine of \$100,000) to an unclassified felony, which carries a range of incarceration from five to 40 years.



Under the prior statutory penalty for second-degree murder, the malicious, intentional taking of a human life carried the same maximum penalty as grand larceny and commercial burglary, and only half the maximum penalty as the sale of cocaine. The sanctity of human life and the level of violence in society require a penalty for second-degree murder commensurate with the gravity of the crime.

Offenders convicted of second-degree murder typically receive long prison terms. Therefore, this penalty enhancement should have little effect on the demand for prison bed space. It is conservatively estimated that if the same number of offenders who have received the previous 20 year maximum penalty were to receive a 40 year sentence in the future, it would increase the required number of prison beds by less than 60 per year by the year 2000.

This law amended and reenacted §18.2-32 of the Code of Virginia.

*"The maximum penalty for robbery and rape is life in prison. But the maximum penalty for second-degree murder—the malicious killing of a human being—was only 20 years. The 40-year maximum now gives judges a sentencing option proportional to the gravity of the crime."*

*Judge Buford Parsons*



## Amended Parole Eligibility for Violent Offenders

This law increased the amount of time violent offenders must serve in prison before being eligible for parole. Individuals committed to prison for the first time for first-degree murder, rape, forcible sodomy, inanimate object sexual penetration, or aggravated sexual battery must now serve a minimum of two-thirds of their sentence, or 14 years, whichever is less, before becoming eligible for parole. Individuals committed a second or subsequent time for these crimes must now serve a minimum of three-fourths of their sentence, or 15 years, whichever is less, before becoming eligible for parole. These offenders also are now limited to earning no more than 10 days of "good conduct" credits per 30 days served.

With certain exceptions, previous parole eligibility statutes allowed violent felons to be eligible for parole after serving less than 20% of their sentences. Although most violent offenders do not get paroled this early, the Commission did find that most violent offenders serve only about 33% to 45% of their court-imposed sentence. Also, even if denied parole, under previous law a prisoner earning the maximum amount of "good conduct" credits could satisfy his sentence and be mandatorily released after serving less than 50% of his sentence.

The impact of this law on prison bed space is projected to be minimal through the year 2000. Using the highest estimated range, about 210 more prison beds would be needed by the year 2000 to accommodate increased prison time created by this legislation.

This law amended and reenacted §53.1-151 and §53.1-199 of the Code of Virginia.

## Out-Of-State Prison Commitments as Parole Eligibility Factor

This law amended Virginia parole eligibility laws to increase the list of felony offenses for which commitments to out-of-state correctional facilities must be included when calculating an offender's parole eligibility date.

Under Virginia parole eligibility statutes, one factor that determines the parole eligibility date for certain violent offenders is the number of prior commitments to prison. The greater the number of prior prison commitments, the longer an inmate must serve on a sentence before becoming eligible for parole. Prior prison commitments include commitments in other states.

Under the former statute, prior prison commitments were a factor in parole eligibility for inmates incarcerated for murder, rape, robbery, and certain drug offenses. This law expands this list of offenses to include inmates committed for forcible sodomy, animate or inanimate object sexual penetration, aggravated sexual battery, abduction, kidnapping, burglary, felonious assault, wounding or manufacturing, selling, giving, distributing or possessing a controlled substance with the intent to sell, manufacture, give or distribute a controlled substance.

This law also clarifies the present statute so that "out-of-state" commitments clearly includes any correctional facility in any U.S. state or territory and the District of Columbia. Previous commitment information is no longer required on official court orders committing inmates to the Department of Corrections.

This law amended and reenacted §53.1-151 of the Code of Virginia.

---

*In a statewide survey, 77% of Virginians said that violent offenders should not be eligible for early release based on their behavior while in prison.*

---

## Provide Enhanced Prior Notice of Prisoner Releases

This law increased the amount of information that the Department of Corrections (DOC) must deliver to local criminal justice officials prior to the release or discharge of a prisoner. Under the previous statute, DOC was required to provide advance notice of a prisoner's release to:

- 1) the court which sentenced the individual to prison;
- 2) the victim of the offense for which the individual was committed (if requested by the victim);
- 3) the law enforcement agency and Commonwealth's Attorney in the locality in which the offense occurred and (if different) the locality in which the individual intends to reside following release; and,
- 4) if there was a significant time lapse since the offense, officials in the other jurisdictions would also need some minimal information concerning the individual.

This bill requires that, in addition to the previously required information, DOC provides identification of the specific offense or offenses for which the prisoner was committed, the term or terms of imprisonment imposed as well as the date the prisoner was committed to DOC.

Every notice shall include the name, address and criminal history of the participating prisoner, and other information upon request. If criminal justice officials in the locality where the prisoner intends to reside are not familiar with the individual, they may not know about the types of offenses for which the prisoner was sentenced.

This law amended and reenacted §53.1-160 of the Code of Virginia.

## Joint Preliminary Hearings and Trials

This bill changed Virginia law to allow joint preliminary hearings and joint indictments and trials for certain defendants. Joint indictments and hearings are permitted when defendants participated in contemporaneous or related acts involving the same victim(s) and if the joint procedures would not cause manifest injustice to the Commonwealth or the defendant. The trial judge retains the right to determine whether a joint trial is in the public interest and preserves the rights of each of the defendants.

Under previous law, when multiple defendants were charged with the same crime, each was entitled to demand a separate trial. Usually, each defendant did demand a separate trial. Courtrooms, judges, prosecutors and juries were then tied up as the same case was repeatedly heard. In these cases victims and witnesses were sometimes reluctant to continue appearing and recount the same facts. Victims were sometimes forced to repeatedly describe unpleasant experiences, and both victims and witnesses were forced to take time from work to attend multiple trials. Court officials, with already heavy case loads, were forced to repeatedly try the same case.

This law added §19.2-183.1 and §19.2-262.1, and repealed §19.2-263, of the Code of Virginia.

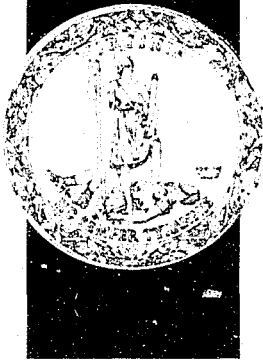
---

*"As a result of the Commission's work, prosecutors will now be able to try all of the individuals involved in a crime at once. This will make criminal proceedings more efficient and effective. It will have a significant impact on the Commonwealth's ability to prosecute violent criminals."*

*Helen Fahey, Chair,  
Criminal Justice/Law  
Enforcement Subcommittee*

---





## Purpose of Zoning Ordinances Amended to Include Crime Prevention

This bill changed Virginia law to include safety from crime as one of the purposes of zoning ordinances. Assigning a crime prevention mission to zoning will give localities greater flexibility to use local zoning ordinances to prohibit, restrict or eliminate uses of property which attract or generate criminal behavior.

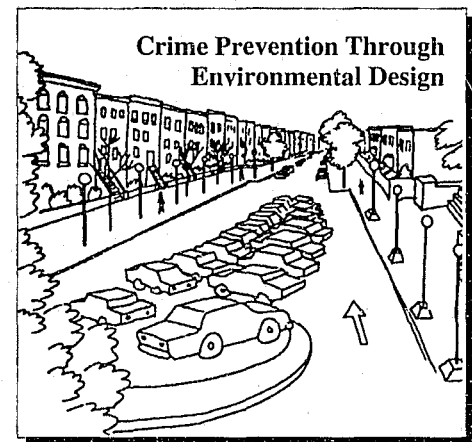
Zoning ordinances were designed to give reasonable consideration to each of the following purposes, where applicable:

- 1) to provide for adequate light, air, convenience of access and safety from fire, flood, crime and other dangers;
- 2) to reduce or prevent congestion in the public streets;
- 3) to facilitate the creation of a convenient, attractive and harmonious community;
- 4) to facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other requirements;
- 5) protect against destruction of or encroachment upon historic areas; and,
- 6) facilitate other environmental developments.

This law amended and reenacted §15.1-489 of the Code of Virginia. The law passed by the General Assembly was not based on the specific bill developed by the Commission, but it contained substantially the same provisions as the Commission's recommendation.

## Study a Safer By Design Community Program

House Joint Resolution 617 directed the Virginia State Crime Commission to oversee a study by the Department of Criminal Justice Services concerning community safer by design programs. The study will determine a method of recognizing communities that use crime prevention strategies to improve the quality of community life.



The resolution specifically directed the study to determine 1) the standards for recognition and the criteria and procedure for certifying communities as a "Safer by Design Virginia Community," 2) a mechanism for applying for certification and reviewing the applications, and 3) methods to encourage communities to participate in the program.

A Safer by Design Community Program will help localities develop comprehensive crime prevention initiatives to combat violence. These initiatives may include crime prevention planning committees, the collection and analysis of crime data, neighborhood watch programs, physical and environmental security assessments of neighborhoods, the locations of schools and businesses, and the incorporation of environmental security in the community planning process.

## Expanded Juvenile Work Programs

This law allows the Director of the Department of Youth and Family Services (DYFS) to enter into agreements with public or private entities for the operation of work programs for juveniles committed to DYFS. These agreements must receive: approval from the Governor; review by a committee of business, labor and governmental officials appointed by the Governor; and review pursuant to regulations promulgated by the Board of Youth and Family Services. Goods and services produced by such work programs can be sold to units of local governments, to nonprofit community service organizations, and on the open market through participating public or private entities.

Prior to passage of this law, the Code of Virginia did not specifically address work programs for juvenile offenders. Some construed this as prohibiting such programs. This law clarified that such enterprises are allowable when appropriately reviewed and authorized.

Such enterprises will allow DYFS to expose youths to work experiences similar to those they will encounter when they return to the community. Prior studies have shown that juveniles committed to institutions such as those found in DYFS usually have a long history of delinquency, poor academic preparation, little or no work experience and low self esteem. Juvenile corrections industries blend business standards with basic education, vocational training and on-the-job experience which can significantly improve a youth's chance of succeeding in the community.

This law amended and reenacted §66-3, and added §66-25.1, of the Code of Virginia.

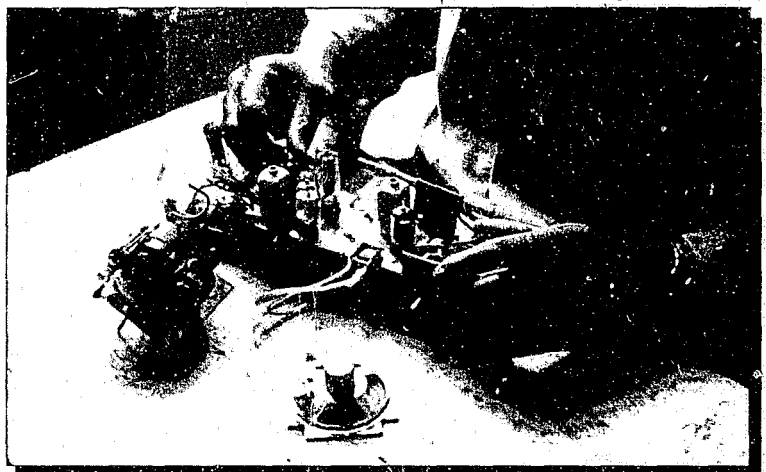
## Increased Inmate Work Programs

This law allows the Department of Corrections (DOC) to establish agreements with public or private entities for operating inmate work programs in DOC facilities. Goods and services produced by these programs may be sold like other inmate products, and on the open market through public or private entities.

This law increases DOC work program opportunities for inmates. In fiscal year 1990-91, only 12% of the inmates employed in DOC held correctional enterprise, work release, or capital construction jobs. One factor limiting these jobs was the prohibition on the sale of prison industry products to the private sector. Increasing correctional enterprise work opportunities will give more inmates the skills they need to reenter society after release from prison.

New programs established under this law will require increased funding for both start-up costs and continued operation. Some, or all, of these costs may be offset by revenues generated by the program, or the financial participation of the venture partner.

This law amended and reenacted §53.1-45 and §53.1-47, and added §53.1-45.1, of the Code of Virginia.



*"There are some really violent criminals in prison that ought to never be released. At the same time we have to recognize that the rest of the people there will eventually get out. We owe it to the citizens of this state to make sure that (inmates) are ready to be productive members of society when they do. Treatment, education and work are the keys to getting these people on that track."*

*The Honorable Robert B. Ball, Sr.  
Member, Virginia House of Delegates*





## Study the Effects of Cultural Insensitivity on Violent Crime

This resolution directed the Council on Human Rights, assisted by Virginia Commonwealth University and Norfolk State University, to conduct a study to assess the impact of racial and cultural insensitivity on violent crime. The Council is to have its work complete and make its recommendations on education and implementation strategies to alleviate racism to the Governor and the 1994 General Assembly.

The study will include, but not be limited to, the determination of:

- 1) the extent of the impact of race and its effects on violent crime such as hate crime,
- 2) differences in the criminal justice response to victims and offenders based on race or ethnic origin, and
- 3) the impacts of racism on access to housing, education, health care, job opportunities, and economic development and the resulting impact on violent crime.

*On March 23, 1993, the bills proposed by the Governor's Commission on Violent Crime and passed by the General Assembly were signed into law by Governor Wilder in a bill signing ceremony. Seated from left to right at the table in the picture below are chief House patron Delegate James Almand, Governor Wilder, and chief Senate patron Senator Edward Holland*



## Truth-In-Sentencing Commission Established

House Joint Resolution 464 established a Commission to study Virginia's sentencing and parole policies and the need to establish "truth in sentencing." The Commission, made up of legislators, judges, and law enforcement personnel, will examine sanctions and sentence lengths, parole, information for juries on the parole process, whether to retain discretionary parole, and the cost of a "no discretionary parole" system on our corrections budget.

*"Violent criminals should not have the possibility of release from the penitentiary after serving only 20% of their sentence. As a result of the Governor's Commission, violent criminals will now serve a substantially larger portion of their sentence before being eligible for release."*

*Helen Fahey, Chair, Criminal Justice/ Law Enforcement Subcommittee*

Many believe the current sentencing system undermines the credibility of the criminal justice system by letting offenders serve only small portions of their sentences. Currently, state inmates incarcerated for felonies are statutorily eligible for parole after serving as little as 25% of their imposed sentences. These inmates may also earn "good time" credit while incarcerated, which is counted toward satisfying their sentences. The combination of these provisions make many inmates eligible for parole after serving less than 20% of their sentence.

Others believe Virginia's sentencing process is distorted by early release mechanisms. For example, prosecutors may request, and judges may set, sentences greater than what they feel a crime actually warrants because they anticipate that the convicted offender will be released on parole after serving only a small portion of the imposed sentence.

## ***Introduction to Other Legislative Recommendations***

*In addition to the legislation enacted by the 1993 General Assembly, the Commission developed other legislative recommendations for combating violent crime. These recommendations are offered to the 1994 session of the General Assembly.*

*This section of the report describes each of the Commission's other legislative recommendations.*

### **Increase the Penalty For Carrying a Concealed Firearm**

The Commission recommends that Virginia increase the penalty for carrying concealed weapons by establishing a separate and more severe penalty for carrying a concealed firearm. Concealed firearms pose a serious threat to the general public as well as to law enforcement officers. The current misdemeanor-level penalty for this offense does not provide sufficient deterrence to discourage individuals from carrying concealed firearms.

### **Enact a Three-Day Waiting Period for Handgun Purchases**

The Commission recommends that Virginia enact a three-day waiting period from the date a prospective buyer applies to purchase a handgun until the day it may be sold by the firearms dealer. A three-day waiting period may reduce firearms violence committed by individuals who purchase and use their firearms impulsively out of temporary anger, fear or emotional distress. The three-day period would provide a "cooling-off" period for these individuals, while not imposing an undue burden on law abiding firearms purchasers.

### **Allow Authority for Local Firearms Ordinances**

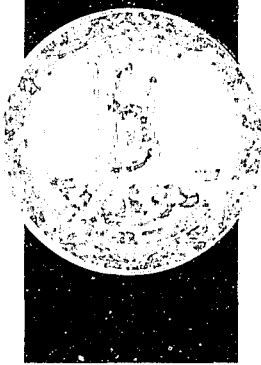
The Commission recommends that Virginia remove the existing pre-emptive statutory language and give all localities the authority to enact/adopt local ordinances governing the sale or transfer of firearms. Governments are created to secure a safe environment for their citizens. The misuse of firearms has made it impossible for officials in some Virginia localities to secure such an environment. In many communities, citizens are afraid to move about for fear of being accosted by persons with guns or of being struck by incidental gun fire. Local governments should have the authority to enact ordinances regulating the use and availability of firearms within their jurisdictions.



### **Authorize State Police to License Firearms Dealers**

The Commission recommends that the General Assembly enact legislation authorizing the Department of State Police to require that all firearms dealers in Virginia be licensed. State licensing is needed to give state and local police the state-level enforcement authority to address the illegal sale and transfer of firearms by federally licensed and unlicensed dealers attending Virginia gun shows.

Currently, firearms dealers are licensed only by the Federal Bureau of Alcohol, Tobacco and Firearms (BATF). However, federal mandates severely restrict BATF's enforcement activities at gun shows. Many illegal firearms transactions which occur at gun shows involve either federally licensed firearms dealers whose businesses are located outside of Virginia, or involve unlicensed individuals.



## Authorize State Police to Require State Permits for Gun Shows

The Commission recommends that the General Assembly enact legislation authorizing the Department of State Police to require that gun show promoters obtain a state permit for shows, and that promoters provide the State Police with a list of all individuals and dealers, including out-of-state dealers, selling firearms at these shows.

Virginia gun show promoters are now required only to notify the State Police whenever a gun show is to be held. There is no requirement to obtain permits for shows or provide lists of the dealers and individuals that will be selling firearms at these events.

Requiring state permits for these shows and listings of dealers at these shows will allow state and local law enforcement officials to address the illegal sale and transfer of firearms that routinely occurs at these shows. Current enforcement of firearms law at these shows, conducted by the Federal Bureau of Alcohol, Tobacco and Firearms, is severely limited.

---

*In a statewide survey, 88% of Virginians said that juries considering sentences for convicted offenders should be told about the offender's eligibility for parole, and 85% said that juries should be given information about the offender's prior criminal record.*

---

## Allow Public Adjudication of Serious Juvenile Offenders

The Commission recommends that Virginia require that any juvenile adjudication hearing in which a juvenile age fifteen years or older is charged with murder, forcible rape, forcible sodomy, armed robbery, aggravated assault, arson of a dwelling place, or the illegal sale, distribution, or manufacture of Schedule I or II drugs, shall be open to the general public. Present law gives juvenile court judges the option of opening or closing hearings.

Requiring that juvenile adjudication hearings for the enumerated serious offenses be open to the public will alleviate much of the "mystery" surrounding juvenile court proceedings and encourage public participation in the juvenile court process. States that have already passed similar legislation have found that the open hearings have not led to abuse by the media as some had feared. Open juvenile hearings will serve to reaffirm the credibility of the juvenile justice system.

## Authorize Bifurcated Trials

The Commission recommends that Virginia law authorize bifurcated trials in which a separate jury proceeding is used to determine sentencing. This will permit juries to have the same kind of information when recommending sentences that judges have—prior criminal records, special mitigating and aggravating circumstances, etc. Juries will not be operating "in the dark," as they are at present. House Bill 759, carried over to the 1993 General Assembly, would establish such a bifurcated jury proceeding.



## Amend Parole Eligibility Laws for Sex Offenders

The Commission recommends that Virginia's parole eligibility laws be amended to require repeat sex offenders to remain in prison for longer periods of time. Specifically, any sex offender should be ineligible for parole if convicted of any two of the following offenses: rape, forcible sodomy, aggravated sexual battery, and animate or inanimate object sexual penetration. This proposal would apply to offenders who commit two separate acts where the offender was at liberty between the two convictions.

Paroled sex offenders present a significant risk to the community due to their high level of recidivism. Convicted rapists are 10 times more likely to commit another rape than are other types of offenders. Some adult sex offenders have claimed to have had hundreds of victims over the course of their criminal careers. Treatment programs may offer some alternatives to long-term incarceration for some offenders, but concern for public safety demands that sex offenders who fail to respond to treatment be kept separated from society.

Making these offenders ineligible for parole should have a minimal impact on prison and jail overcrowding because these offenders already remain incarcerated for long periods of time. The parole grant rate for sex offenders is already lower than that for any other group of offenders.

Additionally, recently enacted legislation requires any person convicted two or more times of rape, forcible sodomy, animate or inanimate object sexual penetration, or aggravated sexual battery to serve a minimum of three quarters of their imposed sentence and earn minimum good conduct allowance.

## Authorize State Police to Run Witness Protection Program

The Commission recommends that the General Assembly authorize the Department of State Police to operate a state witness protection program. The State Police would make this program available to law enforcement and criminal justice agencies in all Virginia counties, cities and towns.

Currently, witness protection for individuals involved in state and local criminal cases is provided only on a limited, ad hoc basis. In some cases, witnesses who cannot be provided such protection are afraid to voluntarily come forward to testify. In some cases, witnesses have been murdered and cases not prosecuted because witnesses were intimidated and failed to testify.

Providing such protection for crime witnesses, victims of violent crimes, and informants who provide information about criminal activities will increase their willingness to testify for the prosecution and increase the chances of successfully convicting criminals.



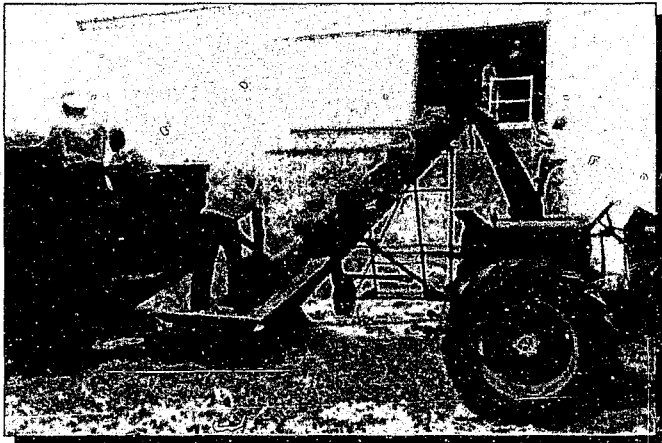


## 1993 Budget Initiatives

In recognition of the limited revenue available to the Commonwealth for initiating new and costly programs, the Commission limited its 1993 budget recommendations to a few modest programs. The Commission felt that these initiatives would provide a useful start toward meeting the objectives identified by the Inmate Productivity Subcommittee.



Budget Initiative 1: The Commission recommends that the General Assembly provide funding for construction of an additional Department of Corrections (DOC) work release facility with 24

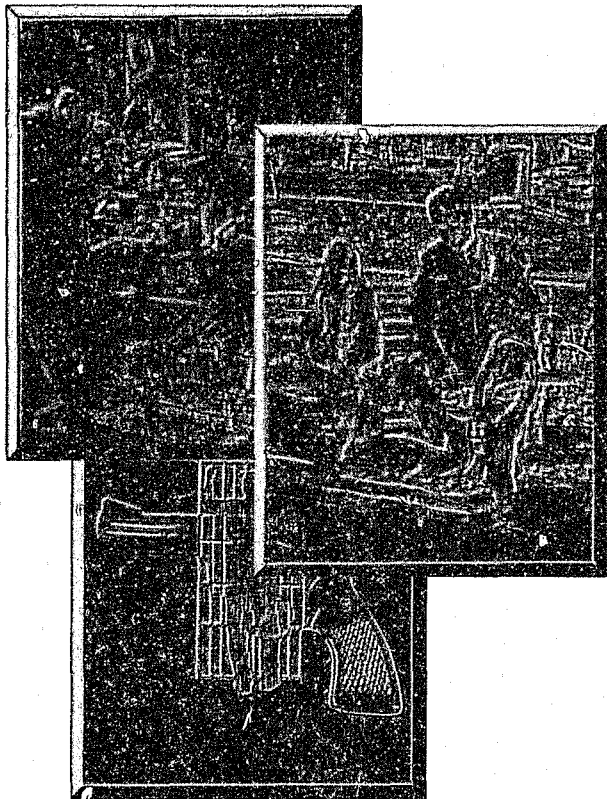


beds. Currently, the Department of Corrections has only 167 work release beds.

Budget Initiative 2: The Commission recommends that the General Assembly provide funding for expansion of the Department of Corrections (DOC) agribusiness operations. Currently, about 200 inmates are engaged in agricultural work. The number of inmates in these operations can be significantly expanded (by up to 150 additional inmates) if more supervisors are provided and sawmill, greenhouse and irrigation equipment is provided. The additional food produced through this expansion will reduce DOC's need to purchase food for inmates.



Budget Initiative 3: The Commission recommends that the General Assembly provide funding for a natural resources work program. This new program will provide jobs to about 20 inmates for repairing and restoring several state parks.



# *Section IV:*

## *Programmatic Recommendations*

---

*"If we don't act now with a strong prevention approach, today's problems will seem small 10 years from now...It is critical that we concentrate our resources on attacking the causes of crime, before it occurs."*

*Chief Pat Minetti, Chair  
Crime Prevention Subcommittee*

---

### *INTRODUCTION TO PROGRAMMATIC RECOMMENDATIONS*

*After completing its legislative recommendations, the Commission turned its attention to developing recommendations for programmatic initiatives to combat violent crime. These initiatives do not require amending Virginia law, but do require funding or other action to create or expand programs aimed at dealing with violent crime. Each of the three Commission subcommittees developed recommendations specific to the issues before it.*

*This section of the report describes each of the Commission's programmatic recommendations. Recommendations from each subcommittee are grouped together. Recommendations are not listed in any particular order of priority.*



---

## INTRODUCTION TO CRIME PREVENTION SUBCOMMITTEE PROGRAMMATIC RECOMMENDATIONS

*The most effective way to control violent crime is to prevent it from happening in the first place. Strategies to prevent violent crime must eliminate situations which lead to criminal behavior and remove opportunities for committing crimes.*

*The Commonwealth must develop programs that will help give young people the guidance, attitudes and skills they need to reject violence and criminal activity and instead pursue productive lives. It must work in partnership with localities to coordinate responses to violent crime, to strengthen community and law enforcement ties, and to integrate crime prevention into the design of communities.*

*This section of the report describes each of the programmatic recommendations developed by the Crime Prevention Subcommittee to achieve these goals.*

---

## Fund Community Crime Prevention Services

Law enforcement agencies are the primary source of crime prevention programs in localities throughout Virginia. These crime prevention programs include Neighborhood Watch, DARE, school safety, business security, crime prevention through environmental design, and many others.

Although they act as the primary source of crime prevention programs, law enforcement agencies assign just over one percent of their sworn staff to full time crime prevention duties. Crime prevention is recognized as an important function by most police and sheriff departments, but they are unable to win the necessary budget support to initiate or expand crime prevention services.

The Commission recommends that funds be provided to the Department of Criminal Justice Services to implement a Community Crime Prevention Grant program. The purpose of the program would be to provide grants to local governments to reduce the opportunity for crime. Fundable activities would include establishing crime prevention officers, school liaison officers and crime prevention planners. The grants would be offered to localities with particularly high violent crime rates.

Law enforcement crime prevention programs are effective in reducing home burglaries, business robberies, and other crimes of opportunity. Increased funding of these programs will expand these crime prevention services and increase the involvement of government and private organizations in crime prevention activities. Expanded involvement in crime prevention is key to addressing crime as more than just a law enforcement problem.

## Fund the Incident-Based Crime Reporting System

Virginia's current system of collecting and reporting crime data provides little information about the occurrence and the nature of crime in the State. Recent studies of convenience store crime, carjacking and firearms violence were hampered by the lack of detailed, uniform crime data. The current Uniform Crime Reporting system is a summary data report format developed nearly 60 years ago. Computer technology now provides the ability to collect more detailed and uniform crime data. A new system, called Incident-Based Crime Reporting, will replace the current summary-based system.

---

*"A new generation of improved police information systems that provide a rich source of data for law enforcement and criminal justice policy analysts is emerging across the country...State and local criminal justice analysts stand to benefit immensely from this new source of data."*

*Futures in Crime Analysis: Exploring Applications of Incident-based Crime Data, U.S. Department of Justice (1991)*

---

The Commission recommends that funding be provided to allow Virginia to develop and solicit bid proposals to bring about the full-scale implementation of Incident-Based Crime Reporting as soon as possible.

To understand and combat violent crime, more data is needed about crime situations, crime locations, and the victims and offenders involved in crimes. This data will allow criminal justice, social services, education, community planning, and other specialists to take steps to address the causes of crime, reduce the opportunity for crime, and ensure the timely arrest of people who commit crime.

## **Fund One-To-One Mentoring Programs**

The Commission recommends that the General Assembly provide funds to the Department of Criminal Justice Services to establish a grant-funded statewide mentoring program through One-to-One Partnership, Inc. This program will coordinate and assist the broad array of mentoring programs in Virginia. One-to-One is a public/private partnership which mobilizes people, organizations and communities to use mentoring as an intervention strategy for the needs of at-risk youth. A strong public/private partnership has established the One-to-One Program in Richmond, and Virginia Commonwealth University has established a centralized Mentor Training Center.

## **Implement Programs to Reduce Youth Violence**

Violence among youth has significantly increased during the past decade. Between 1983 and 1992, Virginia's juvenile arrest rate for murder increased by 186%, aggravated assault by 97%, and rape by 98%. Homicide is the leading cause of death for young black males and the second leading cause of death for all youth between 15 and 24.

The Commission recommends that Virginia provide funds to the Department of Criminal Justice Services (DCJS) to implement model programs designed to reduce youth violence and to support these programs with training and technical assistance. These programs would provide grants to local governments for model programs which would include mentoring, conflict resolution, anger management, law related education, and others. Each locality would be required to establish a collaborative public/private partnership advisory group to develop and implement the selected model programs.

## **Provide Funding to Expand Court Appointed Special Advocates**

Nearly 50,000 children were the subject of child abuse investigations in Virginia during fiscal year 1989-1990. Because childhood victimization is often a precursor to youth or adult violence, many of these same children may later appear in court as juvenile delinquents.

One approach to breaking this cycle of violence is the Court Appointed Special Advocate (CASA). CASA volunteers assist the court and the guardian ad litem (appointed by the court) in providing effective representation of the child's needs and interests, whether the child is a victim or offender. CASA volunteers advocate assessment and treatment, health and educational services, and, as requested by the court, make recommendations concerning the child's welfare.

Currently there are 15 CASA programs servicing 24 Virginia localities. The Commission recommends that the General Assembly provide funds to the Department of Criminal Justice Services (DCJS) to enable an additional nine to twelve localities to obtain grants to participate in the CASA program.







## Fund Community Policing Training

Community policing is changing law enforcement from an emphasis on enforcing the law to one of policing the community to solve problems and prevent crimes. However, current law enforcement training in Virginia is based on the law enforcement model. This training must be updated to incorporate the philosophy of community policing.

The Commission recommends that the General Assembly provide funds to the Department of Criminal Justice Services to develop basic law enforcement training outlines which incorporate community policing. Last year, funds were provided for the necessary job task analysis reviews. Now a curriculum specialist is needed to translate the work of these reviews into training materials. These materials will be shared with law enforcement agencies and academies, and program updates and enhancements will be made as experience is gained with each program.

Each year, about 975 individuals complete entry-level law enforcement training, and about one-half of Virginia's 13,000 law enforcement officers take 40 hours of mandatory in-service basic training. Updated training materials will help ensure that both new and experienced law enforcement personnel are trained in community policing.



## Fund a Crime Prevention Through Environmental Design Curriculum

In many violent crime areas the physical environment enhances opportunities for crime. Crime prevention officers often find it difficult to make useful crime prevention recommendations for these areas because it is too costly to change the environment. Designs that contribute to crime may occur because students in architecture, engineering, urban planning and public administration receive little or no training in methods for designing environments to prevent crime. Teaching designers how to incorporate crime prevention into planning, design and construction will help ensure that Virginia builds environments which do not contribute to crime.

---

*The proper design and effective use of the built environment can lead to a reduction in the fear of crime and the incidence of crime, and to an improvement in the quality of life.*

Dr. C. Ray Jeffrey  
*Crime Prevention Through  
Environmental Design (1971)*

---

The Commission recommends that funding be provided to appropriate Virginia colleges or universities to develop a curriculum for architecture, engineering, urban planning and public administration students which incorporates crime prevention through environmental design (CPTED). The Governor's Task Force on Substance Abuse and Sexual Assault on College Campuses recommended that all campuses incorporate CPTED into their campus master plan and the architectural design of new facilities and planned renovations. Teaching students in these professions the principles of CPTED is a long-term but ultimately very cost effective way to help reduce crime on colleges campuses, in neighborhoods and communities, and throughout the state.

## Continue Funding the Governor's Anti-Crime Partnership

Governor Wilder and the 1992 General Assembly established the Governor's Anti-Crime Partnership to focus the resources of the state and selected localities in a high-priority strategy to reduce violent crime, drug-related crime and the fear of crime. Currently, the state is participating in a partnership with the city of Newport News which directs the combined use of personnel, technical expertise, resources, information, and intelligence gathering capabilities of state agencies and their local counterparts into a cohesive and comprehensive anti-crime strategy.

The strategy involves housing, economic development, education, mental health, social services, law enforcement, as well as citizens, community groups and organizations. The goal is to reduce violent crime and the fear of crime in the community through the combined resources of the state and selected localities.

The Commission recommends to the General Assembly that funding for the Governor's Anti-Crime Partnership be continued and that funding be expanded to include additional localities during fiscal years 1994 through 1996.

Preliminary results from the Anti-Crime Partnership in Newport News are encouraging. The police are emphasizing community policing and increasing their presence in target areas, the number of juvenile and social workers in target areas has increased, citizen groups are forming educational programs for parents and youths, building codes are being enforced, and abandoned houses are being demolished.

## Provide Funds to Improve Retail Store Employee Safety

The National Center for Disease Control and Prevention has identified murder as the leading cause of death for women in the workplace. Most of these homicides occur in high-risk retail stores. In 1992, five Virginia convenience store workers were murdered at work. By comparison, no Virginia police officers were murdered in the line of duty in 1991 or 1992.

The growth of small retail businesses with few employees that work late hours will likely mean more attacks on retail workers. These attacks present a significant danger to retail employees and a potential threat to store customers.

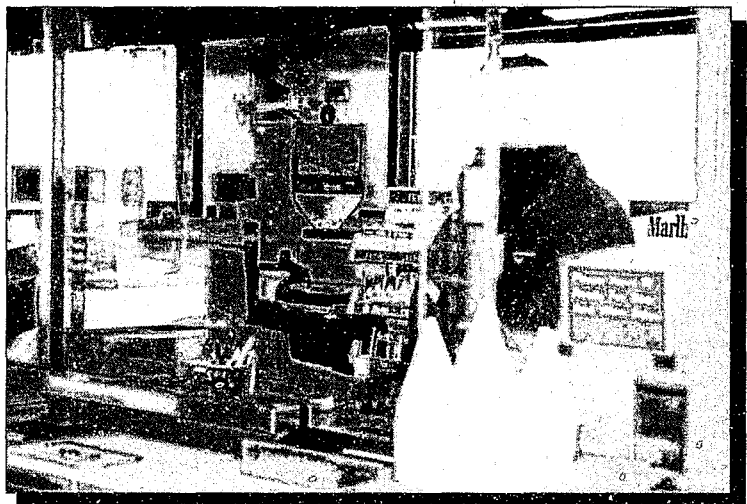
The Commission recommends that funds be provided to the Department of Labor and Industry to provide safety and security training to retail businesses at high risk of being victimized by violent crime. Labor and Industry currently provides training to a variety of occupational groups to reduce work-related deaths and injuries. The training would be offered to small retail businesses that are open late at night as well as stores with high rates of violent crime. This training would be offered on a voluntary basis.

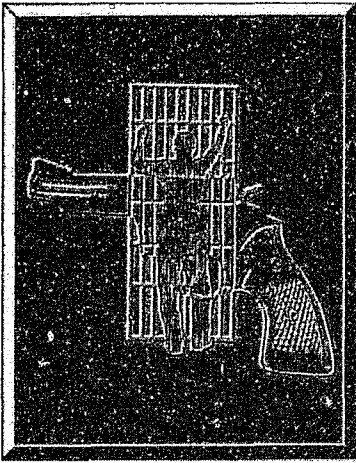
---

*"It is interesting to note that only 37% of all robberies statewide involve a firearm. Yet, in convenience store robberies, the rate jumps to 65%."*

*Report to the Virginia State Crime Commission on Violent Crime and Worker's Safety In Virginia Convenience Stores (1991)*

---





**INTRODUCTION TO  
CRIMINAL JUSTICE/  
LAW ENFORCEMENT  
SUBCOMMITTEE  
PROGRAMMATIC  
RECOMMENDATIONS**

*Violent crime has increased faster than the resources, personnel and information which are available to the Commonwealth for fighting this crime. The Commonwealth must provide its prosecutors with the personnel and training needed to deal with the growing number of arrests and caseloads.*

*Arresting violent offenders is futile unless these offenders are successfully prosecuted and convicted. The Commonwealth must provide security and assistance to citizens who witness or are victimized by violent crime. Otherwise, citizens will not come forth to provide law enforcement officials and prosecutors with the information they need to arrest, prosecute and convict violent offenders. Finally, the Commonwealth must create a unified data system to collect, coordinate and analyze the information needed to develop and evaluate programs to reduce violent crime.*

*This section of the report describes each of the programmatic recommendations developed by the Criminal Justice/Law Enforcement Subcommittee to achieve these goals.*

**Increase Prosecutorial Resources**

Commonwealth's Attorneys perform a vital role in the criminal justice system. To properly assist the administration of justice and protect the public, Commonwealth's Attorneys need an adequate number of staff assistants and they need to be able to retain those staff members to maintain a group of experienced attorneys. As seen in the table below, increases in serious crime have outpaced the increases in Assistant Commonwealth's Attorney positions authorized by the state. While arrests increased by almost 24% between 1988 and 1992, the number of Assistant Commonwealth's Attorneys positions increased by only 15%.

Display 18  
Comparison of Growth in Arrests and Increases in Number of Prosecutors Statewide, 1988-1992

	1988	1992	% Change
Arrests*	21,012	25,995	23.7
No. Asst. CA's**	227	261	15.0
Caseload/ Asst. CA	92.6	99.6	7.6

\*Arrests: Murder, Rape, Robbery, Aggravated Assault, Burglary, and Drug sales.  
\*\*State-funded only.

Additional Assistant Commonwealth's Attorney positions should be created and funded, and the general salary scales for assistant prosecutors should be increased. If Commonwealth's Attorneys do not receive additional assistants commensurate with increases in the number of arrests for serious offenses, their offices will be forced to spend less time on individual cases or limit the types of cases to which the Commonwealth's Attorney will assign personnel.

Furthermore, if salary ranges for assistants are not increased, Commonwealth's Attorneys will be unable to compete for attorneys who wish to enter public service. The result may be a reduction in the quality of legal skill available to Commonwealth's Attorneys.

**Provide Increased Training for Commonwealth's Attorneys**

Virginia and its localities provide extensive training to most members of the criminal justice system, including state and local police officers, sheriffs, and judges. However, little training is available to Commonwealth's Attorneys and their assistants. A new Assistant Commonwealth's Attorney typically has had only basic courses in criminal law and procedure in law school. A case that has been carefully developed over months by law enforcement officers well trained in criminal investigations can be lost beyond retrieval by an inexperienced prosecutor who has not been adequately trained.

Assistant Commonwealth's Attorneys need extensive training in criminal litigation, case preparation, interviewing of witnesses, jury selection, and other topics. Additionally, because criminal law rapidly changes, veteran Commonwealth's Attorneys and assistants need specialized training in addition to the current minimum mandatory continuing legal education courses. The Commonwealth's Attorneys' Services Council has only enough resources to provide the bare minimum to meet basic license continuation requirements.

The Commission recommends that the General Assembly provide sufficient general funds to enable the Commonwealth's Attorneys' Services Council to provide week-long training sessions at least once a quarter. These funds will compensate instructors, pay the lodging and meal expenses of Commonwealth's Attorneys and assistants who attend, and cover materials and other expenses of the sessions. Each newly appointed or elected prosecutor should be able to obtain basic criminal trial advocacy training within three months of taking office.

## Create a Statewide Toll-Free Victim Assistance Telephone Line

Studies show that providing crime victims with immediate basic victim assistance and services increases their confidence in and satisfaction with the criminal justice system, improves their willingness to cooperate with the system, and aids their recovery from the trauma of victimization.



The Commission recommends that the General Assembly fund a statewide toll-free crime victim assistance telephone line to provide services such as: crisis intervention, assistance in filing for victims' compensation, information about the criminal justice system, and information about and referrals to community resources. Victims living in areas with existing victim assistance services who call the toll-free number will be referred to appropriate community resources, such as victim/witness programs, sexual assault crisis centers, domestic violence shelters, social services, mental health, and criminal justice agencies.

To ensure that crime victims living in areas without victims services programs have access to basic information and services, staff and volunteers would assist callers. An examination of crime statistics and victim assistance program data indicates that the telephone line would serve about 1,000 clients in the first year of operation.

## Fund Statewide Victim Assistance Programs

The Department of Criminal Justice Services (DCJS) provides grants for 36 victim and witness assistance programs throughout Virginia. These programs help victims and witnesses deal with the complexities of the criminal justice system, provide information and direction in applying for victims' compensation, and provide specialized counseling or social services for victims or referral to such services. During fiscal year 1992, DCJS grant-funded programs assisted 36,624 victims and witnesses. However, 84% of Virginia's population live in underserved localities. A statewide needs assessment, based on crime and court statistics, has identified a need for additional victim/witness programs and staff members.

The Commission recommends that funding be provided for 13 new victim/witness programs in localities with no programs, that 28 regional programs be funded to provide services to crime victims in 63 rural and lower crime areas, and that funding be provided to 18 existing programs for additional staff. These increases would provide all of Virginia's population with access to victim assistance programs.

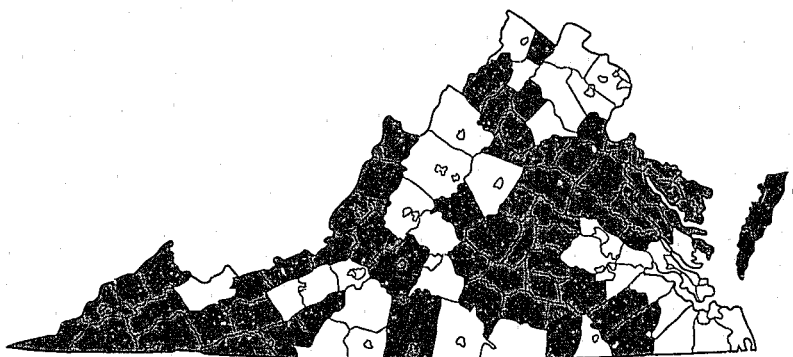
---

*"Victim-witness personnel are the bridges between the victims and the criminal justice system. The healing and understanding processes begin on these bridges. Please find funds for the additional needed victim witness programs across the Commonwealth. They are vital to the healthy survival of victims of crime."*

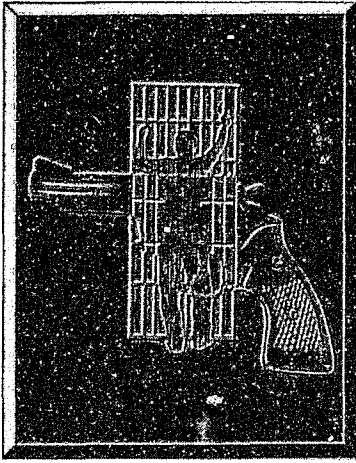
*Mother of a homicide victim  
in letter to Secretary of  
Public Safety*

---

Display 19



*Note: Light burgundy color represents localities without victim-witness programs.*



## Fund a Virginia Witness Protection Program

The federal Witness Protection Program is the only organized program to protect an individual who is a witness in a criminal proceeding. This program is generally used for witnesses involved in federal crimes and is expensive.

Currently, witness protection for individuals involved in state and local criminal proceedings is provided only on a limited, ad hoc basis. In state cases, some witnesses who cannot be afforded such protection are too intimidated or afraid to voluntarily come forward to testify. In some cases, witnesses have been murdered and cases not prosecuted because witnesses were intimidated and failed to testify. Unless witnesses can be offered some measure of protection, such as temporary relocation, cases will be lost because testimony crucial to successful prosecution is lacking.

The Commission recommends that funds be appropriated to allow the Department of State Police to establish and maintain a state witness protection program to temporarily relocate witnesses or otherwise protect witnesses and their families who may be in danger because of their cooperation with the investigation and prosecution of serious violent crimes.

The Superintendent of State Police shall make the services of the program available to law enforcement and criminal justice agencies of all counties, cities and towns in Virginia. Providing such protection for crime witnesses, victims of violent crimes, and informants who provide information about criminal activities will increase their willingness to testify for the prosecution and increase the chances of successfully convicting criminals.

## Reallocate Undisbursed Crime Victims' Compensation Funds

The Criminal Injury Compensation Fund (CICF) was established in 1976 to pay unreimbursed expenses and wage losses for victims who are injured by crime. Revenue for the fund is provided by costs imposed against felons and misdemeanants and by federal grants. No taxpayer funds are used to support the CICF or the Division of Crime Victims' Compensation, which administers the CICF. In recent years resources have been limited and sometimes the Division of Crime Victims' Compensation has had to delay awards to victims. During the last five years the number of claims filed by victims has increased about 300%, although deposits to the CICF have only increased modestly.



In some cases victims or businesses that are owed restitution cannot be located because they have moved, gone out of business or have not provided the court with a current address. If efforts to locate these individual or business are unsuccessful, these funds are returned to the Commonwealth and do not directly benefit crime victims.

The Commission recommends that these undisbursed funds be deposited in the CICF rather than returned to the Commonwealth. This would help the CICF ensure that there are adequate funds available for crime victim's compensation.

---

*"One of the most heartbreaking things that can happen to a prosecutor is to have someone say: No, I'm scared and I just won't come forward."*

*U.S. Attorney General  
Janet Reno*

---

## Include Municipal Misdemeanors in Victims' Compensation Funding

The Criminal Injury Compensation Fund (CICF) helps pay unreimbursed expenses and wage losses for victims who are injured by crime. Revenue for the fund is provided by costs imposed against felons and misdemeanants and by federal grants. No taxpayer funds are used to support the CICF or the Division of Crime Victims' Compensation, which administers the CICF. In recent years resources have been limited and caused delay for awards to victims. During the last five years the number of claims filed by victims has increased about 300%, although deposits to the CICF have only increased modestly.

Under current state law, a \$20 cost is assessed on all convictions for misdemeanor offenses defined in the Code of Virginia, except for public drunkenness. This revenue is deposited in the CICF. About 80% of all funds deposited in the CICF are collected as a result of convictions for these offenses.

Individuals convicted of municipal ordinance misdemeanors are not assessed the \$20 cost. Many localities charge misdemeanor offenses under municipal ordinances rather than under the Code of Virginia. Some of the most frequently charged misdemeanor offenses, such as DUI/DWI, are routinely charged under local ordinances. In such cases, the localities collect fine revenues, but no deposits are made to the CICF.

The Commission recommends that the \$20 cost be imposed on all misdemeanants, including those charged and convicted under municipal ordinances also identified in the Code of Virginia (except public drunkenness). The \$20 assessment should be imposed in addition to any costs imposed by the localities to avoid reducing fine revenues collected by the localities.

## Create a Unified Criminal Justice Decision Support System Committee

Criminal justice policy makers need to know how decisions made in one part of the criminal justice system affect decisions and practices throughout the criminal justice process. For example, how does the use of community policing affect court caseloads? How does the court's use of intermediate sentencing programs affect prison and jail populations? How do correctional treatment programs affect recidivism rates?

Policy makers must have answers to these questions to decide which programs offer workable, cost-effective approaches to reducing crime and enhancing public safety. Existing criminal justice data systems cannot provide the data needed to answer these questions. These systems support individual components of the criminal justice system, but restrict efforts to produce system-wide information. The numerous different ways that offenders and offenses are identified in law enforcement, courts and corrections data systems makes it impossible to track and analyze information about offenders and cases as they progress through the criminal justice system.

The Commission recommends that Virginia establish a standing committee of top-level criminal justice policy makers to identify what information policy makers need to develop, implement and evaluate criminal justice policies and programs with a system-wide perspective. The Governor's Commission on Prison and Jail Overcrowding (COPJO) recommended creating a unified criminal justice data system to provide this type of information. A feasibility study now underway has already identified the need for such top level involvement as a necessary first step to planning and developing a unified system.

---

*"A major drawback with both current systems and new initiatives is that there is little or no coordination between state agencies and individual data systems. This lack of coordination affects both the consistency and quality of available data...Past studies have suggested that a separate, comprehensive data collection system be developed to accommodate requirements for policy-related analysis."*

*Report to the Secretary of Public Safety, (1990)*

---



**INTRODUCTION TO  
INMATE PRODUCTIVITY  
SUBCOMMITTEE  
PROGRAMMATIC  
RECOMMENDATIONS**

Virginia's jail and prison populations attest to the fact that many of those who are released will commit other crimes and be returned to incarceration. In a recent count, repeat felony offenders made up over 30% of our incarcerated population.

The Commonwealth must develop programs that will reduce recidivism. The Subcommittee believes that recidivism can be reduced by providing offenders with the skills and perspectives needed to return to society as productive citizens. Vocational assessment and inmate work programs should be expanded, as should programs to reduce substance abuse by offenders and coordinate community aftercare following their release. Finally, the Commonwealth must examine and evaluate offender treatment programs and programs that provide sanctions which offer alternatives to the high costs of incarceration.

This section describes each of the programmatic recommendations developed by the Inmate Productivity Subcommittee to achieve these goals.

**Provide Vocational  
Assessment in  
Adult Institutions**

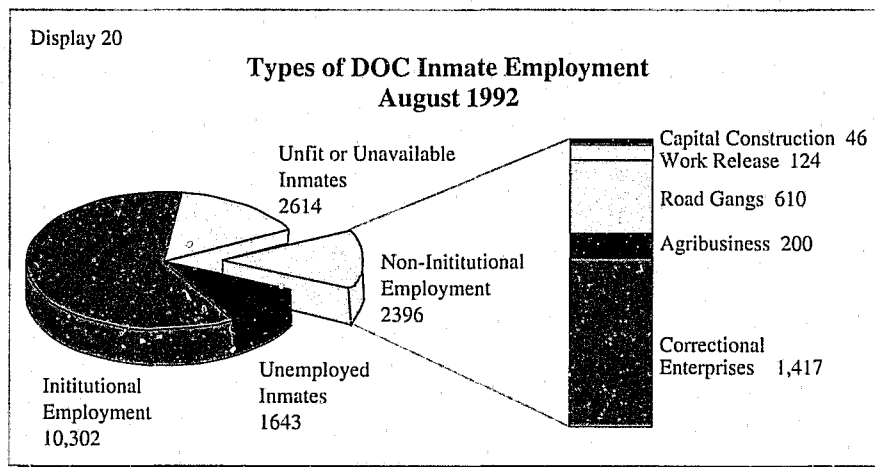
The Department of Corrections provides inmates in adult correctional facilities with vocational education programs that are intended to improve inmates' skills and make them more employable when they are released. When inmates are assigned to a prison, they receive an orientation which includes information about the vocational programs available. However, inmates do not receive any type of vocational assessment to identify their occupational interests and abilities. Because there is no vocational assessment, inmates enroll in programs that they know little about or in which they have little interest. As a result, many inmates begin programs, find out they do not like them or are poorly suited for them, and drop out.

The Commission recommends that vocational assessment be provided for adult inmates entering the correctional system. Without vocational assessment, valuable vocational education resources will be wasted as inmates participate in programs that provide minimal benefit. Such assessment will also provide information needed to place inmates in institutions which offer training or work assignments that best match their interests and abilities.

**Expand Prison Work  
Release Facilities**

The Department of Corrections (DOC) Work Release program offers skills assessment, life skill training, and work opportunities to less than 200 inmates who are within six months of their parole release date. The work release program is designed to improve an inmate's ability to find employment following release on parole. National research has demonstrated that unemployment is a key predictor of recidivism. Currently, DOC's work release program is primarily operated out of a single facility and is available to less than one percent of the total DOC inmate population.

The Commission recommends a substantial expansion of DOC work release facilities. An expansion of work release opportunities, including a geographic dispersion of these facilities, offers a means of reducing unemployment and recidivism among parolees. It is recommended that facilities and beds devoted to work release be expanded to accommodate as many as 500 inmates by 1998. The Commission also recommends that future parolees become eligible for work release programs as early as 24 months prior to their likely parole date, rather than the current six months. Such eligibility would be coordinated with the Virginia Parole Board.



## Provide Working Capital for Virginia Correctional Enterprises

Virginia Correctional Enterprises (VCE) serves a market which includes all State agencies, State-supported institutions, and local governments. Recently, this market was expanded to include all non-profit organizations in the state, such as schools, hospitals, charities, and associations. Although VCE is comparable in scope to other public and private business operations, VCE is unlike these other operations in that it does not have access to a permanent source of working capital such as a revolving line of credit. Other public and private business operations require a ready source of capital to allow them to take advantage of opportunities that present themselves in the normal course of business. These opportunities include developing new products or services, expanding existing production facilities, purchasing new equipment, or entering new markets.

The Commission recommends that the General Assembly direct that an interest-free revolving line of credit for VCE be established on the books of the State Comptroller. This line of credit will provide VCE with a permanent source of working capital. There are no other known public or private organizations in Virginia comparable in scope with VCE's operations that do not have such a source.

The additional sales revenue made possible by this line of credit will allow employment of 50 to 60 additional inmates. If VCE is not allowed access to such a source, it will be unable to take advantage of business opportunities and will be unable to fulfill its mission of maximizing inmate training and work opportunities and providing for sustained growth in today's competitive business environment.

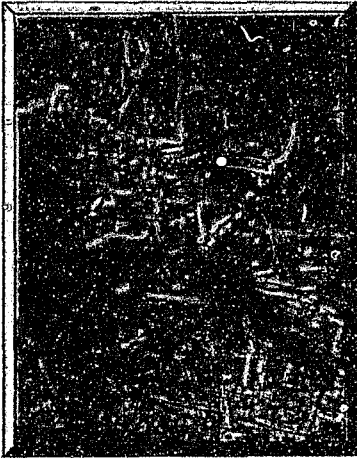
## Pilot Test Work Release Programs for Local Jail Inmates

Item Number 74 of the 1993 Appropriations Act provides funding to local jails for state-responsible inmates diverted from jail to approved alternative programs on a limited basis. This funding is intended to provide incentives for diverting inmates to selected alternative programs and reduce overcrowding in local jails and prisons. Inmates will also benefit by participating in work release programs which operate in the community to which they will return. Such programs may link inmates to potential local employers, further improving their chances to become productive members of society.



The Commission recommends the formation of a study group to assess these incentive systems for diverting state responsible inmates to local work release programs, and to consider expansion of these programs. The Department of Criminal Justice Services is currently evaluating this incentive program. The study group should include representatives from the Department of Corrections, the Department of Criminal Justice Services, the Virginia Parole Board, and the Virginia Sheriffs' Association.





*In 1990, 81% of state inmates had a substance abuse problem when they were initially incarcerated. A closer look at this group indicated that 70% had regularly used some form of illegal drug.*

## Expand Correctional Substance Abuse Programs

A Joint Legislative Audit and Review Commission report found that over 80% of the offenders in the custody of the Commonwealth have a history of drug or alcohol abuse. About 30% of inmates were committed to Virginia prisons in 1990 for drug felonies, and many of the remaining 6,892 inmates were committed for drug-related crimes. A study of Virginia drug felons released from prison in 1983 found that 40% of the drug offenders were later reconvicted for a felony. The highest recidivism rate, 57%, was for offenders previously incarcerated for possession of Schedule I/II drugs.

The Commission recommends that the correctional system's substance abuse treatment capacity be increased from 10% to 20% of inmates needing treatment. This would be accomplished by expanding the number of spaces available in prison for: (1) substance abuse education, (2) intensive counseling programs, (3) therapeutic communities, and (4) aftercare and relapse prevention.

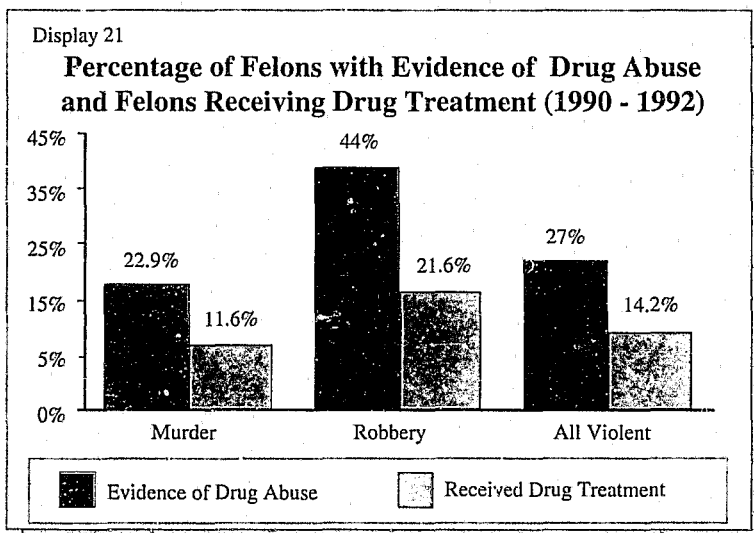
Research has shown that substance abuse treatment programs in prison can succeed. The Therapeutic Community (TC) program is a self-help approach involving lifestyle change and has proven to be a powerful approach to rehabilitating substance abusers.

## Expand and Coordinate Inmate Community Aftercare Services

All inmates that are released from state correctional facilities have a parole plan developed prior to their release. However, there are often no resources available to implement the plan once the offender is released. Many offenders lack the financial and other resources needed to become self-sufficient without assistance. Under certain circumstances, the Department of Corrections (DOC) may provide inmates with up to \$25, clothing, and bus transportation upon release. Funding allocated to DOC for such services amounts to less than \$5 per offender.

It is important that the limited services that DOC is able to provide to released inmates be coordinated with existing community services. Inmates who start GED programs while in prison need to be linked to community-based programs that enable them to complete the GED. Likewise, inmates who receive substance abuse or sex offender treatment while in prison should be linked with similar community-based services upon their release. Failing to complete or continue these services following release may increase the chances that the inmate will recidivate. Offenders who recidivate tend to do so within a short time following release, indicating that this is the most critical time to make services available.

The Commission recommends that more funding be provided for employment and education services and for substance abuse and sex offender treatment for state responsible offenders upon their release. It also recommends that pilot programs be implemented in selected probation and parole districts in which Transition Coordinators review parolees' DOC program progress and link the parolees with needed community-based aftercare services.



## Expand Home Electronic Monitoring Programs

Home Electronic Monitoring (HEM) programs are an effective supervision and case management option for certain probation and parole populations. Currently, the Department of Corrections has only 90 HEM units available for use statewide. Currently there are far more than 90 offenders who could benefit from HEM supervision.



The Commission recommends that the Division of Community Correction's HEM program be expanded by providing an additional 200 HEM units over the next biennium. Expansion at this rate will allow the Division to increase the use of this effective option without overburdening the probation and parole districts. The Commission also recommends that additional probation and parole staff (both at the officer and surveillance officer levels) be provided to ensure proper supervision of the increased number of offenders monitored through HEM.

An additional 200 HEM units over the next two years will allow a minimum of 1,920 offenders to receive HEM supervision. The high risk offenders that would be supervised with these units will already be eligible for community supervision, and HEM supervision will serve to intensify the supervision they receive.

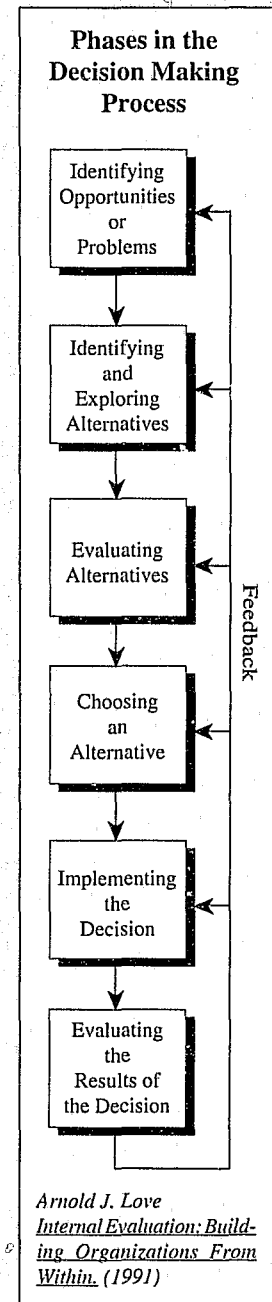
## Evaluate Alternative Sanction Programs

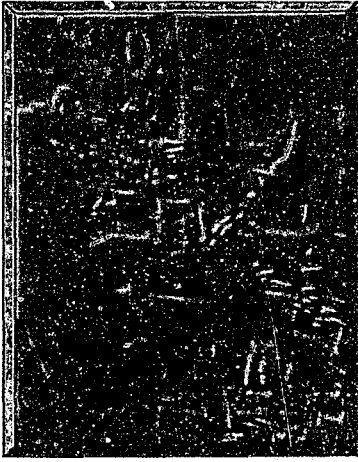
There are a variety of programs available which provide sanctions that are alternatives to jail and prison incarceration. Most of these programs are designed to operate less expensively than incarceration, address offender problems such as substance abuse, and maintain or establish links between the offender and the home community. These types of programs include supervised work experience, treatment programs, and electronic monitoring programs. Offenders may be sentenced directly to many of these programs instead of incarceration, or may be sent following a period of incarceration.

Due to the proliferation of these programs in recent years, there is a need to assess the effectiveness of these programs so that limited resources can be directed toward those which show the most potential for reducing costs, reducing recidivism, and protecting public safety.

The Commission recommends that all alternative sanction pilot programs resulting from the Violent Crime Commission contain provisions and resources for objective third party evaluations of their effectiveness. An objective evaluation of program effectiveness is critical for deciding which programs should be expanded and which should be discontinued.

The primary impact of increased evaluation efforts will be on third party evaluators such as the Department of Criminal Justice Services' Criminal Justice Research Center. Demonstration of program effectiveness is the most critical criterion when considering expansion of pilot programs. The Research Center will require more resources than it currently has if evaluation of all the pilot programs recommended by the Commission is required.





## Train Judges on Available Intermediate Sanctions

Many judges seek to punish offenders using intermediate sanctions which are more restrictive than traditional probation, but less restrictive than incarceration in jail or prison. There are a variety of intermediate sanctions available in Virginia, including boot camp, community diversion incentive programs, home electronic incarceration, day reporting, intensive probation, and drug treatment facilities. The types of sanctions that are available to judges varies by jurisdiction. Because the availability of these sanctions varies, judges are sometimes unclear about what sentencing options are available to them in their jurisdiction. Providing judges with this information will give them increased flexibility in sentencing.

The Commission recommends that the Department of Corrections' Division of Community Corrections make annual presentations to judges on the types of sanctions currently available as sentencing options in the jurisdictions they serve. These presentations should be made at the semi-annual meetings of circuit court judges conducted by the Judicial Conference of Virginia. These meetings could be used to keep judges apprised about the intermediate sanction programs available in the jurisdictions within each judicial region.



## Train Probation and Parole Officers in Sex Offender Supervision

Sex offenders present a unique set of challenges to the probation and parole officers responsible for supervising their behavior in the community following release from prison. Sex offenders are more than twice as likely as other offenders to commit another sex offense following their release. Most probation and parole officers are not trained to deal with the special characteristics of this population of offenders. Behaviors which may serve as warning signs of re-offending may go unrecognized. The supervision of sex offenders requires specialized training in the etiology of sexual offending, understanding sex offender behavioral patterns, and the coordination of other involved parties in the community such as therapists, courts, law enforcement and family.

The Commission recommends that probation and parole officers be trained to monitor the sex offender's cycle of offending and to identify early warning signs of relapse. This would enable probation and parole officers to implement more stringent controls or more intensive treatment if needed. This training should be provided to probation and parole officers in the Department of Youth and Family Services and the Department of Corrections, which are responsible for supervising sex offenders. The cost of the training program will depend on the scope of the program. Both departments will need to determine the most cost effective manner in which to provide the training.

Better supervision of sex offenders may reduce the high recidivism rates among paroleed sex offenders. Reduced recidivism rates would enhance public safety and lead to reduced costs associated with prosecution, incarceration and treatment of repeat offenders.

## Pilot Test Intensive Supervision Program for Sex Offenders

Paroled sex offenders present a significant risk to the community due to their high levels of recidivism. As seen in Display 22, nearly 50% of rapists released from prison were convicted of another crime within 5 years of release and nearly 20% were convicted of another identical violent felony.

The lack of training in dealing with sex offenders, and the size of current caseloads for parole officers (up to 100 cases for adult probation/parole officers and 70 cases for juvenile probation/parole officers), prohibits effective supervision and treatment of this population of offenders.

The Commission recommends that Virginia pilot test an intensive sex offender parole supervision program in several localities with a large number of convicted sex offenders. This program would use specially trained parole officers with reduced case-loads to provide intensive supervision, control and treatment for sex offenders who have completed a residential treatment program.

The goal of this program is to reduce the high recidivism rates among sex offenders, thereby enhancing public safety and reducing the costs associated with prosecuting, incarcerating and treating these offenders. The program should be evaluated by comparing the recidivism rates of participating offenders to recidivism rates for sex offenders in similar localities where intensive supervision is not provided.

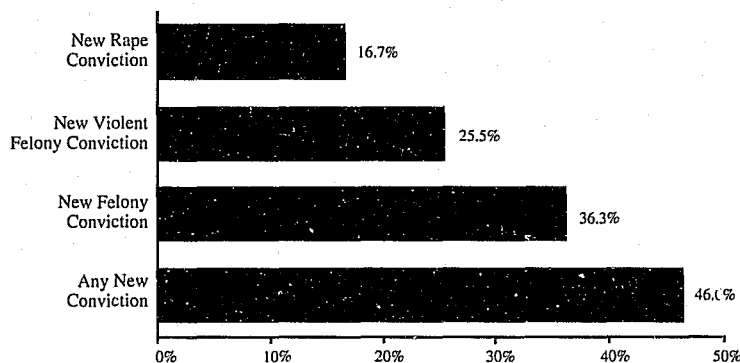
Additional parole officer positions would be needed to pilot test this program. The cost of these positions would be directly related to the size of the pilot program.

## Evaluate the Effectiveness of Sex Offender Treatment

Treatment programs for sex offenders may offer an alternative to expensive long-term prison incarceration. However, research on the effectiveness of sex offender treatment programs shows mixed results. Some treatment programs are reported to effectively reduce recidivism while others are not. Because the cost of sex offender treatment is relatively high and the effectiveness of these programs is unproven, it raises the question of whether or not Virginia should devote scarce resources to these sex offender treatment programs.

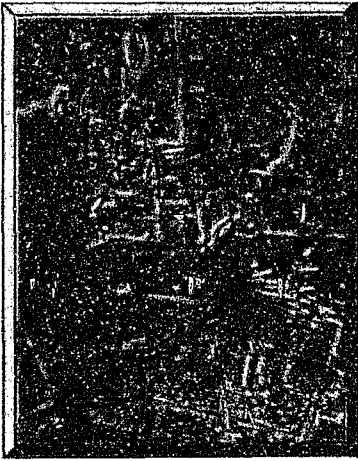
Display 22

### 5-Year Recidivism Rates for Rapists Released from Prison in 1983, by New Conviction Type



The Commission recommends that financial incentives be created for public and private research agencies to pursue longitudinal outcome studies of sex offender treatment. The evaluation studies should, at a minimum, address the following questions:

- what types of sex offenders are most responsive to treatment?
- what treatment programs are most successful in reducing recidivism?
- how effective are sex offender risk assessment instruments?
- what are the costs for different types of treatment programs?
- what are appropriate lengths of time for parole supervision of sex offenders?



## Use Risk Assessment Scales for Intermediate Sanction Candidates

Intermediate sanctions are designed to divert some offenders from prison, leaving more space in overcrowded prisons for serious offenders. Intermediate sanctions are aimed at offenders whose crimes are serious enough to likely receive prison sentences, yet at the same time not as serious as the most dangerous prison-bound offenders. If intermediate sanctions are to help relieve overcrowding, they must be applied to offenders who otherwise would have gone to jail or prison. However, national evaluation studies of diversion programs often show that the offenders diverted into these programs are offenders who would not have been incarcerated in the first place. As a result, many of these programs divert few offenders from jail or prison, do little to relieve overcrowding, and instead become a more expensive form of probation.

The Virginia Judicial Sentencing Guidelines Committee has requested research directed at assessing the risk of recidivism by offenders and identifying the factors associated with lower rates of recidivism. Results of this research will help Virginia identify the most suitable candidates for intermediate sanction programs.

The Committee recommends that the results of current recidivism and risk assessment research be used to supplement current methods of selecting candidates for intermediate sanctions programs. The use of a risk assessment scale will increase the use of objective factors in this decision making. Furthermore, use of these scales should reduce recidivism as well as risks to public safety by improving the selection criteria for work release and other programs. Additional advantages may include improved techniques for evaluating alternative punishment programs.

---

*As shown in the display below, among felons convicted of robbery who are rearrested within five years of release, nearly 50% were rearrested within 12 months after their release.*

---

Display 23

### How Quickly Do Robbery Offenders Who Recidivate\* Get Rearrested?

Months Following Release	% Rearrested	
	At Each 12-Month Interval	Total
12	49.0	49.0
24	26.2	75.2
36	9.6	84.8
48	9.7	94.5
60	5.5	100.0

*\* Recidivists are defined as those released from a Virginia Prison in 1983 who were rearrested within five years.*



## acknowledgements

Harold Wright  
Virginia Crime Prevention Association

Mandie Patterson  
Department of Criminal Justice Services

Michael McGready  
Council, Child Day Care  
and Early Childhood

Ronald Collier  
Virginia Council for Coordinating  
Prevention

Sue Geller  
Mental Health, Mental Retardation  
and Substance Abuse Services

Jeff Steger  
Arlington County Police (Retired)

Pam Everton  
Virginia Council- Coordinating Prevention

Patricia Boyd  
Concerned Citizen

Dana Schrad  
Virginia State Crime Commission

Delegate G. Steven Agee  
House of Delegates

Tom Karwaki  
Concerned Citizen

Darryl Morris  
Concerned Citizen

Francis Neu, Jr.  
Concerned Citizen

Louann White  
Department of Corrections

Wayne Bennett  
Correctional Education

Dr. Richard Morrison  
Virginia Board of Health Professions

Edward Wieckowski  
Department of Youth & Family Services  
Hanover Learning Center

Dr. Isaac Van Patten  
Roanoke Area Sex Offender Program

Tracey A. Ragsdale  
Xerox Corporation

Tom D. Dertinger  
Governor's Employment & Training

Drew Molloy  
Department of Corrections

Dr. Patrick Gurney  
Department of Corrections

Edward Wright  
Chesterfield Community Corrections

Robert S. Weaver  
Associated Marine Institutes, Inc.

Dr. Russ Petrella  
Commission on Sexual Assault

Frank Sansone  
Governor's Employment & Training

Roslyn Keys  
Capital Area Training Consortium

Paul W. Keve  
Governor's Institute for Alcohol and Drugs

Nicholas Demos  
Center for Substance Abuse Treatment

Henry Altice  
Hegiera House Drug Treatment/Roanoke

Hartsell Black  
Correctional Education

Jay Cochran  
Virginia Association of Chiefs of Police

John Jones  
Virginia State Sheriff's Association

Edward Carpenter  
Virginia Association of Commonwealth  
Attorneys

George Crawley  
City of Norfolk

Bob Heck  
Department of Justice

Charles Deane  
Prince William Police Department

Dr. James C. May  
Virginia Task Force/  
Substance Abuse Services for Offenders

Katherine Lawson  
Violence Prevention Project  
Virginia Commonwealth University

Jan Thomas  
Virginia Commonwealth University

Eric Stevens  
Department of Labor and Industry

Dian McConnel  
Department of Youth and Family Services

Frank Ferguson  
Division of Legislative Services

Lt. Melvin Jones  
Petersburg Police

Capt. W. A. Nowinsky  
Concerned Citizen

Brenda Vaccarelli  
Concerned Citizen

Alan Griffith  
Concerned Citizen

Nancy Ross  
Commission on Youth

John Ireland  
Concerned Citizen

Vonda Charlton  
Concerned Citizen

Robert Kunkel  
Concerned Citizen

Thomas S. Huhrry  
Concerned Citizen

Helen Hinshaw  
Department of Corrections

Bob Armstrong  
SHOCAP

Dr. Gail Browne  
Virginia Parole Board

Mindy Daniels  
Virginia Parole Board

Charles E. Hodges  
Department of Youth & Family Services

Reid Wrenn  
Brick and Tile Corporation

Gene Johnson  
Department of Corrections

Leslie Bubenhofer  
Department of Corrections



## *acknowledgements, continued*

Malcolm Pitt  
Virginia Camp for Boys

James P. Massie, Jr.  
Concerned Citizen

Kathy Vesley  
Commission on Poverty

William Gilette  
Department of Corrections

Mark J. Lewis  
Concerned Citizen

Sandra W. Brandt  
Step-Up, Inc.

Pat Paquette  
Virginia Parole Board

Dave Jones  
Department of Corrections

Barry Green  
Planning and Budget

Debbie Kelso  
Office of the Lieutenant Governor

Judy Divers  
Commission on Poverty

Fred Russell  
Virginia State Crime Commission

Mary Jo Fields  
Virginia Municipal League

Jim Price  
Statewide Injury Prevention

Robert L. Taylor  
Concerned Citizen

Dr. Edward Peebles  
Department of Preventative Medicine

Jean Auldridge  
Virginia CURE

Mary Devine  
Division of Legislative Services

Charles Green  
Department of Criminal Justice Services



## *ources*

### Publications:

Crime in Virginia, Uniform Crime Reporting Section, Virginia Department of State Police

- Displays : 3,4,5,6,7,8,9,10,11,13,14,15

Inmate Employment Report, Virginia Department of Corrections

- Display: 20

Uniform Crime Reports for the United States, United States Federal Bureau of Investigation

- Displays: 1,2

Violent Crime in Virginia, Virginia Department of Criminal Justice Services

- Displays: 22,23

### Data Bases:

Pre-Sentence Investigation (PSI) data base, Virginia Department of Corrections

- Displays: 12,21

Virginia's Modified Age, Race, Sex data base, United States Bureau of the Census

- Display: 16

### Federal and State Agencies:

State of Virginia Compensation Board

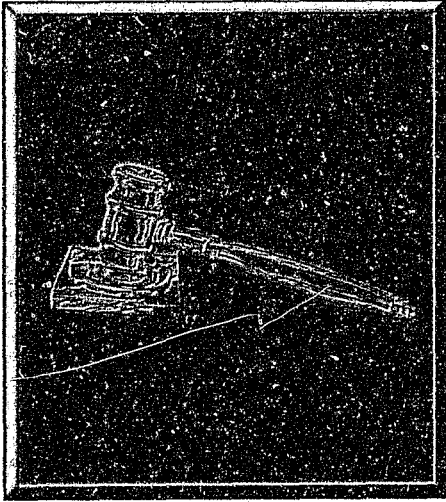
- Display: 18

United States Bureau of Alcohol, Tobacco, and Firearms

- Display: 17

Victim/Witness Section, Virginia Department of Criminal Justice Services

- Display: 19



## *Appendix A:*

# *Meetings of the Governor's Commission on Violent Crime*

### *Full Commission*

June 18, 1992  
August 6, 1992  
September 17, 1992\*  
November 10, 1992

December 1, 1992  
April 13, 1993  
June 22, 1993  
August 25, 1993

\*Meeting and Public Hearing/Richmond

### *Crime Prevention Subcommittee*

September 2, 1992  
October 1, 1992\*  
October 19, 1992  
May 24, 1993

May 25, 1993  
June 14, 1993  
August 11, 1993

\*Meeting and Public Hearing/Hampton

### *Criminal Justice/Law Enforcement Subcommittee*

September 1, 1992  
September 28, 1992\*  
October 29, 1992

June 9, 1993  
June 16, 1993  
July 29, 1993

\*Meeting and Public Hearing/Arlington

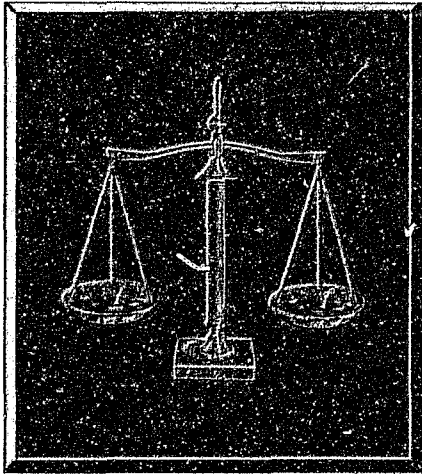
### *Inmate Productivity Subcommittee*

August 6, 1992  
September 3, 1992  
September 14, 1992  
October 13, 1992\*  
October 21, 1992  
October 26, 1992

May 24, 1993  
June 1, 1993  
June 8, 1993  
June 11, 1993  
July 23, 1993  
August 12, 1993

\*Meeting and Public Hearing/Roanoke





# *Appendix B: Programs to Combat Violent Crime: The Community Reacts*

## The Participants:

Governor L. Douglas Wilder  
U. S. Attorney General Janet Reno  
O. Randolph Rollins, Chairman

Delegate James Almand  
Chair-House Courts of Justice  
Arlington

The Honorable Bruce Bach  
Judge, Fairfax Circuit Court

Delegate Robert Bloxom  
Accomack

Dr. William Boshier  
Superintendent  
Henrico County Schools

Col. Jay Carey  
Chief  
Newport News Police Dept.

Robert Colvin  
Commissioner  
Alcohol Beverage Control

Penny Anderson  
Chair  
Virginia Board of Corrections

James W. Dyke, Jr.  
Secretary of Education

Rick Gentry  
Executive Director  
Redevelopment & Housing Authority

Michael Greene  
Deputy Secretary  
Economic Development

Christopher Hutton  
Commonwealth's Attorney  
Hampton

Lang Keith  
President  
Virginia Bar Association/McLean

Willie Lanier  
Wheat First Securities, Inc.

Ross Mackenzie  
Editorial Editor, Times Dispatch

L. D. Oakes  
President  
Virginia Municipal League

Steve Rosenthal  
Attorney General of Virginia

Rev. Benjamin Sparks  
Second Presbyterian Church  
Richmond

Paul Timmreck  
Secretary of Finance

Theophlise Twitty  
Deputy Secretary  
Office of Public Safety

Karen Washabau  
Director  
Department of Planning & Budget

Lin Atkins  
Director, Virginia CARES  
Roanoke

Lt. Governor Donald Beyer Chair,  
Comm./Sexual Assault

Robert Bobb City  
Manager/Richmond

Joanne Bruce  
Crime Victims' Advocate  
Ashland

Major O. T. Clarke  
Commander/Richmond Police  
Violent Crime Unit

Howard Cullum  
Secretary  
Health and Human Resources

Dr. Margaret Dolan  
President  
Virginia Pediatrics Society

Sugen Fulcher  
Manager  
Archway McDonald's

Samuel Glasscock  
Former Delegate  
Suffolk

Senator Edward Holland  
Chair  
Senate Courts of Justice

Delegate Jerrauld Jones  
Vice Chair  
Commission on Youth

Susan Kirkley  
Director  
Alexandria CASA

Senator Louise Lucas  
Norfolk

David Mitchell  
Virginia State Police

Rev. John Peterson Alfred  
St. Baptist Church  
Alexandria

Pat Smith Executive  
Director  
Offender Aid & Restoration

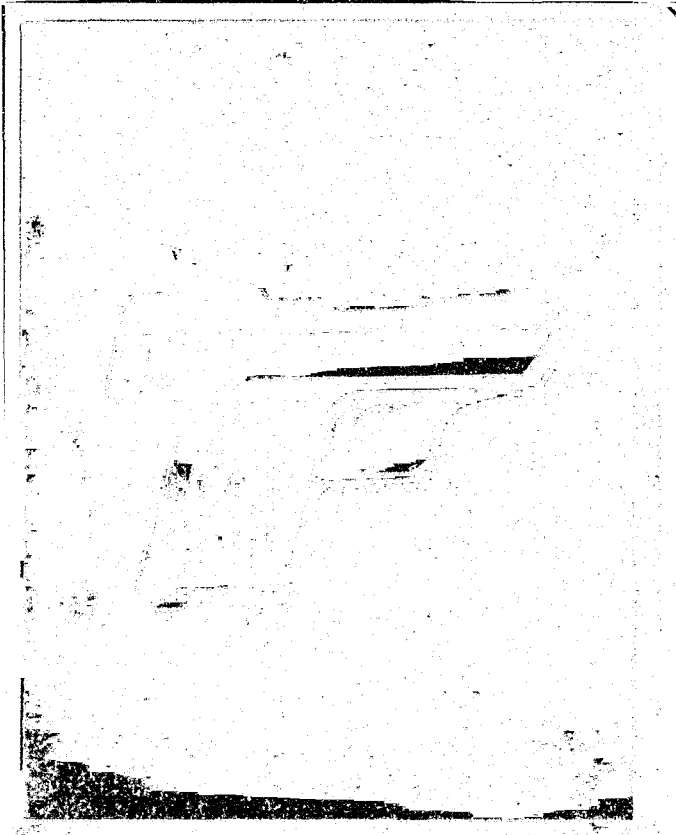
Senator Kenneth Stolle  
Virginia Beach

Dr. Eugene Trani  
President, VCU

James Ukrop  
President  
Ukrops Supermarkets

Floyd Wiggins  
School Safety Superintendent.  
Richmond Public Schools

# Guns and Violent Crime







# *Guns and Violent Crime*

## *Criminal Justice Research Center*

Richard P. Kern, Ph. D., Director

### *Research Analysts:*

James C. Creech, Ph.D.  
Joseph Fridley  
Lynette Greenfield  
Kim S. Hunt, Ph.D.  
Anne A. Jones  
Neal B. Kauder  
Greg B. Lilley  
James J. McDonough, Ph.D.  
Nancy A. Merritt  
Stan J. Orchowsky, Ph.D.  
Tamara M. Poulos, Ph.D.  
John G. Schuiteman, Ph.D.  
Jacqueline N. Smith Mason

### *Research Assistants:*

Jeff Chandler  
Richard Cross  
Kris Ragan  
Carolyn Williamson

### *Report editor:*

James J. McDonough, Ph.D.

### *Report design:*

Carlie Merritt,  
Division of Information Systems and Technology

**Commonwealth of Virginia**



Lindsay G. Dorrier, Jr., Director  
January, 1994



## Table of Contents

Introduction .....	59
Firearm and Handgun Involvement in Murder .....	60
Weapons Used by Juveniles Arrested for Murder in Virginia (1987-1992) .....	61
Types of Firearms Possessed and Used by Juveniles and Adults Offenders in Virginia .....	62
Most Common Handguns Used in Virginia Murders (1989-1991) .....	64
Revolvers and Semi-Automatic Handguns Used in Virginia Murders (1989-1991) .....	65
Federally Licensed Firearms Dealers in Virginia (1985 and 1992) .....	66
Distribution of Handgun Sales by Virginia Dealers (FY 1991) .....	67
Multiple Handgun Sales in Virginia (FY 1991) .....	68
Sources of Firearms Used by Offenders .....	68
Offenders and Armed Victims .....	69
Virginia Firearm Legislation .....	70
Local Firearm Ordinances in Virginia .....	71
Virginia Firearms Transaction Program Performance (1990 and 1992) .....	72
Virginia's Mandatory Firearms Penalty Enhancement Law .....	73
Acknowledgements .....	74
Sources .....	75

## Introduction

In recent years, Virginia's citizens and government leaders have become increasingly concerned about the proliferation and misuse of firearms - particularly handguns. The increased availability of firearms has coincided with rapid increases in murders and other gun-related violent crimes, as well as increases in juveniles committing violent crimes with guns, in the number of assault weapons confiscated by police, and in the number of gun-related incidents in public schools. Homicide, mainly by firearms, is now the leading cause of death among male African-Americans 15 to 34 years old.

Despite the growing concern and attention being focused on firearms violence, there is surprisingly little information available about the link between guns and violent crime. Without such information, government can do little to develop policies to reduce this violence.

Many questions about guns and violent crime are debated in government, in the media, and by the public, often without being guided by the solid data needed to provide much-needed answers.



For example:

- How prevalent is the use of guns in violent crimes?
- How often are juveniles involved in crimes using guns?
- What types of firearms are used by criminals?
- How do criminals obtain firearms?
- What laws exist related to the sale of firearms, and how many offenders are convicted under these laws?

In response to concerns about growing firearms violence and the lack of data needed to develop strategies to combat this violence, the Secretary of Public Safety directed the Department of Criminal Justice Services' Criminal Justice Research Center to prepare a comprehensive report on firearms and crime.

This report draws on many sources of data, some of which have never before been available to Virginia policy-makers. Much of the data concerning the number of violent crimes involving firearms in Virginia was drawn from the FBI's national Uniform Crime Reports (UCR) database. Data concerning the number of Virginia convictions for firearms-related offenses was drawn from the state's Pre/post-Sentence Investigation (PSI) report database.

Additional information was provided by data collection efforts developed especially for this report.

More than a thousand juvenile and adult offenders under the custody of the Departments of Corrections and Youth and Family Services, for example, were interviewed to gather data about how often these offenders carried and used firearms while committing crimes, what types of firearms they used, and how and where they obtained their firearms. The law enforcement homicide files of selected large and small Virginia localities were examined to extract detailed information about the types of firearms used to commit murders in Virginia during 1989, 1990 and 1991. Additionally, extensive information was gathered from the Virginia Firearms Transaction Program (VFTP) to document how many firearms are sold in Virginia and how often illegal firearms sales are blocked by the state's innovative instant criminal records background check.

Much of the information collected at the request of the Secretary was presented to the Governor's Commission on Violent Crime to help guide its deliberations and recommendations concerning firearms and violent crime. However, much of the more detailed information was not presented to the Commission or was too lengthy to present in the Commission's final report. Therefore, this data is being presented in this separate, special report to be included with the final report of the Commission.

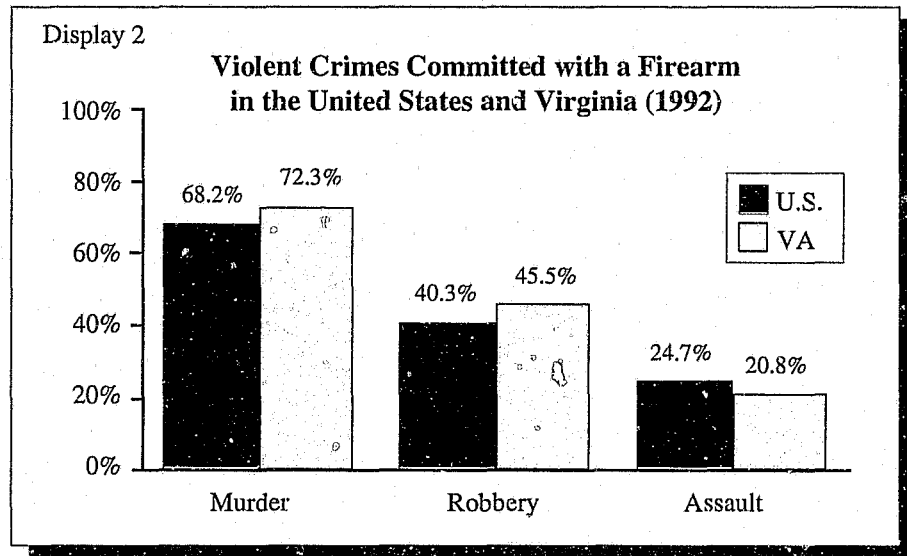
Hopefully, this report will provide Virginia policymakers and others with information to guide the development of policies to reduce firearms violence in the Commonwealth.

## Handgun and Firearm Involvement in Murder

Nearly three-quarters of the 563 murders reported in Virginia during 1992 were committed with a firearm, and more than 80% of these firearms were handguns. Historically, handguns have been used in crime far more often than other types of firearms. Handguns are generally the least expensive firearm to obtain and they are much easier to carry and conceal than rifles or shotguns.

Display 1 presents the percentage of all murders in the U.S. and Virginia that were committed using a handgun during the period 1980 through 1992.

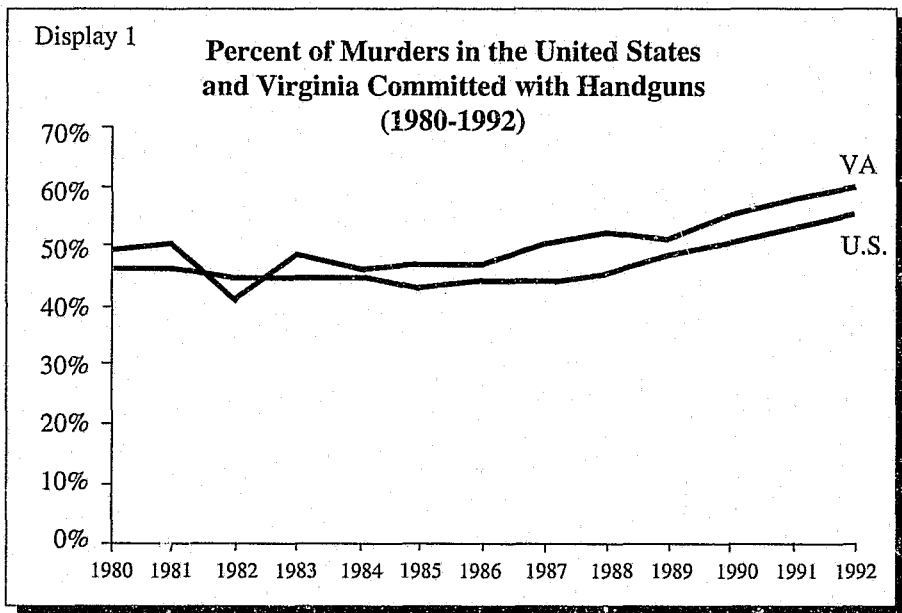
- Murders with a handgun increased in both the U.S. and Virginia between 1980 and 1992. In 1980, 49% of the murders in Virginia were committed with a handgun. By 1992, this percentage had risen to 60%. Handgun murders in the U.S. rose by a similar amount during this same period.



- With the exception of 1982, the percentage of murders in Virginia committed with a handgun remained fairly constant between 1980 and 1986. Handgun murders began to rise in 1987, and the sharpest increase occurred between 1989 and 1992.

- The percentage of murders committed with a handgun in Virginia exceeded those committed in the U.S. during all years except 1982.

The increase in violent crimes committed with firearms is not restricted to murders, nor is it restricted to only the use of handguns. Display 2 compares the percentages of murders, robberies and aggravated assaults committed with all types of firearms in the U.S. and Virginia in 1992.



- About 68% of murders in the U.S. were committed with a firearm, compared to 72% of murders committed in Virginia.

- A larger percentage of Virginia robberies were committed with a firearm than were committed in the U.S.

- Nearly 25% of the assaults in the U.S. were committed using a firearm, compared to about 21% of the assaults committed in Virginia.

## Weapons Used by Juveniles Arrested for Murder in Virginia (1987-1992)

As seen in the previous display, murders in Virginia committed with a firearm rose significantly during the late 1980s and early 1990s. One alarming aspect of this increase is that murders by firearm committed by juveniles (those less than 18 years old) rose even faster than murders overall.

This increase is clearly seen in Display 3, which presents the numbers of Virginia murders during 1987 - 1992 in which at least one juvenile was arrested. Murders are classified by the type of weapon used to commit the crime. Weapon types are classified as handguns, other guns (rifles and shotguns) and other weapons (knives, clubs, fists, etc.). Data are taken from the Supplemental Homicide Reports provided by the Uniform Crime Reporting (UCR) system.

- The number of murders committed by juveniles increased for all categories of weapon types between 1987 and 1992. Nearly three times as many juveniles were arrested for murder in 1992 as in 1987.

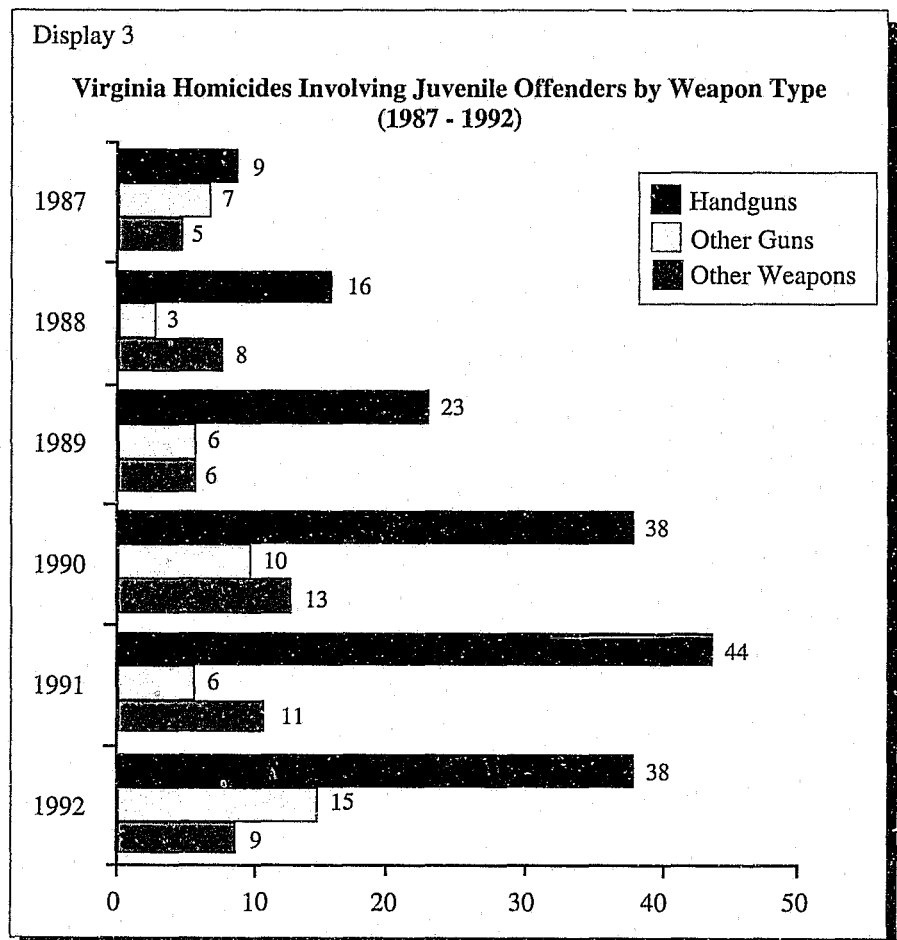
- The growth in the use of firearms by juveniles is clearly seen by contrasting the increases in murders committed with and without firearms. In 1992, the number of murders committed using a weapon other than a firearm was almost twice what it was in 1987. By contrast, the number of murders committed with all types of firearms (rifles, shotguns and handguns

combined) more than tripled during this period.

- The growth in the use of handguns by juveniles was even greater than the growth in the use of firearms in general. The number of murders committed using a handgun more than quadrupled from 1987 to 1992.

The numbers shown in this display are somewhat less than the total

number of juveniles arrested for murder as reported by the UCR in the years 1987 through 1992. The numbers shown in this display are less because each murder included in the display is counted only once, regardless of how many juveniles may have been arrested for the crime. The UCR juvenile arrest totals, however, may include more than one juvenile arrest for each murder.





## Types of Firearms Possessed and Used by Juvenile and Adult Offenders in Virginia

Data available from official crime statistics provides little information about the relationship between criminals and guns. Generally, crime statistics reveal little more than whether an offender used a gun in a crime and whether the gun was a handgun, rifle or shotgun.

To obtain more information about the relationship between criminals and guns, the Criminal Justice Research Center surveyed offenders incarcerated in nine reception and classification facilities operated by the Virginia Department of Corrections (DOC) and juveniles at the reception and diagnostic center operated by the Virginia Department of Youth and Family Services (DYFS). All surveys were administered by DOC and DYFS staff during interviews conducted between November, 1992 and May, 1993. All offenders surveyed were assured that their answers were confidential. To ensure confidentiality, no data was collected that would identify any individual's name, sex, age or conviction offense.

Because the ages of those interviewed were not recorded, juvenile and adult offenders were identified based on the reported average age of offenders in the facilities surveyed. Those identified as juveniles in Display 4 were incarcerated at a DYFS facility in which the average offender's age was 15.6 years. Those identified as adults were incarcerated at DOC facilities with an average inmate age of 31 years. Additionally, because the offense leading to incarceration was not recorded, those interviewed are not limited to only violent offenders.

Display 4 presents information about the types of firearms owned and used by juvenile and adult offenders surveyed. All percentages shown are based on the total number of offenders interviewed. Data are based on an analysis of responses from 1,122 adult and 192 juvenile offenders.

- Juveniles were much more likely than adults to say they had ever possessed a firearm. Seventy percent of juveniles said they had, compared to less than one-half of the adult inmates. This is somewhat surprising given that it is much harder for a juvenile to legally obtain a firearm than it is for an adult.

- About one-third of the juveniles and one-fifth of the adults said they had ever carried a fire-

arm at a crime scene.

- Although many offenders admitted to possessing a firearm, only about one in ten juveniles and adults said they had carried a firearm while committing the crimes for which they were incarcerated. Even fewer, about 5%, said they fired their weapon during these crimes.

- Juveniles were more than twice as likely as adults to say they had ever possessed a semi-automatic pistol. They were nearly three times as likely to say they had carried one at a crime scene. Adults were slightly more likely to say they had ever possessed a revolver or carried or used it at a crime scene.

- Adult inmates were somewhat more likely than juveniles to have ever possessed a rifle or shotgun. No more than 3% of adults and juveniles said they ever carried or used these weapons during a crime.

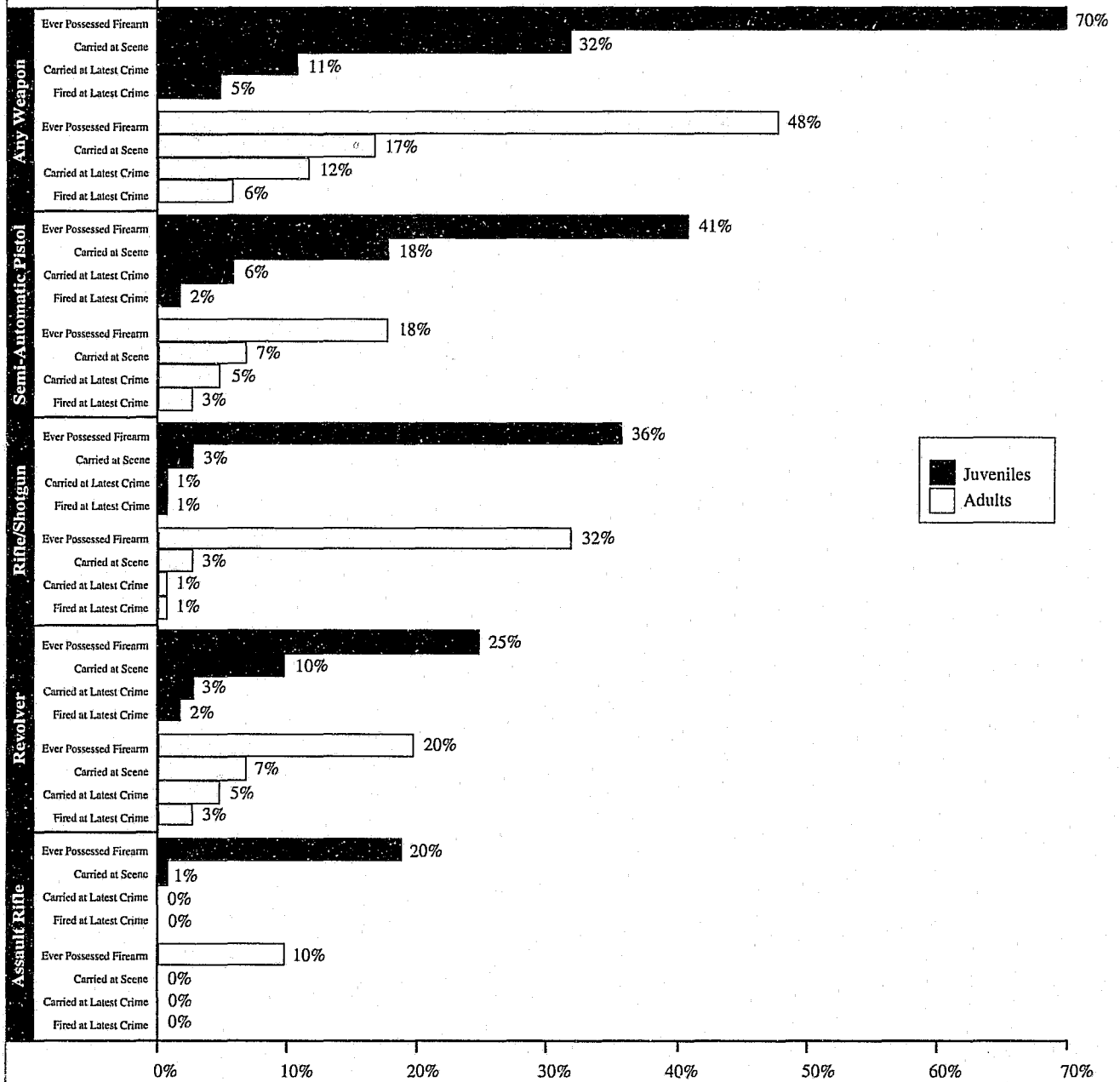
- Almost twice as many juveniles as adults said they had ever possessed an assault-type rifle.

- No more than 1% of the juveniles said they had ever carried an assault rifle at a crime scene. None of the juveniles or adults surveyed said they had ever fired this type of weapon at a crime scene.



Display 4

Firearms Possessed by Juvenile and Adult Offenders



## Most Common Handguns Used in Virginia Murders 1989-1991

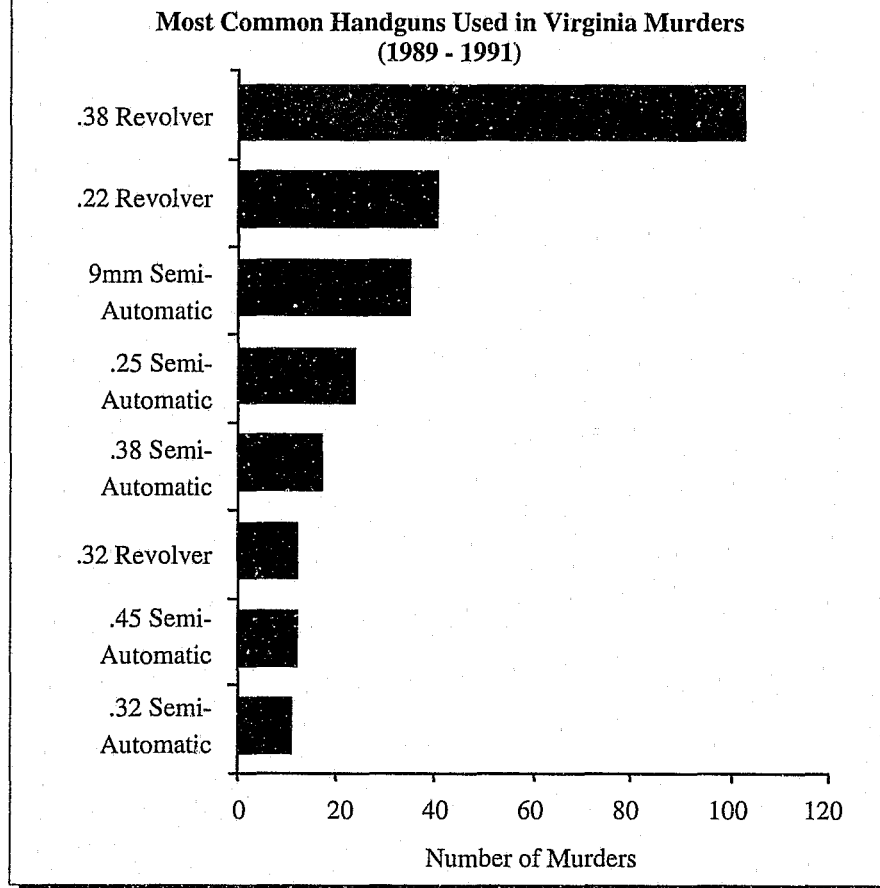
Official crime statistics contain little information about the types of firearms used to commit violent crimes. For example, the Uniform Crime Reporting (UCR) system only identifies firearms used in homicides as one of three general types: handgun, rifle or shotgun. Homicide investigators working on individual cases gather much more information about the firearms involved, but this data is not collected or reported in any official state crime reporting system.

To obtain more detailed information about the types of firearms used in Virginia homicides, the Criminal Justice Research Center collected data from the homicide case files of 18 Virginia law enforcement agencies. The 18 agencies selected were in localities which reported more than five murders in the year 1990 to the Virginia State Police.\* For each of these localities, the homicide files for the years 1989, 1990 and 1991 were examined.

A total of 590 murders was committed with a firearm in these localities during 1989-1991. In 413 of these murders, law enforcement officials identified the firearm used as a handgun. For 273 of these handguns, they were able to identify the caliber and firing action type of the weapon. Eight types of handguns accounted for 256, or 94%, of the 273 murders in which the type of handgun used was identified. These eight types of handguns are shown in Display 5.

- By far, the most frequently used handgun was a .38 caliber revolver. This handgun was used more than twice as often as the next most frequently used handgun, a .22 caliber revolver.

Display 5



- Among semi-automatic handguns, the 9mm pistol was the most frequently used weapon, followed by the .25 caliber pistol.
- Three of the most frequently used handguns were revolvers and five were semi-automatic pistols.

In 30% of the 590 homicide files examined, law enforcement investigators were unable to identify the type of firearm used to commit the crime. In some cases, neither the murderer or the firearm used was found. When a firearm is not found, investigators can often make inferences about the type of firearm used by examining bullets recovered at the crime scene or from the victim's body. However, in some cases even this information is unavailable. Bullets sometimes enter and exit a victim's body and are not

recovered. In other cases, bullets that are recovered are so badly deformed that it is difficult to precisely identify the type of firearm from which it was fired.

The homicide files examined to obtain this information also provided some data about the use of "assault" type semi-automatic pistols. Six such weapons were identified in these files. Two of the pistols were identified as the Intratec Tec-9. One pistol was identified as "similar to a Tec-9," one as a "Tec-9, Mac-10 or Uzi" and one as an "Uzi-type weapon."

\* Twenty Virginia localities reported more than five murders to the UCR section of the Virginia State Police in 1990. The homicide files from two of these localities were unavailable for examination, leaving 18 localities from which this data were drawn.

## Revolvers and Semi-Automatic Handguns Used in Virginia Murders 1989-1991

Although the previous display shows that the revolver is the most commonly used handgun in the homicide cases, in recent years law enforcement officials and others have noted that more and more of the handguns used in violent crimes are semi-automatic pistols.

Revolvers are so given this name because their ammunition is contained in a revolving cylinder. After each pull of the trigger, the gun is usually manually "cocked" to revolve the cylinder and align the next bullet with the gun barrel. Semi-automatic pistols, on the other hand, carry their ammunition in a "clip" and automatically align the next bullet with the barrel between each pull of the trigger. These pistols are

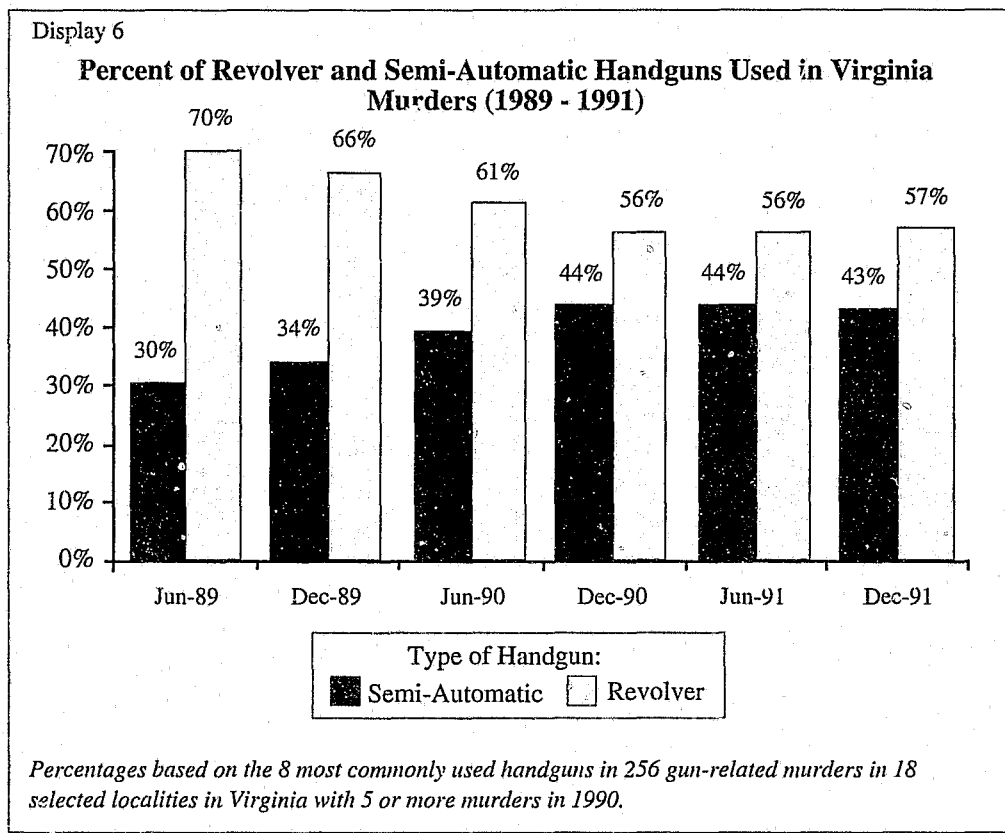
called "semi-automatic" because the trigger must be pulled each time a bullet is fired. Fully automatic firearms, also known as "machine guns," fire bullets continuously as long as the trigger is pulled.

Semi-automatic pistols reportedly are gaining popularity because they have a faster firing rate, are faster and easier to reload, and generally have a larger ammunition capacity than revolvers.

Display 6 shows the relative percentages of revolver and semi-automatic handguns used in Virginia murders committed during six consecutive six-month intervals in 1989 through 1991. Each date shown in the display

represents the end-point of a six-month interval. Data shown are based on the 256 handguns used in murders that were described in Display 5.

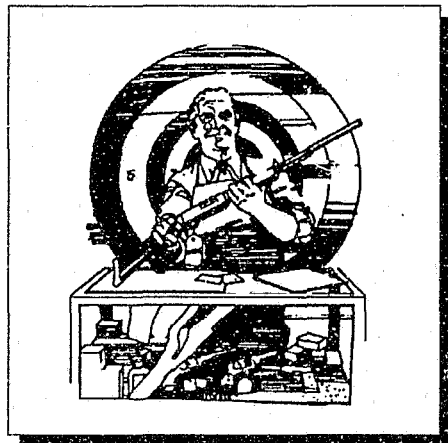
- In the first half of 1989, revolvers were used to commit 70% of the murders examined, compared to only 30% for semi-automatic pistols.
- By the latter half of 1991, 43% of the handguns used in murders were semi-automatic pistols.
- As a result of the increasing use of semi-automatic pistols by criminals, many federal, state and local law enforcement agencies are replacing their revolver sidearms with semi-automatic pistols.



## Federally Licensed Firearms Dealers in Virginia 1985 and 1992

The previous displays examined how often firearms are used in violent crimes and the types of firearms used by those who commit these crimes. Officials searching for solutions to the problem of gun-related violence must look at all available data when attempting to develop policies to reduce these crimes. One approach to reducing firearms violence is regulating the sale of firearms in an attempt to keep them out of the hands of criminals. To provide information about firearms sales in Virginia, the next several displays discuss the sources, types and volume of commercial firearms transactions in the Commonwealth. This information can be used in conjunction with other data to better understand the connections between firearms, firearms availability, and violent crime.

The Federal Gun Control Act of 1968 established a licensing system for persons who manufacture, import or deal in firearms. To obtain a license, an applicant must be at least 21 years old, be legally able to possess firearms, and have a premises from which to conduct business. Licensed individuals must abide by all relevant state laws and local ordinances when mak-



Display 7

### Federal License Data for Virginia 1985 and 1992

	1985	1992	Percent Change
Dealers	5513	6827	+24%
Pawn Brokers	60	152	+153%
Manufacturers of Firearms	12	20	+67%
Importers of Firearms	23	43	+87%

ing firearms sales. The annual fee for a dealer's license is \$10. Currently there are more than 287,000 Federal firearms licenses in the nation.

Display 7 presents the number of federally licensed firearm dealers in Virginia in 1985 and 1992, and the change in these numbers over this eight-year period.

- The number of federally licensed firearms dealers in Virginia increased by 24% from 1985 to 1992.
- The number of pawn brokers with a federal firearms license more than doubled from 1985 to 1992, increasing by 153%.
- There are far fewer licensed firearms manufacturers than dealers in Virginia. The number of manufacturers increased by 67% from 1985 to 1992. Most of these manufacturers produce parts for firearms rather than completed weapons.
- The number of importers of firearms with a federal firearm license increased by 87% from 1985 to 1992.

Federal and state officials have expressed concern that the current

dealer licensing system is too lenient. The U.S. Bureau of Alcohol, Tobacco and Firearms (BATF) estimates that only about 26% of the current licensees operate from a commercial premises. BATF also estimates that the remaining 74% of the licensees conduct little or no business, but simply use the license to engage in interstate firearms trading, buy guns at wholesale, and circumvent state record check requirements.

In 1993, President Clinton directed the BATF to take steps to tighten compliance with the current dealer licensing requirements. These steps include a more rigorous screening of license applicants and firearm purchasers, making the "premises" requirement more meaningful, improving BATF's response to multiple handgun sales, increasing sanctions for dealer violations, and improving agreements with state and local law enforcement agencies that address licensing and firearms trafficking problems.

The Commonwealth of Virginia does not license firearms dealers. However, legislation to establish a state licensing system has been recommended by the Governor's Commission on Violent Crime.

## Distribution of Handgun Sales by Virginia Dealers FY 1991

Handgun dealers in Virginia range from dealers who sell fewer than 10 handguns per year to large dealers who sell more than 1,000 handguns a year. An indication of handgun sales volume in Virginia can be seen by examining data from the Virginia Firearms Transaction Program (VFTP). Display 8 presents sales data for licensed dealers in Virginia who sold at least one handgun during fiscal year 1991. Data are presented for dealers grouped according to handgun sales volume.

- Dealers with the smallest volume of handgun sales made up 70% of the active handgun dealers in Virginia. However, this group accounted for only 7% of the handguns sold in FY 1991.
- Dealers who sold between 11 and 100 handguns made up 23% of all dealers in Virginia, and accounted for 24% of the handgun transactions in the state.
- Dealers who sold between 101 and 300 handguns made up only 6% of the firearm dealers in Virginia, but accounted for 31% of all handgun transactions. This group sold a greater number of handguns than any other group.
- Dealers who sold between 301 and 1,000 handguns made up only about 1% of the firearms dealers in Virginia, but accounted for 22% of all the handgun transactions.
- Only six firearm dealers in Virginia reported sales of more than 1,000 handguns in FY 1991. These dealers specialize in firearms and firearm-related products. Although few in number, these dealers accounted for 16% of all handgun transactions.

A total of 1,834 firearms dealers reported 60,044 transactions involving one or more handguns to the VFTP during FY 1991. A total of 65,221 handguns were sold in these transactions. The number of handguns sold is greater than the number of transactions reported because some transactions involved more than one handgun.

The 1,834 firearm dealers that reported handgun sales in FY 1991 is far fewer than the approximately 6,800 federally licensed firearm dealers in Virginia in 1991. There are several reasons for this difference. The majority of licensed dealers in Virginia only sell rifles and shotguns. Also, many individuals holding firearms licenses are no longer or never were active dealers.

Display 9 lists the 10 localities in Virginia that had the largest volume of handgun sales in FY 1991. It is interesting to note that several rural

Display 9  
**Top Ten Handgun Sales  
Localities (FY 1991)**

Locality	Handgun Transactions
Chesterfield	5,474
Hanover	3,084
Virginia Beach	3,039
Prince William	2,454
Roanoke City	2,272
Hampton City	2,104
Newport News	1,782
Isle of Wight	1,662
Fauquier	1,625
Fairfax	1,555

counties with large sales volumes are adjacent to urban areas with ordinances that regulate handgun sales (see Display 15). This suggests that residents of these urban areas may purchase firearms by traveling to neighboring jurisdictions with less restrictive purchasing requirements.

Display 8

### Handgun Sales By Virginia Dealers (FY 1991)

Dealer Volume	Number of Handgun Dealers	Percent of All Handgun Dealers	Percent of All Handgun Transactions (N = 60,044)	Number of Handguns Sold *
1 to 10	1,275	70%	7%	4,159
11 to 100	415	23%	24%	14,439
101 to 300	111	6%	31%	18,528
301 to 1,000	27	1%	22%	16,103
>1,000	6	0%	16%	11,992
<b>Totals</b>	<b>1,834</b>			<b>65,221</b>

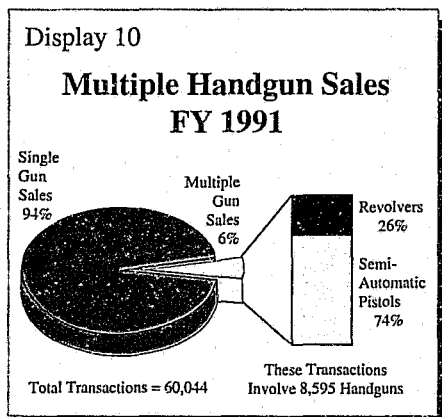
\* Total number of handguns sold is greater than total number of handgun transactions because some transactions involve sale of multiple handguns.

## Multiple Handgun Sales in Virginia FY 1991

The sale of multiple handguns has been a major issue in the debate over the availability of firearms and violent crime. Display 10 combines data provided by the Virginia Firearms Transaction Program (VFTP) and the U.S. Bureau of Alcohol, Tobacco and Firearms to estimate how many Virginia handgun sales in fiscal year 1991 involved more than one gun.

- Multiple handgun sales accounted for at least 6% of the sales reported to the VFTP. Federal and state officials believe the 6% figure underestimates the multiple sale purchases.
- Semi-automatic pistols made up nearly three-quarters of the handguns sold in these multiple handgun transactions.

Concern about multiple handgun sales, and the fact that these weapons have been found at crime scenes in major eastern U.S. cities, led to recent legislation to limit these sales. The 1993 General Assembly enacted the "one handgun a month" law which limits to one the number of handguns that an individual can purchase in a 30-day period. The 1993 General Assembly also authorized the VFTP to begin collecting data on the number and type of firearms sold by firearm dealers.



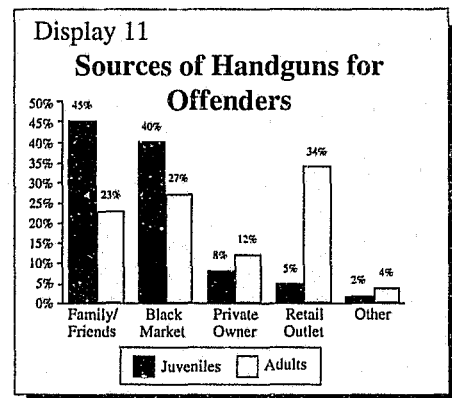
## Sources of Firearms Used by Offenders

Many people have argued that the increasing use of firearms in violent crime is related to the ready availability of firearms. As previously seen, large numbers of firearms, particularly handguns, are sold in Virginia each year, and firearms are involved in an increasing proportion of violent crimes.

Those who argue that the ease of firearms availability contributes to increased firearms violence believe that regulating the availability of these weapons is one viable means of reducing violent crime. Such regulation can take the form of prohibitions on who can purchase firearms, limits on the number of firearms that can be purchased within a certain period, or prohibitions on the sale of certain types of firearms. Other forms of regulation include imposing waiting periods on prospective firearms purchasers. Waiting periods would give law enforcement authorities time to check the background of prospective buyers and provide a "cooling off" period for would-be purchasers who may intend to use a firearm while angry or under stress.

Others argue that restricting the legal sale of firearms will do little to keep guns from criminals because criminals can obtain their guns through illegal means. They contend that restricting these sales will inconvenience law-abiding citizens while having little effect on criminals.

In an attempt to provide some information about how and where criminals obtained firearms, incarcerated juveniles and adults interviewed in the previously described survey were asked several questions about the sources of their weapons.



Display 11 shows the percentages of juveniles and adults who reported obtaining handguns from each of several different types of sources: family or friends, the black market, private owners, retail outlets, and other sources.

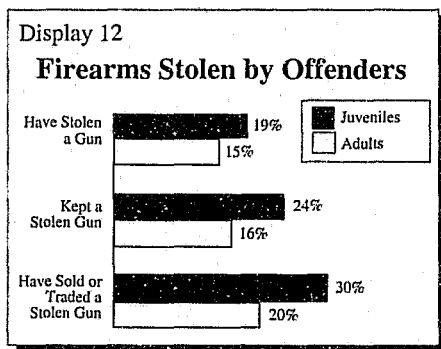
- Overall, adult offenders were most likely to report obtaining a handgun from a retail outlet, whereas juveniles were most likely to report obtaining a handgun from a family member or friend.
- Although retail outlets were the single most common source of handguns owned by adult offenders, nearly two-thirds of these offenders reported getting a handgun from a source other than a retail outlet.
- Only 5% of juveniles said they obtained a handgun from a retail outlet. This is not surprising because in Virginia it is illegal for anyone under 21 years old to purchase a handgun.
- Forty percent of the juveniles said they obtained a handgun from a black market source. About one-quarter of adult offenders reported obtaining a handgun from a black market source.

Some researchers contend that because many offenders appear to obtain handguns through noncommercial sources, efforts to regulate the commercial sales of handguns will have limited success in keeping handguns away from criminals.

## Sources of Firearms Used by Offenders (continued)

In addition to being asked about the sources of their firearms, the incarcerated juveniles and adults were asked about their involvement with stolen firearms. Display 12 presents information about how many juveniles and adults admitted to being involved with stolen firearms of any type, including rifles or shotguns.

- Most of the adults and juveniles surveyed stated that they had never stolen a firearm. About one in five juveniles and one in six adults admitted to having stolen a firearm.



- Overall, juveniles were more likely than adults to say they had ever stolen a firearm or kept, sold or traded a stolen firearm.
- About one-quarter of juveniles said they had previously kept a stolen firearm, compared to about one in six adults.

As can be seen in Display 12, the percentages of juveniles and adults admitting to have ever kept, sold or traded a stolen firearm is larger than the percentages that admitted to stealing a firearm. This discrepancy may be because some of the offenders interviewed had obtained and used firearms which they knew to be stolen, but had not stolen the weapons themselves.

## Offenders and Armed Victims

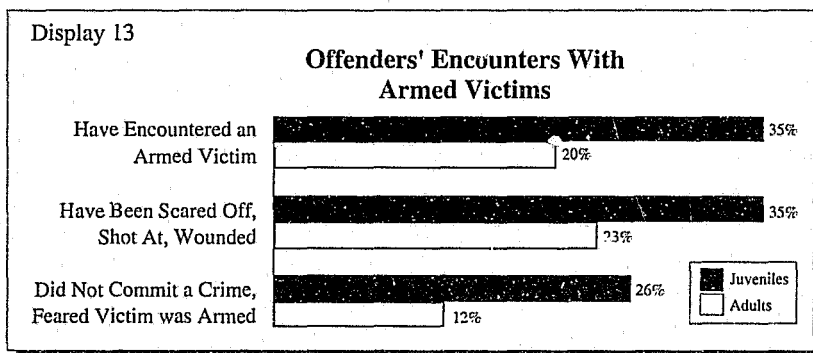
The majority of those who see a relationship between violent crime and the availability of firearms believe that the large number of firearms in society contribute to violent crime. However, a few have argued that the widespread availability of guns may also have an opposite effect. According to this view, the widespread availability of firearms may act as a deterrent to crime because criminals sometimes avoid committing a crime for fear of encountering a victim who is armed.

One possible way to test this assertion is to determine if known offenders report ever having been deterred from criminal activity by the fear of encountering an armed victim. Juveniles and adults interviewed in the previously described offender survey were asked whether they had ever personally encountered a victim armed with a gun (other than a police officer or security guard) while committing a crime, or whether they had ever been scared off, shot at, wounded or captured by an armed victim. They were also asked if they had ever decided not to commit a crime because they knew or believed that the intended victim was armed with a gun. These questions were asked of all offenders interviewed in the survey, regardless of whether the

offender admitted to ever possessing or using a gun in a crime. Findings from these questions are presented in Display 13.

- More than one-third of the juveniles interviewed stated that they had encountered an armed victim or had been scared off, shot at, wounded or been captured by a victim armed with a gun.
- Only about one in five adults admitted having a similar experience due to an encounter with an armed victim.
- About one in four juveniles and one in ten adults said that they had decided not to commit a crime for fear of encountering a victim armed with a gun.

These responses indicate that at least some criminals have been deterred from committing a crime based on a fear of encountering an armed victim. However, it would be very difficult to document any such widespread deterrent effect using official crime statistics. These statistics are based on crimes reported to law enforcement authorities and could not measure crimes that did not occur due to such a deterrent effect.





## Virginia Firearms Legislation

Virginia and all other states have enacted laws defining firearm offenses and prescribing penalties for violating these laws. Professor Franklin Zimring of the University of California has identified three broad types of firearms laws: restrictions on who may possess firearms, restrictions on the use of firearms, and restrictions on certain types of firearms.

Display 14 presents 34 firearms-related felony offenses contained in the Code of Virginia as of December 1, 1993. These offenses are grouped according to the three types of firearm laws identified by Professor Zimring. For each offense, the penalty range prescribed in the Code is shown, as well as the number of convictions for the offense during 1992. Conviction data are from the Pre/post - Sentence Investigation database, which does not include all felony convictions.

The 1950 Code of Virginia listed eight felony firearms-related offenses. Since 1950, the General Assembly has added 26 new felony firearms offenses. More than 80% of these new offenses have been added since 1986, and more than one-half of them have been added by the last four General Assemblies.

In addition to these 34 felony offenses, the Code defines 22 firearms-related misdemeanor offenses not listed. These offenses include several recent prominent pieces of legislation: the "one-handgun-a-month" law, prohibitions against minors possessing handguns or assault rifles, and the prohibition of the Striker 12 "Street-sweeper" shotgun.

Display 14

### Virginia Firearm Felony Laws in Effect on December 1, 1993 and Number of Convictions: 1992

Description	Penalty Range	Convictions
<b>RESTRICTIONS ON WHO MAY POSSESS OR CARRY FIREARMS</b>		
<i>Purchaser</i> must not:		
• make false statements on form authorizing criminal history record check:	1Y-10Y	30
• transfer to; transport out of state and transfer to; purchase multiple firearms and provide to; or transport to another state and provide to an ineligible person:	1Y-10Y	0
<i>Ineligible person</i> must not use another person to obtain:	1Y-10Y	*
<i>Alien</i> may not possess/transport assault firearm:	1Y-5Y	*
<i>Felon</i> may not possess/transport/conceal:	1Y-5Y	428
Citizen must not give or sell to <i>felon</i> :	1Y-5Y	1
Citizen must not furnish a <i>minor</i> with a handgun:	1Y-5Y	*
<b>RESTRICTIONS ON HOW FIREARMS ARE USED</b>		
A citizen must not:		
• possess "sawed-off" shotgun when committing a violent crime:	20-life	9
• possess/use machine gun when committing a crime:	20-life	1
• discharge from a motor vehicle:	1Y-10Y	8
• use restricted ammunition in commission of crime:	1Y-10Y	0
• maliciously discharge within/shoot-at occupied house/building:	2Y-10Y	43
• possess/use machine gun for offensive/ aggressive purpose:	2Y-10Y	1
• possess "sawed-off" shotgun:	2Y-10Y	49
• discharge within/shoot-at a school; or discharge while on or within 1000 feet of school property:	2Y-10Y	NA
• possess while selling 1 lb. or more marijuana:	3Y	0
• subsequent offense:	5Y	0
• use in commission of felony:	3Y	672
• subsequent offense:	5Y	154
• possess while selling Schedule I/II drugs:	3Y	0
• subsequent offense:	5Y	0
• discharge within/shoot-at occupied house/building:	1Y-5Y	41
• brandish/point while on/within 1000 feet of school property; or possess while on school property:	1Y-5Y	1
• possess while possessing Schedule I/II drugs:	1Y-5Y	248
• arrange so it fires on touch/by remote control:	1Y-5Y	0
• possess an unregistered silencer or muffler:	1Y-5Y	0
• conceal without a permit - second offense;	1Y-5Y	11
• conceal without a permit - third offense:	2Y-10Y	4
<b>RESTRICTIONS ON ACCESS TO FIREARMS</b>		
Import/sell/manufacture/transfer/possess plastic firearms:	1Y-10Y	0
* Indicates that the law became effective after 1992 and, therefore, no conviction data is yet available.		

Display 15

### Local Firearms Ordinances

Restrictions on Who May Purchase, Possess, Carry, Transfer or Sell Firearms	Cities										Counties							Towns						
	Alexandria	Chesapeake	Fairfax	Hampton	Lynchburg	Newport News	Norfolk	Portsmouth	Richmond	Roanoke	Suffolk	Virginia Beach	Albemarle	Arlington	Chesterfield	Fairfax	Hanover	Henrico	Loudoun	Prince William	Roanoke	Southampton	Farmville	Smithfield
Buyer Must Have a Permit or License																								
Buyer Must Not be Felon, Drug User, etc.																								
Local Waiting Period																								
Buyer Must Have Records Check																								
Buyer Must be Fingerprinted																								
Must Not Sell, Transfer or Lend to Minors																								
Minors Must Not Possess/Discharge in Public																								
Dealer License Required																								
Dealer Must Have Records Check																								
Dealer Must be Fingerprinted																								
Dealer Must Report Sales Information																								
<b>Restrictions on How Firearms May Be Used</b>																								
No Discharge in Certain Places																								
Must Not Possess/Carry-Certain Places																								
Must Not Point-Brandish-Misuse																								
Must Keep Away From Children																								
Must Not Use Teflon Bullets																								
Must Not Alter Serial Number																								
Forfeiture If Concealed Illegally																								
Forfeiture If Used in Crime																								

Legend: In effect (applicable to handguns) Not stated in Code but carried out in Practice Local permit authorized by Section 15.1-525, Code of Virginia

Note: Localities were selected on the basis of population or because they have a "permit to purchase" ordinance in effect.

### Local Firearm Ordinances in Virginia

In addition to state laws regulating firearms, some Virginia localities also have enacted ordinances which regulate firearms. Display 15 presents a listing of firearm-related ordinances currently in effect in Virginia's 20 most populous localities and in four other localities that have "permit to purchase" ordinances. As in Display 14, ordinances are grouped according to whether they restrict who may possess or whether they restrict the uses of firearms. None of the localities identified in the figure are known to have an ordinance restricting specific types of firearms.

The localities having "permit to purchase" ordinances were identified by a 1990 survey conducted by the Virginia Department of State Police. The survey was conducted shortly after the Virginia Firearms Transaction Program became effective to identify localities with ordinances that might conflict with state law. It is probable that some small localities with firearm ordinances may not appear in this table. This analysis focused on large localities because it was assumed that large localities would be more likely than smaller localities to have firearm ordinances.

In 1987 the General Assembly enacted legislation prohibiting localities from passing firearms ordinances without first obtaining the approval of the General Assembly. Although this state "preemption" statute did not invalidate already existing local ordinances, nearly all localities have since ceased to enact any new firearm ordinances. A few localities have enacted firearm ordinances since 1987 after obtaining the approval of the General Assembly.

## Virginia Firearms Transaction Program Performance 1990 and 1992

Display 16 presents data supplied by the Department of State Police Virginia Firearms Transaction Program (VFTP) on the number of firearm transactions requested and denied in 1990 and 1992. Firearm transactions are denied if the VFTP computerized background check on prospective firearms purchasers reveals a record indicating the purchaser is not legally eligible to purchase firearms. Data is also presented concerning the reasons for transaction denials and arrests made in 1992 for illegally attempting to purchase firearms.

- The number of transactions requested in 1992 was more than three times greater than in 1990. The primary reason for this increase is that, in 1990, background checks were required only for handgun purchases. Beginning in June, 1991, background checks were required for all firearm purchases, including rifles and shotguns. This

increase suggests that about two-thirds of all transactions requests are for the sale of rifles or shotguns.

- Although there was a major increase in transactions requested in 1992, the transaction denial rate in 1992 was considerably lower than in 1990.
- Two possible reasons have been proposed for the decreased transaction denial rate in 1992. The majority of the firearms transactions in 1992 were for rifle or shotgun purchases, which did not require a background check in 1990. It is possible that persons ineligible to purchase firearms are more likely to attempt to purchase handguns than long guns. This is suggested by the fact that most violent crimes are committed by individuals using handguns rather than long guns.
- Another possible reason for the decreased transaction denial rate in

1992 is that persons ineligible to purchase firearms have become more aware of the background check requirement and have avoided attempting to purchase firearms through retail outlets.

- The most common reason for denial of a transaction was that the person attempting to purchase the firearm was found to have a felony conviction. In 1992, more than three times as many transactions were denied for this reason as for prospective purchasers having an outstanding felony charge or being identified as a fugitive.
- In both 1990 and 1992, the number of transactions denied was a very small percentage of the total transactions requested in each year. However, the small percentage of transactions denied should not be seen as a measure of the VFTP's effectiveness in blocking illegal firearms sales. It is likely that the background check process deterred some ineligible persons from attempting to purchase firearms. However, the transaction denial rate does not include illegal sales deterred in this manner.

In 1992 the Virginia State Police established a Firearms Investigation Unit (FIU). The FIU staff investigate transaction requests that were denied because the prospective purchaser was found to be ineligible to purchase a firearm. Since starting these investigations, the FIU has increased the number of persons arrested for illegally attempting to purchase firearms in Virginia.

Figure 16

### Virginia Firearms Transaction Program Performance 1990 and 1992

	1990*	1992
Transactions Requested:	60,018	191,540
Transactions Denied:	1,035	1,667
Reasons for Denial		
• Felony Conviction:	693	1,287
• Outstanding Felony Charge:	302	295
• Wanted (Fugitive):	40	73
Denial Rate:	1.7%	1.0%
Confirmed Arrests for Attempting to Purchase:	—	468
Confirmed Arrests of Wanted Persons:	—	116

\* VFTP approval was required only for handgun sales in 1990.

## Virginia's Mandatory Firearm Penalty Enhancement Law

Like all other states, Virginia has adopted a mandatory firearms penalty enhancement law. Virginia's law, which went into effect in 1975, provided a mandatory prison term of one year for a first conviction and three years for a subsequent conviction for any person who used or attempted to use a firearm while committing murder, rape, robbery, burglary or abduction. In 1980 and again in 1993, the General Assembly increased the mandatory prison term and added to the list of offenses covered by this law.

For such a law to act as a deterrent against use of firearms in crime, those who commit (or contemplate) crimes with a firearm must be aware of the law. In an attempt to determine if convicted offenders were aware of Virginia's firearm penalty enhancement law, juvenile and adult offenders interviewed in the previously described offender survey were asked about the law and whether it ever influenced

their decision to use a firearm while committing a crime. Display 17 presents data based on these questions.

- The majority of juveniles and adults said they were aware of the penalty enhancement law. Juveniles were more likely to be aware of the law than adult inmates. Percentages shown in the figure are based on all offenders surveyed, including offenders convicted of crimes that did not involve firearms.
- Although the majority of offenders said they were aware of the penalty enhancement law, only about two-thirds of juveniles and one-quarter of adults aware of the law said it had ever

influenced their decision to use or not use a gun while committing a crime.

- Nearly one-half of juveniles and 20% of adults stated that they carried a firearm. These percentages include those who were and were not aware of the penalty enhancement law.

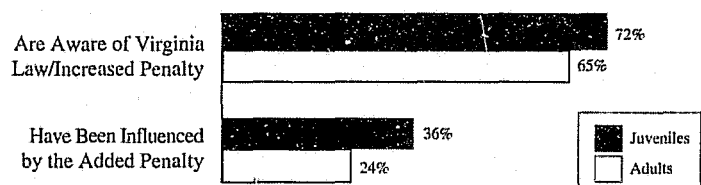
- This data concerning awareness of the penalty enhancement law is based on responses from convicted offenders. As such, it provides no indication of awareness of the law by those who may have been deterred from committing crimes by the law.

For a law to act as a deterrent, there also must be some degree of certainty that the penalty will be applied in cases covered by the law. Display 18 illustrates how often the law was applied in various crimes involving the use of a firearm. Data are based on a three-year average of convictions during the years 1990 through 1992.

While the probability of an offender's incurring the mandatory firearms penalty was high, it was by no means certain. Although a judge had to impose the penalty if an offender was convicted under this statute, about 25% of the criminals who used a firearm in the offenses shown were not given this additional sanction. It is likely that the penalty enhancement in these cases was dropped as part of a plea negotiation.

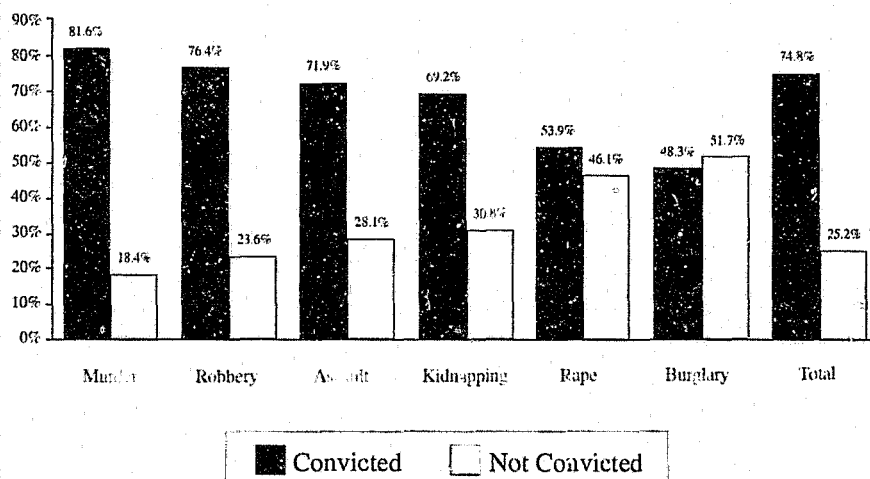
Display 17

### Offenders Aware of/Influenced by Mandatory Firearm Law



Display 18

### Percent Convicted of the Mandatory Firearm Law (1990 - 1992)





## *acknowledgements*

Alexandria Police Department	Pulaski Police Department
Arlington County Police Department	Richmond Police Department
Charlottesville Police Department	Roanoke Police Department
Chesapeake Police Department	Suffolk Police Department
Chesterfield County Police Department	Virginia Beach Police Department
Dinwiddie County Sheriff's Office	Captain R. Lewis Vass, Department of State Police
Fairfax County Police Department	Donna Tate, Department of State Police
Henrico County Police Department	Irvin Morgan, U.S. Bureau of Alcohol, Tobacco and Firearms
Henry County Sheriff's Office	Patrick J. Gurney, Ph.D. Department of Corrections
Lynchburg Police Department	William D. Brock, Ph.D. Department of Youth and Family Services
Martinsville Police Department	
Newport News Police Department	
Pittsylvania County Sheriff's Office	
Portsmouth Police Department	
Prince William County Police Department	



**Publications:**

Crime in Virginia, Uniform Crime Reporting Section, Virginia Department of State Police

- Displays 1,2,3

Uniform Crime Reports for the United States, United States Federal Bureau of Investigation

- Displays 1,2

**Data Bases:**

Homicide Firearm Study data base, Criminal Justice Research Center, Virginia Department of Criminal Justice Services

- Displays 5,6

Pre-Sentence Investigation (PSI) data base, Virginia Department of Corrections

- Displays 14,18

Survey of Virginia Prison Inmates and Youths Committed to Learning Centers data base, Criminal Justice Research Center, Virginia Department of Criminal Justice Services

- Displays 4,11,12,13,17

**Federal and State Agencies:**

Criminal Justice Research Center, Virginia Department of Criminal Justice Services

- Displays 14,15

United States Bureau of Alcohol, Tobacco, and Firearms

- Displays 7,8,9,10

Virginia Firearms Transaction Program, Department of State Police

- Displays 8,9,10,16

