



1977

ANNUAL REPORT

Of The

NIA STATE CRIME COMMISSION

701 E. Franklin Street, Suite 905

Richmond, Virginia 23219

May 30, 1978

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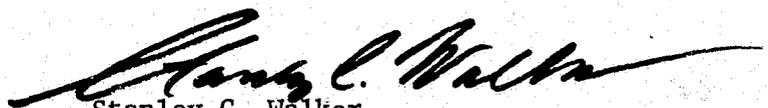
ACQUISITIONS

TO: The Honorable John N. Dalton, Governor of Virginia
and Members of the General Assembly

Ladies and Gentlemen:

Pursuant to the Code of Virginia, Title 9, Chapter 19,
Section 125 - 138, creating the Virginia State Crime Commission
and setting forth its purpose, its functions and responsibilities
of its staff, I have the honor of submitting herewith the Annual
Report for the calendar year ending December 31, 1977, as mandated
by the aforementioned law.

Respectfully submitted,


Stanley C. Walker

MEMBERS OF THE COMMISSION

Stanley C. Walker, Chairman

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William N. Paxton, Jr., Second Vice Chairman

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INTRODUCTION

The Virginia State Crime Commission was created by House Joint Resolution 113 of the 1966 General Assembly "to study matters related to crime and its prevention." Continued by the 1968 and 1970 sessions, the Crime Commission was made a permanent body by Chapter 766, Acts of Assembly 1972. The Commission's responsibilities, purpose, and its functions, together with its staff's responsibilities, are spelled out in Section 9-125 through Section 9-138, Code of Virginia 1950, as amended.

The Commission's purpose is to study all areas of public safety and protection, as well as to determine causes of crime and to suggest ways to reduce and prevent it. Additionally, the Commission gathers information relating to the apprehension, trial, punishment and rehabilitation of criminal offenders.

Annually the Commission reports its findings and makes recommendations to the Governor and General Assembly.

SUMMARY

Crimes of violence and illegal hard narcotic trafficking continue as chief concerns of Virginia's citizens. This is true despite the fact that crime in general continues to show downward trends in many localities. The decrease is due, for the most part, to the combined efforts of Virginia's law enforcement officers.

The most noticeable decrease in the seven major categories was in robbery, according to figures of the Virginia Uniform Crime Reports maintained by the Department of State Police. This declined 12.92%.

There was a startling increase of 7.79% in rape with a total of 1,189 cases reported compared with a total of 1,103 the previous year. Rape continues to be the least reported of all crimes.

In all, there were 206,164 offenses reported in the seven major categories. This is a decrease of 3,461 or 2.11% over the previous year.

The major crimes and the number of offenses reported in each are as follows:

<u>OFFENSE</u>	<u>1977</u>	<u>1976</u>	<u>Percent Increase/Decrease Over 1976</u>
Murder and Non-negligent Manslaughter	458	475	- 3.57
Forcible Rape	1,189	1,103	+ 7.79
Robbery	4,723	5,424	- 12.92
Aggravated Assault	8,465	8,378	+ 1.03
Burglary	50,593	51,147	- 1.08
Larceny - Theft	129,113	132,768	- 2.75
Motor Vehicle Theft	<u>11,623</u>	<u>11,330</u>	<u>+ 2.58</u>
TOTAL	206,164	210,625	- 2.11

Through its study of Criminal Sexual Assault, the Crime Commission determined that this heinous crime is of statewide concern even though nearly two-thirds of the forcible rape cases reported in Virginia were in three metropolitan areas.

Comparative figures on rape over a three-year period follows:

	<u>OFFENSES REPORTED</u>	<u>FORCIBLE RAPE</u>	<u>ATTEMPTED RAPE</u>	<u>OFFENSES CLEARED</u>	<u>TOTAL PERSONS ARRESTED</u>	<u>JUVENILES ARRESTED</u>
1975	1,181	863	318	730	652	70
1976	1,103	805	298	719	639	86
1977	1,189	883	306	763	643	70

The largest number of forcible rapes---362 reported cases---was in the Southeastern Regional Planning District in 1977; the Northern Virginia Regional Planning District was second with 238 reported rapes; and Richmond was third with 186 reported rapes. Thus, 66.1% of the 1,189 reported cases were in three of the 22 planning districts. The Northern Virginia Regional Planning District led in total reported crimes with 56,322; the Southeastern had 47,443, and Richmond, 35,878.

The smallest number of reported rapes was two reported in Accomac-Northampton Regional Planning District on the Eastern Shore. Three were reported in the Northern Neck Regional Planning District. Three others reported fewer than 11 cases. (Actual offenses in the Seven Major Categories of Crime for Planning Districts are shown as Appendix B.)

Alarming Levels

Violent crimes in the State have reached alarming levels. While the total number of homicides has decreased over the last three years from

576 in 1975 to 458 in 1977, the continued use of firearms in killing has not shown an appreciable decline in the homicides. There were 229, or 50%, killed with handguns last year. There also is a growing seriousness of illegal trafficking of vehicles, stolen parts of automobiles, and motorcycles in and out of Virginia. It has reached the point that Virginia, in the opinion of some closely identified with law enforcement, is being used as a "dumping ground." Rape involving murder in certain areas has plagued our high school and college campuses; child molestation and murder of children in the Richmond, Norfolk and Eastern Shore areas offered puzzling cases. This must be stopped. Due to laws allowing plea bargaining and overcrowding of court dockets, defense attorneys have been able to obtain shorter terms as a result of plea bargaining for those who might have been convicted of the greater offense, specifically rape, assault or molestation.

Child molestation, as such, is not singled out in police records. Police records indicate that in some cases child molestation would be included under "aggravated assault." The Uniform Crime Report of the Department of State Police shows that there were 3,361 reported cases of offenses against family and children during 1976, and 2,495 in 1977. A comparison of these by age groups follows:

<u>AGES</u>	<u>1976</u>	<u>1977</u>
13-14	0	0
15	2	2
16	7	4
17	9	2
18	239	186
19	210	123
20	156	117
21	147	105
22	136	94
23	121	109
24	151	76
25-29	705	486
30-34	463	389
35-39	353	294

<u>AGES</u>	<u>1976</u>	<u>1977</u>
40-44	292	198
45-49	179	153
50-54	95	79
55-59	44	37
60-65	29	25
65 and up	<u>23</u>	<u>16</u>
	3,361	2,495

Pornography, especially using children, is also increasing at an alarming pace. Legislation on child pornography prohibiting use of children and sale of material was introduced in the 1978 session by the Crime Commission and was carried over. The bill would prohibit the use of children under 16 in any obscene material. It provides punishment for anyone who publishes, sells, loans, gives out or distributes such material. It further provides that those convicted of a second or subsequent offense will be guilty of a Class 6 felony (one to five years or 12 months and/or fine - \$1,000).

In its study of Crime in Virginia, the Crime Commission found great similarity in the problems statewide. Breaking and entering, burglary and larceny, even though on the decline, remain with drugs as a major crime problem, along with the stealing of automobiles and auto parts. Reduction of crime and less leniency on the part of the courts pertaining to habitual offenders is the paramount concern of a majority of the citizens. Emphasis changes with the concentration of population, its degree of seasonality, and the jurisdiction's relative proximity to urban areas. In most jurisdictions, marijuana violations take the greater percentage of time in drug enforcement even though marijuana is not related to violent crimes as is heroin. The juvenile problem is mostly with breaking and entering, vandalism and drugs.

Return to Foot Patrolmen

Through the Crime in Virginia study, the Crime Commission found strong sentiment, especially in the larger cities, for returning to foot patrolmen, or the policeman-on-the-beat rather than placing so much emphasis on officers riding in patrol cars. The belief exists, especially among the older citizens, that the officer walking a beat is in closer contact with the business people as well as residents. He gets to know the citizens and they know him. He also knows when strangers move in and establishes lines of communication and confidence with the people in the area. He is closer to the "scene" and is more a part of it. He is more likely to recognize a suspect than is the officer or officers riding through an area in a squad car. Fear of crime is so great in some areas some businesses keep their doors locked, opening them only when regular customers or visitors are recognized. Some others keep a watchdog on the premises.

The Crime Commission would encourage the return of the patrolman-on-the-beat, especially in those jurisdictions designated as cities and counties lying in metropolitan areas, as a prime means of further reducing crime in Virginia. We further believe that the citizens would strongly support the addition of police officers for the purpose of beat patrol in the high crime areas where citizens often fall victims to violent street crimes. As we speak about and study compensation for local law enforcement, such compensation on the part of the Commonwealth is strongly recommended.

Narcotics Trafficking

The Crime Commission recognizes that grave dangers in drug trafficking lie in the handling of medical prescriptions through the forging of these, and in cigarette smuggling. People who deal with cigarette smuggling operations in other states are those individuals who are mostly involved in

organized crime. To think that they continue to have access through our state adds to our problems. We recognize that it is a paying load of cigarettes going North, but it is a latent factor as to what they may be bringing back into the area.

The Crime Commission conducted a Public Awareness Meeting on Narcotic Trafficking in the West Piedmont Regional Planning District during the past year. Law enforcement officers from the Federal Drug Enforcement Agency, the Department of State Police, as well as local jurisdictions enumerated troubles they are having with the smuggling of drugs from Mexico, Panama, and other foreign countries to be sold to youngsters in elementary schools, high schools and colleges. Each of the law enforcement officers indicated that they are not presently able to enforce the drug laws. The Federal Drug Enforcement Agency, for instance, has five investigators working the entire state; the Department of State Police has 60 men assigned to drug work covering the state. Each of the law enforcement officers and Commonwealth's attorneys who spoke stressed the way the drug trafficking increases through the use of stolen and forged drug prescriptions that are then passed on to the black market. They added that in order to supplement the drug habits, the victims frequently are involved in burglary, robbery, breaking and entering in both urban and rural areas, and lake resorts.

While robbery showed a decline in Virginia last year, the theft of motor vehicles continues as a major problem. Theft of motor vehicles totalled \$21,976,909 or more than one-third of the total value of property stolen. The total value of property stolen was reported at \$62,280,313. Of this, \$21,539,322 was recovered. There was a recovery value of \$16,374,424 of the motor vehicles stolen.

Illegal Vehicle Trafficking

Local and state law enforcement agencies are concerned about the ever-increasing theft of motor vehicles and the many corresponding problems that result. Compounding this is the part organized crime has, not only in theft of automobiles within the Commonwealth, but in the trafficking of stolen vehicles in and out of the Commonwealth, and using Virginia as a dumping ground for cars stolen elsewhere and brought into Virginia either for illegal sale as a complete vehicle with falsified identification or to be professionally dismantled and sold in sections and as parts. The salvaging of such vehicles has become a tremendous illegal business.

- From its work with law enforcement agencies throughout the state, as well as the Department of State Police, the Division of Motor Vehicles, and with the National Automobile Theft Bureau, the Crime Commission believes that a review should be made to determine the feasibility of establishing a State Auto Theft Unit of trained investigators to cooperate with and to assist all local jurisdictions in an effort to stem or reduce this increasingly expensive problem. At present, there are not separate records kept on the sports-type vehicles that are stolen and resold in whole or in part. It is known, however, that there are several rings operating in and out of Virginia in this trafficking.

In one recent conviction, the accused admitted to stealing approximately 250 cars. This individual was known as a "dropper" because of his ability to drop a transmission in five minutes. Murder was also involved in this activity. Also, recently, seven expensive sports cars were stolen in other areas and transported to Richmond where they were sold within a period of one week to local dealers. Through cooperative investigation, these cars were recovered and the dealers lost approximately \$7,500 for each vehicle. In another incident, plans were made to sell a late model vehicle that the

"ring" intended to steal in the Philadelphia area and sell in the Richmond area. The vehicle was actually titled in Virginia and sales tax was put on a salvage value of \$4,000, and it was titled to a female in New Jersey five days before the vehicle was stolen. The vehicle had a license and inspection tag that was current in Pennsylvania. Seven days after the car was stolen in Philadelphia, it was sold for \$3,000, or \$1,000 less than the salvage value.

A number of vehicles that are stolen are intended for dismantling, and are sold for special auto parts. In some instances, a body is stolen and put on a salvaged chassis. Serial numbers are changed. To change or obliterate a serial number in Virginia is presently a misdemeanor. Besides stealing automobiles, the organized rings are also taking a large number of motorcycles, both in and out of Virginia.

Immediate Communication

By utilizing a computerized network, the organized rings have immediate communication with both sources of material and supply for potential sales. When they have sale for a vehicle, in many instances they are able to make almost immediate assurance of sale. This is true, also, of major components or sub-assemblies such as • floor clip assembly (fender, grill, hood, bumper and related parts); • engine; • transmission; • rear clip assembly (quarter panels, floor panel assembly); or, • doors. When vehicles have been assembled using stolen parts, those assembling them are using counterfeit Manufacturer's Certificate of Origin.

- In an effort to make it more difficult to transfer a title on such illegal vehicles, the Division of Motor Vehicles has changed titling procedure, especially where duplicate titles are handled across the counter.

Under the new rules, all titles that have a lien on them are now mailed to the lien holder; duplicate titles that do not have a lien are mailed to the address shown in the Division of Motor Vehicles' records. Exceptions to these procedures can be made only by authority of the Division of Motor Vehicles branch office manager who will make a record of the exception approved on the face of the duplicate title application. Examples of appropriate exception would be personal acquaintance, a dealer, or a lending institution representative. In other precautionary moves for guidance of release of a duplicate title, the Division of Motor Vehicles is urging that verification of the liens be satisfied and physical inspection of the vehicle be made by a Division of Motor Vehicles representative. A photo copy of a lien release is not acceptable under any condition. In its desire to support all law enforcement agencies and to coordinate efforts to reduce illegal trafficking, the Division of Motor Vehicles has assigned one of its investigative officers to work with law enforcement agencies. The assigned officer is skilled in the techniques and mechanics of investigations and thoroughly familiar with how the records are maintained by the Division. The Division is custodian of all Virginia vehicle records.

- The National Automobile Theft Bureau, whose membership includes 485 insurance companies, says that there has never been a time in its history when the demand for its expertise and services has been greater. The Bureau has completed 65 years.

Motor vehicle theft-related offenses are the largest property crime reported to law enforcement in the United States. The theft of motor vehicles remains about 1,000,000 vehicles a year and costs the consumer \$1.6 billion. Preliminary estimates indicate that vehicle thefts through-

out this country totalled 948,024 in 1977, a decrease of 1% compared with the 1976 total. The complete figures for 1977 are not available. A ten-year breakdown showing the ratio of vehicles stolen and vehicles registered follows:

<u>YEAR</u>	<u>MOTOR VEHICLE REGISTRATIONS</u>	<u>THEFTS</u>	<u>RATIO OF VEHICLES STOLEN/REGISTERED</u>
1968	102,987,134	777,800	1 in 132
1969	107,409,077	871,900	1 in 123
1970	111,250,529	921,400	1 in 121
1971	116,266,238	941,600	1 in 123
1972	122,421,440	881,000	1 in 139
1973	129,774,378	923,600	1 in 141
1974	134,904,676	873,800	1 in 139
1975	139,221,000	1,000,000	1 in 139
1976	143,538,495	957,600	1 in 150
1977	148,880,000*	948,024*	1 in 157*

*Estimated.

Establishment of Anti-Car Theft Committees in Florida, Michigan, New York-New Jersey and Texas contributed to an 18% decline in automobile thefts in 1977. Joint programs between the National Automobile Theft Bureau and the U. S. Customs Service have been established to detect the export of stolen automobiles and parts overseas. Some states have adopted new statutes to deal with this problem. A Texas statute makes it a felony to remove serial numbers.

Citizen Participation

The Crime Commission believes that it is necessary to mobilize citizen participation through an awareness program in the reduction of this crime of auto and motorcycle theft, and further believes that statewide coordination is essential. A State Auto Theft Unit of approximately 12 trained investigators cooperating with and assisting local law enforcement agencies would be in a position to spot "cut shop" operations, and to help to apprehend

the steal-for-profit thief. Cutting has become a flourishing operation in the car theft business because of the increased costs of auto repairs, parts and labor, and the availability of some replacement parts. Wrecking yards and cut shops raided by law enforcement agencies in 1977 contained vehicles ranging from automobiles to new commercial semi-trailers valued at close to \$100,000 each.

- This type operation not only is affecting legitimate automobile dealers and repair shops, but it is bilking the insurance companies and the citizens. The Crime Commission urges coordinated efforts to stem this.

Investigative Division

In its evaluation of the Investigative Division of the Department of State Police, the Crime Commission determined that because of a heavy workload, it has a need for additional officers and supporting staff. The Division handled 4,178 investigations during the calendar year 1977. The workload has increased each year, and there are reasons to believe it will continue to increase. There were 3,980 cases handled in 1975, and 4,085 in 1976. Each year more than one-third of the requests come from the Governor's office, the Attorney General, local sheriffs, chiefs of police, Commonwealth's attorneys' offices, or grand juries.

Of the requests for investigations in 1977, only 928 are now pending. Those completed resulted in 3,267 arrests. There were 573 crimes against persons investigated; 1,065 crimes against property were investigated as were 1,664 statutory crimes, 108 white collar crimes, and 83 organized crimes.

In the 1980-82 budget, the Department of State Police plans to ask for new positions for the Division of Investigation. This would include seven sergeants, seven clerk-stenographer B positions, and probably

25 investigator positions. Meanwhile, the Department is applying to the Council on Criminal Justice and the Division of Justice and Crime Prevention for a Federal grant to provide a Major Crimes Task Force to concentrate on major crimes. This would include two sergeants, one clerk-stenographer C, one clerk-stenographer B, and a criminal research analyst. The Division expects to assign up to 14 of its investigative staff to this unit, as needs dictate. One of the investigator positions would be filled by an investigative accountant.

Presently, the Division is authorized 113 investigators, including three criminal research analysts; 15 supervisory positions, and 15 clerks. The Division also is authorized 48 trooper positions in narcotics work.

Youthful Offenders

The Crime Commission continues to be greatly concerned because of the number of youthful offenders entering State correctional facilities. An age breakdown for these youthful offenders in fiscal year 1977 shows that 1,838 were committed. A breakdown as to age follows:

<u>AGE</u>	<u>NUMBER</u>	<u>PERCENT</u>
15	4	0.2
16	21	1.1
17	62	3.4
18	163	8.9
19	315	17.1
20	288	15.7
21	256	13.9
22	251	13.7
23	241	13.1
24	237	12.9
TOTALS	1,838	100.0

Of the 3,385 felons committed, 1,547 of them were over age 25.

The vast number of younger felons who tax our penal facilities is appalling

and increases annually. Following is a breakdown by age groups of felons and misdemeanants committed during the fiscal years 1976 and 1977:

<u>AGE</u>	<u>FELONS</u>		<u>MISDEMEANANTS</u>		<u>TOTAL COMMITMENTS</u>	
	<u>FY 76</u>	<u>FY 77</u>	<u>FY 76</u>	<u>FY 77</u>	<u>FY 76</u>	<u>FY 77</u>
Under 20	440	565	303	237	743	802
20 - 24	1,098	1,273	514	445	1,612	1,718
25 - 50	1,080	1,443	696	527	1,776	1,970
Over 50	55	104	55	25	110	129
Unknown			19	2	19	2
TOTALS	2,673	3,385	1,587	1,236	4,260	4,621

Because of the increased workload in the entire criminal justice system, additional funding will be necessary in the future. This is especially true in the area of law enforcement training, facility planning, and staffing. Workloads have increased at a staggering rate. For instance, the Bureau of Forensic Science in fiscal years '73 and '74 had 195,254 specimens for examination. In fiscal year 1976-77, it had 337,665 specimens for examination. This is a 73% increase in the actual specimens examined. In the meantime, the Bureau had not received any new positions for performing actual casework; four new positions were funded during the last session and are based on essential needs. Because of the workload, the present turn-around time for many examiners is now ranging from 50 to 80 days because of the backlog. Consequently, some complaints are being received from law enforcement officers, Commonwealth's attorneys and judges concerning delays in receiving reports necessary for prosecution.

Need for more staffing in the Division of Investigation and the Bureau of Forensic Science is typical of the needs of most agencies in the criminal justice system. As existing correctional facilities are enlarged, and others are built to house the anticipated population increases, they, too, will require additional personnel and training.

In recent years there has been noticeable improvement in the entire criminal justice system, and especially in the Classification/Reception area of the Department of Corrections. If this progress is to continue, pressing needs must be met. We have to continue our unified effort if Virginia is to remain on the course it has taken to reduce crime and improve our correctional facilities. This must be our top priority.

Through its contacts with law enforcement in general, and especially the Criminal Justice Services Commission, the Crime Commission proposed that they conduct a study of various aspects of law enforcement training programs in conjunction with the Secretary of Public Safety and the Joint Legislative Audit and Review Commission. The General Assembly mandated that this be done in 1978. It is designed to further improve the training and skills of law enforcement personnel, and to develop a program to provide training when Federal funds are no longer available. The study will be broad-based and will include the relative cost-benefit advantages and disadvantages of many possible programs, including the creation of either a central, State financed police training academy or several regional academies and community colleges; fixing of statutory minimum training requirements to be met by all law enforcement officers; the development of a program of the training and certification of professional police instructors; the providing of financial incentives to encourage police officers to seek additional training, and the providing of assistance in finding proper employment to those completing law enforcement training programs.

RECOMMENDATIONS

A number of problem areas continue to prevail in the criminal justice system despite the progress made in recent years. The Crime Commission believes that further progress is possible with unified cooperation in order to provide greater protection for public safety. From its various studies and day-to-day contacts with the various segments of the criminal justice system, the Commission believes that the following recommendations should be given strong consideration:

- The Secretary of Public Safety, state agencies and local jurisdictions are urged to exert every possible effort to clamp down on illegal cigarette trafficking, and to bring about apprehension and conviction of those who are smuggling and assisting in the smuggling in this activity.
- A review should be made to determine the feasibility of establishing a State Auto Theft Unit of trained investigators to cooperate with and to assist Federal and local jurisdictions in their efforts to apprehend and prosecute those persons who are transporting illegal or stolen auto parts from other states into Virginia and/or from one Virginia jurisdiction to another for illegal resale.
- Those jurisdictions designated as cities and counties lying in the metropolitan areas should encourage the return of the patrolman-on-the-beat.
- The Commonwealth in the next biennium budget should take steps to participate in the compensation of local law enforcement officers who spend a great portion of their time enforcing the State Code.
- Additional emphasis should be placed on increased personnel and training for law enforcement officers working in remote, rural areas. Because of the large geographical areas to be covered and the limited number of officers, they are spread too thinly to cover so large an area, and often there is no replacement available to permit away-from-home training for officers presently employed.
- Special training courses should be developed for law enforcement officers in the handling of juvenile offenders. The Crime Commission holds that this is the most vital enforcement area with far-reaching effects. Officers assigned this type of investigation should be thoroughly familiar with the juvenile code and should be dedicated to the alternatives to incarceration rather than detention.

- Specialized training is needed for officers handling domestic disputes. This is a delicate area wherein thorough documentation of allegations is necessary.
- Sensitivity training must be developed and given to law enforcement officers who are to be assigned to investigate criminal sexual assault charges, and to deal with the victims. With the possible event of new legislation in this field, the Crime Commission anticipates that there will be a sharp increase in the reporting of criminal sexual assault.
- Commonwealth's attorneys should be encouraged to establish victim-witness programs within the local Commonwealth's attorney's office.
- All citizens of the Commonwealth should encourage and support programs within their communities aimed at sexual assault awareness, prevention and public safety.
- All Virginia law enforcement agencies should seek the cooperation of local rape crisis and victim companion counselors in working with sexual assault victims where such counselors are available.
- All Virginia hospitals should be urged to adopt the medical protocol of procedures for victims of sexual assault written by the Treatment Subcommittee of the Crime Commission's Criminal Sexual Assault Task Force.
- More physical space must be provided for the laboratories of the Bureau of Forensic Science, both in the main laboratory in Richmond and in the regional facilities at Norfolk and Merrifield (Northern Virginia.) Present work requirements already exceed available space.
- Superintendents of the Rehabilitative School Authority and of Public Instruction of the Department of Education must cooperate in the development of a system whereby credits for educational and vocational courses would be accepted by all local public schools.
- The present Federal structure for allocating and distributing anti-crime funds (LEAA) should be streamlined, and bureaucratic red tape which imposes inefficient regulations should be reduced.
- Further consideration must be given to the means of future funding for anti-crime programs, especially those dealing with law enforcement training.
- The Secretary of Public Safety, state agencies and local jurisdictions are urged to devote extra effort to stop the flow of handguns falling into the hands of unqualified people.

- Every effort must be made by the legislature to provide funding as Federal funds decrease in order to maintain the current high level programs now in operation, and to continue to competently train personnel necessary to safeguard the citizens of Virginia.
- The General Assembly should enact legislation enabling localities through ordinance to regulate alarm systems. It is urged that localities experiencing problems due to numerous incidences of false alarms adopt local ordinances to regulate such systems.

Other recommendations related to Crime Commission studies appear elsewhere in this report. They are in the sections dealing with each study. The Commission strongly advocates these proposals and urges their support by the Governor, General Assembly and the public.

COMMISSION'S ACTIVITIES IN 1977

Two studies that will ultimately affect the lives of many Virginians were conducted by the Crime Commission during 1977, and are being continued under mandate from the General Assembly during 1978. These are the studies of Criminal Sexual Assault and Children and Youth in Trouble in Virginia. Each study is being made with the assistance of citizen task forces. These citizens have contributed many hours to the task assigned.

Reports on each study were given to the Governor, members of the General Assembly, and to the public early in 1978. The reports point out the many problems in the areas being studied.

The study of Children and Youth in Trouble in Virginia is being conducted because of problems that were noted earlier during the Commission's study of the Department of Corrections, and, more specifically, the Penitentiary, Bland, and St. Bride's Correctional Centers, the Virginia Correctional Center for Women, and various field units. In these studies it was ascertained that a high percentage of the adults institutionalized had problems as juveniles.

The Commission continues to monitor the entire Corrections and Rehabilitative School Authority programs, as well as local jails. It completed a study of sentencing and, at the request of law enforcement officers in Northern Virginia, had a subcommittee study problems resulting from false burglary and robbery alarms.

The Commission has continued to work closely with the Virginia Association of Commonwealth's Attorneys, the Virginia Sheriffs' Association, the Association of Chiefs of Police, and carried legislation for each.

Meetings were held with representatives of these groups from various localities during the year.

Problems with Narcotics

In October, a Special Awareness program on narcotic abuse and related criminal activities was conducted in Collinsville. The program was planned by the law enforcement subcommittee and included a representative from the Federal Drug Enforcement Agency, the Superintendent of the Department of State Police, and representatives of the Department's Investigation and Organized Crime Investigative Unit, sheriffs, chiefs of police, and Commonwealth's attorneys who related startling facts concerning problems in narcotic trafficking, narcotic use, and forged prescription drugs. The Western Piedmont Planning District Number 2 cooperated with the Commission in that undertaking.

Additionally, the Commission has worked closely with the various Bar Associations, the judiciary, other state agencies, especially the Department of Corrections and the Compensation Board, as well as members of the legislature and administration.

There have been frequent meetings with the Secretary of Public Safety, former Senator H. Selwyn Smith. Good lines of communication were opened with him when his office began to function July 1, 1976. This good rapport continues. He has joined Crime Commission members on visits to correctional centers and has worked with and assisted the Commission in a number of ways. Also, there has been good communication with the other Secretaries in the Governor's cabinet, as well as with legislative committees and commissions.

The Commission's capital outlay subcommittee and a capital outlay subcommittee of the Board of Corrections have continued to work closely.

This was especially true as priorities were established for those correctional facilities included in the bond referendum that was passed in November.

During the year the Commission also worked with the Division of Justice and Crime Prevention. This included the cooperative venture in the study of Goals and Objectives for Virginia. This study was completed and a report was issued on those goals dealing with courts, police and corrections.

The Commission studies were undertaken with Federal funds provided by the Law Enforcement Assistance Administration through the Division of Justice and Crime Prevention and the Council on Criminal Justice.

Citizen Participation

A number of qualified citizens with expertise in various fields have made contributions to the Crime Commission's work and to its study. A number of legislators, Commonwealth's attorneys, jurists, sheriffs, chiefs of police, other law enforcement personnel, and other professionals from various walks of life including a former Governor and four former Attorneys General, have served on task forces along with many private citizens. We appreciate their contributions and the personal sacrifice that many of them made.

Senate Joint Resolution 19, passed in the 1976 session, directed the Crime Commission to continue a comprehensive study aimed at reducing incidents of rapidly increasing sexual assault crimes in Virginia. This was referred to a task force chaired by Senator Stanley C. Walker, of Norfolk, who is also Chairman of the Commission. Six members of the

Commission served on the task force along with other legislators, law enforcement officers, judges, Commonwealth's attorneys, representatives of the medical and nursing professions, representatives of rape crisis groups, other experts, and several women's organizations. The task force held six public hearings across the state and heard from several hundred persons, including three rape victims who spoke of the trauma and other problems related to criminal sexual assault, incest, sodomy, pornography and child molestation.

Legislation Developed

The task force and its five major subcommittees met a number of times to develop legislation and other recommendations hopefully to cope with these problems.

The study developed Senate Bill 291 that was introduced in the 1978 session, was amended by the Senate Courts of Justice Committee, and passed the Senate. It was carried over by the House Courts of Justice Committee. More work will be done by the task force on the legislation and other areas during the year.

Briefly, the legislation:

- Classifies all sexual assault as penetration or contact, and creates two degrees of each---simple and aggravated.
- Provides for longer sentences for repeat offenders and added safeguards if suspended sentencing or early release is considered.
- Gives statutory recognition for some things now in case law; the victim need not have resisted, corroboration of the victim's testimony not required, and limits the admission of the victim's past sexual history concerning specific acts.
- Bars reputation or opinion evidence on the victim's sexual past.

- Requires generally that the victim be treated with dignity and respect.
- Provides that it is immaterial to a charge of sexual assault whether the victim dies before, during, or after such assault.
- Clarifies question of venue---in this day of the automobile, a victim frequently does not know where he or she was assaulted.

Several provisions were eliminated from the bill. One would have eliminated marriage as a defense for rape, and another would have made rape more serious if it was committed by a person in a "position of authority" over the victim.

A resolution to continue the study of Criminal Sexual Assault was also passed by the General Assembly.

Several Other Resolutions Passed

- Senate Joint Resolution 51 proposes the creation of a State Crime Prevention Resource Center within the Office of Public Safety. Through the public hearings, it became very apparent that public education and community awareness programs are vital to better and more sensitive treatment of sexual assault victims, and would encourage increased reporting of the crime.
- Senate Joint Resolution 30 requests the Board of Education to consider development of a teacher training program in the recognition and handling of cases of sexual assault on school children.

(The Criminal Sexual Assault study as well as each of the other studies of the Commission are covered in more detail elsewhere in this report.)

From its study of Children and Youth in Trouble in Virginia, the Crime Commission believes that by providing appropriate services and alternatives to juveniles, it is possible to reduce the need for expensive adult correctional facilities, and, more importantly, to help prevent additional criminal offenses from being committed.

Glaring Deficiencies

During the study, the Commission became aware of a number of glaring deficiencies within the Division of Youth Services which warrant immediate attention. Several of these problems prevail in the entire Department of Corrections and need to be handled accordingly. Others can be found throughout state government and indicate a need for more indepth review.

The Commission has cited the need for improvement in the following areas:

- physical facilities
- treatment and educational programs
- classification
- management
- medical and dental services
- salaries
- recreational programs

One crucial need is the upgrading or closing of several of the physical facilities. Male dormitories are overcrowded and frequently the plumbing is out-of-order for several days at a time. Many of the cottages are fire hazards. The isolation rooms do not have adequate lighting or heating and plumbing facilities. Recreational areas are small and dysfunctional, particularly at Appalachian and Natural Bridge Learning Centers.

The study was chaired by Delegate L. Ray Ashworth, of Wakefield. He is a member of the Crime Commission.

Legislation developed during the study include:

- Senate Bill 266 empowering the Board of Housing and Community Development to set standards of safety from hazards of fire for state operated residential care facilities, and requiring the Fire Marshall to make annual inspections.

Resolutions passed by both Houses include:

- SJR 35 commends the efforts of volunteers in the juvenile justice system.

- SJR 36 directs the development of job classification and career ladder for volunteer coordinators.
- HJR 77 requests the Secretary of Public Safety to audit medical and dental services provided by the Division of Youth Services.
- HJR 78 calls for a study for revision of the child labor laws.
- HJR 79 relates to the revised State Plan for the identification and diagnosis of children who are handicapped.
- HJR 80 directs the Secretary of Human Resources to study the feasibility of developing a single purpose application and referral service for all clients of social services.

The 34-member advisory task force of citizens and professionals in the field was divided into three subcommittees. These are Volunteers and Juvenile Justice chaired by Senator Walker; Private Agencies, Associations and Programs chaired by the Reverend George F. Ricketts, of Richmond, who is a member of the Crime Commission; and Delinquency Prevention and Diversion chaired by Delegate Ashworth. This study is continuing.

In the area of the Division of Youth Services, there was a drop in population with the implementation of the revision of the Juvenile Code enacted by the 1977 General Assembly. This bars the commitment of status offenders to state care. Consequently, in late 1977, the Pinecrest Learning Center was closed and its program for very young boys was relocated to Barrett Learning Center. The Barrett program for girls is being phased out. By closing Pinecrest, a savings of approximately \$900,000 annually is expected.

Probation and Parole

A subcommittee chaired by Delegate A. L. Philpott, of Bassett, has been studying Probation and Parole for the Commission. Five new Probation-Parole districts were formed during the year, dividing some of

the larger districts and allowing closer working relationships between courts and the district offices. Progress continued in reducing the time lag between an offender being granted parole and actually being released. Despite an increase in the Probation-Parole officer staff, the workload increased to an excess of 81 units per officer due to the rise of probationers under supervision.

Swings in Population

Both the Corrections and Jail studies continue on a monitoring basis. By developing and expanding its Reception and Classification program and improving security, the Department of Corrections has been able to materially reduce the number of escapes and problems within the system. New Reception and Classification units were opened during the year at Powhatan and Southampton Correctional Centers. Available bed space was increased so that at the year's end the Department housed 7,875 persons and the local jail's population had dropped to 3,804, a decrease of 1,576, or 24%, in a 22-month period. The Department moved all but about 800 felons, who are its responsibility, from local jails into State facilities. Two new jails were opened in Fairfax County and Virginia Beach. The old facilities in each area had been terribly overcrowded and were outdated.

The Crime Commission believes that improvement in Classification and Records is perhaps the most important single area of improvement in Corrections in a three-year period.

Sentencing Study

A subcommittee, chaired by Delegate John L. Melnick, completed its

study of Sentencing in Virginia. Many alternatives to the present sentencing structure were studied by the subcommittee such as presumptive sentencing, judge sentencing, "flat-time" sentencing, habitual offender statutes, and sentencing guidelines for judges. Although no single alternative was recommended for Virginia, the subcommittee made recommendations concerning Virginia's recidivist statute which were considered by the 1977 session of the General Assembly.

False Burglary and Robbery Alarms Study

The Crime Commission's subcommittee studying False Burglary and Robbery Alarms reviewed the problems created by the incidence of such alarms. They met with concerned law enforcement officials and reviewed legislation in other states and model ordinances prepared by national groups. Recommendations were made and legislation was prepared for the 1978 session of the General Assembly. Former Attorney General Anthony J. Troy was the subcommittee chairman.

In addition to its studies and its work with the administrators, legislators, and various state agencies, the Crime Commission also assisted cooperatively with other states and with various groups, including state-wide and local organizations, in planning and implementing programs that hopefully will lead to a more efficient criminal justice system with statewide citizen participation.

CHILDREN AND YOUTH IN TROUBLE

Children and Youth in Trouble in Virginia were the subjects of a major study resulting in a report published by the Crime Commission in 1978. It described conditions found within the seven state-operated institutions for juveniles. The study was the result of more than a year of research involving citizens, youth service professionals, and legislators from throughout the State. The report contains an analysis of major problems facing all the state institutions (called Learning Centers), a summary of the operation of each individual facility, and approximately 80 legislative and administrative recommendations for their improvement.

Major reports on adult prisons and local jails were previously published by the Commission. In researching the records of adult inmates, it was determined that many had been in trouble with the law as juveniles. The Commission has concluded that by providing appropriate services and alternatives to juveniles, it is possible to reduce the need for expensive adult correctional facilities, and, most importantly, to help prevent additional criminal offenses from being committed.

Recidivism Runs High

More than 40,000 juveniles appeared before juvenile courts in Virginia during the fiscal year of 1976-1977. Approximately four percent, or 1,400, of the youth were committed to the Board of Corrections. Roughly, 70% of these (1,000) were placed in Learning Centers. The average stay in a Learning Center ranges from four months to more than two years. According to the Division of Youth Services, 17.1% of the youth received at the

Reception and Diagnostic Center are recidivists.

The examination of the State Learning Centers was carried out through on-site visits (the shortest visit was 11 days and the longest was more than 30 days). Students and Learning Center staff at all levels were interviewed extensively. Additionally, institutional records of serious incident reports (SIR), due process forms, staff training, and student files were reviewed. Frequent meetings were also scheduled with staff at the Division of Youth Services' Central Office to discuss areas of particular concern.

Per capita costs in 1976 for housing youth in one of these centers ranges from \$6,629 at Beaumont to \$13,436 at the Reception and Diagnostic Center. During the 1978-1980 biennium, it is anticipated that this price tag will be raised to \$17,000 due to increases in cost of living expenses and decreases in population at some centers. As a result of the enactment of House Bill 518, the Juvenile Code Revision, in July 1977, which specifies that status offenders can no longer be committed to the Department of Corrections, the female populations at Bon Air and Barrett Learning Centers have decreased significantly.

Upgrade or Close

During the study, the Crime Commission became aware of a number of glaring deficiencies within the Division of Youth Services which warrant immediate attention. Several of these problems prevail in the entire Department of Corrections and need to be handled accordingly. Others can be found throughout State government and indicate a need for more indepth review.

The Commission has cited the need for improvement in the following areas:

- physical facilities
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- classification
- management
- medical and dental services
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One crucial need is the upgrading or closing of several of the physical facilities. Male dormitories are overcrowded and frequently the plumbing is out-of-order for several days at a time. Many of the cottages are fire hazards. The isolation rooms do not have adequate lighting or heating and plumbing facilities. Recreational areas are small and dysfunctional, particularly at Appalachian and Natural Bridge Learning Centers.

Legislation introduced by the Commission during the 1978 session would require the State Fire Marshall's office to conduct mandatory fire inspections in all residential care facilities including Learning Centers. Also, the Commission supported a request for \$445,900 to be appropriated for a multi-purpose activities building at Appalachian. Both measures passed the General Assembly.

Managerial Problems

Cottage renovations, which were funded by the legislature in 1976, were not initiated until Spring of 1977. These renovations will create individual or partitioned dormitories in the cottages at Hanover and Beaumont, and will upgrade the appearance and heating systems in four of the cottages at Barrett. The Commission has been extremely concerned

about the wasteful and unproductive year and a half delay between the appropriation of funds and the actual initiation of the renovation construction. Much of the delay has been in the processing of required bureaucratic paperwork.

The Commission researchers also found serious managerial problems at each of the centers except Appalachian and Barrett where minor complaints existed. In several centers, staff complained that the administration offers no positive reinforcement for a job well done, is rarely visible and accessible, and has little concern for their welfare. Shift meetings to discuss staff concerns and policy changes were not being held regularly at many of the centers. Staff on the evening and weekend shifts felt isolated from the administration and the rest of the institution. Staff turnover and absenteeism were high at some of the facilities, particularly Hanover and Beaumont Learning Centers. As a result, the staff-student ratio at some of the centers was often as high as one staff member to 30 students for an eight-hour shift.

The State Personnel Procedures for merit ratings and grievances have contributed significantly to the problem of mismanagement in the institution. Merit ratings are totally inadequate in that they lack job specificity. Supervisors frequently give good ratings despite poor job performance in order to avoid unpleasant confrontations. In several cases the supervisor conducting the merit rating rarely has the opportunity to observe the subordinate's performance. Grievance procedures are poorly understood by staff and administrators. According to the Division's Central Office records, superintendents' decisions are seldom overturned. Administrators are unwilling to assume responsibility for their decisions. Three superintendents said they will uphold a decision being grieved only after receiving assurance

of the strength of their case from the Division's Central Office and the State's Personnel Department.

Needs are Cited

To combat these problems, the Commission recommended that a minimum of two staff members be assigned each cottage except when students are in school or asleep. It was also proposed that comprehensive staff manuals be developed and distributed to all staff members; immediate measures be taken to alleviate misuse of sick leave and excessive absenteeism; and that the Division revise the personnel appraisal system to include more job specific criteria.

- Although treatment is reported to be the primary objective of the Learning Centers, this objective is not being met in most cases.
- The system has been overcrowded and poorly staffed.
- Because cottage staff have been preoccupied with maintaining custody and supervision, treatment efforts have been limited.
- Counselors complain that they have so much paperwork and so many petty responsibilities that they have little time for counseling.

In many instances staff are not certain which programs are for discipline and which are for treatment. Throughout the Division of Youth Services, the distinction between treatment and discipline needs clarification. At those Learning Centers where there are specific treatment programs, there have been no statistics or records kept on the effectiveness of the different treatment modalities. Furthermore, there has been no evaluation of these programs by individuals outside the Division.

The Commission supports the funding of staff positions under the Mobile Psychiatric Clinic for research and evaluation of all treatment and

discipline programs in Learning Centers. An internal grievance procedure for youth and the restructuring of "due process" (whereby consequences for rule violations are decided) were also recommended in the report. In addition, it was strongly suggested that specific educational objectives be incorporated in all treatment plans designed for individual youth.

Inappropriate Placements

A major problem pointed out by staff at the Division of Youth Services is that students with severe emotional disturbances or mental retardation are being inappropriately placed in the Learning Centers. These students are being damaged by such placement because other students frequently mislead and take advantage of them. The best example of this problem can be seen in an Appalachian student diagnosed as potentially harmful to himself and others, who was constantly eating items not suitable for human consumption such as light bulbs and bed springs. The Commission feels that additional programs should be developed by the Department of Mental Health and Retardation for these severely emotionally disturbed or mentally retarded youth whose well-being may be jeopardized if placed in the Learning Centers.

Among other legislative proposals made as a result of the study were resolutions directing:

- The Secretary of Public Safety to conduct an audit of all medical and dental services being provided to youth in Learning Centers, and
- The superintendents of the Department of Education and Rehabilitative School Authority to develop cooperatively a system whereby credits earned in school programs in Learning Centers may be transferred back into the local public schools.

In addition to the staff research, the Commission appointed a 35-member task force composed of citizens and professionals to conduct an

examination and review of three important areas: Volunteers in the Juvenile Justice System; Private Agencies, Associations and Programs; and Delinquency Prevention and Diversion. The task force also proposed a series of recommendations including:

- That a viable early identification, diagnostic and referral system to detect handicapping conditions be available to every child in Virginia.
- That the legislature reexamine the State and Federal Child Labor Laws to reduce the conflicts and barriers which sometimes prevent youth from available employment;
- That legislation be passed to provide reimbursement for localities which develop outstanding delinquency prevention programs;
- That the requirement for uniform licensing and certification be developed by statute for licensing and/or certification of private facilities for children and youth;
- That a resolution be adopted by the General Assembly commending the ongoing efforts of volunteers working within the Juvenile Justice System and encouraging greater development of volunteer programs assisting children and youth in trouble.

A second report on youth services' issues in the localities and the activities of the Central Office Division of Youth Services will be published in late 1978.

CRIMINAL SEXUAL ASSAULT

Long hidden from the public's view, criminal sexual assault has been recognized as one of the most serious and violent crimes. The public has become increasingly aware of criminal sexual assault because this crime has become more widespread, especially in Virginia, at a time when most of the other major crimes are decreasing. There was a 7.9% increase in rape cases reported in the Commonwealth in 1977 over the previous year.

The main focus on this crime has been generated because of several other factors:

- An awareness of the trauma and indignities suffered by sexual assault victims,
- An emergence of victim crisis and companion programs, and,
- A concern for developing public policy to meet the needs of Virginia's citizens.

In 1975, in response to the many problems of criminal sexual assault as brought to the Crime Commission's attention by concerned citizens, organizations and professionals throughout the Commonwealth, a comprehensive study was undertaken. This was directed by mandate of the General Assembly. Objectives of this study as set forth in the mandate were to reduce the occurrence and work toward the prevention of criminal sexual assault. The goal of the study is to enact a comprehensive criminal sexual assault law--- one that provides more sensitive treatment to victims of criminal sexual assault, and more equitable punishment for those convicted.

Advisory Task Force Appointed

To aid the Crime Commission in the enormous study, a 42-member advisory task force was appointed in August of 1976. The members were chosen on the basis of their expertise, professions and interests. They represent the entire State in regard to sex, race, age, occupation, economic status and interests. The task force worked diligently re-searching all aspects of sexual assault. In order to work effectively on all areas of the study, the task force was divided into five subcommittees covering specific areas: Court Process, Law Enforcement, Legislation, Public Education, and Treatment, Rehabilitation and Punishment. Each subcommittee developed a set of objectives. Most have been met. However, the task force feels that additional time is needed in order to fully complete the objectives and to work on the implementation of some of the recommendations of the task force.

In February, 1978, the Interim Report of the Criminal Sexual Assault study was presented to the Governor, General Assembly, and the public. The report outlined the work done by the task force from August, 1976, to January, 1978, and listed major findings, conclusions and recommendations. The task force, during its research and six public hearings, learned of the concerns and problems of law enforcement agencies, doctors and nurses, victims, rape crisis counselors, students, teachers, attorneys, judges, legislators, local and state government officials, and others.

The study of Criminal Sexual Assault has generated statewide support and interest comparable with any study the Commission has undertaken. Based on research done by the Commission, its staff, and the advisory task

force, the following conclusions are listed:

- That the citizens of Virginia need to be educated as to the trauma, both physical and psychological, experienced by the victims of sexual assault;
- That there is a dire need for a program aimed at treatment and rehabilitation of the sex offender;
- That Virginia needs a comprehensive criminal sexual assault statute that is aimed at more reporting and convictions, and better treatment of victims during the courtroom process;
- That all of the aspects covered and discovered in this study need much more attention than the one-year study period allowed; therefore, another year of study is needed in order to complete all phases of the research;
- That the task force has accomplished more than the assignments set forth in the original study mandate.

The task force also presented a list of recommendations based on the conclusions of the research conducted. They are:

- Adopt a comprehensive legislative proposal to cover all criminal sexual assaults, amending the Code of Virginia, Chapter 4, Title 18.2;
- Adopt a joint resolution by Senator Joseph V. Gartlan, Jr. to extend the study of Criminal Sexual Assault until November 1, 1978, or thereabout, and, at that time, report to the Governor and General Assembly;
- Establish a Crime Prevention Resource Center with special emphasis on criminal sexual assault within the Office of the Secretary of Public Safety;
- Establish a Sexual Assault Speakers Bureau within the proposed Resource Center to speak to public groups, schools, churches, organizations, and other agencies on the prevention and awareness aspects of sexual assault;
- Establish a Rape Crisis Center Coalition which would regulate guidelines for providing the proper services and training of crisis center counselors throughout Virginia;
- Establish a Sex Offender Treatment program within the Department of Corrections with assistance of the Department of Mental Health and Mental Retardation;

- Urge Virginia hospitals to adopt the proposed medical protocol for treatment of sexual assault victims to ensure uniform treatment and practice throughout the state;
- Print and distribute a pamphlet on Rape and Sexual Assault, including medical and legal information to Virginia's citizens;
- Print the protocol for treatment of sexual assault victims and the rape crisis centers; prepare guidelines for distribution;
- Improve the training for law enforcement to include in the curriculum courses in sensitivity and investigative skills for basic and in-service training;
- Study the feasibility of developing separate Modus Operandi and Sex Offender files for the State Police computer network;
- Encourage reporting and sending of information on the criminal history of sex offenders by local law enforcement agencies to State Police;
- Develop protocols for police procedures, courtroom procedures, and Commonwealth's attorneys procedures in dealing with sexual assault.

As stated, each subcommittee set its own objectives and worked toward the accomplishment of these objectives. Several of the recommendations are based on subcommittee findings and projected needs.

The Legislation and Court Process Subcommittees developed a comprehensive bill, which was introduced in the Senate (SB 291) by chief patron Senator Stanley C. Walker, and in the House (HB 623) by chief patron Delegate Ralph L. Axselle, Jr.. This bill, as originally submitted, stressed seven basic issues: ● sex neutrality; ● expansion of the notion of criminal sexual assault to include penetration by any part of the body or by an object; ● a degreed system; ● a special recidivist statute; ● elimination of spousal exemption; ● limitation on admissibility of certain evidence and in-camera hearings, and ● victims' rights. At present, House Bill 623

has been carried over and Senate Bill 291 has passed the Senate with amendments by vote of 32 to six. The sections of the bill concerning position of authority and prosecutions of spouse were removed by the Courts of Justice Committee. Also, the section dealing with admission of evidence was slightly changed. The definition of "intimate parts" was changed to exclude the male breast. The bill was carried over. The resolutions were approved.

Much of the legislative research and background information on sentencing convicted sex offenders was done by student interns of the University of Virginia Law School. This research was conducted under the direction of H. Lane Kneedler, Associate Dean and a member of the task force. (See "Sex Offenders in Virginia".)

The Law Enforcement Subcommittee directed its efforts to four areas of specific importance. These were: • the appropriate statewide collection of data on sexual assault crimes; • basic and in-service training for law enforcement in handling sexual assault and its victims; • a protocol for law enforcement for sexual assault investigations, and • a survey of law enforcement agencies in Virginia as to their policies and capabilities in dealing with all facets of criminal sexual assault.

The subcommittee strongly feels that more time is needed to plan and develop an extensive basic and advanced curriculum in sex crime investigations for law enforcement officers. One of the major problems found in this study was failure of victims to report the offense because of harsh and prejudicial treatment by investigating officers and detectives. This was emphasized in each public hearing.

The Public Education Subcommittee had five major areas of concern:

- the formulation of a comprehensive list of audio and visual aid materials for public school and community use;
- the development of a fact sheet which contains the truths and myths about rape and sexual assault, national and statewide statistics, and statistics on sexual child abuse;
- information on sex education programs existing in Virginia school systems where sexual assault awareness and prevention can be incorporated;
- the inclusion of sexual assault awareness and prevention courses in the safety curriculum of public schools and in parenting courses in junior and senior high school curricula; and,
- the establishment of a statewide Crime Prevention Resource Center within the office of the Secretary of Public Safety (Senate Joint Resolution 51, patroned by Senator J. Harry Michael, Jr.)

The subcommittee worked closely with representatives of the Department of Education in providing a mechanism for reaching public school children as to the awareness and prevention of sexual assault. The subcommittee desires further study of the development of a resource center in order to define its functions and long-term effectiveness.

The Treatment, Rehabilitation and Punishment Subcommittee completed its final report and concluded most of the objectives within their study area. The main goal of this subcommittee was to develop and establish a protocol for improving victim treatment in hospital emergency rooms. It was the majority opinion of many citizens that hospitals are often the victim's first contact after the assault, and therefore must be prepared to correctly handle the situation, emotionally as well as physically.

This medical protocol was developed to provide uniformity in victim treatment aimed at sensitivity throughout the hospitals in the Commonwealth.

Sex offender treatment was also one of the concerns of the subcommittee. Many treatment centers were contacted in order to obtain information regarding rehabilitative results and administrative operations. The subcommittee heard views of corrections' officials, mental health representatives and psychiatrists working with sex offenders. All agree that this type of offender has a special problem and needs special programs and rehabilitative methods different from other offenders. It was also the general consensus that a treatment center should be established for sex offenders in Virginia under the supervision of the Department of Corrections.

One other concern of the Treatment Subcommittee dealt with the coordination of a statewide rape crisis network, and the development of uniform guidelines that will assure victims of proper counseling and other services. The subcommittee developed a proposed set of guidelines that have been sent to all existing crisis centers within the state for comments and suggestions. All responding crisis centers agreed that the guidelines were definitely needed.

Conclusions

As the result of 18 months of dedicated work by the Commission and the task force, recommendations were made that the task force felt would make significant improvements in reducing the incidence of sexual assault and in improving the general awareness of the public to the problems and trauma associated with this heinous crime.

The Crime Commission acknowledges and thanks all the citizens and organizations, the University of Virginia law interns, Department of Education, Department of Corrections, Virginia Hospital Association,

Medical Society of Virginia, Department of Mental Health and Mental Retardation, Dr. Reuben Horlick, Psychiatrist; Chaplain Services of Virginia, Virginia State Police, sex offenders incarcerated within the Department of Corrections who were interviewed, the task force members, and many other citizens who contributed to the research and the success of this study.

SEX OFFENDERS IN VIRGINIA

A Study of Those Convicted and Those Released on Parole

(The following was prepared for the Crime Commission by M. Kathryn Jewett and Patricia H. McCall, two law interns at the University of Virginia Law School, and copyrighted by them. The Commission thanks them for this valuable research done through the cooperation of the Department of Corrections, and especially its Classification and Records Section.)

At the present time the Virginia legislature is studying its criminal code sections on sex offenders with an eye toward reform. In order to decide rationally what changes are needed, it is necessary to see what is now happening in the State, and so the purpose of this study was to ascertain the present policies and practices in Virginia with regard to the sentencing and parole of sex offenders under the present law.

The majority of the information in this report was derived from the files of the Adult Division of the Virginia Department of Corrections, and all sex offenders who were classified as such by the Department were included in this study---516 in the main study of inmates incarcerated as of September 13, 1977; 58 released on parole between September, 1976, and September, 1977; and the offenses concerned were primarily rape, statutory rape, incest, sodomy, abduction and attempts to commit these crimes. Other offenses committed together with these were classified as non-sex violent and non-sex property crimes.

It is necessary at this stage to point out the limitations of this study as regards accuracy.

The Virginia Department of Corrections does not yet have its full records on computer, but merely brief details of the inmate's name and number, and the primary offense of which he was convicted. This means

that where the conviction was for a more serious offense, such as murder, any sexual offense of which he was also convicted would not have been indicated, and so the files of such offenders have not been included in this study. This would, however, appear to apply to only a very few cases. Neither was it possible to include offenders who were convicted but not incarcerated, or juvenile offenders who were not incarcerated in an adult institution.

The study was divided into two parts: the first dealing with statistics concerning the 516 convicted, and the second dealing with the 58 released on parole and determinants in the decision to release.

Part I - Those Convicted

As far as racial breakdown of offenders was concerned, the study showed that more blacks were convicted of sex offenses than whites--- 58.8% compared to 41.0%, there being a higher percentage of black offenders under 18 than the percentage of black offenders for all other age groups. The figures also showed a higher incidence of white offenders after age 30. Only three of the inmates in the sample of 516 were women, all accomplices to their crimes. Only 10.1% had no prior arrest or conviction record; 31.8% had a prior record for sex offenses, and, of these, only 3.1% had records consisting solely of sex offenses without any other type of offense. However, 86.3% had a prior record consisting of non-sex offenses. Very few were drug-related, and traffic offenses were excluded.

These figures make it clear that most convicted sex offenders were involved in other types of crime prior to the present offense. As regards intelligence, 67.2% were classified as either normal or dull normal on

their reception into the Correctional System; 62% had their occupation listed as unskilled common laborers, and approximately one-quarter were kept in minimum security custody units. Not surprisingly, the large urban areas produced the greatest number of convictions for sex offenses.

It was also thought relevant to study the victims involved in the crimes. Here, however, it was more difficult to compile figures as the quality of the information on file varied dramatically.

It was clear that the majority of all the sodomy victims were 10 years or under, and the majority of all rape and attempted rape victims were over 16 years. (Rape - 69.8%, attempted rape - 72.6%). Also notable was the highest percentage of attempted rape victims over 25 years as compared to rape victims.

Rape tended to be charged even when the case fell into the statutory rape category, and the latter appeared to be used only when the Commonwealth's case was not strong, or when there was evidence of consent.

Of the offenses, 87.8% were against female victims, and as far as race is concerned, the most notable factor is that whites were almost never convicted of offenses against blacks. Of the offenses, 10% were committed against family or household members, and 29.2% against people the defendant already knew. Where blacks were convicted of offenses against blacks, the victim was more likely to be known to the defendant; 61.4% of the sample pleaded not guilty to at least one of the charges against them, and 53% of these elected to be tried by a judge, who tended to give lighter sentences than juries. White defendants were more likely to plead guilty than blacks.

Where sentence length was concerned, the use of weapons appeared to be the most important determinant, being present in 42.2% of the cases.

Suspended sentences seemed to be invoked so as to avoid statutory minimum sentences.

A further relevant factor was that on a conviction for both a sex and non-sex offense, the non-sex sentence was most likely to run concurrently or be suspended. Abduction, non-property and non-sex violent charges were more likely to be dropped than sex offense charges.

Offenses committed with at least one other person was 24.6%.

Overall, sentence length also appeared to be affected by the race of the defendant, and victim sentences were higher if the victim was white, and lower for a white defendant.

Prior record, however, had very little effect on sentence length, perhaps surprisingly, considering the important role it appeared to play in the parole decision. Table A shows the sentences received by the 516 inmates (expressed as percentages).

Part II - Determinants in the Parole Decision

This part of the study looked at the 58 inmates convicted of sex offenses, and paroled between September, 1976, and September, 1977; 55% of the parolees were black, 42%, white. A total of 71 victims were involved, 30% of whose race could not be determined from the files. One notable feature here was that although relevant at the sentencing stage, race was not an important factor in the parole decision. Neither was age relevant.

One factor the Parole Board did seem to consider relevant was the offense of which the defendant was convicted, parole being more frequently granted where the offense was statutory rape rather than rape. This would seem a logical finding, even though the victims of these offenses are

generally younger than in other offenses, as the charge of statutory rape is likely to be used where little or no violence is involved. This suggestion of a tendency to parole non-violent offenders is supported by the fact that in only 17.2% of the cases was a weapon involved, as opposed to 42.4% in the main study. An effort also appeared to be made to release co-defendants at the same time.

Another factor emerging was that those paroled were more likely to have been at least acquainted with their victims at the time of the offense.

At this stage it is necessary to look at the length of sentences received by the parolees in comparison to those in the main study. As far as rape was concerned it was found that the vast majority of those paroled had received sentences rather lower than average for this offense (compare Tables A and B) and so were not among the most reprehensible offenders of their kind. In Virginia, an inmate becomes eligible for parole after serving one-quarter of his sentence, or 15 years, if a life sentence.

The majority of parolees in the sample were released soon after becoming eligible for parole, which again implies that they were the least serious offenders. In the main study, where higher sentences were received, the inmates were clearly serving longer.

With the aid of a computer, it was possible to determine the most important factors in the decision to deny parole, and of particular significance there appeared to be a rape conviction for the present offense, a prior sex offense conviction, custody status, whether furlough and work release had previously been granted, the use of violence, and a prior parole record---the number of times granted and revoked in the past. In contrast to the position at the sentencing stage, where prior record did not appear

significant, it was seen to be an extremely important determinant in the parole decision, the Parole Board regarding a man as a lower recidivist risk if he has a record that is clear or has only non-sex offenses. Forty-eight percent of the parolees were released from A custody, 50% from B, and 2% from C.

From speaking with Pleasant S. Shields, chairman of the Virginia Parole Board, it became clear that the present policy of the Board is one which is moving towards a presumption against granting parole to inmates convicted of serious sex offenses, at least until a very substantial part of their sentence has been served.

In reaching a decision, the Board will review the file of an inmate, and one of the chief complaints of the chairman was over the lack of available information concerning the original offense. Medical and psychiatric reports may also be missing, resulting in delay. A further grievance expressed was over the lack of comments received from trial judges and Commonwealth's attorneys on the nature of the offense and the issue of whether parole should be granted.

Public opinion is seen to be of considerable importance in the decision, as also is the inmate's behavior in prison, the length of sentence left to serve, and his previous record. A great deal of importance is attached to a personal interview with the inmate.

Shields also expressed concern over the inadequate supervision of parolees in the community due to the heavy caseloads of parole and probation officers.

In conclusion, therefore, this study would seem to indicate that parole is being given to a fairly small percentage of those eligible, and is being granted to those convicted of offenses of a less serious and less violent

nature than committed by offenders refused parole, and where the offender and victim are quite likely to have been acquainted prior to the offense. Again it is worth emphasizing the fact that race does not appear to play a relevant part in the parole decision, unlike at the sentencing stage, and conversely, one of the main factors at this stage---linked to the fear of recidivism---appears to be the prior record of the offender and the presence of a prior sex offense conviction.

Patricia H. McCall
Charlottesville, February 1978

TABLE A

STUDY OF 516 CONVICTED AS OF SEPTEMBER 30, 1977

sentence length	rape	sodomy	stat. rape	incest	att. rape	att. sodomy	fondling *	enticing	indecent exposure	abduction	nonsex property	nonsex violence
less than 1	.3%	1.2%									2.5%	1.4%
1-4	3.7%	31.1%	34.2%	71.4%	4.6%	14.3%	66.7%	71.4%	100%	12.5%	17.5%	20.2%
5-9	17.0%	39.8%	28.9%		25.3%	14.3%	33.3%	28.6%		27.9%	25.0%	14.5%
10-14	17.7%	22.4%	7.9%	14.3%	18.4%	57.1%				20.2%	14.2%	24.6%
15-19	9.8%	.6%	10.5%		18.4%					6.7%	5.8%	4.3%
20-24	12.5%	1.9%	2.6%		14.9%					19.2%	15.0%	17.4%
25-29	7.4%				1.2%					2.9%	2.5%	
30-34	5.4%	.6%	7.9%		3.5%	14.3%				1.0%	3.3%	1.4%
35-39	2.0%										.8%	
40-44	3.9%	1.2%	5.3%		2.3%						2.5%	1.4%
45-90	3.9%				1.2%					3.9%	5.8%	2.9%
life	15.7%			14.3%	8.1%					3.9%	5.0%	8.7%
death	.7%		2.6%		2.3%							
imposition of sentence												
suspended		.6%			1.1%					1.9%	.8%(1)	
totally suspended	.3%	4.4%			2.3%	14.3%	22.2%		75%	1.9%	5.8%	1.4%
	(1)	(7)			(2)	(1)	(2)		(3)	(2)	(7)	(1)
totally concurred	2.5%	19.3%	10.5%	28.6%	5.8%	57.1%	22.2%	57.1%	25%	20.2%	31.7%	27.5%
	(10)	(31)	(4)	(2)	(5)	(4)	(2)	(4)	(1)	(21)	(38)	(19)
total no. for offense	407	161	38	7	87	7	9	7	4	104	120	69

*Indecent liberties w/minor

TABLE B

OFFENDERS PAROLED BETWEEN SEPT. 1976 and SEPT. 1977

	STATUTORY			INCEST	ATTEMPTED	ATTEMPTED	ABDUCTION	NON-SEX	NON-SEX
	RAPE	RAPE	SODOMY		RAPE	SODOMY		VIOLENCE	PROPERTY
Less than 5	12.8%	25.0%	71.4%		20.0%		66.6%		33.3%
5-9	44.4%	38.4%	14.2%		40.0%		33.3%	60.0%	33.3%
10-14	16.6%	16.6%	14.2%						
15-19	5.5%								
20-24	5.5%	8.3%			20.0%			20.0%	
25-29	2.7%								
30-34									
35-39									
40-44	2.7%								
45-90		8.3%						20.0%	33.3%
life	8.3%	8.3%			20.0%				
death	2.7%								
	% of 36	% of 13	% of 7	% of 0	% of 5	% of 0	% of 3	% of 5	% of 6

*Sentence length does not include any part of the sentence that is suspended. Most sentences were for terms of 2, 3, 5, 6, 7, 10, and 12 years.

CRIME IN VIRGINIA AND HANDGUNS

The Crime in Virginia project was begun in 1976 as a program of awareness and education. It was conducted on a regional basis to determine from law enforcement and others involved with the criminal justice system the major crime problems and the needs of the system. A goal of the project has been to make law enforcement officials as well as citizens more aware of the problems in order to foster cooperation and greater concern.

In meeting with criminal justice officials across the state, it was found that there is much similarity in the problems and major concerns statewide. Police officials throughout the state report that breaking and entering, burglary, larceny and drugs are the major crime problems along with handguns. The emphasis changes with the concentration of the population, its degree of seasonality, and the jurisdiction's relative proximity to major urban areas. Marijuana is the major drug problem in most jurisdictions. The juvenile crime problem is mostly breaking and entering, vandalism and drugs.

Handgun violence continues to plague our nation, cities and towns. Every day 63 people are killed by a handgun in the United States. A lack of uniform control on distribution, possession and use of these weapons contributes to a climate of fear and violence in our communities, leading many persons to purchase handguns for their protection who would not ordinarily think of having a gun in their possession. Some of these weapons, however, are used during domestic disputes, suicides or accidental shootings. While legislators have been reluctant to enact stricter controls on purchases of handguns, many citizens and media continue to press

for stronger legislative remedies.

In the last two years in Virginia, 50% or more of the total number of homicides were caused by handguns, according to the Uniform Crime Reporting section of the Department of State Police. During 1977, there were 458 reported homicides and 228, or 50%, of these were with handguns. In 1976, there were 475 reported homicides and 251, or 52.9%, were with handguns. Both of these years showed declines over 1975 when 576 homicides were reported and 279, or 48.4%, of these were the result of handguns.

A breakdown of homicides caused by handgun, shotgun, rifle, knife, club, hands, fists, and other weapons for the past three years follows:

	1975		1976		1977	
	NO.	%	NO.	%	NO.	%
TOTAL NUMBER HOMICIDE	576	100%	475	100%	458	100%
HANDGUN	279	48.4%	251	52.9%	229	50.0%
SHOTGUN	73	12.8%	58	12.2%	59	12.9%
RIFLE	37	6.4%	28	5.9%	24	5.2%
KNIFE	15	2.6%	56	11.8%	68	14.8%
CLUB	87	15.1%	4	.8%	4	.9%
HANDS, FISTS, ETC.	37	6.4%	27	5.7%	25	5.5%
OTHER	11	1.9%	41	8.6%	34	7.4%
WEAPON UNKNOWN	37	6.4%	10	2.1%	15	3.3%

(Source: Uniform Crime Reporting Section, Department of State Police)

The fact that 312 Virginians, or 73% of the total number of murders, were killed by firearms is alarming. Virginia's law enforcement agencies, state and local, during the past year have done well. There is no question about the fact that we must do better. There is nothing the citizens of

Virginia detest any more than violent crime. When it comes to the safety of loved ones, whether it be on the streets or in the home, they will not back away because of cost. Without a reasonable degree of safety and security, the Crime Commission believes that all else is immaterial.

In 1970, more than 8,000 Americans were felled by handguns. Nationally, 80% of all homicide victims knew their assailant as a relative or friend. Between 1961 and 1970, 95% of the policemen killed in the line of duty were felled by handguns. Guns are sold, not only to a good citizen, but to the mentally ill, criminals, dope addicts, convicted felons and juveniles. There is little distinction between persons who should have a right to purchase handguns. Handguns are not generally used for sporting purposes, and such purposes do not require keeping handguns in private homes.

- It is up to the Federal government and the states to see that effective legislation is introduced and that proper controls of handguns are implemented; that state legislation shall require all citizens interested in purchasing a weapon to obtain a permit after showing that he is qualified to own a handgun.

There is a myth about guns. It is---that guns don't kill people, people do. Handguns are rarely used effectively against the burglar or robber. By the time the owner is aware that his home has been invaded, the burglar could overwhelm the owner and could, in all probability, shoot the owner with his own gun.

Gun control does exist in our society. The question is whether there should be more controls than those we have at present, and should handguns in particular be further restricted as a means of diminishing the increasing number of gun deaths and accidents. In a 1975 poll, 67% favored registration of all firearms. ¹ Polls throughout the years have indicated support of stricter gun controls. However, this same poll showed that while people

1 "Firearms Control Has Wide Backing," New York Times, June 5, 1975.

in the larger cities support complete banning or possession of handguns, 55% of the American public interviewed did not believe that possession should be banned. While many people will admit to being for reasonable control of handguns, the problem is to establish a national and/or state-wide concensus as to what is "reasonable". Others object to any form of handgun control.

- The facts are clearly on the side of handgun control. There are over 50,000,000 handguns in this country. One is sold every 13 seconds. Over 69 persons are killed by guns each day, the majority being killed with handguns. One out of every 100 deaths, including those from disease and natural causes, is due to gun homicide, suicide or accident.

Common sense dictates that street crimes are happening in Virginia's business areas and in our neighborhood streets. The Crime Commission believes that the return of the neighborhood beat police officer is overdue. This opinion is shared by many others, including a number of chiefs of police and others in law enforcement agencies, as well as private citizens and the media. Our police in Virginia are better prepared, better trained, better educated and better equipped than ever before. There are just not enough of them. Their numbers are too small, they are spread too thinly, and in many localities the monetary rate is too little. Of high priority is the pressing need of law enforcement agencies for more personnel in order to handle the ever-increasing demands put on the agencies. In conjunction with that, local police departments feel the need for and are desirous of financial assistance from the state. Salaries available for law enforcement officers are a source of extreme concern in many areas of the Commonwealth. A number of jurisdictions are unable to offer competitive salaries with other departments or with industry. This leads to a high rate

of turnover in those agencies where salaries are lower. One of the recommendations of the study of Goals and Objectives for Virginia's criminal justice system was that the state participate in the compensation of local law enforcement to the extent of 40%. The Commonwealth pays two-thirds of the salaries of members of the sheriffs' department. The Crime Commission intends to take a more complete look at the compensation of local law enforcement in 1978, and will make recommendations.

Proper training of law enforcement is a major concern found in our work. Most departments take pride in the high level of training received by all officers. Some localities feel that available training is not applicable to specific needs. Police administrators are concerned about funding for prescribed training requirements.

The Commission responded to several specific needs which became apparent during the project to assist law enforcement and to aid victims of crime. It was brought to the Commission's attention that there was no up-to-date compilation of statutes on dangerous drugs and controlled substances to which law enforcement could easily refer. This often led to confusion and inconvenience in having to search the Code for applicable statutes. Police agencies were anxious to have easier access to the Code sections. The Crime Commission, after consultation with the Board of Pharmacy, sponsored the publication of a manual of all the drug laws. These reference manuals are being distributed to law enforcement agencies.

Victims of violent crimes under Virginia law are now, under certain circumstances, eligible for compensation from the state; however, few victims at the outset of the program were taking advantage of it. During

the first three months of the compensation program's operation, only 18 claims were filed. The Crime Commission was concerned about this apparent lack of awareness of the availability of assistance. Jointly, with the Attorney General's office, the Commission developed an information sheet describing who would qualify for payments and how to apply. Pads of these sheets were distributed to interested police departments for use by officers when investigating crimes so they could be given to victims. Applications for compensation under the Crime Victim's Compensation Act have decidedly increased in recent months.

CORRECTIONS

Utilizing both new and remodeled facilities, the Department of Corrections added 1,048 new beds to state facilities in the calendar year of 1977. The new facilities include the first two units at Mecklenburg Correctional Center, which now has a budgeted population of 144; the Reception and Classification units at Powhatan Correctional Center, where a 120 bed wing was added, and the Southampton Correctional Center, where a 100 bed unit was built. Both Reception and Classification units were opened late in the year. Southampton receives first offender felons 23 years of age and under.

A portion of two wings at Powhatan were remodeled for use in the Reception and Classification process. Other buildings were remodeled including the Powhatan Annex and Powhatan North, as well as a Trailer Complex there. Another trailer complex was also put in at Southampton. This remodeling continues a trend that began two years ago because of overcrowding.

Now Houses 7,875

Since July 1, 1975, there have been 2,226 beds added in the facilities of the Division of Adult Services. Thus, 7,875 inmates were housed as of December 31, 1977. This expansion resulted in a sizable decrease in the population in local jails. By necessity, many of them had been overcrowded in the last two years while housing inmates who should have been incarcerated in state facilities. The jails continue to house approximately 800 felons who will be transferred into state facilities as beds become available.

At the end of the year there were 37,310 persons, including 12,397 children, under supervision. This includes 824 in the various State Learning Centers and Reception and Diagnostic Centers. (For a statistical profile of the population, see Appendix C).

Construction projects currently underway or funded will add 1,192 additional beds. These were included in the bond referendum approved by the citizens of the Commonwealth last November. A total of \$21,500,000 was earmarked for Corrections. Included in this are:

- An infirmary, operations center and a bachelor officers' quarters at Mecklenburg;
- A 504 bed Medium Security Complex expected to be built in Brunswick County designed to provide housing, training and treatment facilities;
- An Intensive Treatment Learning Center at Bon Air to provide special treatment programs for 36 juveniles who are unable to function in the open learning programs;
- A 200-bed Youthful Offender Correctional Center at Southampton to provide specialized treatment programs and vocational training to the young offender 18-21 years of age;
- A small infirmary at Powhatan.

Also included in the bond package, and important in the Department's planning, are completion of the meat processing plant at Powhatan, expansion of the laundry at Southampton, and construction of an industry building for paint manufacture, possibly at Halifax. In 1976, a new 100-bed unit was completed at Halifax, bringing its capacity to 175. Addition of the industry building should permit utilization of an available work force for a reduction in costs to the Commonwealth. The Department of Corrections has been a heavy purchaser of paints for its major facilities, field units, and other institutions. When completed, the meat processing

plant should handle the entire processing of beef and pork products raised at department facilities for state use. Processing planned will include portion control, curing, canning, and other necessary meat preservation. Products will be distributed to state facilities by refrigerated trucks. Recent additions and planned expansion at Southampton necessitates a laundry expansion. Its capacity will be increased from 262,800 pounds annually to nearly 1,000,000 pounds annually.

Plans have been prepared for these new facilities. They have also been prepared for the final housing unit at Mecklenburg and for two new units to house 200 at St. Bride's Correctional Center. Funds for this were provided in the 1976-77 budget. The fifth and final 72-man unit at Mecklenburg is being built with Federal funds as are a permanent road and bridge. When completed, Mecklenburg will have a capacity of 360. It is designed to provide secure confinement for the offender, and is Virginia's only total maximum Security Intensive Treatment Center. It is to house the offender who does not respond to treatment programs nor carry out work assignments in other facilities.

Additional expansion in the Department is necessary to handle the 9,559 felons expected by January, 1980, and the 10,803 expected by January, 1982.

Since the Department of Corrections was established as a separate agency in 1974, the Crime Commission has worked closely with its director and other department heads. A good rapport developed under the direction of Jack F. Davis, and it has continued with his successor, T. Don Hutto, who took over last spring. The Commission believes that there have been many improvements, especially in the areas of administration, classification, records keeping, communications, budgeting, purchasing, and especially security.

Staff Development

By increasing the total number of facilities and the population, it was naturally necessary to increase and to train new staff members. There are 6,567 persons, most of whom are correctional officers, employed by the department as of the end of last year. Of these, 442 were paid by special funds. The Academy for Staff Development at Waynesboro was utilized for considerable training, providing 16,966 total program hours for 328,681 trainee hours.

More than 1,200 correctional officers were trained in the 252-hour Correctional Officer Training program. Thus, the Criminal Justice Services Commission's mandate that all employed correctional officers be trained by December 31, 1977 has been achieved. The number of correctional officers in need of training has been reduced to a manageable number. There has been a sharp decrease in the rate of turnover. It is expected that 600 to 800 new correctional officers will be trained this year and each year in the future.

Because of the improvements, particularly in classification, records, and security, problems within the department have been greatly reduced. Escapes reached a 10-year low in fiscal 1977. There were 136 escapes, or 19 per 1,000 population, compared with 578 escapes, or 106.1 per 1,000, in fiscal 1974. This includes all of the 11 major institutions and 30 field units for adult offenders. (Diagrams showing a 10-year comparison of misdemeanor and felon escapes as well as the escapes per 1,000 inmates are carried as Appendices D and E).

Escapes Decrease

Escapes and violations were also reduced in the furlough program. There was one escape and one technical violation during 1977 as compared

with four escapes and five violations the previous year. Furloughs were granted to 402 individuals which means that 39% of the applications were approved.

There was one homicide at Bland Correctional Center, and one suicide at Powhatan Correctional Center.

There were 246 on work release at the end of 1977. This program reached its peak in 1974 when 580 inmates participated. Because of a number of problems resulting from the large number of work releasees, more careful selection was required. The number of participants is now limited to 270. Inmates in work release pay Federal and State taxes for the opportunity to save money and to support their families, and through paying room and board, assist in defraying the administrative costs of the program. The department continues to encourage study release and a number of inmates are utilizing it by attending college programs at facilities near their correctional base.

Classification and Records

From the time of its study of the Penitentiary in 1973, the Crime Commission has stressed the importance of sound classification. At that time records were in shambles and with the creation of the new Department of Corrections, the Commission urged that emphasis on this was essential. There has been marked improvement in Classification and Records Services in the last several years. Records are now carefully handled, their movement from the vault, where they are filed, is documented. Each time the record is handled, documentation is recorded and only authorized personnel handle the records while they are out of the vault.

With the new Reception and Classification units opening at Powhatan and Southampton, even more improvement is anticipated. These units will provide Virginia with modernized reception/classification capability.

Already Classification, anticipating increases in the state system, has responded effectively to the increased number of offenders being transferred from local jails. Operating guidelines have been developed and given to personnel throughout the department.

The Classification and Central Record Office, the State Parole Board and the Division of Probation and Parole Services were moved into adjacent office spaces. Thus, there has been improved lines of communication and accountability between these three units as well as improved communication between the Attorney General's office, the Rehabilitative School Authority, the Crime Commission and other criminal justice agencies. Inmates have been transferred throughout the Division of Adult Services with no incidents. Errors related to Classification and Records Management have been reduced and a systems procedure has been established for safeguarding information contained in them. The Crime Commission believes that sound classification has been a key factor in reducing escapes and criminal activities within adult facilities, and in tightening furlough and work release program procedures.

Meaningful Progress

Personnel in Classification and Records have, through personal visits to various units, provided each superintendent and staff with special training and assistance. This has helped unit officers in their day-to-day dealing with inmates. A full-time Central Classification Board was established to serve as a quality control mechanism to all units in the

decision-making process. Classification and Records have plans to refine existing operational procedures and further audit training efforts of other staff and institutional personnel. Plans also will be developed to effect work release where feasible in those local jails that do not have present work release programs.

Members of the Crime Commission have visited and met with the Assistant Director of Classification/Records, Rudy Guillen, and his staff, and appreciate their cooperation. The Commission believes that meaningful progress has been made in this area in the past two and one-half years. It further believes that to make continued progress, some positions must be upgraded.

The department is in the process of establishing its options for the 1980's---what needs to be done, and why. The present average stay of an inmate is 28 months. Of the felons, 66% are receiving probation compared with the national rate of 80%. Director Hutto contends that if the probation rate was increased to 70%, the average length of stay would be reduced to 24 months, and that by doing this, bed space could be reduced to 6,500 instead of the anticipated 10,803.

LOCAL JAILS

In the past year, continued improvement was evident in a majority of Virginia's jails. At the end of the calendar year, 1977, there were 3,806 persons incarcerated as compared with 5,380 housed in local jails at the end of February, 1976.

As beds were opened within facilities of the Department of Corrections, inmates who should have been housed in state facilities were transferred. This decrease of 1,576 persons, or 24%, is the result of better cooperative working arrangements and understanding within the entire criminal justice system.

Although the overall population in local jails has decreased, and at the same time there has been an increase in some jails in correctional officer staffing, there continues to be dangerous overcrowding in at least 25 facilities. Some of this overcrowding will continue until additional beds become available in the state facilities.

Those jails that continue to be overcrowded are located in Amherst, Augusta, Carroll, Culpeper, Fairfax, Frederick, Henrico, Henry, Lancaster, Orange, Patrick, Prince Edward, Prince William, Richmond, Roanoke, Rockbridge, Southampton, and York counties, the Albemarle-Charlottesville Joint Security Complex, and the city jails in Alexandria, Chesapeake, Lynchburg, Martinsville, Richmond, Roanoke and Suffolk. Until early February of 1978, the Fairfax County jail was the most overcrowded. Built to accommodate 70 persons, it was averaging in the neighborhood of 150 persons. The Richmond city jail continues to house more than 600 persons, which is considerably lower than the record 887 it held on March 23, 1976.

By spring of 1978, the Department of Corrections expects to open 460 additional beds. Of these, 200 will be at the St. Bride's Correctional Center where construction of new housing has been delayed because of inclement weather; 120 at the new Reception and Classification facility at Powhatan Correctional Center, and the remainder at the Southampton Correctional Center.

Contrasting Totals

These moves will push the population of the Division of Adult Services over 8,000. The population was 7,875 as of December 31, 1977. These figures are in sharp contrast with those prevailing in the spring of 1976 when just over 6,200 were housed in the Division of Adult Services. This is a 27% gain.

Because of the cooperation between the Department and local jails and the availability of beds, there were only 710 felons with more than six months left on sentences being housed in the local jails at the end of the year.

The continued cause of concern in local jails is not only the overcrowding, but also the fact that more than 150 juveniles are being housed in these jails. Many of the juveniles are housed in jails that are overcrowded. This is especially true in the cities of Richmond, which consistently houses more than 20 juveniles; Norfolk, Alexandria, Chesapeake, Newport News, Petersburg, Portsmouth, and Hampton, as well as Henrico, Fairfax, Arlington, Chesterfield, Fauquier, Halifax, Henry, Loudoun and Wise counties.

Two New Jails

In early February, 1978, Virginia Beach and Fairfax opened new jails. The city of Newport News had opened its new multi-story jail late in 1976 and is now able to accommodate 215 whereas only 51 could be housed in the old facility. Arlington county and the city of Danville also have opened new, larger and modern jails since the Crime Commission began its study of local jails in mid-1974. Henrico county has a new facility under construction, and, when completed, will house 182. At present, Henrico's jail has a rated capacity of 60 and frequently has housed one-third more inmates than its normal capacity.

Both Virginia Beach and Fairfax have, for a long time, been among the more overcrowded jails. The old jail at Virginia Beach had a rated capacity of 90, but frequently housed 120 or more.

Having long ago surpassed its rated capacity of 70, Fairfax county had been boarding inmates in a number of facilities. At one time there were 84 inmates scattered over 15 jurisdictions as far away as Gate City and Covington. This caused an expensive and time-consuming hardship on the sheriff's department, the families and attorneys of the inmates. In the past, a number of jails have boarded inmates elsewhere; as the overcrowding lessens, this practice is decreasing.

There is space for 254 persons in the new facility at Fairfax and space for 210 at Virginia Beach. Each has separate living areas for those on work release. There also is ample space for counseling and educational classrooms as well as multi-purpose rooms and recreational areas. Each of these new jails have adequate library and cafeteria facilities. Also, each has remote control locked doors and an in-house television monitoring system covering all living areas. In both of these

facilities the juveniles and females, of course, are kept in separate cell blocks.

Cooperative Arrangement

Following its in-depth study of Virginia's jails, one of the Crime Commission's recommendations was designed to solve some of the overcrowding. The recommendation proposed that jurisdictions enter into a cooperative arrangement utilizing three jails. This has now become a reality in three localities. The facilities are in Clarke, Warren and Frederick counties, and the city of Winchester. Under the arrangement, adult males awaiting trial are housed in Warren county, women and juveniles in Clarke county, and those males who have been tried and are awaiting transfer are held in the Frederick-Winchester jail. The pilot program is being funded through the cooperation of the Division of Justice and Crime Prevention.

In June, the Crime Commission met in Winchester and visited the Clarke, Warren and Frederick-Winchester facilities as well as one of the field units of the Department of Corrections in that area. Each of the sheriffs serving in these jurisdictions, and others associated with the operation, expressed satisfaction over the success of the experimental program, and recommended it to other areas. They said that they had very few problems transporting inmates from one facility to another, or to the various courts.

Opening of new facilities and increased workload in others resulted in a number of jurisdictions requesting additional correctional personnel from the Compensation Board. The Compensation Board authorized 30 additional correctional officers at one time, and two others later for the new facility

in Fairfax, and 12 for Virginia Beach. One or more officers were authorized for county jails in Arlington, Richmond, Lancaster, Northumberland, Wythe, Mecklenburg, Pulaski, Frederick, Loudoun, Rockingham, and in the cities of Petersburg, Suffolk, and Lynchburg.

The Crime Commission has worked with the House Appropriations Committee, the Compensation Board, and the Department of Corrections, as well as the Virginia Sheriffs' Association, in an effort to help continue to improve conditions within local jails and their operation.

New Standards

In recent months the Department of Corrections, through the Division of Youth Services, has been preparing new proposed standards for the housing of juveniles in local jails. These have created considerable concern among a number of sheriffs who strongly contend that in order to live by the proposed standards, they would have to violate the law. The Board of Corrections delayed action on proposals considered at a meeting in August, 1977. New proposals were adopted in February, 1978. Many of the sheriffs, after reviewing the new proposals, contend that they are unworkable.

Funding Needed

Since the study of local jails began, considerable legislation has been introduced in two sessions of the General Assembly. Some passed and became law; some did not. Two bills dealing with the study were reintroduced in the 1978 session. House Bill 587 requires that the staff of the local jails be certified by the Department of Corrections as to the number of staff necessary for proper operation of duty posts; this would be binding

on the Compensation Board and the local jurisdiction. The other, House Bill 588, relates to reimbursement for jail construction. It would increase state participation in construction of new local jails from \$25,000 to \$50,000, and \$150,000 for construction of regional jails. It would also include renovation monies to be provided up to \$50,000 with matching local funds. Both bills have been carried over.

The Crime Commission believes that despite rigid budgetary constraints, some renovating, additional new facilities and staffing are essential.

More Staffing Needed

In the past two years, at the request of sheriffs, the Department of Corrections has provided surveys of 14 local facilities to determine staffing needs. Based on these surveys, a total of 533 positions was said to be necessary. The Compensation Board has approved 413 of these, leaving 140 yet to be approved. To fund these positions in the next biennium would require an outlay of \$1,600,035.20 as the Commonwealth's two-thirds portion of the cost of jail operation, leaving the \$800,017.60 to be financed by the jurisdictions involved.

Again, the Crime Commission appreciates the cooperation of the Compensation Board in that it realizes the extra burden placed on local jails because of continued overcrowding within the Department of Corrections. The Commission continues to firmly believe that in the interest of public safety, the safety of both inmates and jail staff, and the proper operational function of the facility, that sufficient staffing must be provided.

The Commission appreciates the cooperation that it has received in

this study through the administration, specifically the Secretary of Public Safety and the Department of Corrections, as well as the local jurisdictions. The Commission continues to be extremely concerned over the juveniles housed in local jails, and those inmates with emotional problems who are housed in state correctional facilities.

PROBATION AND PAROLE

In the past year the Division of Probation and Parole Services has developed Minimum Standards of Supervision for its field officers. The purpose is to document the type of service the Division expects to be rendered to clients referred for supervision and to provide a realistic evaluation of such services.

As the workload increases, there is the necessity of making certain that contacts are actually made with all persons under supervisory care. Previously, more discretion was given to officers to make a non-meaningful contact or no contact at all.

In its study of Probation and Parole, the Crime Commission had a subcommittee conduct an audit of casework in selected districts. The purpose was to evaluate the quantity and the extent of the current level of casework in Virginia.

Staff Increases

Even though the field officer staff was increased during fiscal 1977 by 28 positions, the base workload for each authorized officer had increased to 81 units by mid-year. During the calendar year 1977, authorized Probation and Parole staff actually was increased by 50. The ideal is 50 units per officer. The workload is based on a formula that accounts for time allocated to investigations as well as direct client service. The number of cases under supervision increases almost annually. In the last fiscal year, cases under supervision increased by 4%; the number of investigations conducted increased by 6%.

Some of the larger Probation and Parole districts were divided so that

five new districts were formed. This was done for two purposes:

- to allow closer working relationships between courts and the district officers.
- to better serve clients by having district officers closer to their home.

The time lag between favorable Parole Board action and an offender's release on parole was further reduced. Two years ago the Crime Commission strongly emphasized the need for reducing the time lag, which was then actually 79 days. A Parole Release Section was created to deal with this problem, and a year ago the time had been reduced to 30 days. Now it has been cut to less than 30 days through the relocation to adjoining offices of the Division of Probation and Parole Services, the Parole Board, and the Classification and Records Bureau of the Division of Adult Services. This move eliminated a number of record management problems. Additionally, more institutional parole services were provided at major correctional centers.

A grand total of investigations completed during 1977 was 16,703 compared with 16,166 during the calendar year 1976. A breakdown of investigations in three categories follows:

INVESTIGATIONS COMPLETED			
JANUARY 1, 1977 - DECEMBER 31, 1977			
	Pre and Postsentence Reports	Field and Offense Reports	Miscellaneous Reports
January	492	148	572
February	563	156	591
March	689	218	784
April	596	155	628
May	561	128	566
June	608	169	835
July	524	151	685
August	456	132	704
September	491	120	687
October	480	131	730
November	580	117	732
December	485	185	854
Grand Total - 1977.....			16,703
Grand Total - 1976.....			16,166

On December 31, 1977, there were 10,329 probation cases under supervision, 2,985 parolees and 15 pardonees under supervision, for a total of 13,329. This was a substantial increase over the 12,744 under supervision at the same time in 1976. At that time there were 9,727 probationers, 3,002 parolees and 15 pardonees under supervision.

Handling these cases are 23 Probation and Parole officers, Chief B's, 25 Probation and Parole Duputy Chiefs, nine Probation and Parole officers, Chief A's, and 21 Probation and Parole officers. This is an increase of five in the first category, two in the next, no increase in the third, and 247 in the last category.

In all areas except Northern Virginia, the starting pay of a Probation and Parole officer is \$10,032. This increases in the various steps to \$13,728 for those with a Bachelor's Degree in Sociology, Psychology, or in the Social Science field and one year's experience. Without the year's experience it is possible to begin as a trainee for six months. The salary ranges from \$9,168 to \$9,600. Chief A begins with \$10,512 and increases to \$14,328. Chief B begins at \$11,472 and goes to \$15,565. In contrast, a State Trooper starts at \$10,512 and in seven steps can be increased to \$15,000. There is a salary difference for some state employees in the Northern Virginia area.

The Division of Probation and Parole Services is requesting a regrading of salaries for starting officers.

REHABILITATIVE SCHOOL AUTHORITY

The Rehabilitative School Authority, which was established July 1, 1974, operates and maintains all educational facilities in institutions operated by the Department of Corrections.

Despite problems created by inadequate facilities and low salaries, the Rehabilitative School Authority curriculum has been greatly expanded.

During January, 1977, the Rehabilitative School Authority implemented its Phase I educational program at the Mecklenburg Correctional Center. This program provides for individualized Adult Basic Education (ABE) and General Educational Development (GED) preparation and library services for the population of that institution. An ABE/GED program and library facilities are planned to be provided for the inmate populations at the Southampton Correctional Center Trailer Annex and the Powhatan Annex which are projected to open during the spring of 1978. During 1976, such a program was developed at the Staunton Correctional Center. Since then, the Staunton program has been expanded to include two vocational offerings of furniture reupholstery, refinishing and repair and a micro-electronics bench-work repair program. To operate the micro-electronics repair program, the Sony Corporation of America is donating approximately \$100,000 in hardware and software equipment and materials for the Rehabilitative School Authority to train inmates to repair various types of office equipment. Inmates who successfully complete the course will be interviewed by Sony and other electronics firms for possible job placement after parole or release.

A community college grant awarded to the Rehabilitative School Authority in 1976 by LEAA has provided tuition assistance for inmates who are qualified

to take community college level courses, and who, otherwise, cannot fund their course tuitions with veteran's benefits or with personal funds. Under this grant, 176 inmates have completed from one to four courses which have been offered at the St. Bride's, James River, Powhatan and Staunton Correctional Centers, at the Virginia Correctional Center for Women, and the Penitentiary. As of February, 1978, a total of 264 adult inmates are enrolled in college programs (academic). There are 63 adult inmates who are enrolled in vocational college programs.

Certificates Awarded

Since its inception, the Rehabilitative School Authority has awarded a total of 1,030 GED certificates to youth and adult offenders and students have earned 2,212 certificates in 32 different vocational programs provided. A recent assessment of reading and mathematic test scores in Rehabilitative School Authority youth schools indicates that, on the average, students are achieving one month's gain for each month during which they are enrolled in a Rehabilitative School Authority school. Test scores indicate even higher achievement rates among 18-21 year old inmates who are enrolled in Rehabilitative School Authority young offender programs.

There is a problem, however, in many localities in having educational credits earned in Rehabilitative School Authority facilities accepted by public schools. Therefore, the Crime Commission introduced legislation in the 1978 General Assembly session requesting the superintendents of the Rehabilitative School Authority and of Public Instruction of the Department of Education to cooperate in the development of a system whereby credits for educational and vocational courses be accepted by all local public schools. A report on such a system shall be submitted to the Governor and the General Assembly by October, 1978.

Training Provided

A Staff Development and Training program for Rehabilitative School Authority employees which was implemented in January, 1977, has provided training for 229 administrators, teachers, teacher's aides, and secretarial personnel to improve their job performances, to qualify for recertification of teaching certificates, or to begin graduate programs in their respective fields. Also, under the direction of the Rehabilitative School Authority Coordinator of Volunteer Services, there are 140 volunteers serving in a variety of capacities as teachers, tutors, teacher's aides and clerks.

A Department of Corrections and Rehabilitative School Authority Joint Task Force recently developed recommendations for the improvement of youth and adult educational programs. A study is being conducted by the Rehabilitative School Authority on the relationship between prior involvement in institutional educational programs and recidivism, and an additional study on the post-release effect of Rehabilitative School Authority vocational programs is underway.

The most pressing need of the Rehabilitative School Authority is to increase its supervisory and supportive office staff to meet the ever-increasing needs of monitoring, evaluating, and implementing programs which must be maintained and upgraded to meet the educational needs of youth and adult offenders.

FALSE BURGLARY AND ROBBERY ALARMS

The problem of false burglary and robbery alarms was brought to the Crime Commission's attention by the Northern Virginia Chiefs of Police Committee which has made a study of the nature and extent of false bank alarms in its jurisdiction. The Commission's concern about the problem led to a subcommittee's review of the situation in the state. The purpose in addressing the problem was threefold:

- to provide for the safety of law enforcement officers, victims and citizens,
- to assure the greatest possibility of apprehension of the offenders, and
- to provide for more effective use of law enforcement resources.

Nationwide Problem

False burglary and robbery alarms present a serious problem nationwide. National police statistics consistently indicate a false alarm ratio around 97%. The direct result of this is a loss of effective police manpower, accidents directly attributable to alarm responses, and the repetitiveness of the alarms causing officers to become lax and to be caught off guard. We encourage increased awareness of the significance of the problems created by false alarms, and recommend that steps be taken to ensure the safety and protection of all individuals involved including citizens, police officers and bank personnel.

The high percentage of false alarms has been found in studies around the country. For example, according to the most recent figures, New York City has a 97.3% false alarm rate; Ladue, Missouri, 99%; Riverside, California, 98%; Multnomah County, Oregon, 96.3%; Pasadena, California, 96.6%,

and Dallas, Texas, 95-96%. A similar situation exists in Virginia.

Steps Taken to Control

In the localities comprising the Northern Virginia Planning District Commission, for a one-year period in 1974-75, there was a 99.1% false alarm rate for financial institutions alone. We have found it uniformly to be a problem in most metropolitan regions of the state. In those regions where it is not a major problem, the local jurisdictions have already taken regulatory steps to control the problem.

We do not know the precise number of false alarms received each year for a number of reasons. For one, all police departments do not keep tabulations, and, additionally, there is disagreement between police and security industry officials as to what constitutes a false alarm. From the police standpoint, every time officers respond and find neither burglars nor evidence of attempted entry, the alarm is deemed to be false. However, it is possible that potential burglars may have been frightened off by an audible portion of an alarm or by the arrival of police, industry spokesmen argue. They say in that instance the alarm system has served its purpose, that of deterring a burglary. They are quick to point out that an alarm system is serving its purpose if an unlocked window or door should be blown open causing an alarm, or if a guard testing an unlocked door should push it open.

Difficult to Compare

When police do keep records of false alarms, they generally record the total number of false alarms rather than the number per 100 alarm systems or some other reference measurement; therefore, it is difficult to compare statistics of different cities. The number of alarm systems

being installed is increasing. Another consideration which is making it difficult to judge the problem is that some departments consolidate all types of alarm systems in the one category, while others separate specific target areas, such as financial institutions, when comparing statistics.

Given the above limitations of the situation, it is, nevertheless, evident that a vast majority of all burglary alarms received by police are deemed to be false and have a noisome effect on police and consume manpower which could well be spent elsewhere. The two major concerns and impact areas are: • the valuable resources of law enforcement which are being diverted, and • the dangerous complacency of responding officers due to the high false alarm rate. An additional concern is the traffic hazards created when responding to an emergency call to a false alarm site.

No Estimate

We do not have an estimate of law enforcement time spent on responses to false alarms in Virginia; however, as an indication of the problem, police departments in Northern Virginia dispatched officers and made reports in 4,000 cases of false alarms in one year from financial institutions alone. Law enforcement agencies across the state have confirmed that they too are having problems with the amount of time required to answer false alarms. A number of jurisdictions in the state have taken action to attempt to reduce the number of false alarms.

Police attitudes about alarms are generally those of frustration and anxiety. They have feelings of frustration after responding to countless false alarms. Anxiety evolves naturally every time a police officer receives a call to a burglary or robbery in progress because he must psychologically prepare to face danger. Commonly, police officials say,

many officers who repeatedly respond to false alarms do not prepare themselves for danger, making them vulnerable in the event of actual robberies.

Control Efforts

Most alarm legislation which has been enacted in the last several years has been aimed at controlling the user of the equipment by establishing a flat fee or penalty procedure for false alarm responses, or establishing a system of user permits whereby a permit would be revoked after a set number of false alarms. Another approach which has been recommended is a statewide licensing and regulatory statute designed to control alarm companies, equipment and installation. Another method which has been suggested is to prohibit alarm systems terminating in police stations, thereby requiring them to terminate at a central station; in order to control this, all central stations would be required to be licensed.

Under the fee system, any company having a false alarm would be assessed a flat fee for the false alarm response. There would be graduated fees or penalties for each false alarm with monetary penalties increasing as the number of false alarms increase. The Alarm Industry Committee for Combatting Crime found that fees for false alarms range from \$5 to \$50 in the various ordinances which have been enacted. The cities of Virginia Beach and Charlottesville have this type of system whereby the police department is authorized to assess a fee for false alarms responded to by the departments. The city of Roanoke, using a combination approach, requires a permit and assesses a \$25 fee for each false alarm that results in a police response. Seattle, Washington, has an ordinance calling for a graduated penalty system whereby the first two false alarms may occur at no charge, but thereafter a \$25 fee will be assessed for each additional

such alarm. The alarm may be ordered disconnected if corrective action is not taken after three false alarms are received. A report is required from the subscriber after every false alarm. After the enactment of the statute, Seattle experienced a drop in their false alarm rate.

Decrease in Charlottesville

The city of Charlottesville, through a local ordinance enacted in 1972, has made progress in cutting down false alarms. Police response to alarms and their attitudes about them have improved markedly, according to police officials. Prior to the local ordinance, the department was experiencing three to five false alarms per day; with the controls now in effect, they average three to four alarms per week. All alarm lines were removed from police headquarters. A private company selected by bid installs and maintains an automatic alarm device in the police station to which alarms may be connected. The company pays the city \$100 per month for allowing the equipment to be in use in the city. The company charges subscribers a \$75 initial fee and \$5 a month maintenance fee to keep the alarm on the system. A \$15 fee is charged by the city for each false alarm where negligence on the part of the subscriber is determined by the police chief. The Chief of Police has the authority to disconnect an alarm if it is a constant source of false reports. Their system does allow for automatic dialing alarms; however, they are not allowed to tie into the regular police number. An important feature of the system is the discretionary powers the chief has which provide flexibility in charging fees when there is doubt about the cause of the alarm, and the authority to disconnect when a system is faulty.

Model Ordinance

The approach which requires a permit and allows for the revocation of it after a set number of false alarms has been adopted by many jurisdictions nationwide. This concept is included in a model ordinance developed by the International Association of Chiefs of Police. It was also suggested in the Report of the Task Force on Private Security to the National Advisory Committee on Criminal Justice Standards and Goals. The city of Roanoke has adopted the permit system which includes the assessment of fees. They require that all subscribers obtain a permit issued by the city in order to connect to the city's communications center. That center is owned and supervised by the city and provides 24-hour a day service. Permit seekers are required to make application to the building commissioner for an electrical permit. All alarm equipment in buildings must be Underwriters Laboratories listed and installed in conformity with the National Electrical Code. Subscribers are assessed a \$25 fee for each false alarm which results in police response to a location regardless of the cause of the false alarm. In the event of the occurrence of three or more false alarms within 30 days, the city will disconnect the alarm system.

Permit Revocation Plan

The model ordinance developed by the International Association of Chiefs of Police requires that users obtain a permit from the local jurisdiction, and if the user incurs more than four false alarms within a year and fails to take corrective action after notification, the permit is revoked. Under such an ordinance, police would not refuse to respond to an alarm from a user with a revoked permit, but if the alarm system user persists in using an alarm after his permit has been revoked, the alarm user may be convicted

of a misdemeanor and could be fined and/or imprisoned. The IACP recommends that communities enact the permit revocation plan, but suggests that if that method fails they should enact provisions for an assessment of fees for excessive false alarms.

The Private Security Advisory Council recommends a model statute which provides uniform procedures and qualifications for the licensing and regulation of alarm businesses and the issuance of identification cards to alarm agents. The model contains provisions for licensing each company and establishing standards and specifications for alarm systems and equipment sold in the state.

The state of Texas has enacted state licensing legislation.

More Direct Contact

Another alternative which has been suggested attempts to control alarm users via the central or modified central stations. By this, the police department would not receive any direct lines from alarm systems. Instead, all alarms would terminate in a central or modified central station. The jurisdiction would license all receiving stations and require them to license their alarm users and register them with the police. The idea is that the central station would have more direct contact with each user and a closer relationship and, therefore, be able to screen alarm signals prior to their reaching the police department. The city of Norfolk is attempting something similar to this, although they are not requiring the licensing. They are currently taking all alarm terminations out of the police department radio room and requiring that alarm users connect to a private industry central alarm station. The receiving station will call the police department when they receive an alarm they deem to be legitimate. This is being done in

response to the tremendous number of false alarms they are now receiving, and their limited capacities to handle incoming alarms. Norfolk found, as was found in Northern Virginia, that the majority of the false alarms are occurring between 8:00 a.m. and 9:00 a.m. when banks are being opened for business. This indicates that the major cause is subscriber error in accidentally tripping an alarm or failure to turn off an alarm system when starting the work day.

Program in Richmond

False robbery alarms are no longer a major problem to Richmond police. No alarms terminate in the police department. Therefore, they are controlled somewhat by central alarm agencies or in-house alarm centers. In 1971, the department established a policy of not allowing any alarms to terminate in the department. Since that time the problem of false alarms has greatly decreased. Many banks in Richmond have taken the initiative in instituting some checks on their systems. The majority of them have their alarms connected to the bank's security center. Upon receiving an alarm signal, the center would verify the alarm and then telephone it to police. In this way they provide control over their own system. If a bank alarm should come into the department which is false, then the police department notifies the central security system which takes its own measures to get the problem under control. The central alarm receiving centers provide an acceptable level of control over alarms of private companies. The police department works in conjunction with financial institutions, the alarm industry, and the Federal Bureau of Investigation in conducting seminars for bank personnel.

The Northern Virginia Chiefs of Police Committee, which has made a study of the nature and extent of false bank alarms in its jurisdiction, is working with the alarm industry and user institutions in trying to resolve the problem. The departments have instituted uniform guidelines for procedures in responding to bank alarms. They view the ordinance approach as a last resort.

Conclusions and Recommendations

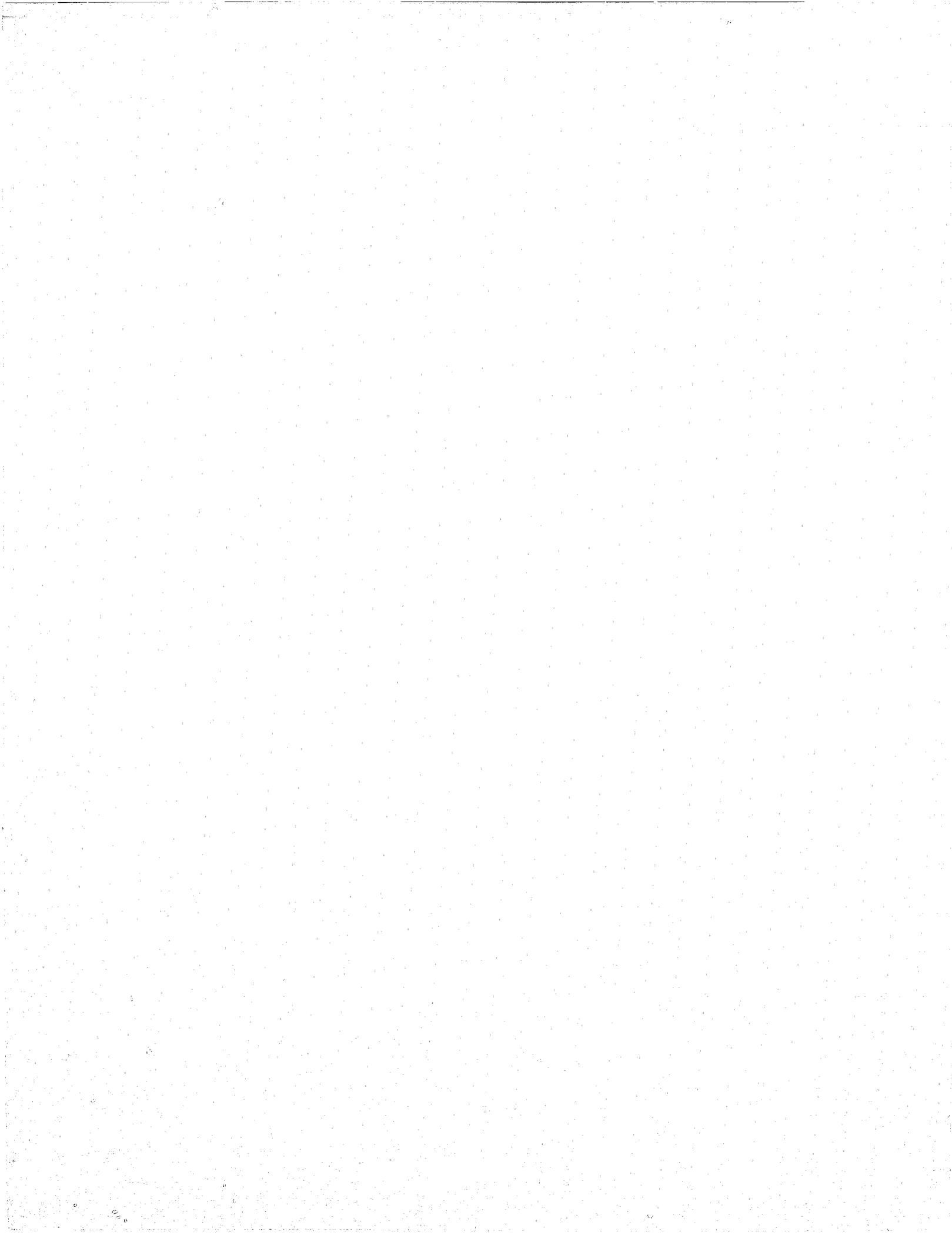
The purpose of this report is to focus on problems created by the incidence of false alarms. This is not to suggest that institutions and businesses should refrain from the installation of alarms. That would defeat the purpose of an alarm system and make the task of apprehending burglary suspects more difficult. Alarms are an important crime prevention tool. They do have a high crime deterrent effect in a community. Alarm systems are considered an important labor-saving and crime prevention tool to police. The best solution to the situation is a cooperative effort by law enforcement, subscribers to alarm systems, and the alarm industry.

Local jurisdictions have a legitimate interest in controlling alarm systems as to what will be tolerated because of the great amount of police time that is consumed by responding to false alarms when the incidence is such as has been related to us when not controlled. We do not feel the state or localities should get involved in the licensing of alarm companies. These companies should continue to function in the free enterprise system. We propose that the best solution is for localities to adopt ordinances to control the problem of false alarms and design them to meet specific needs of individual communities. We recommend passage of state legislation which would enable jurisdictions to enact local ordinances. The state legislation

should encourage adoption of such local ordinances in those localities which have experienced these problems.

Law enforcement should get out of the alarm business to the greatest extent possible. Responsibility for setting up, installing and maintaining alarm receiving equipment should be left to the industry as much as is possible. The issuing of permits for alarm hookups, we feel, is an unnecessary, time-consuming task which could be left to the industry. We recommend the institution of a fee system through which companies would be assessed a fee for each false alarm. We recommend that the jurisdiction, through its chief of police, be given the authority to disconnect an alarm system if such system repeatedly on frequent occasions causes false alarms due to faulty equipment.

Through local ordinance and a concerted effort by police, subscribers and the industry, an acceptable procedure can be developed.



CONTINUED

1 OF 2

SENTENCING

The sentencing of those convicted is probably the most important element of the criminal justice process. The criminal justice system serves a variety of purposes, including deterrence, rehabilitation, isolation, and perhaps retribution. It is at the point of sentencing that these aims must be balanced against one another in reaching a decision as to what should be done with a particular individual.

The major problems in sentencing seem to come from disagreement as to the social purposes that sentencing should serve, the lack of evidence as to the effectiveness of penal measures to achieve these ends, and the lack of legal guidelines and standards for courts.

Sentencing Disparities

Such deficiencies lead to disparity in sentencing. Disparity exists when there is variance in sentences for the same statutory offense and that variance is unrelated to the consideration of aggravating and mitigating circumstances. A lack of uniformity is, in some cases, justifiable. Judges are given discretion in sentencing in order that they may sentence according to individual needs. Disparity may result from statutory definitions of crimes including a broad range of conduct having varying degrees of seriousness. Also, a lack of uniformity may reflect differences in the priorities of various communities.

Unjustifiable disparity may detract from the objectives of the criminal justice system by promoting disrespect for law and by lowering public confidence in the ability of the courts to deal justly with those who come before them. Such disparity affects correctional administration. Prisoners

compare their sentences, and if they become convinced that they have been dealt with unfairly, they may become hostile and resist treatment and discipline.

A questionnaire was developed in the Crime Commission Study of Sentencing for judges, prosecutors, defense attorneys, and former jurors to seek their attitudes on sentencing practices in Virginia. Each circuit court judge (101) received a questionnaire designed especially for that group. Another questionnaire was sent to each Commonwealth's attorney (121). Clerks from almost every court in the state supplied jury lists from which 400 names were randomly chosen, and each received a questionnaire designed for former jurors. With the aid of the Virginia State Bar's Criminal Law Section membership list, 300 defense attorneys were randomly selected to receive the fourth questionnaire.

There were 27 questions asked all four groups. These questions related to penal philosophies, feelings on present practices of sentencing, and possible alternatives to the system. In addition to these questions, each group was requested to answer specific questions relevant to their particular position in the sentencing process.

Hypothetical Cases

The circuit court judges and former jurors received seven hypothetical cases for which they were requested to sentence the subjects. There were two versions of each case with one version containing more or different information than the second version. Half of the judges and former jurors responded to one version and the other half received a different set of facts. The purpose in using this method was to isolate factors which may lead to different sentences for like offenses.

An overview of the hypothetical cases points to several factors which may have an effect on a defendant's sentence. The factors include sociological influences such as social status and family history, drug addiction, prior criminal record, and a probation officer's recommendations. There are numerous other factors which undoubtedly influence a judge or a jury in their sentencing capacity; however, it would be almost impossible to name all of these influences and be able to predict a certain outcome as long as the human element is present in sentencing. When dealing with individuals, the chances of highly accurate predictions are almost impossible. This questionnaire dealt only with a limited number of factors whose influence could change in a few years.

Questionnaire Results

Through the questionnaire, it was found that a majority of judges, former jurors, and defense attorneys would prefer to have the jury determine only the guilt or innocence of the defendant and let the judge determine the sentence. It was felt by most that a jury is likely to resolve doubt as to guilt by compromising on a light sentence. "Flat-time" sentencing was favored by a majority of former jurors and Commonwealth's attorneys while a majority of judges and defense attorneys did not. Only Commonwealth's attorneys favored a bifurcated trial system. It was evident through the responses to the questionnaires that the four groups could not agree on any one type of sentencing structure for Virginia.

A definite geographic disparity exists within Virginia for certain crimes. For example, the average sentence for robbery from October, 1973 to October, 1976, in Alexandria was seven years and two months, but in Portsmouth the average was 15 years and three months. In Chesterfield the average sentence for robbery was 10 years and 10 months, while the average

in Bedford was 32 years, two months. The statewide average was 12 years, three months for robbery.

Different Feelings

The geographic disparity of robbery in the state would seem to be a result of differences in areas of the state---Northern Virginia versus Southwest Virginia---and differences between urban and rural crime problems. One judge has noted that, in his circuit, there is not much disparity among judges, but there is great disparity among jury sentences. The judge also pointed out that through his experience, most judges will try to sentence an offender to the amount of time they believe a jury would sentence that offender. A jury in Southwest Virginia would most likely have different feelings toward an armed robbery than would a jury in Northern Virginia. If the judges in those two areas try to keep in mind the feelings of the jury and thus the community when sentencing, there will be a difference in the two sentences.

There are several alternatives to the present system of jury sentencing in Virginia. This state could join most of the other states and end the use of a jury except in capital cases, or, Virginia could retain the jury to decide guilt or innocence and allow the judge to sentence as is done in Georgia. The establishment of a bifurcated trial such as the one recently adopted by the General Assembly for capital cases would retain the jury. This system allows the jury to hear background information on the defendant after he or she has been found guilty, but before imposing sentence. The bifurcated trial is now used in Texas.

Habitual Offender

In some cases where the jury is still utilized for non-capital cases, an "habitual offender" statute is employed. If an offender is charged with being an habitual offender (having been previously convicted of two or more felonies), the jury considers the previous convictions in determining the sentence to be imposed for the felony of which the defendant currently stands convicted. The extended term to which the defendant may be sentenced is limited for each class felony. In another state, if the defendant is tried under the "habitual criminal act", the jury decides only the guilt or innocence and the judge imposes sentence. Virginia's recidivist trial is similar except that the Department of Corrections is responsible for bringing prior convictions to the attention of the court, and the offender is tried only in Richmond after he or she has been incarcerated for the current offense.

Flat-Time Sentencing

Another alternative to the present system in Virginia is called "flat-time sentencing." This system has been introduced in Maine and Illinois. Flat-time sentencing is the imposition of specific sentences for specific crimes, and it abolishes indeterminate sentencing and the parole system as presently practiced. Under the system the prison term would be fixed at the beginning of the term by the judiciary, release would no longer be determined by the parole board, and the offender would know the length of his or her term prior to incarceration. Specific penalties are fixed according to each class of crime with the range in mitigation or aggravation substantially narrowed. Career criminals, or really dangerous persons, may receive enhanced or longer flat-time sentences as provided by the

legislature.

Included in the flat-time sentencing system are provisions for early release on the basis of earned "good time". The Parole Board would no longer function to determine who is eligible for release since release can be obtained only after the term is completed. Current probation and parole personnel could be used to supplement services to persons placed on "mandatory supervision" and to ex-offenders, and to provide alternatives to incarceration.

Revision of present sentencing practices to a flat-time sentencing system, however, appears to indicate that incarceration time would be lengthened for felony offenses. This increase in incarceration time would necessarily increase the cost of prison operations.

On the basis of the philosophy that certainty of confinement is more important than severity or length of confinement, a system called "presumptive sentencing" has been introduced. After studying both flat-time and mandatory minimum sentencing structures, it was found that both go too far in eliminating all flexibility.

The process would start with the legislature's breaking down crimes into several subcategories. For each subcategory of crime, the legislature adopts a presumptive sentence that should generally be imposed on typical first offenders who have committed the crime in the typical fashion. The legislature also would determine how much the presumptive first-offender sentence ought to be increased for each succeeding conviction according to a formula based on a predetermined percentage.

Mandatory Sentencing

Specific aggravating or mitigating factors based on frequently recurring

characteristics of the crime and the criminal would have to be defined by the legislature. Sentencing hearings should be mandatory to establish any aggravating or mitigating circumstances and to have the sentence pronounced. Only in truly extraordinary and unanticipated circumstances would the judge be permitted to deviate from the presumptive sentence beyond the range permitted by an ordinary finding of aggravating or mitigating factors.

Much further study is needed before any of the above alternatives could be adopted in Virginia. It must be decided whether the jury system, as used in this state, is in need of overhaul or even abandonment. Then, if this is done, the alternatives must be carefully studied for the best choice for Virginia.

The sentencing subcommittee along with the advisory committee met several times and discussed the data and information summarized above. The subcommittee could not agree on any one proposal to change the sentencing policies in Virginia. Several members favored abolishing the jury system and turning the sentencing power completely over to judges. Other members were satisfied with the present system and want to retain it. Still, other members favored a bifurcated trial for Virginia or a presumptive sentencing system.

Changes Proposed

The subcommittee, however, did discuss the recidivist proceeding in Virginia, and recommended changes. In 1976, there were 478 recidivist trials in this state. None of those tried was on an out-of-state conviction. The docket for these cases is extremely crowded; from January, 1977, until April, 1977, 70 trials per month were scheduled. The average is 30 to 50 trials

per month.

According to statistics from the Department of Corrections, 653 recidivists (from Virginia and elsewhere) were committed to the penal system for the year ending June 30, 1976. This points out that there are quite a few recidivists from out-of-state who are not being sentenced by the recidivist court.

Amend Recidivist Law

The committee believes it is unfair to Virginia recidivists that they are being sentenced to an extra term in prison while those persons with convictions in other states do not receive such a term. The committee also pointed out that a judge sentencing a defendant pursuant to a pre-sentence report is already taking the defendant's prior criminal record into consideration when making his decision. To sentence a defendant again for his prior record through the recidivist proceeding is seen as unnecessary.

Therefore, the committee recommended that the recidivist law be amended so that any offender tried by a judge and sentenced pursuant to a pre-sentence report should be excluded from being considered a recidivist and sentenced under the recidivist statutes. A bill providing for this change was introduced by the legislative members of the subcommittee on sentencing. However, the bill was amended so that the intent of the bill as passed was contrary to the original intent of the legislation. The bill, as passed by the legislature, provides for mandatory terms of imprisonment for those previously confined in a penitentiary for felony convictions.

FORENSIC SCIENCE

During the last calendar year, 20 Virginia law enforcement officers received intensified crime scene search training while attending 12-week sessions conducted by the Forensic Science Academy, thus bringing to 80 the number of officers who have completed this advanced training. They represent 60 different jurisdictions and agencies. The Forensic Science Academy is conducted by the Bureau of Forensic Science which operates within the Consolidated Laboratory Services.

The Forensic Science Academy was launched with a pilot program in the fall of 1974. It was the first such program conducted by any single state. Investigative officers are carefully selected for this comprehensive training. The Academy has had a total of 134 applicants to date. Between 30 and 50 have been considered for each session. Each training class is limited to 10 officers. Through specialized scientific training the officers are better able to recognize, preserve and route items of crime evidence into the Forensic Laboratory system. The central laboratory is in Richmond. There are regional laboratories located in Norfolk, Roanoke, and Merrifield. The main laboratory serves 30 jurisdictions. There are 21 jurisdictions served by the Western laboratory, 16 by Tidewater, and 113 by the Northern Virginia laboratory at Merrifield.

Workload Increases

As the number of highly trained investigators increases, the workload of the Bureau likewise increases. There were 360,000 specimens of evidence examined during the past year. This was an increase of 23% over the number of specimens handled in 1976, even though the total number of cases received

for scientific investigation decreased. There were 27,210 cases as compared with fiscal 1975 and 1976 when 29,642 were received. These, however, resulted in only 181,226 specimens for examination. In completing the required examinations, Bureau chemists and scientists spent 2,128 hours, or 16-man months, in overtime. Much of this was voluntary. Some volunteers' time may not have been recorded. Additionally, court appearances required 36-man months of examiners' time. This is a decrease of about 6% over the previous year. However, there appears to be an urgent need for more examiners and supporting personnel. They perform a wide range of highly technical examinations, such as firearms, tool marks, documents, serology, illegal drugs, etc. The Bureau provides maximum analytical assistance and improved services to all law enforcement in the Commonwealth.

Excellent Retention Rate

Of the 80 investigative officers who have completed Forensic training, there has been an excellent retention rate over a four-year period. Only five graduates have left the service of the local agency. None has left the state. Graduates include 24 individuals who represent 23 different sheriffs' departments; 46 officers who represent 34 municipal and county police departments, and nine who represent two state agencies. Eight of these represent the Department of State Police, being selected from that agency for each training class in order to increase its crime scene search units.

New Program

Law enforcement departments of various sizes are included in each

program. Eighteen percent, or 14 graduates, come from departments whose total organization ranges from five to 15 persons; 30%, or 16 graduates, from departments ranging from 15 to 30; 15%, or 12 individuals, from departments ranging from 30 to 60; six percent, or five, from departments ranging from 60 to 100; 14%, or 11 persons, from departments ranging from 100 to 200, and 27%, or 22 graduates, from departments whose personnel number over 200.

In order to keep graduates abreast of changes in the expanding field of Forensic Science, the Academy this year offered a new program. It was a three-day retraining seminar for the first 70 graduates. Through its grant from the Division of Justice Crime and Prevention (DJCP), which has funded the program from its inception, expenses have been paid for all who had taken the training and retraining.

Additionally, the Bureau set up one-week Forensic training programs in various localities. This was designed to expose a larger number of officers to the capabilities of the Bureau of Forensic Science and to familiarize them with the proper evidence-handling techniques. Subjects covered include drug recognition, photography and basic camera operation, serology, fingerprints, questioned documents, firearms, and tool marks. Approximately 1,100 Virginia law enforcement officers attended seminars conducted in Southwest Virginia, Roanoke, Norfolk, Northern Virginia and Richmond.

Specimens Increase

The laboratory has had increasing specimens of Phenmetrozine (Preludin or street name BAM). These are being submitted primarily by agencies in metropolitan areas. The only source noted so far has been from the commercial product. Tablets of the drug, which produce stimulative effects, are crushed,

mixed with water, heated in a bottle cap "cooker", and injected.

Less heroin specimens are being received than a year ago. Most of the heroin received is the brown variety which generally originates from the Mexican channels of distribution.

Cocaine use appears on the rise, based on the quantity being received. A slight increase in amphetamine samples also appears this year after decreases in the last several years. The major difference is that the material now being submitted appears to be a clandestine product.

Marijuana continues as the highest volume drug specimen being submitted to the Bureau. The number of LSD (Lysergic Acid Diethylamide) and PCP (Phencyclidine) samples appears to have stabilized. This may indicate no new increases in this already large market.

Federal Grant Awarded

A Federal grant has been awarded to the Bureau to establish a program to detect drugs in blood. This was awarded by the Virginia Division of Highway Safety. Virginia law prohibits the driving of a motor vehicle while one is under the influence of alcohol or self-administered drugs. Even though much research and emphasis has been placed upon detecting alcohol in drivers, very little has been done in the area of other drugs.

Through the grant, the Bureau has implemented a new program whereby blood samples, submitted in relationship to DUI (driving under influence) cases in which the alcohol level is below the presumptive level, will be examined for a variety of commonly used drugs which could affect one's driving. Preliminary testing during program development has shown drugs present in some of the samples examined.

Federal funds also have been provided by the Division of Justice, and Crime Prevention for the purchase of three major instruments now in use. These are:

- A micro-processor controlled gas chromatograph/mass spectrometer which has provided the drug chemistry section with a tool capable of effecting separation and identification of complex mixtures of drugs in one step. This instrument is designed to allow hands-on operation by chemists who have not had a great deal of mass spectrometer experience. The instrument automatically searches a storage library of chemical substances and prints out any identification with a high degree of speed and specificity.
- An atomic absorption spectrometer which is capable of detecting parts per billion of inorganic elements such as barium, antimony, lead, arsenic, etc. Equipped with an automatic sampling device, this instrument will be capable of performing automatic analysis of swabs submitted for detection of gunshot residue.
- A scanning electron microscope/energy dispersive X-ray analyzer adds a new dimension to the Bureau of Forensic Science. This instrument allows magnification of objects from 5X- to 240,000X while performing quantitative and qualitative elemental analysis of micron-size particles. This invaluable tool has already been effectively used in a diversity of samples associated with firearms, serology, and trace evidence. Besides the high order of magnifications possible, this instrument provides a depth of field unobtainable by conventional light microscopy, the first tool of Forensic Science.

LAW ENFORCEMENT TRAINING

In recent years Virginia has placed increasing emphasis on both a sufficient number and fully trained law enforcement personnel.

The Criminal Justice Services Commission establishes the requirements. This formerly functioned as the Training and Standards Commission. The Commission was expanded November 1, 1976 to also collect, maintain, and disseminate criminal history information, and to coordinate the development and operation of a statewide comprehensive criminal justice information system.

The Crime Commission has consistently advocated the upgrading of law enforcement in all areas and to improve the salary structure. The Commission, which proposed the legislation that established the training program, believes that this has helped to reduce the crime rate. Compulsory requirements for training have been established for local jurisdictions and at the state level. Personnel receiving the training include jailers or custodial officials, correctional officers employed by the Department of Corrections, courthouse and courtroom security, and the office of the Fire Marshall. Last year, private security training also came under the Criminal Justice Services Commission.

Basic law enforcement training is required for all permanent, full-time law enforcement officers employed subsequent to July 1, 1971. It consists of 249 hours. Of these, 189 hours are in classroom training. The other 60 hours are in supervised field training. There were 887 satisfactorily completing this training last year, bringing the seven year

total to 7,854.

The compulsory minimum in-service training is 40 hours for each law enforcement officer every two years. This requirement became effective January 1, 1975. There were 4,911 students satisfactorily completing in-service training last year, bringing the total to 12,006.

Training for courthouse and courtroom security, jailers and custodial officers, and correctional officers became effective in 1973. The courthouse and courtroom security consists of 40 hours of classroom training. There were 87 completing this in 1977, bringing the total to 868 who have satisfactorily completed this program. Full-time jailers or custodial officers of local law enforcement agencies have 124 hours of minimum training. Of these, 84 hours are in classroom instruction and 40 hours in supervised field training. There were 393 completing this in 1977, bringing the total to 2,253 who have satisfactorily completed the course.

735 New Officers

The classroom training for correctional officers consists of 164 hours of instruction at the Academy for Staff Development in Waynesboro. An additional 48 hours of institutional training and 40 hours on-the-job training are given at the respective institution of each correctional officer. There were 735 full-time correctional officers employed by the State Department of Corrections who satisfactorily completed this course in 1977, bringing the four-year total to 3,143.

Compulsory minimum training standards for local fire marshalls and their assistants began January 1, 1976. This includes those who are to be given power of arrest, to procure and serve warrants, and to issue summonses.

The training consists of 40 hours classroom work. There were 34 completing this training last year, bringing the two-year total to 99.

Additionally, there were instructor's and firearm instructor's schools as well as training director's seminars. The instructor's school and the firearms instructor's school had 71 persons satisfactorily taking 80 hours of classroom and practice application work, bringing the total to 435. This training is offered to officers of local criminal justice agencies to assist them in research, lesson preparations, and presentation when serving as instructors in criminal justice work. The firearm instructor's school had two sessions at Quantico. This stresses safe and effective handling of firearms. This demands that fully qualified and knowledgeable instructors be available and capable of instructing in firearms and related matters.

The training director's seminar was established as an annual event for those individuals responsible for the direction and control of criminal justice training programs. Forty persons participated in the seminar at Blacksburg.

Private Security Added

The training for private security personnel began last year. There were eight approved schools for unarmed guards, offering 36 sessions in which 502 unarmed guards satisfactorily completed the required training. There were 36 schools approved for armed guards and couriers. There 825 armed guards and couriers, 45 armored work personnel, and 23 private detectives/private investigators who satisfactorily completed training. The training of private security service business personnel was begun to

establish and coordinate regulations for compulsory minimum training standards and to ensure the safety and welfare of the citizens of the Commonwealth who come in contact with private security personnel. The complete breakdown showing the number of schools, sessions, students, etc. taking these courses is shown in Appendix F.

LEAA Changes Ahead

Over the years, many of the progressive and positive programs imperative to assure quality law enforcement were financed through Federal funds provided by the Law Enforcement Assistance Administration (LEAA). These were made possible by the Council on Criminal Justice and administered by its Division of Justice and Crime Prevention (DJCP).

For some time there has been a rising criticism of the LEAA. While much of the criticism has focused on abuses in spending and failure in many areas to curb the rising crime rate, it is fallacious to believe that the agency can cope with all of the problems of the criminal justice system effectively and immediately.

LEAA was created by the Omnibus Crime Control Act (OCCA) in 1968. The law's basic purpose was to "assist state and local governments in reducing the incidents of crime". LEAA was changed to provide funding by various programs designed to upgrade the criminal justice system and to reduce the incidence of crime.

Citizen Involvement

Since its beginning, LEAA programs have aided in developing a stronger criminal justice system. Personnel are better trained and equipped to carry out their duties. Citizens have become involved in dealing with problems in criminal justice. These factors must not be overlooked. In Virginia,

the LEAA and DJCP have assisted the state in developing and expanding many innovative programs. These programs, we believe, have helped the total system of criminal justice. Under the President's Reorganization Project, the Attorney General of the United States has proposed a plan which would abolish the LEAA. A new streamlined agency, the National Institution of Justice, would be created to replace LEAA and several other agencies.

Additional proposals the Attorney General called for are: • elimination of the annual planning requirement; • dollar-matching of any Federal funds used for planning and administration; and, • provision for larger units of local government to receive direct allocations from the Federal government.

These proposals have been shared with governors, mayors, and other elected officials and administrators. The Attorney General notes that there is support for continuing a Federal crime-fighting program with a "reduction in red tape and streamlining the funding process". The Attorney General's study group felt that the planning process was only minimal. The proposed amendments to the Omnibus Crime bill also provide to limit funds spent for administration. Further, no Federal funding would be available for Regional Planning Commissions.

Streamlining Needed

It is the Crime Commission's feeling that every effort must be made to spend tax dollars effectively and wisely. Therefore, it is agreed that the present structure should be streamlined and every effort made to reduce bureaucratic red tape which imposes inefficient regulations.

Although there is agreement for reorganization, there must be a more effective manner of allocating or distributing funds from such a program.

In Virginia, the Council of Criminal Justice and DJCP have done an effective and efficient job of handling funds. Under the guidelines, each program concept was thoroughly evaluated prior to allocating funds. Each program conformed to the overall priorities of Virginia and not just the local area.

Under the new proposal, larger units of local government could receive funds directly from the Federal government. Such a move would reduce the amounts available to other localities and state agencies. Therefore, it is our feeling that all funds be channeled through the State Planning Agency. Such action will provide for a total accounting of anti-crime funds in the state.

Alternatives Essential

The Crime Commission commends the LEAA and the improvements in the criminal justice system which have developed as a result of its efforts. The Commission recognizes the need for governmental reorganization and supports such action by the Attorney General. However, the Commission feels that further consideration must be given to the means of future funding for anti-crime programs, especially those dealing with training. This is especially true in Virginia.

As Federal funding decreases---and this is occurring now---it is essential that every effort be made by the legislature to provide funding in order to maintain the current high level training programs now in operation, and to continue to adequately train personnel necessary to safeguard the citizens of Virginia.

LEGISLATION

Assisting law enforcement in upgrading their training and professional standards is of constant interest to the Commission. During the 1977 session of the General Assembly, the Commission sponsored legislation adding a section to the Code establishing standards and authority for campus police. This legislation gives campus police the same authority as public police officers and carries with it the same training requirements set for public police officers. The bill gives the circuit court of the county or city in which the institution is located the authority, at its discretion, upon application of the governing body of an institution, to appoint persons as campus police officers.

The Commission introduced a number of bills dealing with the correctional system. One such bill enables political subdivisions to establish community correctional centers. The legislation gives a judge the authority to refer individuals to such institutions rather than sentencing them to state facilities. The bill carries mandatory minimum standards for operating the centers. In such facilities, persons would be expected to work or be enrolled in educational institutions or other rehabilitation programs. Persons assigned to these facilities would be required to contribute a portion of their wages to their maintenance and support.

Model Compact

The Model Interstate Correctional Compact was sponsored by the Commission. The Interstate Corrections Compact is an enabling device which, when enacted, the party states will have the necessary legal framework for the cooperative care, treatment and rehabilitation of offenders sentenced to or confined in

prisons or other correctional institutions. The extent of operations under the compact will be determined by each party state for itself. Adoption of the Interstate Corrections Compact and execution of the contracts provided for in it will permit states to avail themselves of increased correctional facilities and will enable them to improve their quality.

Other legislation which passed allows bricks and cinder blocks produced in the state correctional system and products printed in the department's print shop to be available for purchase by local governments.

Sentencing Bill

As a result of a study of sentencing practices in Virginia, the Commission introduced a bill amending the recidivist statute such that any offender who had been tried by a judge and sentenced pursuant to a pre-sentence report would be excluded from being considered a recidivist and sentenced under the recidivist statutes. However, an amended version of the bill was passed which was contrary to the original intent of the legislation. As passed, mandatory terms of imprisonment were prescribed.

Additional bills which were sponsored dealing with corrections are:

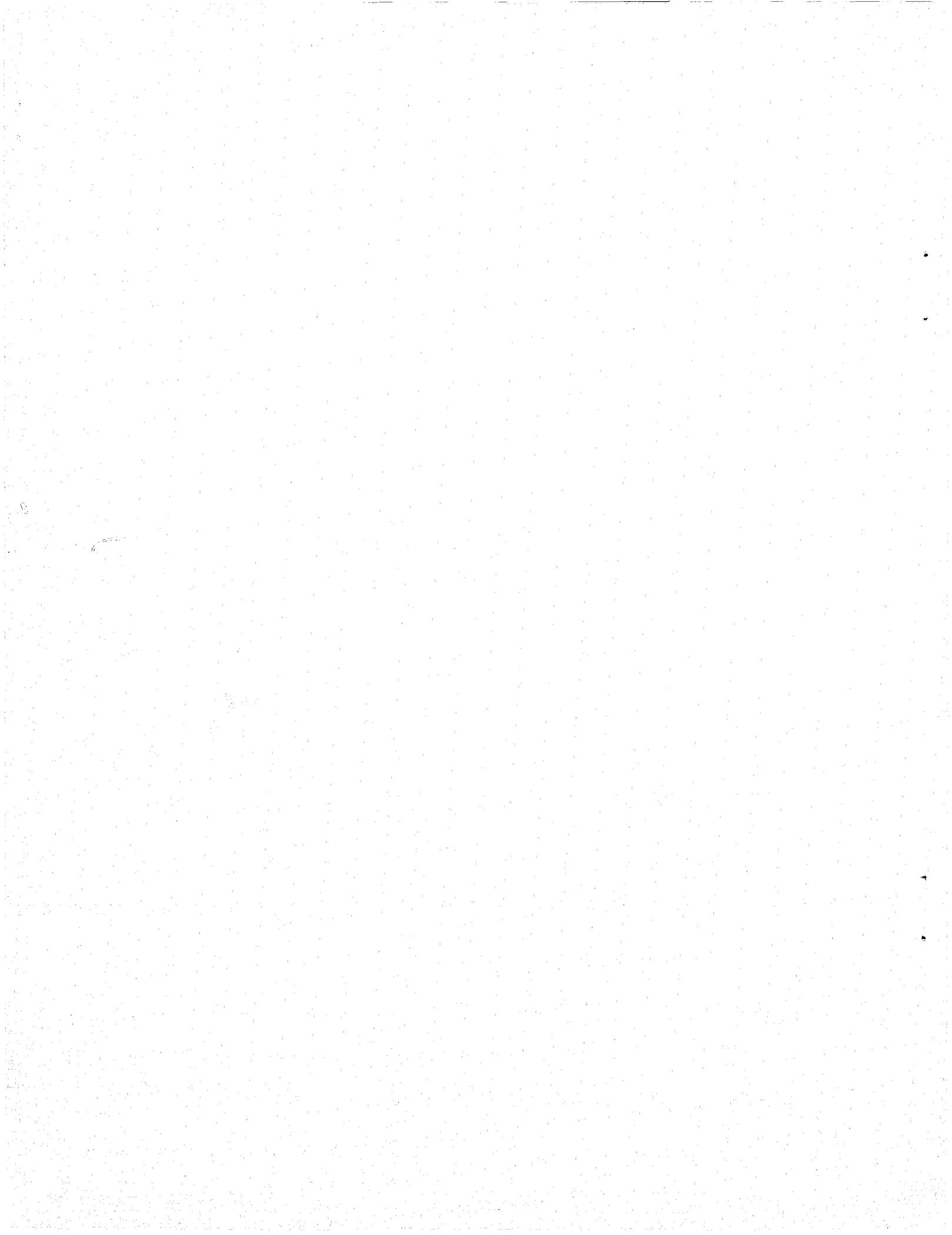
- a bill relating to the annual review of parole eligibility to allow the Parole Board to review cases on a quarterly basis;
- a bill updating the statute on posting of rules in the Penitentiary;
- a bill amending the "good conduct time" statute so that persons convicted of felonies while incarcerated may be awarded good conduct time; and,
- a bill providing a more comprehensive definition of the term "correctional institution".

Additional legislation was sponsored dealing with juvenile corrections;

- a bill increasing the penalty for carnal knowledge of certain minors who

are committed to the Division of Youth Services; • a bill amending provisions pertaining to the confidentiality of the access of records of children who are committed to the State Board of Corrections; • a bill clarifying language to the penalty provision under the Virginia Juvenile Justice Information System; and, • a bill empowering superintendents of juvenile institutions to act in loco parentis for wards entrusted to their care.

A number of housekeeping proposals were sponsored for various criminal justice agencies.



APPENDICES

APPENDIX A

UNIFORM CRIME REPORT TOTAL RETURN OF OFFENSES KNOWN TO THE POLICE
(JANUARY-DECEMBER 1976 AND JANUARY-DECEMBER 1977)

<u>CLASSIFICATION OF OFFENSES</u>	<u>ACTUAL OFFENSES TOTAL 1976</u>	<u>ACTUAL OFFENSES TOTAL 1977</u>	<u>PERCENT OF CHANGE</u>
Criminal Homicide	717	689	- 3.91%
Murder-Non Neg. Manslaughter	475	458	- 3.58%
Manslaughter by Negligence	242	231	- 4.55%
Forcible Rape	1,103	1,189	+ 7.23%
Rape by Force	805	883	+ 8.83%
Attempts to Commit Forcible Rape	298	306	+ 2.61%
Robbery	5,424	4,723	- 12.92%
Firearm	2,445	1,990	- 18.61%
Knife or Cutting Instrument	567	482	- 14.99%
Other Dangerous Weapon	274	266	- 2.92%
Strong-Arm	2,138	1,985	- 7.16%
Assault	28,264	29,163	+ 3.08%
Firearm	1,976	1,930	- 2.33%
Knife or Cutting Instrument	2,194	2,139	- 2.51%
Other Dangerous Weapon	2,325	2,398	+ 3.04%
Aggravated-Hands, Fists, etc.	1,883	1,998	+ 5.76%
Other Assaults-Simple, Not Aggravated	19,886	20,698	+ 3.92%
Burglary	51,147	50,593	- 1.08%
Forcible Entry	39,776	39,377	- 1.00%
Unlawful Entry - No Force	6,267	6,483	+ 3.33%
Attempted Forcible Entry	5,104	4,733	- 7.27%
Larceny - Theft	132,768	129,113	- 2.75%
Motor Vehicle Theft	11,330	11,623	+ 2.52%
Autos	8,375	8,566	+ 2.23%
Trucks and Buses	1,026	1,093	+ 6.13%
Other Vehicles	1,929	1,964	+ 1.78%
CRIME TOTAL	230,753	227,093	- 1.59%

APPENDIX B

UNIFORM CRIME REPORT

Actual Offenses by Planning District

January - December 1977

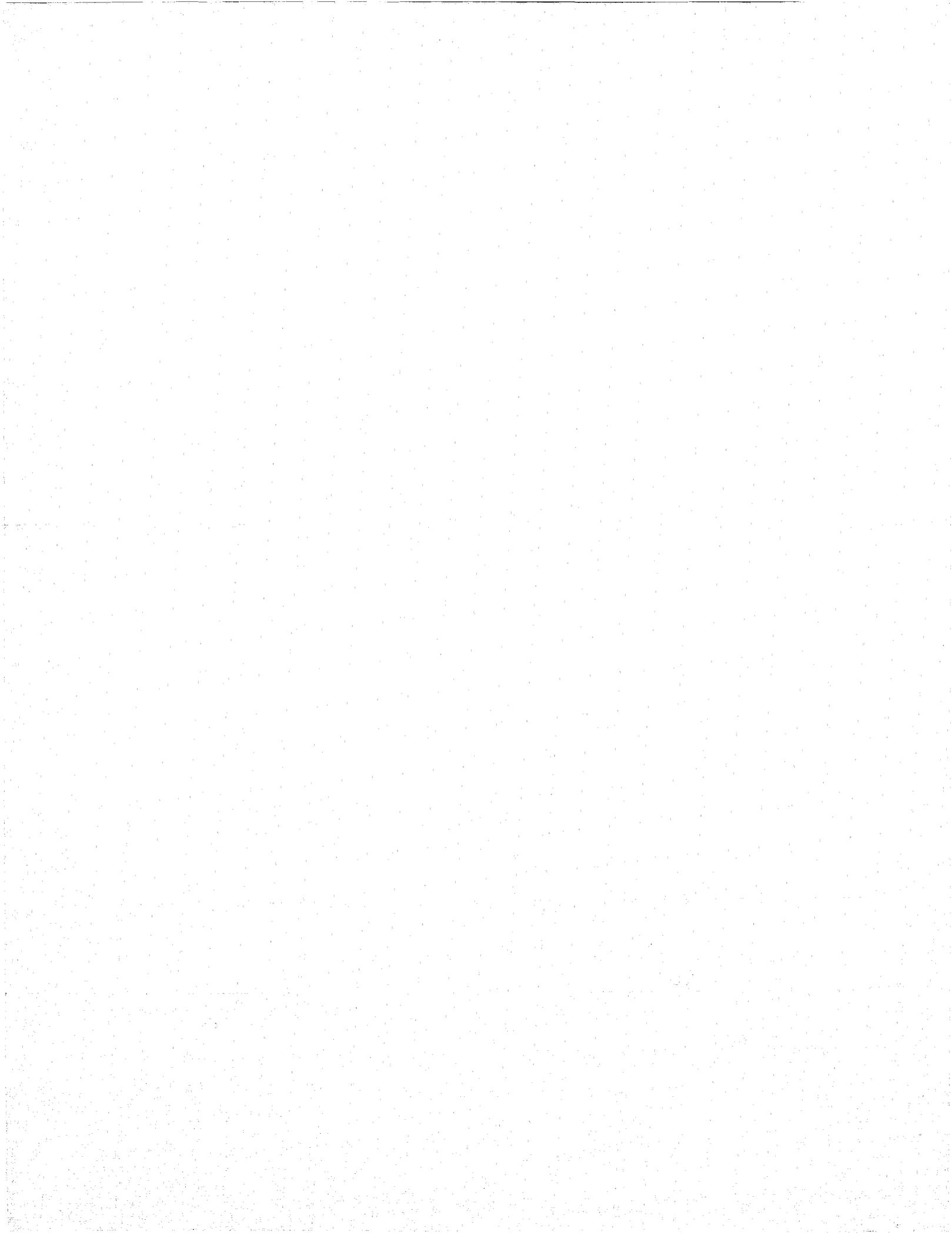
Planning District	Grand Total	Criminal Homicide	Forcible Rape	Robbery	Assault	Burglary	Larceny Theft	Motor Vehicle Theft
1. Lenowisco (Lee, Scott, and Wise Counties, Norton)	1,164	14	5	10	449	350	278	58
2. Cumberland Plateau (Buchanan, Dickenson, Russell and Tazewell Counties)	1,328	24	12	12	359	405	403	113
3. Mount Rogers (Bland, Carroll, Grayson, Smyth, Washington and Wythe Counties, Bristol, Galax)	2,861	14	12	32	388	898	1,362	155
4. New River Valley (Floyd, Giles, Montgomery, and Pulaski Counties, Radford)	3,968	13	16	27	627	868	2,252	165
5. Fifth (Allegheny, Botetourt, Craig, and Roanoke Counties, Clifton Forge, Covington, Roanoke, and Salem)	13,626	19	36	212	1,837	2,767	8,190	565

Planning District	Grand Total	Criminal Homicide	Forcible Rape	Robbery	Assault	Burglary	Larceny Theft	Motor Vehicle Theft
6. Central Shenandoah (Augusta, Bath, Highland, Rockbridge and Rockingham Counties, Buena Vista, Harrisonburg, Lexington, Staunton, Waynesboro)	4,871	19	17	32	1,018	968	2,635	182
7. Lord Fairfax (Clarke, Frederick, Page, Shenandoah and Warren Counties, and Winchester)	3,504	11	20	25	448	889	1,963	148
8. Northern Virginia (Arlington, Fairfax, Loudoun and Prince William Counties, Alexandria, Fairfax, Falls Church, Manassas, Manassas Park)	56,322	80	238	1,160	4,571	12,242	34,145	3,886
9. Rappahannock-Rapidan (Culpeper, Fauquier, Madison, Orange, and Rappahannock Counties)	1,888	12	6	16	447	449	877	81
10. Thomas Jefferson (Albemarle, Fluvanna, Greene, Louisa and Nelson Counties and Charlottesville)	6,105	22	26	47	1,081	1,183	3,532	214
11. Central Virginia (Amherst, Appomattox, Bedford, Campbell Counties and Lynchburg)	7,881	26	28	82	2,005	1,397	4,027	316

Planning District	Grand Total	Criminal Homicide	Forcible Rape	Robbery	Assault	Burglary	Larceny Theft	Motor Vehicle Theft
12. West Piedmont (Franklin, Henry, Patrick and Pittsylv- ania Counties, Danville, Martinsville)	6,156	32	26	47	1,111	1,386	3,298	256
13. Southside (Brunswick, Halifax, and Mecklenburg Counties, South Boston)	2,159	18	11	24	654	560	845	47
14. Piedmont (Amelia, Buckingham, Charlotte, Cumberland, Lunenburg, Nottoway, and Prince Edward Counties)	1,694	10	15	11	552	380	687	37
15. Richmond Regional (Charles City, Chester- field, Goochland, Hanover, Henrico, New Kent and Powhatan Counties, Richmond)	35,878	126	186	1,085	3,554	8,975	20,169	1,783
16. RADCO (Caroline, King George, Spotsylvania and Stafford Counties, Fredericksburg)	3,336	14	21	67	351	951	1,811	121

Planning District	Grand Total	Criminal Homicide	Forcible Rape	Robbery	Assault	Burglary	Larceny Theft	Motor Vehicle Theft
17. Northern Neck (Lancaster, Northumberland, Richmond, and Westmoreland Counties)	1,038	6	3	8	263	325	418	15
18. Middle Peninsula (Essex, Gloucester, King and Queen, King William, Mathews, Middlesex Counties)	839	9	8	5	141	275	358	28
19. Crater (Dinwiddie, Prince George, Greensville, Surry and Sussex Counties, Colonial Heights, Emporia, Hopewell, Petersburg)	7,378	21	34	148	1,490	1,539	3,822	324
20. Southeastern (Southampton and Isle of Wight Counties, Franklin Norfolk, Portsmouth, Chesapeake, Virginia Beach, Suffolk)	47,473	156	362	1,237	5,768	9,942	27,801	2,207
21. Peninsula (James City and York Counties, Hampton, Newport News, Poquoson, Williamsburg)	16,780	35	105	424	1,943	3,555	9,830	888

<u>Planning District</u>	<u>Grand Total</u>	<u>Criminal Homicide</u>	<u>Forcible Rape</u>	<u>Robbery</u>	<u>Assault</u>	<u>Burglary</u>	<u>Larceny Theft</u>	<u>Motor Vehicle Theft</u>
22. Accomack-Northampton (Accomack and Northampton Counties)	859	8	2	12	106	289	408	34



APPENDIX C

YEAR-END POPULATIONS OF DEPARTMENT OF CORRECTIONS

STATISTICAL PROFILE

December 31, 1977

Children Receiving Services

Probation Services (including Aftercare and Foster Care)	10,809
Special Placements	140
Private Institutions, Boarding Homes, State Hospitals	132
Community Youth Homes, Family Group Homes, Crisis- Runaway Centers	185
Outreach Supervision	83
Local Detention Homes	224
State Learning Centers and Reception and Diagnostic Center	<u>824</u>
Total	12,397

Adults Under Probation-Parole Supervision

Probation	10,329
Parole and Pardon	<u>3,000</u>
Total	13,329

Inmates Assigned to Division of Adult Services

Felons	7,421
Misdemeanants	<u>454</u>
Total	7,875

Persons in Custody of Local Jails

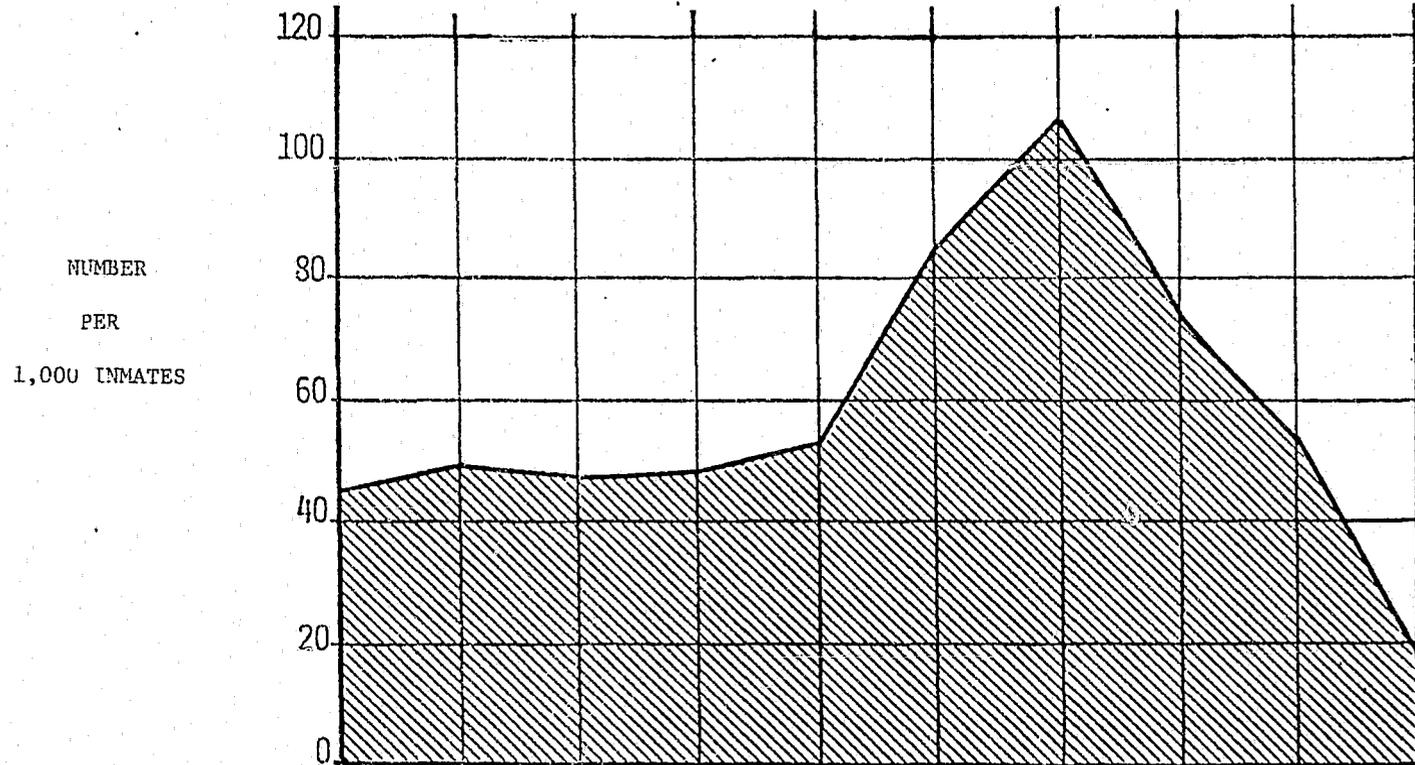
Sentenced felons with more than six months to serve	757
Sentenced misdemeanants with more than six months to serve	118
Sentenced felons with less than six months to serve	200
Sentenced misdemeanants with less than six months to serve	540
Adults: Awaiting trial	1,835
Non-support cases	101
Juveniles	<u>158</u>
Total	<u>3,709</u>

Grand Total	37,310
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APPENDIX D

DIVISION OF ADULT SERVICES

TEN YEAR COMPARISON OF ESCAPE RATE PER 1,000 INMATES

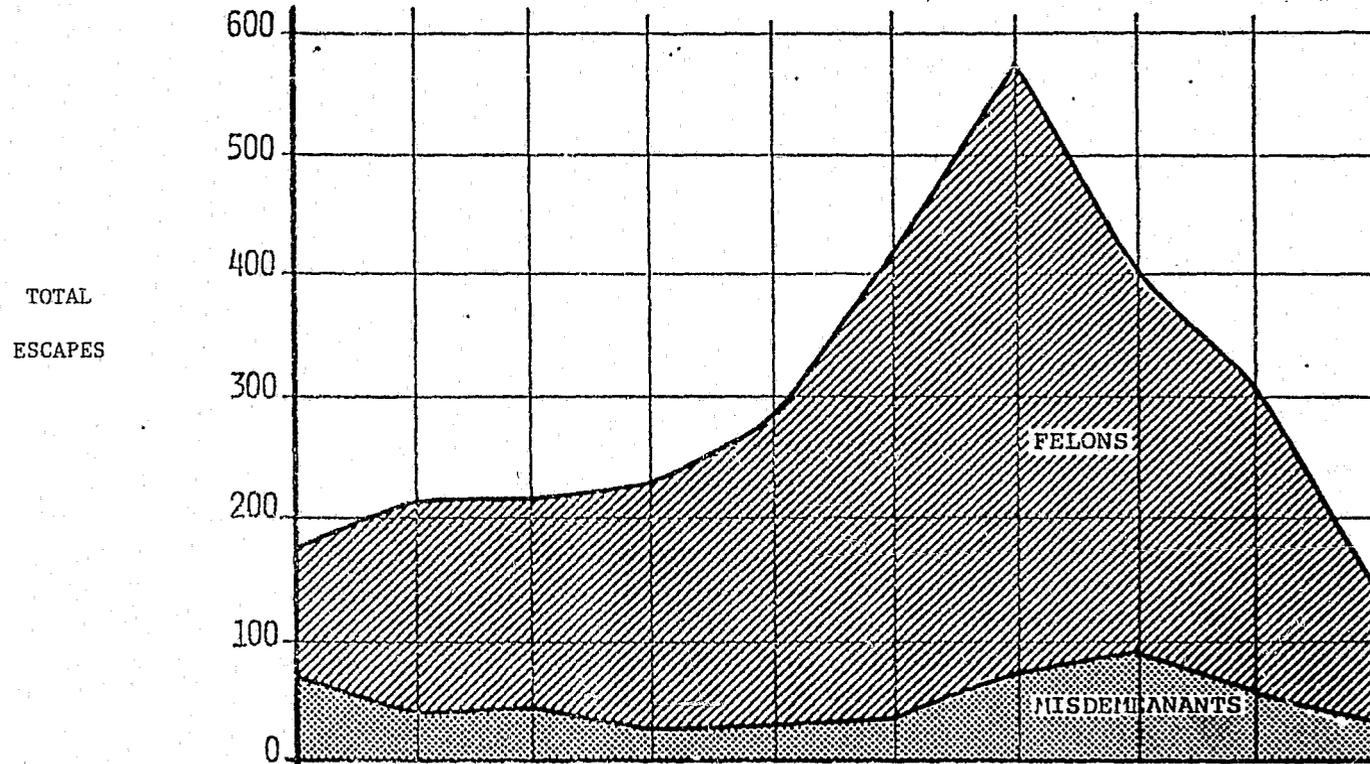


F. Y. ENDING JUNE 30	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977
INMATE POPULATION AS OF JUNE 30	4133	4244	4568	4912	5137	5078	5447	5385	5701	7161
TOTAL ESCAPES	179	210	211	220	282	421	578	392	303	136
ESCAPES PER 1000	43.1	49.5	46.2	44.8	54.9	82.9	106.1	72.8	53.1	19.0

APPENDIX E

DIVISION OF ADULT SERVICES

TEN YEAR COMPARISON OF ESCAPES



F.Y. ENDING JUNE 30	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977
MISDEMEANANT ESCAPES	66	42	46	29	32	39	65	87	56	36
FELON ESCAPES	113	168	161	191	250	373	513	305	247	100
TOTAL ESCAPES	179	210	211	220	282	421	578	392	303	136

APPENDIX F

A BREAKDOWN OF THOSE TRAINED (TOTALS) FROM 1970 THROUGH 1977

	<u>BASIC</u>	<u>IN-SERVICE</u>	<u>COURT SECURITY</u>	<u>JAILORS OR CUSTODIAL OFFICERS</u>	<u>DEPARTMENT OF CORRECTIONS</u>	<u>FIRE MARSHALS</u>	<u>INSTRUCTORS SCHOOL</u>
No. Approved Schools	37	41	22	27	1	5	4
No. Sessions	308	465	51	117	53	6	19
No. Students Entered	8,179	12,006	881	2,366	3,426	99	435
No Students Satisfactory Completed	7,854	12,006	868	2,253	3,143	99	435
No. Students Having Attended	68	0	4	76	157	0	0
No. Students Dropped Out	257	0	9	37	126	0	0

PRIVATE SECURITY

	<u>UNARMED GUARDS</u>	<u>ARMED GUARDS/ COURIERS</u>	<u>ARMORED CAR PERSONNEL</u>	<u>GUARD DOG HANDLERS</u>	<u>PRIVATE DETECTIVES/ PRIVATE INVESTIGATORS</u>
No. Approved Schools	8	30	3	1	4
No. Sessions	36	142	4	0	2
No. Students Satisfactory Completed	502	825	45	0	23

APPENDIX G

A BREAKDOWN OF TRAINING FOR THE CALENDAR YEAR (1977)

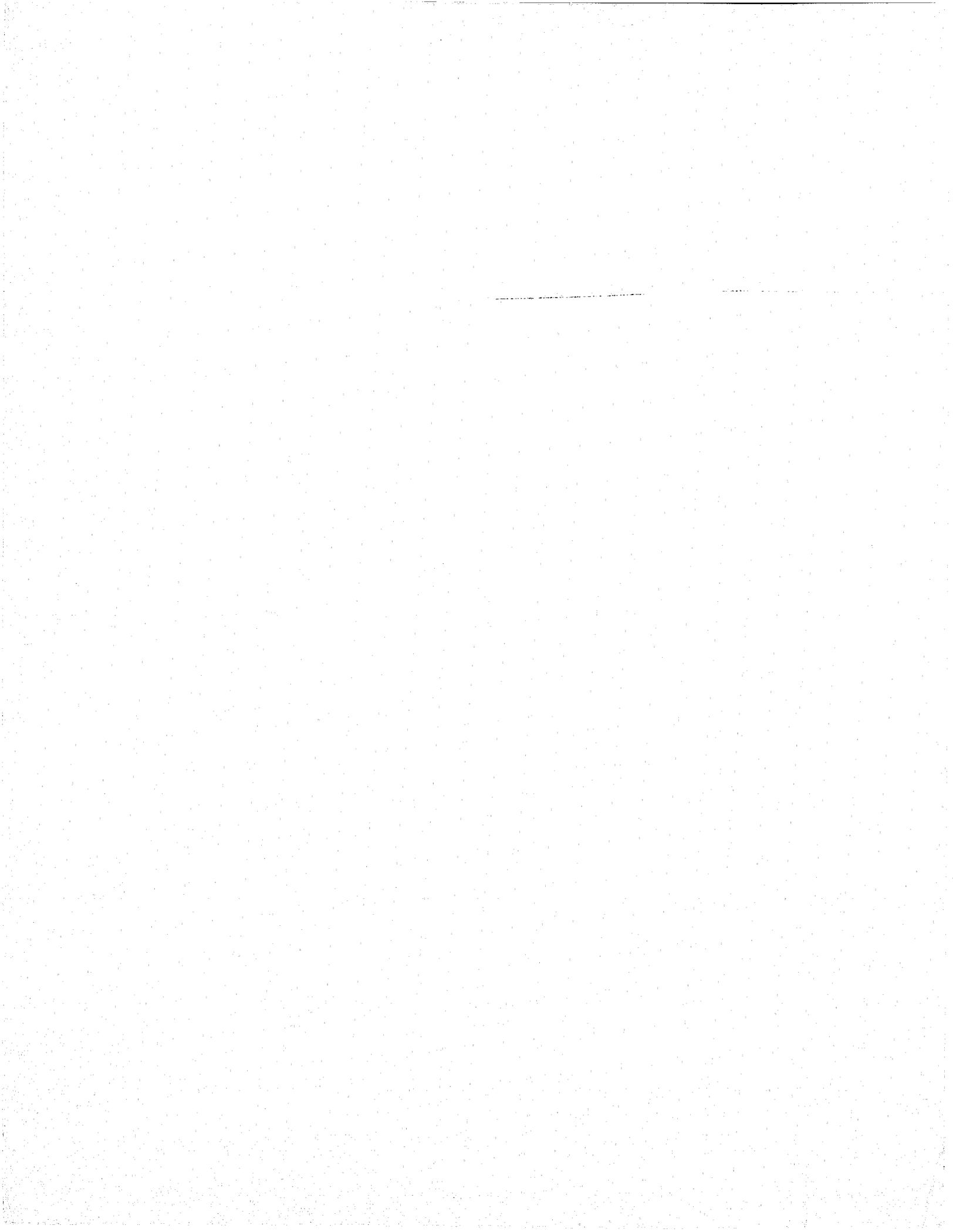
	<u>BASIC</u>	<u>IN-SERVICE</u>	<u>COURT SECURITY</u>	<u>JAILORS OR CUSTODIAL OFFICERS</u>	<u>DEPARTMENT OF CORRECTIONS</u>	<u>FIRE MARSHALS</u>	<u>INSTRUCTORS SCHOOL</u>
No. Approved Schools	37	41	22	27	1	5	4
No. Sessions	42	176	7	27	10	3	4
No. Students Entered	933	4,911	92	442	753	34	71
No. Students Satisfactory Completed	887	4,911	87	393	735	34	71
No. Students Having Attended	22*	0	2	42*	7	0	0
No. Students Dropped Out	24**	0	3	7	11	0	0

PRIVATE SECURITY

	<u>UNARMED GUARDS</u>	<u>ARMED GUARDS/ COURIERS</u>	<u>ARMORED CAR PERSONNEL</u>	<u>GUARD DOG HANDLERS</u>	<u>PRIVATE DETECTIVES/ PRIVATE INVESTIGATORS</u>
No. Approved Schools	8	30	3	1	4
No. Sessions	36	142	4	0	2
No. Students Satisfactory Completed	502	825	45	0	23

*Basic Schools - 1 student reentered and satisfactory completed a school in 1977. Jailors or Custodial Officers Schools - 19 students reentered and satisfactory completed a school in 1977.

**Basic Schools - 2 students reentered and satisfactory completed a school in 1977.



END