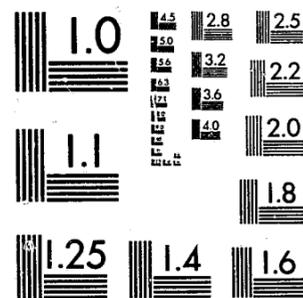


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CRIME AND THE JUSTICE SYSTEM
IN VIRGINIA

VOLUME II: CRIMINAL JUSTICE PROGRAMS AND SERVICES IN VIRGINIA

Department of Criminal Justice Services
805 East Broad Street
Richmond, Virginia 23219

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ACQUISITIONS

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INTRODUCTION

VOLUME II: CRIMINAL JUSTICE PROGRAMS AND SERVICES IN VIRGINIA

The operation of the criminal justice system in Virginia is predicated on a myriad of programs and services derived from the three central elements of this system: law enforcement, adjudication and corrections. While these programs and services, provided through a mixture of state and local activities, seek to perform the dual role of securing the public safety and delivering a high quality and uniform mode of justice, they must do so in a contemporary atmosphere harboring the combined pressures of increased populations, increasing demands for service, and skyrocketing caseloads. Compounding this situation is the necessary emphasis being placed on cost maintenance reflecting the recognition of diminishing public budgets.

The objective of the criminal justice system must show itself to be the preservation of adequate and consistent levels of service conditioned upon the acquisition of new, practical methodologies, improved training, and effective management systems.

Volume II: Criminal Justice Programs and Services offers an overview of the current status of the criminal justice system in the Commonwealth with its related activities. Particular attention is focused on the delineation of the contemporary issues confronting the future direction of Virginia criminal justice policy.

CRIME PREVENTION

It is widely recognized that three ingredients must be present before a crime is committed. First, the criminal must have the ability to commit the act. Second, he or she must have the desire and, finally, there must be an opportunity. It is unlikely that law enforcement or the community can affect the ability or the desire of the criminal. They can, however, work to remove or reduce the opportunity for a criminal act. The goal, therefore, of the State's crime prevention program is to encourage agencies and organizations such as law enforcement, major State employers, statewide community organizations, and State and local government agencies explore ways by which they can prevent crime through opportunity reduction, or target hardening - thus making crime prevention services available to all Virginians. As citizens are exposed to crime prevention programs, the likelihood that they will take steps to reduce the opportunity for crime increases, with a corresponding decrease in crime.

The sponsorship of victim-oriented crime prevention programs by local law enforcement agencies in Virginia is continuing to grow. Several years ago crime prevention programs could only be found in the major cities and now 85% of all Virginians reside in communities where local law enforcement is supporting crime prevention programs. The programs vary greatly in their commitment to crime prevention, ranging from one community where ten persons are assigned to crime prevention duties full time, to the practice in many counties where the sheriff gives public presentations when he can make the time available.

Full or part-time crime prevention programs are now found in 63% of major jurisdictions in Virginia; however, these jurisdictions represent 83% of the population of the State. Full-time programs, where personnel have no other duties other than crime prevention, are found in 19% of the jurisdictions representing 57% of the population of the State. Part-time programs, where personnel are assigned crime prevention activities in addition to other routine law enforcement duties, are found in 44% of the jurisdictions and represent 26% of the State's population. In 37% of the jurisdictions, local law enforcement is not providing any crime prevention services. These jurisdictions represent 17% of the State's population.

There are 81 persons assigned to crime prevention duties full time and most have received extensive training in the subject matter from institutions such as the National Crime Prevention Institute, the Texas

Crime Prevention Institute, the Federal Bureau of Investigation, the Virginia Crime Prevention Association and others. Part-time programs are staffed with 154 persons who can provide crime prevention services when called upon. These individuals also have received formal crime prevention training but not as extensively as full-time program personnel. In ten jurisdictions, personnel are assigned to crime prevention tasks as the demands are made and these individuals have received little crime prevention training.

The full-time crime prevention programs are principally located in the metropolitan areas of Richmond, Northern Virginia and Tidewater. Many of these jurisdictions originated their crime prevention programs through grants of State criminal justice funds but are now supporting their crime prevention programs primarily with local funding. The part-time crime prevention programs are typically found in small cities and the counties. The majority of jurisdictions not providing crime prevention services are county sheriff departments where manpower limitations make it impractical to provide anything other than very traditional law enforcement services.

Full-time crime prevention programs provide service to 83% of the residents of all independent cities, part-time programs provide service to 14% of the independent city residents, and 3% of the independent city residents have no crime prevention services available to them. In the counties, 43% of the residents are served by full-time crime prevention programs, part-time programs serve 31% of the population, and 26% of the county residents receive no crime prevention services. Only 9% of the residents of small cities and towns are being served by a full-time crime prevention unit, 71% of the residents are receiving part-time crime prevention service, and 20% of the small city and town residents are receiving no crime prevention services.

Services Offered

Those law enforcement agencies providing crime prevention services offer a wide variety of programs ranging from crime prevention puppets to firearms training for citizens. The most frequently offered programs are Neighborhood Watch (35% of survey), Community Awareness (27% survey), Operation Identification (26% of survey) and Security Surveys (21% of survey). Most agencies offer three or four different crime prevention programs but several agencies offer as many as twelve separate crime prevention programs. These programs are directed towards a variety of audiences: children, the elderly, homeowners, businessmen, servicemen, babysitters, builders, and others. This variety is made necessary because of the variety of crime itself.

Movies and slides are important aids used by law enforcement agencies in crime prevention education. Virginia law enforcement agencies own 305 separate films which represent 103 different titles. The majority of the films are owned by the larger agencies in the metropolitan areas. Several agencies own more than twenty films which concern different crime prevention topics.

Though a minority of the agencies own the majority of the films, this does not preclude their use by others. Most departments who have sufficient resources are willing to loan those resources to neighboring jurisdictions. In many instances personnel are also available for use by jurisdictions seeking assistance in presenting crime prevention programs to the public.

Programs such as self defense for women and child safety have been provided by many law enforcement agencies in Virginia for many years but these programs and others concerning home and business security did not take on the title of "crime prevention" until the funding of the first High Incidence Target (H.I.T.) programs in the early seventies. Then crime prevention education of the public was included as an integral part of the grant program to reduce crime.

Since that time crime prevention has grown from three law enforcement agencies to ninety-eight law enforcement agencies offering full or part-time crime prevention services to the public. Some of the programs are very small and have little to offer while others are very involved and an important part of the daily operations of that law enforcement agency. Crime prevention is growing in Virginia and will continue to grow as budget cuts make it necessary for law enforcement agencies to demonstrate that there are many steps each citizen can take to reduce his chance of becoming a victim of crime.

Major Programs

While there are numerous types and styles of crime prevention programs being utilized in communities throughout the Commonwealth, there are basically four programs that have received the bulk of attention.

1. Operation Identification is possibly the oldest of the crime prevention programs wherein community members are encouraged to permanently mark all valuable possessions with a personal identification number. The purpose of this program is three-fold: first, valuable property so marked is particularly hard to dispose of should it be stolen by a criminal; second, it provides an invaluable aid in identifying the proper owner of the property should it be recovered by the police; and finally, but perhaps most importantly, marked property tends to increase conviction rates of apprehended offenders by increasing the ability to positively identify the property before the court.

2. Security Surveys basically are site inspections of homes and businesses in order to identify and detect possible security deficiencies. Normally, the survey would include a number of recommendations for improvement, effectively hardening the target against possible victimization. This might include accommodation for the use of particular kinds of locks, better lighting systems to eradicate places of concealment, alarm systems and the like. While a number of these programs are being conducted by law enforcement officers, it is equally as effective to train community members within neighborhoods to conduct such surveys, thus freeing the officers for other duty.

Sometimes this program is combined with Operation Identification so that both efforts can be accomplished simultaneously.

Often considered a necessary part of the Security Survey Program are the "follow-up" contacts seen as an important impetus to encourage compliance, particularly if there has been no attempt to rectify security deficiencies because of procrastination or indecision.

3. By far the fastest growing program in crime prevention is Neighborhood Watch. The chief concept behind these programs is to increase criminal surveillance in the community through cooperative action of citizens and police. This is accomplished in a number of different fashions, some as simple as encouraging and arranging for neighborhood members to meet and become acquainted with their immediate neighbors while other programs add complexity in organizing participants into actual citizen patrols moving through the neighborhood. The most significant point of this approach, regardless of its form, however, is that its emphasis is on the collective security of the community rather than its individual and independent dwellings.

An effective Neighborhood Watch program should provide three basic crime prevention services:

1. It should develop and maintain a cooperative system of surveillance over the persons and property of the community;

2. From the surveillance system adopted, a procedure should be recognized to report immediately and accurately to the police any suspicious or criminal activity, and

3. A continuing system of communication should be established to educate the community through proper materials and trained personnel in the current techniques of crime prevention and community safety.

In fact Neighborhood Watch programs have been shown to be most effective in increasing the reporting of criminal activity to the police and reducing the incidence of burglary and vandalism.

4. Community Crime Prevention Councils are currently being developed by the Department of State Police, having already been established in eleven Virginia localities. Such Councils, consisting of citizens, local officials, and law enforcement officials, gather together to identify the crime problems of their community and decide upon proper actions that might be directed toward them. They would then determine what resources will be necessary to implement the cooperative prevention strategy.

The benefits of such Community Councils are several-fold:

1. Citizens are given the opportunity to express their concerns about crime in their community while receiving factual responses to those problems from their law enforcement counterparts. This feedback goes far toward stabilizing the community's fear of crime;

2. Relations between community and law enforcement are enhanced through open dialogue; and

3. By bringing together these community elements, cooperative programs can be established creating an even more effective crime control environment.

The point to be made here, of course, is that citizens' involvement can have an impact on crime. The results of the application of these and other crime prevention programs in the community is that while generating a new and stronger sense of community pride, these programs provide a relatively inexpensive and yet productive way of improving the public's ability to deal with crime more directly.

STATUS OF CRIME PREVENTION IN VIRGINIA
(Based on a Survey of 156 Law Enforcement Agencies)

<u>PROGRAM TYPES</u>		
Program Type	Agencies Supporting	Percent of Survey
Full-time Crime Prevention Programs	29	18.6%
Part-time Crime Prevention Programs	69	44.2%
No Crime Prevention Program	58	37.2%

PERSONNEL ASSIGNED CRIME PREVENTION DUTIES

Full time - 81

Part time - 154

Total 235

Agencies Assigning Personnel as Needed - 18

MAJOR PROGRAM COMPONENTS

Program	Agencies Supporting	Percent of Survey
Neighborhood Watch	55	35.3%
Operation Identification	41	26.3%
Security Surveys	32	20.5%
Community Awareness	42	27.9%

VIRGINIANS REPRESENTED

Program Type	Cities	Counties	Towns	Total
Full-time Crime Prevention Programs	(83%) 1,666,189	(43%) 1,350,554	(9%) 15,488	(57%) 3,032,241
Part-Time Crime Prevention Programs	(14%) 288,761	(31%) 989,187	(71%) 119,189	(26%) 1,397,137
No Crime Prevention Programs	(3%) 56,216	(25%) 804,274	(20%) 33,544	(17%) 894,034
	2,011,166	3,144,015	168,231	5,323,412

PROGRAM

LAW ENFORCEMENT AGENCIES
PARTICIPATING

Neighborhood Watch	55
Obscene Phone Calls	1
Officer Friendly	3
Operation Blue Light	1
Operation Identification	41
Personal Safety	3
Public Service Announcements	3
Purse Snatch Prevention	1
Retired Senior Volunteer Program	1
Robbery Prevention	8
School Resource Officers	1
Security Surveys	32
Self Protection for Women	5
Sexual Assault Prevention	16
Shoplifting Prevention	2
Site and Building Plan Review	1
Vacation Watch	1
Vandalism Prevention	2
Watchword for Liberty	1

LAW ENFORCEMENT

Legal responsibility for providing law enforcement services in the Commonwealth of Virginia rests primarily with local units of government. The Commonwealth does, however, maintain some agencies with statewide enforcement responsibilities. State level law enforcement agencies fall into three basic categories: those providing full law enforcement services across jurisdictional boundaries; those empowered to enforce certain special State laws; and those that provide full law enforcement services but are limited to a fixed geographic jurisdiction.

The Department of State Police is the only agency that falls into the first category. It is also the largest police agency in the Commonwealth with approximately 1,340 sworn personnel and a civilian support staff of 565. The Department is responsible for statewide enforcement of motor vehicle and criminal laws. The State Police patrol highways, investigate crimes reported to them, manage and operate the statewide crime information network, manage the statewide Uniform Crime Reporting System, and supervise motor vehicle inspection stations. State Police also assist local law enforcement officers, upon request, in the investigation of crimes and the handling of civil disturbances. The Bureau of Criminal Investigation is the investigative arm of the State Police and concentrates its efforts on efforts on major crimes and organized criminal activity in addition to its basic criminal investigation function. The Bureau also has responsibility for arson investigation which was formerly handled by the State Fire Marshall's Office within the State Corporation Commission.

The second category of State agencies (those enforcing special laws) includes the Enforcement Division of the Alcoholic Beverage Control Commission, the Commission on Game and Inland Fisheries, the Division of Motor Vehicles, and the State Corporation Commission. While some officers of these agencies may have general police powers of arrest, their main duties involve enforcing special State regulatory laws.

State law enforcement agencies operating within defined jurisdictions include the Capitol Police, Virginia Port Authority Police, various bridge and tunnel police, institutional police, and college and university police departments.

Local police and sheriffs' departments provide the bulk of law enforcement services in the Commonwealth. There are approximately 72,000 sworn personnel employed in these agencies which can be categorized as follows: county police or sheriffs' departments, city police departments, and town police departments.

In all Virginia counties, the sheriffs' departments have general criminal jurisdiction. However, in five counties (Arlington, Chesterfield, Fairfax, Henrico, and Prince William) a separate police department

has been established to enforce the criminal laws. In these five counties, the sheriffs' departments generally do not perform law enforcement duties. The Fairfax County Police Department is the largest county police agency in Virginia. Each sheriff's department is reimbursed by the State for its allowable operational costs.

All cities in Virginia have municipal police departments that are established and administered in accordance with their city charter. Each city is financially responsible for operating and maintaining its police department. City sheriffs' departments generally do not perform law enforcement duties but rather operate lockups and jails, execute civil process and provide courtroom security. City police enforce the ordinances and regulations of their jurisdictions as well as the laws of the Commonwealth.

Town police departments are empowered to enforce State criminal laws and town ordinances. Personnel strength ranges from one to twenty-five officers. There are approximately 122 town police departments. Operating costs must be provided by the town. Town police departments are aided by the county sheriff's department and the Department of State Police when necessary.

Although the 1970 General Assembly enacted legislation designed to encourage consolidation and cooperation on a multi-jurisdictional basis by permitting counties, cities, or towns to enter into reciprocal agreements for the purpose of sharing police services or consolidating police departments, there has not been appreciable movement in this area.

Expenditures for law enforcement vary substantially from locality to locality, and region to region. Localities in Northern Virginia generally spend the most in law enforcement activities. Greater salaries and more extensive training is the explanation. The mean of expenditures finds suburban localities in the lead, followed by urban areas, then rural.

The number of sworn officers per 1,000 population ranges from 0.44 to 3.00 across the Commonwealth. The number of sworn officers per 1,000 population correlates highly with law enforcement expenditures and population per square mile.

Preliminary data indicate that in 1981, major crime in Virginia increased by 3.4% over 1980, and 12.25% over 1979. Of the 253,437 major crimes reported in 1981, 23.6% were cleared by arrest or exceptional means. This indicates a 1.2% increase over the 1980 clearance rate of 22.4%. This nevertheless means that an offender has a greater than 75% chance of never being arrested for his or her criminal act.

The largest crime increases were in robbery and larceny. The year 1981 was a record year for robberies with the highest number since 1975. The high number resulted in a 13.4% increase over 1980 and a 25% increase since 1979. In numbers, there were 1,449 more robberies in 1981 than in 1979. Aggravated assaults increased by 3.6% and while this increase is not a large one, it occurs after remaining relatively unchanged from 1979 to 1980. Larceny increased 5.7% over last year and continues to show a steady pattern of increase which resulted in a record yearly high in 1980.

Motor vehicle theft and burglary were the only crimes to decrease. Motor vehicle theft decreased from 1980 by 9.5%. Since 1974, the incidence of motor vehicle theft has been declining steadily, except for an increase in 1979. The theft rate now is about equal to the rate occurring during the early 1960s. Burglary decreased .9% compared with 1980. Although the decrease is small, it comes the year after a record number of burglaries were committed along with a 13.6% increase over 1979. In 1981, Virginians reported the theft of about \$119.3 million worth of property; down from \$121 million in 1980. Police recovered about 28% of the stolen property. Murder and Rape increased slightly in 1981. Murder increased by 1.3% and rape by 2.2%.

High personnel turnover rates in Virginia's law enforcement agencies diminish the effectiveness of the agencies. Salaries and benefits of law enforcement agencies traditionally lag behind those in the private sector. Few opportunities exist for lateral entry at supervisory and management-level positions in law enforcement agencies.

Law enforcement capabilities and resources in the Commonwealth are not coordinated and consolidated to maximize their use and benefits. Few agencies have consolidated duplicative dispatching and recordkeeping systems, and very few localities have entered into mutual aid and assistance agreements. As previously noted, there are 95 counties in Virginia with sheriffs' departments. Forty-eight of those counties contain two or more law enforcement agencies; 22 contain three or more agencies; 10 contain four or more agencies; 3 have five or more agencies, and one has six or more agencies. Since each law enforcement agency is autonomous, there is a common belief that each should have sufficient capabilities to handle a wide range of specialized problems, many of which occur infrequently. The result is that services and resources are rarely shared or consolidated to an extent which assures their delivery in an effective manner.

An illustration of this fact is vividly pronounced in counties across the State where the State Police and Sheriffs' Departments overlap general law enforcement duties. While the State Police average 8.7 uniformed officers per county, local sheriffs' departments compliment this number with an average of 12.3 road deputies per county

giving an average number of 21 law enforcement officers available for service. Yet many counties do not have basic police service available on a 24-hour schedule. Citizens in such localities requiring service must locate a law enforcement officer who is on-call at his residence and in many cases this causes extended delays in response time.

This situation would seem to be precipitated by the fact that the county and the State agencies are autonomous units which often differ in the focus of their activities (State Police more often concentrate on traffic enforcement while county sheriffs' departments focus on citizen's calls for service) and make no effort to coordinate staffing patterns to provide more adequate law enforcement service.

As costs for public services come under closer scrutiny because of diminished resources, this expensive and inefficient type of duplication will no longer be affordable. There have been some efforts, however, to alleviate this duplication of services and present more coordinated inter-agency operations.

The Department of State Police provides services that would be very costly if each law enforcement agency in the State had to replicate them. One such service is arson and bomb investigations. This service requires a great deal of technical skill and costly equipment. The State also has a forensic science capability with four laboratories conveniently located around the State. The examination of evidence is a costly service that does not have to be borne by each department within the State. The Bureau of Forensic Science also processes and prints crime-related photographs for local departments which lack this capability. The Department of State Police supplies personnel and equipment during civil disorders and other emergencies which are beyond the control of local law enforcement agencies. It also provides polygraph and crime scene search resources to local departments, as well as narcotic and organized crime investigative services.

The Department of Criminal Justice Services is encouraging and assisting in the transfer of successful concepts and programs among law enforcement agencies. Crime analysis, directed patrol, crime prevention, investigative management and other concepts have been adopted by many local police agencies in the Commonwealth, and others have expressed interest. The Division of Justice and Crime Prevention¹ has also assisted both sheriffs' departments and police agencies in improving records systems, administrative and operational procedures, and in developing policy and procedure manuals that address critical issues in law enforcement and guide officers in the performance of their duties.

¹ The Department of Criminal Justice Services was formed by the merger of the Division of Justice and Crime Prevention and its Board, the Virginia Council on Criminal Justice with the Virginia Criminal Justice Services Commission on July 1, 1982.

ADJUDICATION

As the criminal justice system moves into the last quarter of the twentieth century, it is becoming more apparent that, because of the increasingly diminishing financial resources available from the federal government and the apparent inability of State or local governments to assume these additional costs, competition among the various criminal justice service agencies (police or law enforcement, courts, prosecutors, corrections) will become more intense. Likewise, because of the increasing scarcity of available resources, again, especially financial resources, the various components of the "criminal justice system" will have to face the prospects of sharing their resources with the other components of this "system." To this end, much effort will have to be expended to ensure that these criminal justice system components operate as effectively and efficiently as possible.

In the prosecutorial area, a major focus of attention is expected to be on programs which enable criminal cases to move through the adjudicatory process more quickly than at present. Additionally, prosecutors will have to face the reality that their resources are, indeed, finite and must be focused on removing the truly dangerous offenders from society. Programs such as "career criminal" or "major offender" programs encourage a prosecutor to do just that--remove the dangerous and/or habitual offender from society for a longer sentence than he/she would have otherwise received if not prosecuted as a "major offender" or "career criminal."

Another frustration felt by prosecutors and citizens alike is the frustration of delays in a case coming to trial and, thus, to ultimate resolution, because a witness is unavailable to testify for whatever reasons. Victim-witness assistance programs are designed to enable a prosecutor to minimize the delays because a witness cannot be located or is otherwise unable to testify. Victim-witness assistance programs seek to "humanize" the adjudicatory process for all victims and/or witnesses--people brought into the criminal justice system involuntarily.

For the courts, a major concern is the efficient and effective administration of justice. To assist in and/or improve this process, the courts are increasingly turning to computers and management information systems. The need, therefore, for technical expertise is increasing and will continue to do so. Information systems can significantly increase the speed with which a case, especially a criminal case, moves through the adjudicatory process without reducing the quality of attention that case receives from the judiciary; in fact, utilization of management information systems probably increase the quality of attention cases receive from the judiciary.

Providing an adequate defense for indigent individuals accused of crimes is a major concern of all jurisdictions and will be a continuing concern. In Virginia, a hybrid system of providing for the defense of indigents has evolved by combining a court-appointed private counsel system with a public defender system. Thus, Virginia has been able to ensure that the rights of indigent defendants are protected while maintaining the standards of the legal profession and ensuring a more effective administration of justice.

What follows is a descriptive discussion of elements of the adjudicatory component (defined to include judicial, prosecutorial, and defense for indigents) of the criminal justice system.

Judicial Sentencing

Many states, including the Commonwealth of Virginia, have been undergoing, in recent years, a thorough self-analysis regarding their sentencing procedures. In this process, in Virginia, several concerns have been raised regarding some sentencing practices:

1. Should sentencing be more uniform statewide, and should sentences, in cases involving a jury trial, be determined by the trial court judge rather than the jury?
2. Should limitations of any type be put on parole, and should the percentage of the sentence that must be served before an inmate is eligible for parole consideration be increased?
3. Should determinate or flat-time sentences be permitted in juvenile and domestic relations district courts?
4. Should bifurcated trials in felony cases become mandatory? (one trial to determine guilt or innocence; the second to determine penalty, if the verdict of the initial trial is guilty)
5. Should indeterminate sentences be revised or abolished because of a lack of facilities?

These are some of the issues which will have to be addressed and decided in the near future.

The Code of Virginia defines the boundaries to which a court or a jury may proceed in sentencing defendants convicted of crimes within the Commonwealth. As in many other states, much discretion is given in sentencing, to the extent that a sentence imposed in one jurisdiction for a given offense might be vastly different from the sentence imposed in another jurisdiction; yet the offenses for which the sentences are imposed are virtually identical.

Current sentencing practices in the Commonwealth reflect the legislative intent to conform with U. S. Supreme Court and other federal court decisions and guidelines on sentencing. As a result, changes in sentencing within the Commonwealth would require action by the General Assembly. However, the emergence of the concerns enumerated previously is indicative of the need to reexamine sentencing practice in Virginia in a continuing effort to keep sentencing practices in conformity with federal court decisions.

A major problem is to generate enough support in the General Assembly for a critical re-examination of sentencing practices within the Commonwealth. At present, the General Assembly is not inclined to significantly change existing sentencing practices without strong justification and outside support (i.e., public support) for such action. Until this occurs, sentencing in Virginia will remain essentially unaltered, and as such, may not meet, in either letter or spirit, federal court decisions.

Computer Options for the Virginia Judicial System

Currently, there are three categories of automated systems which can be applied to a court setting:

1. Administrative systems include payroll, personnel, budget, supplies inventory, financial records, and statistical systems
2. Case records and trial systems include docketing, indexing, case scheduling, jury management, case tracking, exception reporting, court reporting, and information systems
3. Legal research systems

Many of these automated systems can be applied at either the trial level or the administrative level of a court system, or both.

In Virginia, the Office of the Executive Secretary of the Supreme Court (OES) currently maintains, on an administrative level, a computerized court personnel record keeping system, leave accounting system, budget tracking system, and is currently converting to an automated payroll. Also, the OES maintains a computerized statistical system for the circuit and district courts and the magistrates. Some of the earliest and most successful computer applications at a trial court level have been in the financial administration areas. In Virginia, the Portsmouth, Fairfax, Roanoke City, and Richmond Juvenile and Domestic Relations District Courts have developed support, check writing, and records maintenance systems, while the Frederick and Winchester General District Courts have developed a fines and cost payment tracking system.

Under development, also at the trial court level, are case records and trial systems (or information systems) in the following Virginia Courts:

1. Portsmouth Juvenile and Domestic Relations District Court
2. Chesapeake Juvenile and Domestic Relations District Court
3. Fairfax Juvenile and Domestic Relations District Court
4. Richmond Juvenile and Domestic Relations District Court
5. Norfolk General District Court
6. Portsmouth General District Court
7. Fairfax General District Court
8. Frederick General District Court
9. Winchester General District Court
10. Richmond General District Court
11. Fairfax Circuit Court

It should be noted that each of the above mentioned court information systems was developed independently of the others, thus reducing the probability of the localities' benefiting from shared experiences and/or information.

The Supreme Court has participated in the temporary installation of an automated legal research system, known as JURIS.

Finally, the OES is involved in development, for the Roanoke City Juvenile and Domestic Relations District Court and the General District Court, of operational systems for court clerks in the following areas:

1. Financial for implementation in general district courts, for use in traffic cases, basically (i.e., receipts for fines, etc.)
2. Financial support for clerks of the juvenile and domestic relations district courts, which is, basically, a system for tracking payments which are processed through the courts
3. Case management which is composed of three initial modules-- (1) the indexing module, (2) the docketing module, and (3) the basic reporting module

Other modules, such as notice generation and management reporting can be developed and implemented as needed. The emphasis is upon the first three modules, however.

Computerization has only recently been considered as a viable alternative for courts. While the computer has proven its effectiveness in business, it is still viewed by some court officials with skepticism. The current interest in automated court information systems is a reflection of the necessity of solving the problems of increasing caseloads and providing managerial information.

Unfortunately, computerization is not, and should not be considered, a panacea. Utilization of computers will not automatically solve a court's managerial problems. Computers have proven effective in the business world and can be adapted to a court's management needs. Computers can aid a court in identifying and solving managerial problems, but they cannot cure them alone.

Victim, Witness, and Jury Assistance

Presently there are five victim/witness programs operating out of Commonwealth's Attorneys' Offices in Portsmouth, Virginia Beach, Lexington (which includes Rockbridge County), Leesburg (including Loudoun County), and Richmond. These Commonwealth's Attorneys' Offices serve both rural and urban populations. Additionally, two other jurisdictions, Arlington County and the City of Alexandria, have implemented victim-witness assistance programs. Thus, in Virginia, seven Commonwealth's Attorneys' Offices are currently operating a victim-witness assistance program.

The Sheriff's Department in the City of Chesapeake and in Henrico County operate a victim-witness assistance program which focuses upon elderly victims of crime. These are the only two programs not operated by the Commonwealth's Attorney's office for the jurisdiction.

The approach to these existing programs is a two-pronged approach:

1. To provide victims of crimes with the necessary information so that they will be able to obtain social services that might be needed following a victimization, including, but not limited to, medical assistance, psychiatric/psychological assistance, financial assistance, and such other assistance as may be needed to enable the victim to cope with the events which have occurred
2. To provide information to witnesses so that they will be in the right place at the right time with a minimum of inconvenience; included in this is assistance in obtaining transportation to and from court; telephone alert systems placing

witnesses on call; assisting witnesses in obtaining time off from work for each required court appearance, and a telephone recording system whereby witnesses call a number the evening before their required appearance to be advised if that appearance is still necessary.

The focus of these efforts is to allow those individuals involuntarily drawn into the judicial process as witnesses in criminal prosecutions to be aware of what they might expect from the system as well as what the system will expect of them. In sum, to show witnesses and victims of crimes that the criminal justice system cares about their participation in the process by looking out for their interests as much as is humanly possible, and regarding the time they spend in the court process to be valuable and necessary for any successful prosecution.

In April 1981, the Division of Justice and Crime Prevention² sponsored a Virginia Victim/Witness Coordinators' Conference in Williamsburg. This was attended by people interested in assisting victims of and/or witnesses to crime in Virginia; people currently operating victim/witness assistance programs in Virginia; and people interested in establishing and/or improving victim/witness assistance programs in Virginia. The day long conference presented five workshops ranging from discussion of compensation for victims of crime to the care and handling of witnesses.

The major problem with victim-witness assistance programs is the lack of acceptance/understanding by the general public. Unfortunately, most members of the public who have never had contact with the courts or the legal process have had their ideas of how courts function shaped by television programs such as "Perry Mason". Once the public accepts the idea that the victim-witness is one of the key elements in any successful prosecution, and that the entire society benefits by having persons coming forward to testify about crimes they have witnessed, thus making a significant contribution to putting the offender in jail, demands for such programs will increase.

Secondly, victim-witness programs also reduce the chances of essential witnesses being "lost" in the system, of witnesses refusing to testify, and of witness "no-show" problems; thus, if cases are dismissed, it won't be because of the failure of witnesses to appear.

Finally, victim-witness programs reinforce the importance of the victim-witness to the prosecutorial process. All too often, court services are designed for the convicted offender, and the needs of the victim-witness are glossed over, if not ignored completely. The "humanization" of the court process for victims-witnesses reinforces their importance and the prosecutor's gratitude for individual's taking the time from

² See p.12, r.1.

By making a victim-witness feel that his/her experience in the court system is a more positive one, the prosecutor, through a victim-witness program, will probably positively affect the community's attitudes toward the criminal justice system in general, and the prosecutor in particular.

In 1976, the Virginia State Bar undertook a study of then current juror selection procedures across the Commonwealth. The purpose of the study (which was funded by the Division of Justice and Crime Prevention) was "to compare and contrast the present system of selecting the master juror lists (pursuant to Section 8-208.10 Virginia Code Annotated) which permits the use of random selection, with a system which mandates random selection".³ Quoting from the recommendations of that study:

The basic question considered in this report is whether the present system of jury selection, where the jury commissioners exercise almost total discretion over which names are to be placed on the jury list, is less preferable than one where jury lists are chosen in a mechanical manner and little or no discretion is left to jury commissioners. The present system is far more subject to abuse and consequent legal attack even though it usually produces a measure of control over the "quality of jurors". Random selection, on the other hand, being basically mechanical in nature, removes the potential for abuse, virtually eliminates legal attack, and produces a jury list truly representative of a fair cross section of the community.

Based on the study, it is felt that even though under the present system judges are making a conscious effort to obtain tremendous discretion... The Board of Governors of the Criminal Law Section recommends:

The General Assembly should enact mandatory random selection legislation for Virginia courts as this is the best method of assuring a constitutional jury list.

Legislation requiring mandatory randomization was introduced in the 1976 legislative session, but was carried over into the 1977 session. It received passage in 1977 and was signed by the Governor in April. The text of the law reads:

³ A Study of Jury Selection in Virginia and the Feasibility of Mandatory Random Selection, Report of the Board of Governors Section on Criminal Law, Virginia State Bar to the Governor and the General Assembly Virginia, September, 1976, p. 2.

The jury commissioners shall utilize random selection techniques, either manual, mechanical, or electronic, using a current voter registration list and other such lists as shall be designated and approved by the chief judge of the Circuit, to select the jurors to be placed on the master jury list. After such random selection, the commissioners shall apply such statutory exceptions and exemptions as may be applicable to the names so selected. The chief judge shall promulgate such procedural rules as are necessary to ensure the integrity of the random selection process and to ensure compliance with other provisions of law with respect to jury selection and service.⁴

As noted in the Virginia State Bar study, randomization does not depend upon the use of data processing nor does it take control of jury selection out of the hands of local officials. The report then goes on to discuss several alternative methods for randomization by manual and electronic means. Two of the manual methods discussed are the "key number system" and the "master jury wheel".

For large metropolitan jurisdictions where manual selection may be very burdensome, it may be useful to implement data processing randomization. In all three of the circuits in Virginia currently using randomization data processing, jury service is rotated throughout the entire populace. In one circuit, jurors will be called once every ten years; in another, once every five years; in a third, about every three years.

In terms of cost, the Bar Study Report notes that the programming expenditures are not great. One jurisdiction reported a development and programming cost of \$300. The cost of running the program is minimal; \$5.00 per month for 100 form subpoenas and \$16 per month for computer time. The total cost per year for computer selection of jurors and preparation of subpoenas is \$252. This compares to a cost of \$514.50 in 1975 when the system was manual (the cost including \$274.50 in Commissioner expenses and \$240 for the typing of subpoenas).

In another circuit, where data processing is used to prepare the annual listing of names, the cost of the computer runs from \$25 to \$40 per year.

Virginia's circuit courts which may be interested in data processing alternatives could study the experiences of Harris County, Texas, and Detroit, Michigan, where a methodology called one day-one trial has been used very successfully. This method is being implemented on a modified basis in many other court settings.

⁴ Virginia Code Annotated, Section 8-208.10 as amended.

The experiences of the Houston and Detroit courts point to efficiencies and savings far beyond just the issue of randomization. However, it may be most fruitful for the Commonwealth to undertake a careful analysis of the entire jury trial system. In anticipation of any study or analysis of individual or several circuits, it may be useful to formulate some general questions about the effectiveness, efficiency, and cost-benefits of the current jury system. These questions might include:

1. How many jury trials are conducted yearly and what percentage is this of total cases?
2. How many lists are generally used to generate jury panels and are there better methods for melding these lists, or perhaps eliminating the use of some of them?
3. What utilization exists for the size of various panels which are drawn?
4. Should there be changes in the number of panel size?
5. Should qualification and summons procedures be modified to ease administrative burdens and facilitate prospective juror participation?
6. Should a pool concept for jury service be tried?
7. Should juror fees be either raised or eliminated entirely?
8. Should challenge procedures and voir dire practices be changed?

This is only a partial list of issues which can be raised about the current practices and procedures of trial jury operations in the Commonwealth's circuit courts. As has been noted in a comprehensive study of the trial jury system of Hawaii, there are a variety of perspectives from which to analyze the jury system--from a system-oriented approach, from a management approach, or perhaps purely from the standpoint of finding ways to increase citizen participation in the criminal justice process.⁵

In 1978, the Office of the Executive Secretary of the Supreme Court of Virginia sought federal funding for a study to determine the best ways to implement random jury selection on a statewide basis and to improve jury management. This request was denied.

⁵ Trial Jury System of Hawaii, National Center for State Courts, September, 1976, Vol. II.

Since 1977, the Model Jury Instructions Project, which has been funded by the Council on Criminal Justice, has been diligently working on the preparation of model jury instructions for both civil and criminal cases. The model instructions will not only improve the attainment of uniformity in procedure on a statewide basis, but will substantially upgrade the quality and correctness of jury instructions in Virginia. The criminal instructions have been finished and sent to the publishers. The jury exemptions list was drastically reduced from 24 classes to 7 classes (of which two were restricted) by Senate Bill 80, enacted in 1980.

Following study of the Virginia courts juror selection procedures by the State Bar in 1976, and the passage of House Bill 307 in the 1977 General Assembly Session, circuit court jury commissioners will now be implementing mandatory random selection techniques to replace non-random procedures.

While several circuit courts have already implemented random selection, the others will need to study carefully the most appropriate and cost-effective methods for randomization. These choices include the use of manual systems, automated/computerized processes, or the testing of programs which have been instituted in several other state courts, such as one-day one-trial.

As the analysis of randomization methods is undertaken, it may be very useful to expand the study to an assessment of the entire trial jury system. Following are questions posed by judges within the Commonwealth which attest to an interest in some of these other areas of jury utilization, summons, qualification, and treatment:

1. Should petit jury exemption lists be revised to reduce the number of those who are exempt?
2. What procedures should courts use to improve juror information and court-juror relations?
3. What procedures can be used to implement mandatory random jury selections as prescribed by House Bill 307?
4. Should juror compensation levels be increased?
5. What procedures can be instituted to improve jury summons procedures?
6. Is present jury utilization during trial satisfactory, or should jury size be changed?

Career Criminal Programs to Enhance the Quality of Prosecution

Within the Commonwealth there currently exist five career criminal programs, located in Richmond, Norfolk, Portsmouth, Virginia Beach, and Alexandria. The focus of each of these programs has been upon individuals who have established "track records" in crime and/or those individuals who commit offenses which are classified as "major offenses". Criteria for selection of these offenders are established by each locality, reflecting the needs of the locality in question. By focusing prosecutorial attention and resources upon the individuals who are responsible for a disproportionate share of crime, Commonwealth's Attorneys hope to get these offenders off the streets more quickly than if their cases were prosecuted in the normal procedure, and into prison where the emphasis is upon longer sentences than would be given had the individual not been prosecuted as a "career criminal" or "major offender".

In many suburban/urban jurisdictions, the caseload of a prosecutor's office is such that it is very difficult to allocate the necessary personnel and other resources to a career criminal/major offender unit. Less populated areas of the Commonwealth, the "career criminal" may not be considered a problem that needs special prosecutorial attention. In short, career criminal/major offender programs must be looked at in relation to the population that the prosecutor's office serves.

Competent Defense for Indigents

The public defender system as it exists in Virginia today is the result of an exhaustive study conducted almost ten years ago by the Criminal Law Section of the Virginia State Bar, and enabling legislation passed in 1972. Additionally, grants awarded by the Council on Criminal Justice have made possible the initial operation of all four offices that are presently in existence. The basic objective of public defender offices is to provide adequate and effective legal assistance to indigent persons charged with crimes for which the penalty might be imprisonment and for which the United States Constitution, the Constitution of Virginia, and the Virginia statutes require that the opportunity for representation by competent counsel be provided at public expense.

A secondary purpose of using the public defender offices as pilot projects is to determine whether the overall cost of providing counsel for indigents can be decreased. The first three defender offices were authorized by the initial enabling legislation, and all three offices have been widely accepted by the judiciary, the bar, and the public; a positive indicator of the effectiveness of the system. Additionally, the General Assembly has approved assumption of the costs of these projects.

In 1978, following a report of the Public Defender Commission and endorsement by the Judicial Council of Virginia, the General Assembly amended the legislation to provide for two additional offices; one in a county or city with a population of less than 100,000, and one in a county or city with a population of more than 100,000. Both the Public Defender Commission and the Judicial Council were of the opinion that the program should not be expanded to include a statewide system at that time, but should be expanded to allow more visibility, analysis, and evaluation. Accordingly, the Petersburg office was opened on July 1, 1979.⁶

Other Public Defender's Offices are operating in Staunton-Waynesboro-Augusta County, Virginia Beach, and the City of Roanoke. These offices began with grant monies from the Division of Justice and Crime Prevention, and are now fully supported by State funds.

Persons charged with crimes for which they can be deprived of their liberty are entitled to adequate and effective representation by counsel at public expense, assuming, of course, that the accused is unable to afford counsel. The determination of indigency is an age-old problem, and the enabling legislation is designed to have the public defender and/or his staff assist in the determination of indigency. To do this, a financial questionnaire is used for determining general assets or liabilities of defendants, and this information is furnished to the courts with the final determination as to eligibility being made by the court.

In the past two or three years, the cost of court-appointed counsel has leveled off to some extent. It is no longer required that counsel be appointed for recidivist cases, since only those cases which involve additional punishment by virtue of the conviction itself are now prosecuted. It is anticipated, however, that the cost of court-appointed counsel will increase considerably in the next two years because of some increases in fees and general administrative costs. It is also believed that specialization in criminal law, both from a defense standpoint as well as a prosecution standpoint, will result in a stronger system of criminal justice. Nationwide, the number of states providing defender services (as opposed to the case-by-case court appointment of private counsel) has increased enormously in the last ten years.

⁶ Public Defender Commission Phase I Input for FY 1981-1983.

ADULT CORRECTIONS

OVERVIEW

Secure Facilities

There are 92 county and city jails, four jail farms, and three jail detention facilities in the State. The latter three are located at State correctional centers. The rated capacity of these local facilities was listed at 5,563 by the Department of Corrections on April 6, 1982. In addition, there are another 59 local city, county and town lockups, where detention is not to exceed 12 hours, providing approximately 540 beds.

The State Department of Corrections has 17 major institutions with a budgeted population for FY-82 of 5,830; 27 field units with 2,625 budgeted population; and 6 work-release units with a population of 315. Out of a total of 8,966 beds available in February of 1982, 8,315 were designated as assignable beds. The balance of 651 were designated as special-purpose beds, which include hospital beds, infirmary beds, segregation, and disciplinary isolation beds. In accordance with good correctional practice, these are not included in the rated capacity.

The Department, however, can gain the use of about 300 assignable beds through the process of double encumbering, which is due primarily to the use of special purpose beds at any one point in time. This system often creates the illusion of available bedspace in overcrowded State institutions.

On any given day the State of Virginia can provide a secure detention bed for one out of every 353 state residents, which is equivalent to a combined state and local rate of incarceration of 283.5, assuming no overcrowding in the facilities, which is not the case.

Of the 99 jails operating in 1982, 50 had classification services; 58 had medical services, and 40 had recreation services. Forty-eight jails had no dayspace or multipurpose area, and 59 had neither outdoor nor indoor recreation. In addition, 21 had education services; 64 provided visiting privileges 2-3 times a week; 30 had bona fide substance abuse counseling services; 61 had libraries ranging from fully equipped to cast-off materials, and 32 provided work-release alternatives.

Offenders in state facilities are much better off since there are quality medical, classification, recreation and library services and programs available in most institutions. Education and vocational programs are provided in 13 of the major facilities, while services in 27 of the field units are limited primarily to adult basic education and GED curricula, although several offer specialized vocational programs.

Probation Services and Facilities

There are 39 Probation and Parole Districts located in the State. These Districts primarily serve the Parole Board and the circuit courts, although some services are provided to the general district courts. There were 5,895 probation cases received from the circuit courts during fiscal year 1981 and 1,300 from the district courts. At the end of the year, there were 11,345 probationers under supervision from the circuit courts and 1,334 from district courts. There are only limited facilities such as halfway houses and transitional residences for probationers and parolees in need of transitional and/or community correctional services. At present, the State operates only one facility in Richmond while Offender Aid and Restoration, a private non-profit organization, operates two residences in Richmond; one for male and one for female offenders. Guest House in Alexandria, also operated by a private non-profit organization, provides regional services for female offenders in the Northern Virginia area. Community Services, Inc., in Norfolk operates an adult residential program for female offenders while transitional services are provided for jail offenders by O.A.R. programs in Richmond and Charlottesville and Arlington, Washington, and Fairfax Counties; Virginia CARES, Inc., based in Roanoke, provides services to felons being released from State prisons at nine project sites included within existing Community Action Programs throughout the State as does Project AID-SIR, a private program in operation in Richmond since 1974. In addition, within the past three to four years, pre-trial diversion programs operating out of general district courts have come into existence in Winchester/Frederick, Richmond, Portsmouth, Fairfax, Rockingham/Harrisonburg, and Montgomery County through federal grant assistance and State funding. The Portsmouth program is the only general district court services program in the State providing multifaceted probation services to misdemeanor offenders.

Parole/Pardon Services

There were 3,915 parolees and pardonees received for, and 3,406 removed from supervision during fiscal year 1981. At the end of the year a total of 4,078 parolees and pardonees were under supervision.

Community Diversion Incentive Act

The Community Diversion Incentive Act was passed effective July 1, 1980. Out of \$1,500,000 appropriated, the State as of January 27, 1982 has awarded \$1,342,500 to nine project sites. As of January 1982, sixty offenders have participated in the program with a current caseload of about 58.

Future Facilities and Programs

The Virginia Department of Corrections has recently opened a 100-bed facility for youthful offenders at Southampton and hopes to open two

500-cell, 750-bed medium security institutions at Buckingham and Brunswick during the biennium. Five localities are planning to build, expand, or renovate jails during the biennium, while an additional 20 localities are in the planning stages for either regional or individual facilities. In addition the new Department of Criminal Justice Services has been awarded funds for the biennium to develop alcohol detoxification centers and pilot programs for services to incarcerated offenders about to be released.

EXISTING SITUATION AND SERVICES

State Adult Corrections - Institutions

Beginning in 1974, felon commitments to State institutions increased sharply, from 2,081 to 3,385 by 1977. In addition, there were also 1,236 misdemeanants committed to State institutions in that year. By 1978 and 1979, felon and misdemeanor commitments declined, primarily because of the effect of emergency legislation passed late in FY-76, which allowed the Director of the Department of Corrections discretion to transfer only offenders with more than one year to State institutions. This resulted in 2,967 and 2,732 felon commitments during these years and 1,027 and 916 misdemeanor commitments. The effect was temporary, however, as by 1980 felon commitments reached a 10-year high at 3,664, and 3,592 by FY-81. Projections developed as a result of recently passed legislation indicate that the confined felon population in 1990 will be in excess of 15,360. Current population is placed around 8,687 in State institutions with an additional 1,435 felons in local jails identified as State responsibility for a combined population in excess of 10,100. Projections developed in Corrections Options for the Eighties⁷ using a method defining State responsibility in similar terms projected the following state bed needs as compared to recent projections:

	<u>Old</u>	<u>Current</u>
1980	9,729	8,557
1985	12,867	11,575
1990	12,987	15,364
1995	12,658	N/A

Construction costs to meet this shortfall could cost the State \$465 million during the next decade over and above the projected \$676 million for planned new and expanded facilities to meet standards. In addition, total operating costs are projected to exceed \$759 million in the 1990-1992 biennium alone for existing facilities; five 750-bed

⁷ Corrections Options for the Eighties, p. 12, Projecting Offender Populations.

medium security institutions; expansion at existing facilities; and for the additional bedspace requirements.

There is clearly a need to determine if all offenders currently being committed to State and local facilities actually require incapacitation. The felon backlog in local jails has also increased and contributed to overcrowding in these facilities, although this is not the only factor.

In FY 1980, 446 or 12.2% of total commitments to State institutions were sentenced to five years or less for crimes against persons. Offenders with five-years-or-less sentences for crimes against property, decency and morality, traffic, health and public justice made up 35% of the total commitments. (See Table I.)

TABLE I
COMMITMENTS BY TERM OF SENTENCE - 1980

OFFENSE	< 1 yr.	1 yr.	2 yrs.	3 yrs.	4 yrs.	5 yrs.	Total	Recidivists
1. Against Person	14	42	74	64	66	186	446	70
2. Against Property	57	156	201	134	122	103	773	152
3. Burg/B&E/Arson	20	55	122	102	121	128	548	94
4. Against Decency/Morality	3	4	5	0	2	1	15	3
5. Sodomy, Molest., Incest & Weapons	2	4	5	6	2	16	35	8
6. Against Justice	1	7	3	3	3	6	23	8
7. Traffic	6	180	34	10	8	2	240	64
8. Against Health (Includes narcotics)	13	38	45	37	33	67	233	35

In FY 1980, 2,313, or 63.1% of all commitments were given sentences of five years or less, and 24.4% of the confined population were serving sentences for five years or less. A total of 992 were confined for similar non-violent crime categories. (See Table II and Table III.)

TABLE II
CONFINEMENTS BY TERM OF SENTENCE - 1980

OFFENSE	< 1 yr.	1 yr.	2 yrs.	3 yrs.	4 yrs.	5 yrs.
1. Against Person	6	7	44	65	107	272
2. Against Property	21	42	114	158	166	164
3. Burg/B&E/Arson	8	15	71	99	170	205
4. Against Decency/Morality	1	0	2	2	3	2
5. Sodomy, Molest., Incest & Weapons	1	2	2	6	4	24
6. Against Justice	6	2	2	3	3	6
7. Traffic	6	29	18	15	8	3
8. Against Health (Includes narcotics)	5	9	26	37	40	99

TABLE III

Year	COMMITMENTS						CONFINEMENTS				
	Felony and Misdemeanants						Felony Only				
	5 or Less	>6-<20	20+	Life	Death	Mis-dem.	5 or Less	>6-<20	20+	Life	Death
1980	2,313	1,049	251	49	2	0	2,078	3,692	2,227	515	9
1979	1,650	821	217	43	1	916	1,788	3,413	2,046	472	6
1978	1,786	899	243	38	1	1,027	1,945	3,213	1,866	434	1
1977	1,956	1,027	348	54	0	1,236	1,824	2,828	1,669	400	0

While these offenses are considered non-violent by many, there is no widely accepted definition of the terms "violent offenses" and "non-violent offenses", or "violent offenders" or "non-violent offenders".

Generally Non-Violent Offense categories are listed on Table IV.

TABLE IV

Burglary*
 Larceny
 Stolen Vehicle
 Forgery
 Fraud
 Embezzlement
 Stolen Property
 Smuggling
 Sex Offenses - Not Assaultive
 Family Offenses
 Invasion of Privacy
 Obstructing Police/Justice
 Flight - Escape
 Conspiracy to Commit a Crime
 Traffic Offenses
 Drug Offenses
 Gambling

* OBSCIS is for information-gathering purposes only. Although OBSCIS classifies burglary as non-violent, burglary or breaking and entering of a residence is treated as a violent crime in Virginia. A recent 50-state analysis listed Virginia as 11th in state level incarceration, 40th in Index Crime Rate and 36th in Violent Crime Rate.

In November 1981, 4,417 or 51.6% of the offenders confined were classified as violent while 44.8% or 4,088 were non-violent. Commitments in FY 1981 revealed that 67.2%, or 2,416 of a total of 3,592 were classified as non-violent.

Probation Caseloads⁸

Probationers are received for supervision from courts of record (circuit courts) or courts not of record (general district courts). Of the total clients received during fiscal year 1981 there were 5,895 from circuit courts and 1,300 from district courts. At the end of the fiscal year there were 11,345 probationers remaining under supervision from circuit courts and 1,334 from district courts. At the end of last fiscal year there were 10,536 probationers under supervision from courts of record and 927 from courts not of record. This is a 7.7% increase in the

⁸ From Adults Under Community Supervision FY 1981, Virginia Department of Corrections

number of clients under supervision from circuit courts and a 43.9% increase in clients from district courts. Region I (Western) had the largest number of probationers remaining under supervision in June, with 3,079; Region V (Southeast) had 3,064. Region IV (East Central) had the lowest number of probationers under supervision, with 1,673.

Parole/Pardon Caseloads

There were 3,568 active cases of parolees and pardonees under supervision in June, 1980. During fiscal year 1981, there were 3,915 parolees and pardonees received for, and 3,406 removed from the supervision of the Division of Youth and Community Services. At the end of the fiscal year there were a total of 4,078 parolees and pardonees under supervision. This represents a 14.3% increase in the number of parolees and pardonees under supervision at the end of the fiscal year. Region V (Southeast) had the largest number of parolees under supervision in June, with 1,128; Region IV (East Central) was second, with 1,006 parolees under supervision. Region I (Western) had the lowest number of parolees/pardonees under supervision, with 579.

Client Flow⁹

Among the 7,195 probationers received for supervision during the fiscal year, 6,099 or 84.8% were new cases from court. This represents a 7.1% increase over the 5,694 new cases from court received in fiscal year 1980. During fiscal year 1981, there were also 699 probationers or 9.7% received from other states, 248 or 3.4% restored to supervision, and 53 or 0.7% Virginia cases returned from other states.

Of the 5,783 probationers removed from probation supervision during the fiscal year, 1,855 or 32.1% were removed due to the expiration of their term of probation. This represents a 9.5% decrease over the 2,049 probationers removed by expiration of probation in fiscal year 1980. In addition 1,735 probationers, or 30.0% were removed from supervision by order of the court. Warrants were issued for 613 or 10.6% percent of the probationers who were discharged, 665 or 11.5% were probationers who had their probation revoked, and 564, or 9.8% were out-of-state probation cases that were terminated.

The majority of parolees/pardonees who were received came directly from Virginia institutions (3,264 or 83.4%). In addition, 8.3% of the clients were transferred from other districts and 5.5% were received from other states. Among those removed from supervision, 1,904 or 55.9% were discharged from parole, 722 or 21.2% were issued warrants, and 332 or 9.7% were transferred to other districts. In addition, among parolees removed

⁹ From Adults Under Community Supervision FY 1981, Virginia Department of Corrections

from supervision, 6.2% were out-of-state cases terminated and 4.4% were Virginia cases transferred to other states.

Probation Length of Stay by Offense¹⁰

Of the 5,783 probationers removed from probation, 2,566 or 44.4% were recidivists whose average length of stay was 22.6 months. The average length of stay for the 3,217 (55.6%) non-recidivists was 19.3 months or 3.3 months less than for the recidivists. The overall average length of stay for all probationers removed from probation in fiscal year 1981 was 20.8 months.

Of the 5,783 probationers released in fiscal year 1981, 754 or 13.0% had been convicted of violent crimes and 4,977 or 86.1% had been convicted of non-violent crimes. For 52 or 0.9% the committing offense was non-specific. The most frequent violent offenses for which probation was given were Assault (419 or 55.6%) and Robbery (188 or 24.9%). The average length of stay for the probationers who committed Assault was 21.0 months; for the probationers who committed Robbery it was 27.5 months.

The most frequent non-violent offenses for which probation was given were Larceny (1,317 or 26.5%), Dangerous Drugs (1,076 or 21.6%) and Burglary (940 or 18.9%). For the probationers who committed Larceny, Dangerous Drugs, and Burglary offenses, the average length of stay was 19.4 months, 20.7 months, and 24.8 months, respectively.

Probation Case Closing¹¹

Variation in workload is affected by the level of supervision required by the client. Level 5 can be the most time consuming level of supervision, depending upon the number of personal contacts required. Then, in successive order, probationers in Levels 1, 2, or 3 require more personal contacts and time to supervise. It is difficult to rank Level 4 because of the variety in number of contacts that could be required.

Overall, of the 5,783 probation cases closed in fiscal year 1981, 44.2% were on Level 1 Supervision (at least one personal contact every month); 25.1% were on Level 2 (personal contact required at least every other month), and 26.3% were on Level 3 (at least one personal contact every calendar quarter). In Level 4, relaxed supervision, and Level 5, intense supervision, the number of contacts required is established by the Chief or Deputy Chief. Approximately 4.3% of probation cases closed in fiscal year 1981 were on Level 4 and 0.1% were on Level 5.

¹⁰ From Adults Under Community Supervision FY 1981, Virginia Department of Corrections

¹¹ Ibid.

Of the 5,783 probation cases closed, 4,168 or 72.1% were successful case closings. Approximately 1,369 or 32.8% of these successful case closings were on Level 1 of supervision and 1,369 or 32.8% were on Level 3. In addition, 1,150 or 27.6% were on Level 2.

There were 1,524 (26.4%) unsuccessful case closings. Of these unsuccessful cases, 1,097 or 72.0% were on Level 1 Supervision, 250 or 16.4% were on Level 2, and 105 or 6.9% were on Level 3. In addition, it is known that of these unsuccessful cases, 421 or 27.6% violated probation by committing a new felony; 393 or 25.8% absconded; 356 or 23.4% committed technical violations; 186 or 12.2% committed new misdemeanor offenses; and 32 or 2.1% failed to pay a fine, cost or restitution. For 136 probationers or 8.9% the reason for the unsuccessful case closing is not specified.

A major challenge for corrections in Virginia is to find responsible ways to avoid building. That requires looking at "front door" diversion strategies as well as "back door" strategies oriented at reducing time served by people who do go to prison.

If space is to be made in prison by moving people out of the "back door" early, it is important to identify those who represent the least risk and concern to the community. Better criteria are needed for identifying those marginal offenders.

In Table V, circuit court probationers have increased 25.8% from 1977 to 1981 while releases from prison have increased 35.7%. During the same time period, commitments to State facilities increased only about 6%.

TABLE V

Fiscal Year	Circuit	District	Parolees	Pardonees
1975	8,346		2,448	15
1976	8,342	1,371	2,806	15
1977	9,019	1,012	2,992	13
1978	9,625	1,040	3,008	13
1979	10,151	1,103	3,135	8
1980	10,669	972	2,913 + 653	4
1981	11,345	1,334	-- 4078	--

The confined population, however, continues to increase primarily due to length of time served. If there is not much flexibility on the in/out decision, then perhaps time served might be more flexible. That variable is constrained by the judge's sentence, but can be influenced by the Parole Board through its release authority or by corrections officials through their control over "good time" or management of pre-release programs.

TABLE VI
TOTAL DISCHARGES/PAROLEES

	1980			1979		1978		1977	
	Manda- tory	Discre- tionary	Dis- charges	Par.	Disc.	Par.	Disc.	Par.	Disc.
Offense Against Person	361	627	32	634	265	627	198	783	177
Offense Against Property	900	775	83	819	609	690	422	724	445
Offense Against Decency	45	17	8	14	28	25	27	22	23
Offense Against Public Justice	8	5	1	5	4	4	2	10	6
Violations of Motor Veh. Laws	236	15	8	42	127	21	107	18	71
Offense Against Pub. Policy	124	254	7	229	70	217	68	267	81

Table VI, above, demonstrates the impact that mandatory parole, the simple criterion of adjusting the "time until expiration of the sentence"

has on bed spaces available. Discretionary paroles decreased about 8% from 1977 to 1980 and without this program offenders would have occupied state bedspace, which is at a premium, for even longer periods of time. Then too, the bulk of parolees both discretionary and mandatory fall within the non-violent crime category.

Very little is known about the actual magnitude of the deterrent effect of imprisonment, but in virtually all the research, the most consistent finding is that certainty of punishment, the probability of going to prison, is more important and represents a stronger deterrent effect than severity, or the length of time served.

Table VII demonstrates that 75.4% of mandatory paroles have sentences of less than 5 years, while less than 25% of discretionary parolees have sentences of less than five years. Current statistics for FY 1981 indicate that the current confined population will serve an average of 40.2 months before release¹², a factor which contributes to prison overcrowding.

Prison capacity is a fairly flexible number, but by no means can it be viewed as absolutely flexible without incurring unacceptable overcrowding. To the extent that imprisonment policy and practice become more punitive, the problem of prison saturation will become more chronic.

¹² From Regional Profiles of Inmates Confined on June 30, 1981, Virginia Department of Corrections.

TABLE VII

FELONS MANDATORILY PAROLED IN 1980

Sentence	Number	Average Time Served
<1 year	59	3 months
<2 years	523	4 months
<3 years	306	10 months
<4 years	224	18 months
<5 years	150	25 months
<5 - < 6	176	34 months

FELONS DISCRETIONARILY PAROLED

Sentence	1980		1979		1978		1977	
	No.	Av. Time Served						
<1	0	0	0	0	1	3 mos.	1	3 mos.
<2	4	6 mos.	64	5 mos.	51	5 mos.	42	6 mos.
<3	86	7 mos.	158	9 mos.	119	9 mos.	135	10 mos.
<4	116	13 mos.	178	15 mos.	166	14 mos.	177	14 mos.
<5	216	18 mos.	241	20 mos.	243	19 mos.	253	18 mos.
>5 - <6	265	22 mos.	287	23 mos.	295	22 mos.	366	20 mos.

FELONS DISCHARGED

Sentence	1980		1979		1978		1977	
	No.	Av. Time Served						
<1	29	0	10	4 mos.	21	4 mos.	27	4 mos.
<2	43	7 mos.	237	8 mos.	211	8 mos.	202	8 mos.
<3	17	12 mos.	219	15 mos.	171	16 mos.	156	15 mos.
<4	8	21 mos.	179	23 mos.	148	23 mos.	136	23 mos.
<5	9	24 mos.	139	31 mos.	88	31 mos.	90	31 mos.
>5 - <6	12	31 mos.	154	38 mos.	85	39 mos.	74	40 mos.

TOTAL PAROLES AND DISCHARGES

	Paroles	Discharges
1977	1,824	803
1978	1,584	824
1979	1,743	1,103
1980	1,693 + 1,674 Mandatory	139
	36	

TABLE VII (Continued)

TIME SERVED - DISCHARGES

	< 1 Yr.	1 Yr.	2 Yrs.	3 Yrs.	4 Yrs.	5 Yrs.
Offense Against Person	5	11	3	2	3	1
Offense Against Property	26	35	12	6	3	0
Offense Against Decency	2	5	0	0	1	0
Offense Against Public Justice	0	1	0	0	0	0
Violations of Motor Vehicle Laws	5	3	0	0	0	0
Offense Against Public Policy/Health	1	3	0	3	0	0

DISCRETIONARY PAROLES - TIME SERVED

Off. Against Person	1	89	116	119	94	77
Off. Against Prop.	8	223	253	143	68	27
Off. Against Decency	0	7	3	2	3	0
Off. Against Pub. Jus.	1	3	0	1	0	0
Violations: Mot.Veh. Laws	1	9	3	2	0	0
Off. Against Pub. Policy/Health	6	71	72	36	29	19

MANDATORY PAROLES - TIME SERVED

Off. Against Person	43	81	55	89	32	17
Off. Against Prop.	209	302	188	112	39	20
Off. Against Dec.	8	19	11	2	1	1
Off. Against Pub. Jus.	6	1	1	0	0	0
Violations: Mot.Veh. Laws	184	41	9	0	0	1
Off. Against Pub. Policy/Health	42	37	16	17	0	9

Community Diversion Incentive Act

The Community Diversion Incentive Act became law on July 1, 1980. See Section 53-128.16 through Section 53.128.21 of the Code of Virginia.¹³ Regulations were promulgated by the State Board of Corrections in August 1980. The Department developed and provided to local jurisdictions "Guidelines for the Administration of Community Diversion Projects." Since July 1980, technical assistance has been provided by the Department to 14 localities throughout the State. The first projects began in January 1981.

The Community Diversion Incentive Act can be useful in Virginia for the following reasons: (1) Virginia is among 13 states with the highest commitment and incarceration rates, and (2) Virginia has the 11th highest number of confined inmates in the United States per 100,000 population. According to the "Executive Summary Program Exhibit for 1982-1984" of the Department of Corrections, successful diversion of selected non-violent offenders from incarceration will provide some relief to the overcrowded institutions, and will reduce the costs for capital outlay and maintenance and operation.

The following table demonstrates estimated client projections for adult diversion:

	Adult Probation and Parole Supervision ¹⁴	Community Diversion Incentive Programs	Clients
1982	17,904	7	200 (58 as of 1/26/82)
1983	18,972	10	280
1984	20,000	19	544
1985	21,048	21	588
1986	22,096	25	783
1987	23,144	28	812
1988	24,192	32	1,127

¹³ Title 53 of the Code of Virginia will be repealed and replaced with Title 53.1 effective July 1, 1982. These titles will become Article 2 §53.1-180 through § 53.1-185.

¹⁴ Number of clients under supervision on the last day of the year, projections based on regression analysis formula.

Local Jails

The utilization of alternatives to incarceration has long been the responsibility of the judicial system. Recent developments have made this a prime concern of the correctional sector, from the local sheriff to the State Director of Corrections.

Jails are supervised and operated by local units of government under the auspices of a constitutional officer (sheriff), or regional jail administrator. Although basically autonomous institutions, jails are tied to the State Department of Corrections and its Board by certain statutes in the Code of Virginia which set forth State supervisory and subsidy rules in relationship to local jails. Because of this system linkage, it becomes difficult to discuss State problems without relating them to similar problems on the local level.

In fiscal year 1981, the Department of Corrections reported 189,056 commitments to city and county jails in Virginia. The commitments resulted in 2,111,835 prisoner days, averaging 11.2 days per commitment (includes pre- and post-adjudication detention). The design capacities of these jails in fiscal year 1981 provided a maximum of 1,966,255 prisoner days per year; this is the total number of prisoner days that would be available if every jail had been filled to capacity every day of the year (rated capacity times 365). The rated capacity for all the State's jails was 4,867 in fiscal year 1976; 4,979 in fiscal year 1977; 5,024 in fiscal year 1978; 5,033 in fiscal year 1979; 5,249 by June 1980; and 5,563 by April 6, 1982. This is an increase of 14.3% during the past six years.

During fiscal year 1981, there were 145,580 more total prisoner days than the jails were designed to accommodate; an average daily population of about 399. From 1976, when there were 94,828 more prisoner days than capacity days, to 1978, with 143,103 less prisoner days, jail populations decreased by 13.6%. In fiscal year 1981, there was an increase of 16.9% over the previous year.

Of the total jail commitments during fiscal year 1980, 65% were white and 35% were non-white. The racial distribution shows no significant change over fiscal years 1975-1980. Commitments of youths under the age of eighteen show a drop of 75.3% during the past four years. Commitments increased from fiscal year 1978 to fiscal year 1980 by 223, or 5.9%. The general trend for commitments to jail for this age group shows a 29% increase from 1964 (5,601 commitments) to 1970 (7,225 commitments). The next ten years demonstrated an overall reduction of 81.9% in commitments of persons under the age of eighteen.

An analysis of offenses for fiscal year 1980 shows that those against decency, peace and good order (31%) were most frequent. Among these offenses, the one most frequently occurring was Drunk in Public (25%). Traffic violations ranked second with 21%. There has been no significant change in these percentages of commitments since fiscal year 1975. Fiscal year 1980 data clearly show that 55% of all commitments

were for misdemeanors, 24% for local ordinances, and 21% for felonies. This has remained relatively constant since fiscal year 1975.

The following chart exhibits the percentage of misdemeanor, ordinance, and felon commitments to jails since 1964:

PERCENTAGE OF COMMITMENTS

<u>Fiscal Year</u>	<u>Misdemeanant</u>	<u>Ordinance</u>	<u>Felony</u>
1964	86.4	0	11.6
1965	86.8	0	11.2
1966	86.5	0	11.3
1967	86.5	0	11.5
1968	86.1	0	12.1
1969	85.7	0	12.5
1970	84.5	0	13.4
1971	82.9	0	15.2
1972	82.0	0	16.2
1973	82.7	1	16.2
1974	69.0	13.6	17.4
1975	56.0	22.4	21.6
1976	51.0	25.2	23.8
1977	53.6	23.9	22.5
1978	51.9	26.3	21.8
1979	54.0	25.0	21.0
1980	55.0	24.0	21.0

Misdemeanant commitments to State adult institutions have decreased significantly from 1968 to December 1981,¹⁵ some 321%. Misdemeanant commitments to jails have also decreased, although the total of misdemeanants and ordinance violators has remained somewhat constant. By April 13, 1982, however, the number of misdemeanants housed in local jails averaged 1,255, a 46.1% increase over fiscal year 1981. The significant increase is in felony commitments; 98% over the past 15 years, due in part to the overcrowded conditions in State adult institutions. On April 7, 1981, there were 1,694 tried and convicted felons in local jails and 2,372 by April 6, 1982, 1,400 of which have been identified as State responsibility.

¹⁵ Although some misdemeanants are still committed and confined in State institutions, the classification system registers them as felons since they are eligible for parole.

MAGISTRATE PROCESSES

TABLE IX

Calendar Year	Arrest Warrants		Bonds		Summonses	Commitments - Releases	
	Felony	Misdemeanant	Felony ¹	Misdemeanant ²			
1976	34,410	256,937	16,796	208,168	40,554	142,609 ³	
1977	33,208	254,197	17,230	191,342	36,428	162,226 ³	
1978	36,118	242,741	19,710	152,210	35,410	102,207	87,473
41 1979	36,681	250,494	21,071	175,172	34,088	113,840	98,811
1980	40,764	257,493	25,655	177,373	30,038	127,970	103,205
1981 ⁴	41,231	247,386	22,557	159,579	30,081	123,506	101,091

¹ Includes unsecure and secure felon bonds

² Includes unsecure and secure misdemeanor bonds

³ Aggregates commitments and releases

⁴ Preliminary data

As can be seen in Table IX, the number of arrest warrants issued by magistrates for felonies has increased 19.8% since 1976, while misdemeanor arrest warrants have decreased by 3.9%. The issuance of summonses fell 34.8% from 1976 to 1981. Although a recent survey indicates that the issuance of criminal summonses by law enforcement departments may have supplanted the magistrate function. While felon arrest warrants increased, the felony bonding rate also increased 34.3% during 1976-1981. Misdemeanant bonds decreased by 30.4%, and commitments increased 20.8% while releases increased by 15.6%.

General District Court Services

Although arrested for less serious offenses (primarily property offenses, drunk-in-public, driving while intoxicated, traffic offenses, and contempt of court), misdemeanants are not significantly afforded pre- and post-trial alternatives to detention and incarceration. The present rate of felon probation is about 66% compared to 17% for misdemeanants. During the past four years, however, the Portsmouth General District Court has been operating an adult misdemeanor services unit under the direction of Mr. E. E. Bottoms. The Winchester/Frederick General District Court has developed a community alternative (pre-trial) program, a fine option, and a sentence alternative program in their court services unit under the direction of Mr. C. D. Poe. Both of these programs were initiated and supported by grants from the Virginia Council on Criminal Justice. More recently, programs supported by other resources have emerged. These are the Montgomery County community sentencing project under the direction of Ms. Beth Wellington; O.A.R. programs in Charlottesville, Fairfax, Arlington, and Richmond under the direction of Ms. Pat Smith, Ms. Marjorie Morrison, Ms. Debbie Kaplan, and Mr. Sam Hill. The Rockingham County / Harrisonburg City General District Court has a services unit under the direction of Mr. Gary Guardacosta. During the past six months the Richmond City Sheriff's Department in conjunction with the General District Court implemented a sentence commutation program for misdemeanants. This program is under the supervision of the Director of Correctional Services, Mr. Ron Elliott. Most of these programs provide screening for misdemeanants and community service restitution placements.¹⁶

The present increase in sentenced misdemeanor populations in local jails indicates a need for expansion of similar services to other general district courts throughout the Commonwealth.

Future Jail Detention Needs

A projection method was developed for assessing the future populations of local jails in the State. The following excerpt from Corrections Options for the Eighties provides information about the method of projection and its application:

Due to its financial responsibility of reimbursing¹⁷ localities for inmates charged with state offenses and housed in local

¹⁶ H 188 and H 119 will become effective on July 1, 1982, providing statutory remedy for community service orders as a condition of a suspended sentence and as options to payment of fines.

¹⁷ Effective July 1, 1982 the Department of Corrections will put into operation a block grant subsidy program for local jails (vid § 53.1-84 through §53.1-86 § 198.

jails (either awaiting trial or transfer to state institutions), the Department of Corrections' Division of Finance maintains monthly records of jail population.¹⁸ Because of their fiscal purpose, these records are the most reliable sources of past jail confinements. These forms report daily population in terms of "prisoner days" (number of inmates X number of days served by each = total prisoner days).

These reports from July 1964 through November 1977 were collected and tabulated for each month (161 months).

For the purpose of this projection, total prisoner days by month was converted to average daily population, based on the relationship:

$$\begin{aligned} \text{Average Daily Population} &= \\ \text{Total Monthly Prisoner Days} & \\ \text{Number of Days per month} & \\ & (28, 30, \text{ or } 31) \end{aligned}$$

Based on these approximately 13.5 years of data, the projection of jail average daily population was derived as follows:

A computer-plotted scattergram indicated that the Least Square Regression technique would be the most valid technique. (Regression Analysis attempts, depending on the data, to draw a line--the line of the least squares--between the data points that explain the greatest amount of variation between the points). The thirteen years of jail data indicate a pattern sufficient to justify the use of average daily jail population as a self predictor.

Utilizing the Least Squares Regression technique, computer analysis produced the following equation:

$$\begin{aligned} \text{Average Daily Population} &= 3,004.47 = 8.81 (\text{month}) \text{ where} \\ \text{"month"} &= 0 \text{ for July, 1964.} \end{aligned}$$

This equation was found to be significant at the .00001 level.

¹⁸ The collection and analysis of data for this projection was provided by the Division of Justice and Crime Prevention, William Lucas, Statistical Analyst.

Once established, this trend was extended over time to produce projections through 1980. The following projections of average daily population for Virginia's local correctional facilities were found:

January 1980 - 4,651 average daily population
 1985 - 5,179 average daily population
 1990 - 5,707 average daily population

Another method for establishing future population is the ratio method which converts the rate of incarceration¹⁹ into a ratio of jail average daily population divided by general population. A low and a high ratio are selected for a period which represents the trends in jail rates of incarceration.

Table X indicates that the rate of incarceration during the past eighteen years was similar in 1960 and 1977. For this reason, the ten-year period from 1971 - 1981 was selected. The low ratio (.000680) in 1973 and the high for 1981 (.001075) are then multiplied by future total State population, resulting in the following average daily populations:

FY	State population	ADP Low (.000680)	ADP High (.001075)	ADP Mean (.000878)
1982	5,447,228	3704.1	5855.8	4780.0
1983	5,514,509	3749.9	5928.1	4839.0
1984	5,581,789	3795.6	6000.4	4898.0
1985	5,648,847	3841.2	6072.5	4956.9
1986	5,716,125	3887.0	6144.8	5015.9
1990	5,985,000	4070.0	6433.9	5252.0
1995	6,262,503	4258.5	6732.2	5495.4
2000	6,540,000	4447.2	7030.5	5738.9

The above demonstrates that the State can expect the average daily population for all jails to be in the 4,447 - 7,031 range, with 5,739 a realistic planning mean. Still, jails experience a peak population factor (combined) of about 25% which must be taken into consideration. With this in mind and without any changes to the system over the next 20 years, there will be a need in the range of 5,559 to 8,789 beds, with 7,174 being a reasonable mean to handle peak jail population. The projected rated capacity for all jails in the State by 1984 is about 5,800 due to new construction, expansion, and renovation. Since the mean rated capacity projected for 1984 is 6,123, there will be a shortfall of some 323 beds statewide.

¹⁹ Rate of Incarceration = $\frac{\text{Average Daily Population} \times 100,000}{\text{Total Population}}$

TABLE X

FY	Commitments	Total Prisoner Days	A.L.S.**	A.D.P.	Total Pop.	ROI*
1960	118,177	1,346,246	11.4	3688.3	3,954,429	93.3
1961	115,832	1,321,931	11.4	3621.7	4,095,000	88.4
1962	116,596	1,318,024	11.3	3611.0	4,180,000	86.4
1963	118,121	1,290,908	10.9	3536.7	4,276,000	82.7
1964	127,953	1,368,285	10.7	3748.7	4,357,999	86.0
1965	127,993	1,340,892	10.5	3673.7	4,411,000	83.3
1966	123,274	1,270,400	10.3	3480.5	4,456,000	78.1
1967	121,665	1,178,682	9.7	3229.3	4,508,000	71.6
1968	120,828	1,176,733	9.7	3223.9	4,558,000	70.7
1969	126,662	1,172,444	9.3	3212.2	4,614,000	69.6
1970	131,057	1,251,237	9.5	3428.0	4,651,448	73.7
1971	131,439	1,372,350	10.4	3759.9	4,720,000	79.7
1972	130,172	1,335,506	10.3	3658.9	4,754,000	77.0
1973	136,486	1,202,089	8.8	3293.4	4,844,000	68.0 Low
1974	148,013	1,239,175	8.4	3395.0	4,909,000	69.2
1975	149,300	1,539,215	10.3	4217.0	4,980,600	84.7
1976	137,597	1,871,283	13.6	5126.8	5,052,400	101.5
1977	144,459	1,729,526	12.0	4738.4	5,094,600	93.0
1978	151,721	1,647,222	10.9	4512.9	5,183,873	87.1
1979	174,350	1,759,328	10.1	4820.1	5,248,545	91.8
1980 ²⁰	187,454	1,806,670	10.0	4949.8	5,346,279	92.5
1981	189,056	2,111,835	11.2	5785.8	5,379,972	107.5 High

*ROI = $\frac{\text{A.D.P.}}{\text{Total Population}} \times 100,000$

**Average length of stay in days

²⁰ Actual 1980 census data - Tayloe Murphy
 1980 Department of Planning and Budget projection 5,313,000

In examining the factors which affect corrections populations, two important facts emerge:

- o Small changes in either the number of admissions or the average length of stay of offenders in a program or facilities can have a resounding impact on corrections populations.
- o Most of the decisions which determine these two factors are outside of the jurisdiction of the Department of Corrections.

JUVENILE JUSTICE AND DELINQUENCY PREVENTION

JUVENILE DELINQUENCY PREVENTION SERVICES²¹

In the wake of increasing numbers of youth coming into contact with the juvenile justice system, efforts are continuing to focus on preventing delinquency, and preventing inappropriate processing of youths through an already overburdened system. Prevention programs currently operating in the Commonwealth serve to address the behaviors and social conditions which are likely to result in contact with the juvenile justice system; e.g., truancy, running away from home, disruptive school and home behavior, suspensions, expulsions, and joblessness. Benefits to the system include reduced costs and improved services to the more serious offenders. The prevention thrust is a complex and interdependent effort among Federal, State, local, and private resources in the Commonwealth. Direct services offered include diagnosis and screening; alternative academic and vocational education; recreation; counseling; residential care; employment counseling and training; and job placement and referral. Indirect services include research and evaluation, technical assistance, training, advocacy, program development and coordination, and management of direct services.

Many State agencies, both within and outside the formal juvenile justice system are developing programs to address the needs of pre-delinquents. They are the:

Department of Corrections

Through the Delinquency Prevention and Youth Development Act (House Bill 1020), State funds were appropriated in 1980 for the creation of local offices on youth. Nineteen offices are funded currently with plans for expansion during 1982. These offices coordinate local youth services and serve as referral sources for youth throughout the State. The Department of Corrections is placing increased emphasis upon community prevention services. Prevention specialists are employed in all five regions; the central administrative staff also support this effort. Standards for offices on youth are in place, and a manual for citizen involvement has been developed and is circulated statewide.

The Department of Corrections has developed and implemented an evaluation plan to assess the effectiveness of the offices on youth. Local planners are trained in how to implement these techniques. The evaluations are updated annually.

²¹ Appendix A, "Juvenile Justice System Flow Analysis" provides a synoptical overview of the Juvenile Justice process. p.143.

The establishment of the position of a Deputy Director for Youth and Community Services is providing an effective mechanism for implementing prevention programs by improved coordination of administrative support services.

Virginia Division for Children

This agency was created to represent the interests and needs of youth within State government. Working closely with service delivery agencies, the Division is involved in many activities to improve the availability and quality of all services to youth.

In early 1981, this agency published "Step by Step - A Guide Through the Juvenile Justice System," the first such handbook designed for youth in the system. Additional publications include "AWARE" (a monthly newsletter), "Resources for Children and Youth in Virginia" (a directory of existing services), "Together...Apart" (a manual for families with one member who is incarcerated), "You Have the Right If You Know It" (a children's guide to their legal rights and social responsibilities), "The ABC's of Quality Day Care" (a day care selection guide for parents), "A Study of the Implementation of the Revised Plan for the Identification and Diagnosis of Children Who Are Handicapped", and "Advocates Packet on School-Age Parenting."

Virginia Department of Welfare

Diagnosis, referral, counseling, treatment, short and long term residential and foster care, protection services, and financial assistance are provided to youth who would likely come into contact with the juvenile justice system in the absence of such services. Specifically served are dependent, neglected, abused, foster care and runaway youth.

Virginia Department of Education

In spite of reduced revenue, the educational community is continuing to redefine its role to include reaching out to the student with behavior problems. School systems throughout the State are developing the capacity to provide students with not only an academic education but also the opportunity for personal growth and the development of a sense of responsibility.

The recently revised Standards of Quality mandate alternatives to traditional education for youth not able to succeed in the regular classroom. All 131 school districts in the State are providing some type of alternative to suspension, expulsion, or "pushing out" of students in an effort to keep the youth involved in school. Services being offered in addition to academic instruction, vocational, and tutorial services include: early identification of "at risk" youth;

intensive counseling; family outreach; behavioral and academic contracting; career counseling; law-related instruction; in-school suspension; alternatives to classroom instruction; and referral to needed services in lieu of legal processing. The Division of Justice and Crime Prevention²² has provided training and funding support for alternative education and other school program personnel.

Department of Mental Health/Mental Retardation

Through local community services boards, the Department of Mental Health, Mental Retardation provides diagnosis and screening, psychological counseling, drug and alcohol education and counseling, and referral services for youth, as well as certain types of training for program staff. The Department of Criminal Justice Services coordinates its programs with regional and local services operated by the Department of Mental Health/Mental Retardation.

Virginia Employment Commission

The Virginia Employment Commission provides employment counseling, vocational training, and job referral and placement to Virginia's youth through a statewide network of local offices.

Department of Rehabilitative Services

This agency provides financial assistance and services for eligible handicapped youth in the State. This Department also operates residential training centers for handicapped Virginians.

Division of Volunteerism

While not offering direct client services, this office oversees and advocates the utilization of volunteers in youth programming. Volunteers can and do play an extremely important role in delinquency prevention by expanding the scope of services available while preventing additional system costs. The Office is offering technical assistance and training to projects losing staff positions and resources in a time of fiscal austerity as well as State agencies which utilize volunteers.

State 4-H Office/Extension Service

4-H is slowly expanding its eligible service population to include non-traditional members, i.e., first offenders, minor offenders, and 'at risk' youth. Counseling services through Wilderness Challenge experiences are presently serving four jurisdictions with plans to expand to many more.

²² See p. 12, r.1.

Commission of Outdoor Recreation

The Commission assures the provision of quality recreational facilities and services to families in the Commonwealth.

Department of Health

Medical services are provided to youth and families through local health departments. These services include diagnosis, treatment, and referral.

Department of Criminal Justice Services

Through administration of the Juvenile Justice and Delinquency Prevention Act (JJDP Act), seed money for a variety of prevention programs has been provided to localities and State agencies. Many of the offices on youth and alternative education programs were begun through assistance provided by these dollars. Program development, technical assistance, training, and evaluation services are offered to prevention projects throughout the State. The Department is currently focusing efforts on increasing communication and coordination among State agencies with a view toward filling system gaps, eliminating duplication of services, and cutting costs.

Private agencies which are playing an increasing role in delinquency prevention in the Commonwealth include:

YMCA/YWCA (outreach counseling, referral, and recreational activities)

Family Service/Travelers Aid (training in family counseling, outreach counseling, parent education and referral)

Boys Clubs (recreational, tutorial, job counseling and placement, diagnosis and counseling)

Big Brothers/Big Sisters (one-to-one volunteer matching and counseling services)

Urban Leagues (individual, group, and family counseling, referral)

The emphasis placed on preventing delinquency has had increasingly positive results. The number of community-based prevention services has increased. The public, through educational efforts, is becoming more aware of the myriad of resources available for prevention. Prevention services are being coordinated at the local level through the Department of Corrections Division of Youth Services regional and State offices.

Advocacy for children's services is occurring in many localities and at the State level through the efforts of the Division for Children. The private sector is contributing greatly to delinquency prevention. Volunteers are being "plugged into" prevention services throughout the State, resulting in more efficient and less costly service delivery. State, local, and private agencies responsible for human service delivery are becoming more aware of the role their agencies can play in delinquency prevention. Local agencies are beginning to develop methods of service integration where the need is the greatest.

Though major strides are being made in prevention programming in the Commonwealth, there are gaps which hinder the provision of services. One is the lack of State agency level coordination of services. Each service delivery agency is responsible for carrying out a unique and

necessary mission. At the local level, these missions often conflict, overlap, or fail to serve a population in need. This results in some youth receiving duplicate or unnecessary services, and others receiving no services at all.

Prevention programming is the most difficult area to evaluate. Longitudinal studies provide the most valid means of determining effectiveness, but often they are too difficult and too costly to implement.

Not all localities in the State have equal access to prevention programming due to geographic, political, or cost factors.

Planning capabilities at the regional level have been depleted, and it is becoming more difficult to obtain data necessary for determining program need.

LAW ENFORCEMENT, COURT, AND COMMUNITY-BASED DIVERSION SERVICES

Law Enforcement

Law enforcement agencies throughout the Commonwealth are locally operated in the form of police departments and sheriff's offices. Normally, the first point of a child's contact with the justice system occurs at the law enforcement level, whether a delinquent act has been committed, or a child is a runaway, neglected, abused, or abandoned. Traditionally, law enforcement has placed no emphasis on the unique problems/situations of juveniles, with the result being that alleged juvenile offenders have been handled in much the same way as adult offenders.

The role of law enforcement in handling youth is changing. Most law enforcement juvenile divisions now implement delinquency prevention programs; attempt to divert youth from the court system; and provide counseling services in addition to performing their investigatory functions. Specific services include: recreational activities, counseling in the schools, formation of citizens groups, law-related education, public education, family counseling, referral to needed services, and training of other police officers.

In the past eight years, juvenile divisions have been established in four sheriff's departments and over twenty police departments. These divisions are responsible for all juvenile-related law enforcement in the localities which they serve.

The creation of juvenile divisions in law enforcement agencies has had a positive impact in the Commonwealth. More youth are receiving needed services at the community level through the emphasis on police diversion. Complaints at court intake are decreasing in localities which have diversion-oriented police divisions. Public attitudes toward law enforcement officers have improved through the non-traditional roles played by juvenile officers. The number and quality of prevention programs and coordination of existing services have increased due to juvenile officer efforts in community organization. Law-related education is being provided youth in local school systems in many parts of the Commonwealth.

Resources available to juvenile law enforcement divisions in the Commonwealth are limited almost solely to local and federal dollars. The Division of Justice and Crime Prevention,²³ through the JJDP Act and Crime Control Act block grant programs, has provided financial assistance to ten law enforcement agencies. However, Crime Control Act funds were

²³ See p.12, r.1.

unavailable after 1980. Local budgets are having to absorb most of the cost of these programs if they are to continue. Program development, technical assistance, and training are being provided to these agencies through the Sheriffs' Association and the Department of Criminal Justice Services.

Many localities do not have the benefit of juvenile divisions. As a result, in some localities, youth are being differently responded to and court caseloads and costs of processing youth through the system are remaining at past levels or increasing. Existing juvenile divisions are often vastly understaffed and the officers underpaid, causing morale problems and high turnover rates. Financial assistance to law enforcement agencies is being slowly depleted through lack of State money available and decreasing federal assistance.

Juveniles not diverted at the law enforcement level are referred to juvenile court intake for action. Thirty-two court districts provide 24-hour intake service for juveniles in all localities in Virginia. Complaints may be filed for delinquent or status offenses and in situations of custody, abuse, neglect, and abandonment. Juvenile courts also have original jurisdiction over adults in juvenile-related matters. Complaints may be brought to juvenile court intake by law enforcement officers, parents, citizens, social service agencies, schools, and others. The goal at this level is to divert from formal court action those juveniles who can be served by alternative programs outside of the juvenile justice system. The Juvenile Code Revision of 1977 provided court intake officers with the discretionary authority not to file a petition against the juvenile to another agency or program which might be better suited than the juvenile court to meet the child's needs.

For juveniles who do require court processing, the intake officer also has the responsibility to decide who will supervise the child prior to the court hearings. Whenever possible, the goal is to release the child to his/her parent or guardian. If this is not feasible, then a non-secure detention program is preferable. However, in order to insure the presence of the child at court proceedings, and/or to protect the public or the child, it is necessary to securely detain some children.

The 1977 Juvenile Code Revision has had a positive impact on the efficiency of court intake services. Intake is available around the clock to every locality in the State. More youth are being referred to needed community-based services due to the increasing emphasis on diversion. Better decisions are being made in handling complaints. Court intake services are being monitored through the Department of Corrections court certification process. Intake services are being coordinated at the regional level through the Department of Corrections regional court specialists.

The majority of Virginia's court service units are supported with State funds through the Department of Corrections; nine units are still locally supported and operated.

In addition to State and local financial resources, the Division of Justice and Crime Prevention²⁴ has provided federal financial assistance to at least 5 court intake offices for the purpose of assuring 24-hour intake services to Virginia's youth. The Department of Criminal Justice Services and the Department of Corrections offer technical assistance, evaluation, and training for court intake personnel.

Problems with juvenile court intake diversion also exist. In the majority of localities, 24-hour intake is provided on an "on-call" basis, creating transportation problems and delays in processing of complaints. Most intake units have no immediate access to non-secure facilities, necessitating temporary inappropriate placements in secure facilities in some cases.

There is no consistent risk assessment mechanism available to intake officers for adequately selecting diversion candidates. Determinations currently made are inconsistent across the State, and depend on the individual intake officer's perception of the problem.

Community-based Diversion Services

Included within the realm of diversion services are both residential and non-residential programs such as education, employment, counseling, referral, and diagnostic screening. If a youth is in need of services provided by any of these programs, a referral can be made to the appropriate service. The Juvenile Code Revision of 1977, by increasing the emphasis on diversion, has spurred the development of a network of community-based programs in the Commonwealth to serve youth whose needs can be better served in the community setting. This has been a particular need for status offenders, but increasingly, delinquent offenders are receiving such services.

The Department of Corrections coordinates a network of community-based residential alternatives including group homes and family-oriented group homes, (i.e., therapeutic foster homes). Standards for operations have been developed for these programs, and training has been provided to staff. The Department of Corrections reimburses two-thirds of operational costs of locally operated residential facilities. The regional structure of the Department allows ongoing monitoring of these programs on a routine basis. The Department of Criminal Justice Services cooperates with the Department in the areas of program development, planning, technical assistance, evaluation, and research to assist community-based alternative programs. Financial assistance is provided to localities and the Department through the Juvenile Justice and Delinquency Prevention Act block grant program. The Department of Criminal Justice Services is

²⁴ See p.12, r.1.

attempting to initiate a service integration initiative for local service delivery efforts.

Community-based programs throughout the Commonwealth have the potential for a dramatic impact on the juvenile justice system. Youth who otherwise would have been processed through the court are now receiving needed services more quickly and closer to their homes; i.e., diversion is being utilized more often. Costs to the system are decreasing with the use of non-justice system alternatives. The public is becoming increasingly aware of and receptive to the diversion of youth from the system due to visible successes. Volunteers are being utilized to increase services and reduce costs. Fewer youth are being committed to the State Board of Corrections for 30-day screening and diagnosis. Fewer status offenders (CHINS) are being held in secure detention.

The quantity and quality of community-based services has steadily increased. Community-based services are being coordinated locally by offices on youth, and regionally by the Department of Corrections Youth Division. The private sector is playing an increasingly important role in the treatment of delinquency.

State and local agencies are becoming more aware of their role in treatment of delinquency. Local agencies are beginning to look toward service integration to improve the quality of services. The adult correctional system is utilizing the experience of the juvenile justice system in moving towards community-based corrections via the Community Diversion Incentive Act.

Alternative programs accepting youth in the custody of the State Board of Corrections are being monitored through the Department of Corrections certification process. Public and private residential facilities are also being monitored by the Division of Justice and Crime Prevention²⁵ regularly.

In regard to diversion services, conflicts in State and local agency policies, procedures, and practices act to impede service delivery at the local level. Each agency has a unique and necessary mission. Often these missions overlap, conflict, or fail to provide an avenue for needed services to a given youth. Some youth, as a result, receive duplicate services; others receive none.

Some localities, particularly rural ones, do not have enough alternatives available to them. This often results in youth being processed through the justice system as the "lesser of the two evils".

²⁵ See p.12, r.1

There are often delays in placing youth, particularly into residential facilities, due to lack of available space, time-consuming application processes, and/or failure to meet technical eligibility requirements. Sometimes youth are "misplaced" due to lack of adequate screening and diagnosis.

There is no statewide tracking system for youth placed in community-based programs, making client impact evaluation difficult. Therefore, there is a lack of evaluation evidence that community-based programs truly do divert youth from the juvenile justice system.

ALTERNATIVE TO INCARCERATION SERVICES

More emphasis is being placed on the use of the least restrictive alternative at all points in the juvenile justice system in Virginia. Efforts are being made to assure that both alleged and adjudicated CHINS and delinquent offenders are placed in the least secure environment possible, while maintaining protection of the child and the community. This thrust is attributable to several factors, including:

- o The Juvenile Code Revision of 1977
- o The creation of much needed alternative programming
- o A decreased budgeted capacity in the State's learning centers
- o The closing of thirty-five (35) jails to juveniles

Pre-dispositional Alternatives

Under Section 16.1-241 of the Code of Virginia as amended, each court service unit in the State must provide 24-hour intake services for the processing of juvenile complaints. Intake officers have the discretionary authority, within established guidelines, to file or not to file a petition on a juvenile. In a case where a petition is filed, this authority extends to decisions made concerning the child's placement while awaiting the court hearing.

The following is a discussion of all pre-dispositional alternatives authorized by Section 16.1-247 of the Code of Virginia generally from the least restrictive to the most restrictive. Often these alternatives are utilized in combination (e.g., release to parental custody/unofficial supervision).

1) Release to Parental Custody. Here the child returns to the home of his parents/guardians while awaiting the court hearing. The parents/guardians assume responsibility for the child's appearance in court. The child generally resumes his/her normal daily routine (i.e., school) with whatever restrictions are imposed as a result of the intake hearing.

2) Unofficial Supervision. Often used in combination with other alternatives, this involves unofficial contact by the court with the youth during the pre-dispositional time period, regardless of where the child has been placed.

3) Family Shelter Care. The youth is placed with a family other than his/her own during the pre-dispositional period. The family allows the youth to maintain as near a normal family environment as possible. Disruption to the child's daily routine is minimal.

The Volunteer Emergency Foster Care Program, a private non-profit agency, has initiated programs in twenty localities in which families offer to house youth in their homes without compensation. This program continues to expand and plans to serve at least thirty localities in fiscal year 1982. Some courts have independently initiated their own local volunteer home care programs.

4) Outreach Detention. This alternative allows a child to reside at home with intensive (at least daily) contact with a court worker until the dispositional hearing. Typically, the outreach worker provides recreational and counseling services in addition to supervision.

5) Less-Secure/Crisis Home. The child is removed from his/her home and placed in a group home designed to provide 24-hour supervision prior to disposition. Although counseling and recreational services are provided, often a youth's education is at least temporarily interrupted.

6) Detention Home. The child is placed in a secure detention home awaiting disposition. Locked doors and constant sight and sound supervision serve to restrict the youth's freedom considerably. Services offered to youth in secure detention include medical, recreational, educational, transportation, and counseling.

7) Jail. The child is placed in a local jail awaiting disposition by the court. As described elsewhere in this document, jail is a secure environment, providing cells for alleged juvenile offenders, and minimal services of any type. Jails house adult offenders, but must by law totally separate them from juveniles. When jail is chosen as the pre-dispositional alternative, the reason for jail detention must be documented by the court intake worker.²⁶

Availability of the above alternatives varies widely throughout the State. As a general rule, the more populous urban areas have all, with availability declining as the geographic area becomes more rural.

Options available to an intake officer depend upon many variables, including age, nature of the alleged offense, prior offense history, a youth's attitude at intake, willingness of the parent or guardian to

²⁶ Draft Minimum Standards for Court Services. Department of Corrections, March, 1981.

assume supervision, the perceived likelihood of the potential of harm to the child or community, and the availability of alternatives in the locality.

Although services offered to youth during the pre-dispositional phase vary considerably among the alternatives, the overriding goal of each is to assure the youth's appearance at the court hearings. Decisions, then, are necessarily based on the risk an individual child presents that he/she will not appear in court.

The March 1981 Department of Corrections Draft Minimum Standards for Court Services encourages use of the least restrictive alternative for alleged offenders. Standard 7132 PRE states "Written policy and procedure must provide that, where they exist, community residential facilities are available for use by Court Service Unit staff to place juveniles in lieu of confinement". The Code of Virginia (§ 16.1-248) restricts the use of secure detention to those cases where:

- o No one is available or willing to provide supervision; or
- o The child's release would represent a danger to the community; or
- o The child's release would represent a danger to the child.

Utilization statistics are available only for four of the pre-dispositional alternative program areas.

Five (5) outreach detention programs in the State have a combined capacity of 120 cases at any given time. In FY 1980, utilization of outreach detention was 62.3% of capacity, up from 54% in FY 1979.

Seven (7) crisis shelters in Virginia have a combined capacity of 94 youth at a given time. In FY 1980, utilization of these facilities was 72.2% of capacity, up from 62.8% in FY 1979.

Three (3) less-secure detention facilities have a combined capacity of 41 youth at a given time. In FY 1980, utilization of less-secure detention was at 62.7% of capacity, up from 58% in FY 1979.

Sixteen (16) secure detention homes in the State have a capacity of 437 youth at any given time. In FY 1980, secure detention operated at 84.8% of capacity, up from 82.1% in FY 1979, when there were only 14 homes.

Post-dispositional Alternatives

Section 16.1-279 of the Code of Virginia delineates the options available to the court in the disposition of cases. If a youth is found to be in need of services (CHINS), he/she may be:

- 1) ordered to receive a needed service in the community, or
- 2) released to parental custody with certain limitations imposed by the court, or
- 3) Placed on probation, or
- 4) required to participate in a public service project.

Custody may also be transferred to another family member or guardian, a child welfare agency, or the local department of welfare. The judge may excuse the youth from compulsory school attendance and authorize employment in certain cases.

The post-dispositional alternatives for delinquent youth are discussed below, proceeding generally from the least restrictive to the most restrictive alternatives. (As with pre-dispositional alternatives, combinations of the following can be employed):

- 1) Order the Youth to Receive Needed Community-Based Service(s).

This option depends upon the needs of the youth and the availability of services in the particular locality. Typical examples are that a child participate in a drug rehabilitation program or obtain counseling from a local mental health clinic.

- 2) Order the Parents/Guardians to Receive Needed Service(s).

Again, this depends upon the needs of the family and the availability of services in the particular locality. A typical example would be an order for the family as a whole to participate in counseling.

- 3) Release to Parental Custody Subject to Limitations Imposed by the Court.

Here the youth's routine is minimally disrupted and the court is afforded an opportunity to monitor his/her adjustment.

- 4) Place the Youth on Probation.

The youth is assigned a probation officer to whom he/she must report regularly regarding compliance with probation rules. These

rules usually include (but are not limited to): setting of curfew, restrictions on persons with whom the child may associate, school attendance, and obeying all laws.

- 5) Fine the Youth up to \$500.
- 6) Suspend the Motor Vehicle Operator's License of the Youth.
- 7) Require Restitution or Reparation to the Damaged Party.

Under this order the youth is required to repay actual damages when his/her offense has been against the property of others. This can be monetary restitution or work-related restitution. A separate Code provision also authorizes participation in a public service project as legitimate restitution.

- 8) (For Traffic Offenses) Impose any Penalty Authorized for Adults.
- 9) Transfer Custody to a Relative, Guardian, Child Welfare Agency or the Local Department of Welfare.

This alternative provides for a myriad of residential placements for the youth who cannot/should not return home. The possibilities here include foster home, group home, or placement in another family setting.

10) Commit the Youth to the State Department of Corrections for an indeterminate period provided he/she is over the age of 10. Once custody is transferred to the State Department of Corrections, the child is transported to the Reception and Diagnostic Center for Screening and evaluation. After completion of this diagnostic period, Department of Corrections personnel, in concert with the aftercare worker of the court, determine placement for the child. The range of options at this point includes:

- o Placement at a State Learning Center
- o State Foster Care
- o Special Placement (i.e., group home, halfway house, drug rehabilitation center, etc.)
- o Return to Community

- 11) Sentence the Youth as an Adult to a Local Jail for a determinate time period. Virginia Code Section 16.1-284 provides that

when a youth is:

- o 15 years of age or older, and is
- o charged with a misdemeanor or felony offense, and is
- o not amenable to treatment of another type, and presents
- o a threat to the interests of the community;

he/she may be sentenced (within the same guidelines as adults) to a local jail for up to 12 months.

The availability of post-dispositional alternatives varies from court service unit to court service unit. However, the variation in post-dispositional options is not generally as great as in pre-dispositional options.

Every court has the authority to exercise the above options. Variation in availability of alternatives is most obvious in the number and type of community-based services available to the youth and his/her family (Numbers 1 and 2 above). Again, as a general rule, the more populous the locality, the wider the range of alternatives available.

In an effort to broaden the scope of post-dispositional services, many court service units have implemented their own programs. In a court service unit survey conducted in October, 1980, the availability of these specialized programs was reported as ranging from thirteen (13) in a densely populated catchment area to none in a rural catchment area.

The following are examples of programs administered by juvenile courts and available as post-dispositional alternatives:

- o Drug and alcohol counseling
- o Work alternatives
- o Wilderness and camping programs
- o Group therapy
- o Parent group
- o Volunteer matching (e.g., one on one, tutorial, volunteer homes)
- o Vocational exploration

- o Recreation
- o Special placement
- o Family counseling
- o Family-oriented group homes/group care
- o Explorer Post
- o Community services
- o Offender Aid and Restoration

Because the courts have access to many post-dispositional alternatives (i.e., fines, restitution, court-ordered youth/family services, custody transfer, etc.), the discussion of utilization must focus on the use of probation and residential alternative services.

Standard 7155 of the Draft Minimum Standards for Court Services, revised March 1981, outlines the workload formula of the court service field staff (intake workers, probation officers, etc.). Each activity (such as case supervision) is assigned a unit count. One unit is equivalent to four (4) hours of involvement.

Standard 7154 of the same document states "the average workload for field staff members shall be between 40 and 60 units per month...". Tabulations performed in 1979 and 1980 yielded the following adjusted average workloads:

January 1979	- 39
June 1979	- 40
January 1980	- 37
June 1980	- 39
Average	- 38.75

Community youth home utilization in FY 1979 was 79.0%, representing 736 youth served in 28 facilities. In FY 80, utilization was 78.8%, representing 842 youth served in 33 facilities. Had all facilities been operating at 100% capacity, in FY 80, 227 additional youth could have been served.

Monthly budgeted capacity of the five State-operated group homes from July 1979 through March 1980, was 61. During this time period, utilization averaged 39.8 per month, or 66%. From April 1980 through

October 1980, monthly budgeted capacity was at 60%. During this time period, utilization averaged 37.3 or 62%. From November 1980 through February 1981, the budgeted capacity of the 4 State-operated homes and family-oriented group homes was at 48. During this time period, actual utilization averaged 35.3 per month or 73%.

The State Learning Centers, including the Reception and Diagnostic Center, have a monthly budgeted capacity of 765. From July 1979 through February 1981, the actual monthly population averaged 851 or 11% over capacity.

PROGRESS OF CURRENT DEINSTITUTIONALIZATION EFFORTS

Less-secure and outreach detention programs have had varying impacts in the system. Some youth who might have been detained in a secure setting unnecessarily are now being placed in the least restrictive alternative while awaiting court action; in the case of outreach arrangements, services are provided in the child's home. The quality of less-secure detention service is improving and valuable information is being made available to the court for disposition. More youth are appearing at court hearings. More space has been made available for youth needing secure detention, decreasing the necessity for pre-trial jailing. Average length of stay in secure detention is lower in localities which have less-secure options available. Standards for the operation of such programs have been developed, and Department of Corrections certification procedures are in place.

Placement in a secure detention home in lieu of jail is available for those youth needing it. Needed services (medical, diagnostic, recreational, educational, counseling) are being provided. Detention homes are being monitored through the Department of Corrections certification process, and annually by the Department of Criminal Justice Services for compliance with OJJDP requirements.

The effort to separate juveniles from adults in jails has had an impact on deinstitutionalization. Slightly fewer youth are being held in jail, both pre-trial and post-trial. Jail certification by the Department of Corrections is helping to assure that juveniles will not be jailed unless total separation is possible. Thirty-three jails have been closed to juveniles. Virginia is in 100% compliance with the federal requirement for separation. The Department of Criminal Justice Services monitors every jail on a yearly basis for compliance with JJDP Act requirements and the Code of Virginia.

In isolated instances, better services are being provided to youth placed in jails. The use of jails offers juvenile judges a means of determinate sentencing, which is generally attractive to them.

The impact of developing new and upgrading existing court services has been positive in many ways. More judges have more dispositional alternatives available to them than they have in the past. Alternatives are beginning to be more relevant, and thus, of greater benefit to the court, the offender, and the victim (as in the case of restitution). Volunteers are being "plugged in" resulting in greater intensity of services at reduced cost.

Probation caseloads are decreasing and thus, becoming more manageable. More attention can be devoted to youth needing intensive supervision. Training is being offered to judges and court service unit personnel.

The citizenry is beginning to view the court in a "helping" light as opposed to a traditionally punitive one.

Through the provision of in-house psychological services in some court service units, fewer youth are being committed to the State Department of Corrections for a 30-day screening and diagnosis period, and psychological services are becoming less expensive.

Though detention services fill a definite need in the Commonwealth, there are a myriad of gaps needing attention. Inappropriate placement of youth in less-secure or outreach detention results in "widening the net", i.e., services are sometimes given unnecessarily to youth who would normally be released to parental custody. When children in need of services fill such slots, the impact on secure detention and jailing rates becomes questionable. Some youth are also placed inappropriately in secure detention due to lack of alternatives, (i.e., less-secure programs) or lack of knowledge about alternatives.

Transportation of juveniles to detention is a problem, especially when long distances are involved. Responsibility for transportation has been divided among detention home personnel and law enforcement agencies with no clear delineation of roles. Detention homes are being utilized for post-trial youth committed to the Department of Corrections awaiting transportation. This consumes bed space needed for pre-trial youth needing detention.

Many localities do not have easy access to detention homes; even fewer localities have less-secure programs available to them. Some children in need of services (CHINS) are being held in secure detention in violation of the 72-hour limit.

Youth are often placed in secure detention (and placed for longer periods of time) due to an internal pressure to keep beds filled to capacity for reimbursement and budget justification purposes. In FY 80, an average of 204 spaces were available in less-secure programs every day. At least three detention homes are constantly at or over capacity.

Training for intake officers and magistrates--usually the people who make the initial pre-trial placement decision--is grossly inadequate for the purpose of making consistent decisions. This is exacerbated by the lack of risk assessment standards.

There are major gaps in the jail area which call for immediate attention. Some juveniles are being transported a distance from their community in order to be placed in a certified jail. This creates problems in their receiving legal services and court services from their home community, and makes contact with families more difficult. Many youth are jailed in a pre-trial basis temporarily due to lack of transportation services to the nearest detention home.

Some youth are inappropriately sentenced (post-trial) to jail due to the lack of available alternatives. Even when preferred alternatives are available, some youth are inappropriately sentenced to jail due to a lack of knowledge of alternatives and/or punitive sentencing philosophies. Youth, in some cases, are held illegally in jail by virtue of their age or offense. Enforcement mechanisms in this area are limited; no sanctions are presently employed to hold localities responsible for these illegal jail placements. There is no consistent risk assessment mechanism available to juvenile judges who must make sentencing decisions.

There are still gaps in juvenile court programming. Some courts have only traditional alternatives available. Even when alternatives are present, some are underutilized due to lack of knowledge of their existence, or traditional attitudes and/or habits. Partially due to the locally operated/State-operated dichotomy and partially due to judicial discretion, procedures and practices in handling juveniles vary widely from court service unit to court service unit. Lack of an appropriate risk assessment model precludes appropriate assignments to court alternative programs in many cases.

Rarely have probation caseloads reached minimum standard levels. Caseloads over the past two fiscal years have averaged 38.75 workload units per month. It may be concluded that court unit field staff are handling 64.5% of the maximum possible workload as outlined in minimum standards. Translated into cases, with current activities remaining constant, an additional 5.2 supervision cases could be handled monthly by each field worker in the State. Since there are more than 300 field workers, this translates into over 1,560 additional probation supervision cases which could be handled without exceeding minimum standards, providing each case involvement averages 4 hours per month.

TREATMENT SERVICES

In Virginia, treatment services for youth are available at all points along the juvenile justice system continuum. Community-based alternatives, the preferred mode of treatment, provide needed services in the child's home community, and thus are the least disruptive to the family unit. Usually these programs serve the pre-delinquent and diverted populations, but many act as deinstitutionalization options. The prevention and diversion sections of this document provide a detailed description of these services.

Youth who penetrate the system are offered a wide variety of court-based dispositional services ranging from traditional probation to innovative programs such as wilderness stress or family therapy. The deinstitutionalization section of this document provides a more thorough discussion of the types and range of alternatives available at the court level.

This section centers on services available to Virginia's youth in detention homes, jails, learning centers, and within the aftercare arena where youth are reintegrated into their homes and communities.

Detention Services

There are sixteen (16) secure detention homes in the State. All are locally or regionally operated and are reimbursed by the Department of Corrections. Localities not operating detention facilities may purchase service on a per diem, space-available basis from other localities. Services provided youth in secure detention include medical, psychological diagnosis and screening, transportation, education, and recreation. Secure detention homes also provide temporary housing and supervision for youth committed to the State Board of Corrections and awaiting transfer.

The Department of Criminal Justice Services monitors all secure detention homes at least annually to assure compliance with the JJDP Act and the Code of Virginia. Additionally, needs assessments, planning, program development, technical assistance, and evaluation services are offered. The Department of Corrections monitors the operations of all detention programs and facilities through an annual certification process.

The main emphasis in detention continues to be placed on custody and security, as opposed to treatment programming. Due in part to administrative regulations, some homes have had a difficult time obtaining needed educational testing, diagnosis, and academic instruction. Special recreational facilities are available to some homes, but not to all. As recreation plays an extremely important role in

detention programming, many homes struggle with how to provide adequate services with inadequate facilities.

Jail Services

A very high priority continues to be placed on the separation of juveniles from adults in jails which house both. Virginia law requires complete separation of juveniles from adults in jails. The State Board of Corrections has established standards for the jailing of juveniles which are consistent with Federal standards.

All ninety-two jails and four jail farms in the Commonwealth undergo certification procedures regularly. Fifty-eight are presently certified to hold juveniles; thirty-seven are not. Services provided youth in the certified facilities vary widely, from virtually nothing in some facilities while medical, recreational, counseling, and educational services are available in others. However, maintaining separation of juveniles while they are involved in programming is often impossible, and often results in services not being provided to youth, while they are available to adults.

Standards set by the Criminal Justice Services Commission²⁷ require jailors and custodial officers to complete a 120-hour basic training course and an additional 24-hour firearms course. Within the 120-hour course, two hours are devoted to the juvenile offender/juvenile justice system. In-service training standards mandate 24 hours of training every two years, one hour of which must be devoted to the juvenile offender. Training is occasionally offered to jail personnel through the FBI school in Quantico and through the Virginia State Sheriff's Association via a grant which will terminate this year.

The Department of Corrections reimburses two-thirds of the base salaries for treatment and basic services staff such as medical, classification, work-release, and recreational services, and reimburses operational costs on a pro-rata basis dependent upon the number of offenders housed on State felony or misdemeanor charges. In addition, the Virginia State Compensation Board reimburses base salaries for jailors, matrons, correctional officers, and support staff. Services are coordinated regionally through the Department of Corrections facilities managers.

The Division of Justice and Crime Prevention²⁸ has provided intensive resources to local jails over the past ten years, including: block grant assistance, needs assessments, jail studies, architectural and program technical assistance, and evaluation. The Division²⁹ has

²⁷ See p.12, r.1.

²⁸ Ibid.

²⁹ Ibid.

also educated State officials as to Federal standards and the requirements of the JJDP Act. Additionally, the Department of Criminal Justice Services monitors jails annually to assure compliance with JJDP Act and the Code of Virginia.

The Department of Corrections and the Division of Justice and Crime Prevention³⁰ have cooperated in a study and report of the potential impact of removing youth from jails in the Commonwealth. This report was completed in early August 1981, and is available on request.

A variety of problems exist relative to the conditions under which juveniles are appropriately held in certified jails. Youth placed in jail do not have quality educational, recreational, treatment, and medical services available to them, if these services are available at all. Providing separation often has the negative effect of excluding youths from educational, recreation, and other treatment programs which do exist. Juveniles cannot participate in such programs at the same time as adult inmates, and it is generally difficult, if not impossible, to implement separate programs for juveniles when there may be only one or two youths in a jail at a given time.

Other problems facing system professionals with respect to the jailing of juveniles include: inappropriate placement of youths in isolation cells; lack of dayroom areas for juvenile cell blocks; negative consequences that often result when walking area doors located between cell blocks remain closed; the crowding of youths into individual cells and cell blocks, and unsafe conditions which exist in many jails.

Often in jail certification procedures, a specific cell block is chosen and designated as the juvenile cell block. However, because of the crowding in many jails or the unwillingness of the correctional staff to reserve a four-cell or five-cell block for only one or two youths, isolation cells are often used for juveniles. These cells offer very little space for any type of activity.

In at least five certified jails there is no dayroom area for the cell block. Dayroom space is an area in front of the individual cells of a cell block which offers activity space for inmates. Without this dayroom space, a juvenile must remain in his or her individual cell with little or no room for exercise or recreation.

Walkway area doors between a juvenile cell block and an adjoining adult cell block are often closed to prevent youth/adult contact to insure complete separation. Closed doors restrict air flow, thereby forcing temperatures during the warm months to reach sometimes unbearable levels. Closed walkway doors may often hamper the juvenile's

³⁰ See p.12, r.1

ability to communicate with a correctional officer in an emergency, and interrupt the youth's sleep due to the opening and closing of steel doors during checks every thirty minutes.

Because of general crowding in most jails, three to four juveniles may have to share a cell designed for only one or two individuals, or a juvenile cell block may exceed its rated capacity. This results in juveniles having to sleep on mattresses placed on the floor.

Learning Center Services

Upon commitment to the State Department of Corrections, a youth is transferred to the Reception and Diagnostic Center for screening, testing, diagnosis, and placement. Depending upon the outcome of this process, a youth may be placed in State foster care, a "special placement" (public or private residential facility), or transferred to one of the six State-operated learning centers. A seventh facility, the Intensive Treatment Learning Center, is nearing completion and scheduled to begin operations in April 1982. The learning centers provide medium to secure indeterminate confinement for youth needing highly structured placements and constant supervision while they receive necessary diagnostic and treatment services. Services provided in the learning centers include: medical, recreational, treatment, educational (academic, vocational, and tutoring), psychological, psychiatric, religious transportation, visitation, and volunteer services. The average length of stay at the learning centers is approximately nine months. In a recent reorganization, learning center administration was transferred from the Division of Institutional Services to the newly created Division of Youth Services within the Department of Corrections. The learning centers work closely with the committing courts during a youth's stay in order to plan for release and reintegration into the community. The Department of Corrections operates and staffs the learning centers; the Rehabilitative School Authority (RSA), a separate agency, provides academic and vocational instruction for youth in the learning centers. The Department of Corrections has developed minimum standards for learning center operations by which all learning centers are being certified.

Rehabilitative School Authority personnel receive basic orientation training through the Department of Corrections Academy. The Rehabilitative School Authority sponsors teacher education days, and many teachers are also enrolled independently in university courses.

The Rehabilitative School Authority receives Federal dollars from a variety of sources to supplement State programming. The Department of Criminal Justice Services provides block grant assistance to both

RSA (the Rehabilitative School Authority) and the Department of Corrections for facilities and programming in the learning centers. The Department of Criminal Justice Services and the Department of Corrections provide planning program development, technical assistance, and evaluation for learning center programs. The Department of Criminal Justice Services monitors all learning centers at least annually for compliance with the JJDP Act and the Code of Virginia.

There are a number of problems in the youth institutional services arena. Facilities at most learning centers are in deteriorating condition and must be closed on a rotating basis for renovation and repairs, resulting in lack of adequate space. The average length of stay at learning centers is at times unnecessarily long, often due to "red tape" in placement procedures. Because the learning centers receive children from throughout the State, transportation of families, aftercare workers, lawyers, and friends is burdensome and expensive; planning for aftercare services is difficult. Case tracking capabilities do not extend past release from the learning centers. Despite efforts to overcome a punitive image, the centers continue to be viewed by the public as "warehouses" for delinquents.

Transportation of youth from detention homes to the Reception and Diagnostic Center (a responsibility of the Department of Corrections) often is delayed, causing backlogs of committed youth in detention facilities.

Crowded conditions at the Reception and Diagnostic Center necessitate rapid processing of youth, resulting in occasional inappropriate placements. Youth in need of special placements frequently are not able to be transferred to them due to lack of information, lengthy application procedures, lack of available space, and/or ineligibility due to technical criteria. Most youth affected in this way are transferred on "pending" status to a learning center, thus receiving minimal treatment services in the interim. Youth committed for 30-day screening and diagnosis are taking up bed space which could otherwise be utilized for longer term commitments.

Training of staff, through varied and adequate, is sometimes difficult to arrange due to coverage problems encountered in freeing up line staff to attend.

Court Aftercare Services

Aftercare services begin when a youth is committed to the State Department of Corrections. While a youth is in State care, the committing court service unit is responsible for maintaining contact with the youth and for being involved in planning for services after the youth is released from State care. At least ten court service units have separate aftercare divisions; the remainder utilize probation staff for

aftercare cases. Services provided to youth while they are in State care include: case coordination, family contact, visits to the child's placement, and referrals to community services. Upon a child's return to the community, transition services offered include educational and job placement and ongoing counseling with the purpose of reintegrating the youth into the home, school, and community environment. Many court-based services described in the deinstitutionalization portion of this document are available to youth on aftercare.

Aftercare services in the Commonwealth play an important role in the juvenile justice system. More youth are receiving better transitional and post-institutional services to aid in home and community readjustment. Aftercare units are working closely with community-based prevention and treatment programs, thus completing the circle from prevention to aftercare to prevention.

In courts having specialized aftercare units, probation caseloads have decreased to more manageable levels. Subsequent delinquent acts generally have decreased. Monitoring of aftercare services is possible through the Department of Corrections certification procedures.

There are gaps in the provision of aftercare services. The intensity and quality of aftercare services is less in those court service units not having the specialized units. Transportation can be burdensome and costly for both staff and youth. Visits must be made once every three months to every facility housing a youth on a particular caseload. Travel time diminishes service delivery time. There are only sporadic attempts made at tracking youth after discharge from aftercare to monitor adjustment and recidivism.

INFORMATION SYSTEMS

Better information about arrests, defendants, prison populations, court expenditures, and criminal processing has been a priority since the early days of criminal justice reform. The development of statistics and day-to-day operations data has been the goal of information specialists in law enforcement, the courts, and corrections, and of statewide and national criminal justice groups for several years.

In Virginia much has been done, particularly since 1970, to improve the quality of criminal justice information. The Division of Justice and Crime Prevention's³¹ comprehensive Data System Program has funded computerized operations in every sector of criminal justice at the State and local levels. Virginia officials have served on national boards and commissions responsible for developing modern information processing methods and equipment, including the National Crime Information Center, SEARCH, and NCJSA. In some areas, such as the Virginia Criminal Information Network, Virginia is among the most advanced states in the country. In others, there is still much to be done. Most development efforts in the past years have been devoted to information systems that support day-to-day operations. While these systems are now providing satisfactory operations data, not as much progress has been made in the area of management and planning data. This will become clear in the next pages, which describe the information systems currently in operation in the Commonwealth. More are scheduled for development or are being made operational at present. These are only briefly outlined, as plan or budget changes may quickly render out-of-date whatever more might be said here.

STATE SYSTEMS

Department of State Police

The Department is responsible for the maintenance and dissemination of a vast array of operational information on offenders, stolen property, wants/warrants, and the like. It does so through three main systems described below.

The Virginia Criminal Information Network (VCIN)

VCIN was established in 1970. In that year, the Division of Justice and Crime Prevention³² awarded a grant to the State Police to study the feasibility of replacing the police teletype system then in use with a modern, computerized system. By 1972, VCIN was operational. By 1974,

³¹ See p.12, r.1.

³² Ibid.

national and state information on wanted persons and stolen vehicles and property was available through the system. Shortly thereafter, the first criminal records were also added to the system.

Today, VCIN is a network of 330 terminals located in 161 agencies across the State, including police and sheriffs' departments, 3 Commonwealth's Attorneys' offices, 3 courts, and 11 federal agencies. These computer terminals are tied by dedicated line to the central computer at State Police headquarters in Richmond.

The computer in Richmond holds or provides access to a vast storehouse of information about offenders. An inquiry on the terminal can yield Want/Warrant information on felony warrants throughout the U.S. and on both felony and misdemeanor warrants in Virginia. It can indicate whether or not vehicles or property were reported stolen from anywhere in the nation and provides access to driver licensing and vehicle registration information in each of the 50 states. In addition, each terminal can be used to communicate with other law enforcement agencies throughout the Continental United States and Puerto Rico.

A terminal inquiry can also tell the inquirer whether a defendant has a criminal record and whether he is under active probation or parole supervision. The "Master Name Index," which lists all people with warrants or criminal histories registered in the Virginia system, has over 547,000 names. VCIN receives a great deal of use, mostly, of course, by law enforcement agencies. Nearly 3,000,000 queries are logged on VCIN monthly; VCIN use increased 16% between 1979 and 1980 alone. The Department of State Police is encouraging greater use of the network, however, for the system is capable of handling a great deal more than it does. One of the problems at this time is a lack of awareness of the system and what it can offer prosecutors and courts as well as law enforcement. Among other things, the Department of Criminal Justice Services and the State Police have embarked on a special project to make commonwealth's attorneys, judges, and magistrates aware of the VCIN network and the ways in which they can access the system through their local police or sheriff's department terminals, or by their own terminals. Another goal is to show how criminal history data can be used for more than a perfunctory records check before monitoring, as an easily used management tool.

In addition to State Wanted and criminal history files, VCIN also provides access to the Division of Motor Vehicles' driver and vehicle registration files. The National Law Enforcement Teletype Systems (NLETS) is also accessible through VCIN. This system allows law enforcement agencies throughout the country to communicate with one another by teletype.

Potentially, the most useful VCIN information for all criminal

justice agencies is that contained in the system's automated criminal history records. These are maintained in a separate file called, appropriately, Computerized Criminal Histories, or CCH. They are summaries of the criminal history information collected by the other major unit of the State Police Information System, the Central Criminal Records Exchange (CCRE).

Central Criminal Records Exchange (CCRE)

The CCRE was conceived as a central repository of all information on arrests and dispositions across the State. It was created officially in 1966. In 1970, CCRE operation was moved to the Department of State Police. Portions of it were first automated in 1973. The CCRE is a record file of all Computerized Criminal Histories (CCH). The CCRE is a record file of all felony and class one and two misdemeanor arrests reported by police and sheriffs' departments across the State. This information is required by law to be submitted to the State Police and maintained by them. With arrest and disposition information on all offenders, the CCRE is really a repository of criminal history information on offenders, including a person's major arrests, court dispositions, and sentences. This information is received by mail and most is kept on microfilm. However, as the Computerized Criminal Histories system grows, more and more of these microfilmed records are being automated. This means that criminal justice agencies in need of information about a defendant can receive it instantly via VCIN computer terminals, rather than waiting to receive a copy of the microfilm record by mail. By 1983, the State Police plan to have close to 90% of all records of interest to criminal justice (serious offenders and recidivists, for example) automated. They are now automating records "on demand", that is, when a request for a record is made via terminal, the record is automated and immediately sent back by terminal, unless the record is too long to do this in a timely way.

Criminal records, manual or automated, are of use to law enforcement officers, prosecutors, probation officers, and corrections officials. The CCRE, and its automated counterpart, CCH, are among the most complete and advanced criminal history systems in the nation. While there are complaints that criminal history information from this system is often missing court disposition data, this situation is improving, at least on CCH. Over 82% of all arrests noted on CCH have dispositions as well. Courts must be encouraged to be more diligent in supplying information to the Exchange, however, in order to ensure that all records are kept as timely as possible.

Offender-Based Tracking System (OBTS)

In the past several years the State Police have been creating a large data base for use by researchers, including the Department of Criminal Justice Services' Statistical Analysis Center (SAC) and the

Bureau of Justice Statistics. The data base consists of all the information coded on the CCRE form, with scrambled identifiers to protect defendant rights to privacy. Every CCRE form received from local police and sheriffs and completed by the courts is entered into the OBTS system. The OBTS data will be used to generate reports on numbers of people convicted for various offenses, courts' sentencing priorities, arrests and concomitant disposition results, and the like. The SAC is presently carrying out a special project in nine Virginia courts to verify and test the validity of the OBTS data collected over the years, prior to its use in decision-making. OBTS is still in its infancy as a planning or management tool. Years have been devoted to developing the data base, but it has yet to be employed in a main project. There are problems with the data base, including its tremendous size, and the same absence of disposition data that affects the criminal histories files. All of this must be resolved before OBTS comes into its own as a powerful source of information on everything from crime prosecuted in Virginia, to average sentences, to lengths of stay in jails and correctional facilities.

Supreme Court of Virginia

In Virginia, the Executive Office of the Virginia Supreme Court provides administrative support to the circuit and district courts and local magistrates. It also coordinates statewide court expenditures and collects management data on the operation of the courts.

This requires several information systems, maintained at the Office of the Executive Secretary (OES). Information systems for local court operations, including case management, docketing, support payment, and financial accounting, are scheduled to be installed in the local courts. The State level systems, while being continuously updated and modified, have been in operation for several years.

The statewide systems and the development of local court systems are all the responsibility of the Department of Management Information Systems (MIS) in the Office of the Executive Secretary. It presently maintains seven major systems. Three of these generate reports on circuit and district court and magistrate activities, which may be of interest as well to those outside the court system. The other four systems are used by the Fiscal Services and Personnel Services Department of the Office of the Executive Secretary.

The reporting and statistics systems of the Supreme Court are described below.

Magistrate Statistical System (MSS)

The MSS receives and summarizes monthly reports of the activities

and caseloads from the State's 426 magistrates. Its statistical reports, generally produced once a month, give figures on arrest warrants, bail, search warrants, summonses, and other court-related actions. They also include totals of hours on duty, transactions, and hours of actual activity.

District Court Uniform Docketing and Caseload Reporting System (UDS)

This is the oldest of the court systems. It is designed primarily to measure workload, including new filings, findings, and dispositions. Traffic, criminal, civil, and juvenile hearings and dispositions are recorded separately, and reported yearly in the Supreme Court Annual Report. Reports on court caseloads, and the workloads of judges and clerks, are generated at the Office of the Executive Secretary from monthly reports submitted by the courts.

The docketing system referred to in the title of this system is a manual docketing system employed by each court, for scheduling courtroom activity and recording court transactions.

Circuit Court System (CCS)

Every month, clerks in the 122 circuit courts report caseload and workload information to the Executive Secretary. This provides a running account of activities in Virginia circuit courts. As with the district court system, statistical reports on court activity are produced. These include breakdowns of judge and jury trials, trials commenced and terminated, and criminal and civil caseloads. These figures are reported annually both as statewide aggregates and by court. They can be found in the annual State of the Judiciary Report. Special reports are also generated as needed. The Judicial Workload subsystem reports data on cases heard by judges in the circuits, and days spent in jury trials.

The administrative information systems of the Supreme Court are described below.

Automated Budget Tracking System and the Biennial Budget System

These systems track expenditures for accounting purposes, comparing them to budget allocations. Deviations from budget allocations are monitored and corrected as required. The systems also support the preparation of the judiciary budget, based on the volume of activity in the different courts, staff requirements, and other differential budget requirements of the circuit and district courts. They also are used to record local and Commonwealth revenues generated through fines and court costs. Reports produced by these systems and of interest to those outside the court accounting system are those on Commonwealth Expenditures (Costs of Court Operations), Commonwealth Revenue (court fees and fines received), and court-appointed attorneys (number and cost of court-appointed attorneys).

Automated Personnel System (APS) and Leave Accounting System (LAS)

Both of these systems serve the Personnel, Services Department, and are largely of interest internally. The Automated Personnel System is a proposed system. It will list positions and correlate positions with fiscal information. At present, circuit court personnel are not included in the same personnel system as the rest of the judicial system. Plans are to include them in an automated system that tracks all positions, identifies special training required, compares fringe benefits of comparable employees, and the like.

One of the oldest of the Supreme Court systems is the Leave Accounting System. It maintains leave balances on all permanent State district court employees and judges.

The local information systems of the Supreme Court are described below.

Perhaps the most significant development in the court information systems in recent years has been the design of information systems to handle day-to-day activities in the local courts. The majority of the information systems budget of the Office of the Executive Secretary is presently devoted to this development effort. A Systems Plan is now being made operational on a regional basis across the State. Roanoke City, Roanoke County, and Salem, the 23rd Judicial Circuit, are now the pilot court region. This project will take several years, with different areas receiving the system in stages. Three systems are involved:

Support Payment System

This system is designed to monitor and process support cases for the juvenile and domestic relations district court. It can accept payments from those required by the court to provide support, generate checks for recipients, and accept "pass through" payments. It also keeps a history of all events in a case, and a list of all parties to each case. A management report, given to the judge, summarizes each case, its history, and payments received, to allow for follow-up. The pilot version of this system has just been implemented in Roanoke.

Financial Management System

This system will serve each juvenile and domestic relations district court, general district court, and circuit court. It will provide for financial transactions and accounting, allowing for automated receipting of fines and court costs, and transactions involving restitution and bond. Local courts will be able to check on individual accounts, and to produce several management reports on daily transactions, payments, delinquent payments, and the like. At present, the first and most basic part of this system, the Electronic Cash

Register (which will handle and register all cash transactions), is scheduled for implementation in Roanoke in the Fall of 1982.

Case Management System

By far the most complex of the systems being developed for local use is the Case Management System, under development since 1979. It will have several components, and like the Financial Management System, will serve all levels of the courts. The system will reduce the many clerical tasks which now are part of all court operations by computerizing most records and records maintenance, generating dockets automatically, and making case information instantly available on computer screens. The system will also provide statistical reports and management information on cases on probation, capiases, and bench warrants. The full implementation of this system across the State is several years in the future. Design work will begin this Summer, with implementation at the pilot site in Roanoke scheduled for 1983.

Below is a list of the different files and types of information this system will produce for local courts:

- Indexing
- Docketing
- Basic Reporting
- Notice Generation
- Management Reporting

Department of Corrections

While information functions are located throughout the Department of Corrections, addressed here are only those systems which provide information of relevance to criminal justice agencies outside the Department of Corrections. These are operated by two units in the Division of Program Development and Evaluation-- Electronic Data Processing (EDP) and Research and Reporting. EDP provides computer support for a number of Department functions, including Classification and Records, Jail Reimbursement, and Inmate Records and Information. Research and Reporting generates information on overall inmate population characteristics and movement, for management purposes. The files or information system described below are most applicable to other criminal justice agencies; they are neither financial nor narrowly administrative.

Felon File

The Felon File is coded from inmate folders when the inmates first enter the Department of Corrections and when they leave. This file contains information on commitments to State institutions, releases, the number confined, and the number of recidivists. The

data are compiled in the annual Felons and Recidivists report, and in the Annual Release report.

Offender-Based State Correctional Information System (OBSCIS)

OBSCIS, like many of the systems discussed here, was originally funded through the Comprehensive Data Systems Program. It is, quite simply, an "operations file" for the Department of Corrections. It provides access, through computer terminals in the institutions to all relevant information on each offender in the corrections system. This includes classification information, parole eligibility and other relevant dates for the offender, and his location. It is designed to track the inmate through the corrections system, including his transfer from one unit to another. It provides parole release information to the VCIN/CCH system on a regular basis. The entire file is coded by the Classification and Records section based on forms sent in from the correctional units across the State, and batch updated twice monthly.

The "J-6"

This is the name of an information file based on local sheriffs' submissions of a form number "J-6." The file consists of data collected on each jail inmate each time he is committed or released. It includes his name, basic demographic data, offense information, type of confinement (pre-trial or sentence, for example), and conviction data.

Virginia Juvenile Justice Information System (VAJJIS)

This is the juvenile system version of OBSCIS. It tracks juvenile offenders through courts, detention, and other facilities. Reports are produced from the VAJJIS files, including: the Court Service Intake Report which lists cases received by courts and their types; Court Report Number One which lists, by race, sex, and age, total complaints received by jurisdiction, and their disposition; and Court Report Number Two, which cross-tabulates dispositions and offense types in the different jurisdictions.

LOCAL SYSTEMS

An increasing number of Virginia's localities have installed computer systems to support their criminal justice agencies. Below is a brief description of selected local systems.

CAD Systems

Computer-assisted dispatching (CAD) Systems provide law enforce-

ment agencies with improved capabilities for responding to citizen emergencies. By utilizing a CAD system, a law enforcement agency can reduce its average time for taking a call and dispatching a police car to only a few seconds. Such rapid response to calls is important because the faster a police unit can arrive at the scene of a crime, the better the chances that its perpetrators will be apprehended. CAD systems can provide valuable data for resource allocation studies. A law enforcement agency can improve its long range allocation planning by compiling dispatch records on the length of time each unit is out of service. The dispatch log maintained automatically by a CAD system on each car provides a means for knowing exactly who was on the scene of a crime or other emergency and for how long.

Another benefit of many CAD systems is the address verification capability. This can help reduce the number of duplicate assignments for the same incident. For example, if several calls come in for the same auto accident, the CAD system can compare the address called in and send just one car to investigate. Law enforcement agencies in most of Virginia's more populous areas currently utilize CAD systems. Hampton's was the first police department in this State to install a CAD system, and systems have subsequently been implemented for law enforcement agencies in Arlington County, Chesterfield County, Henrico County, Virginia Beach, Newport News, and other jurisdictions.

Crime Analysis Systems

Crime analysis is the compilation and comparison of data from various types of crimes for systematic identification of trends, suspects, or correlations between crimes and suspects as an aid to the development of appropriate law enforcement strategies. When done manually, crime analysis can be an overwhelming task which often suffers from a lack of timeliness due to constantly increasing amounts of data to be classified and analyzed. Computerized crime analysis systems can generate in minutes results that are more useful than the outcome of hours of manual crime analysis.

As information from police reports is entered into an automated crime analysis system, a large yet easily analyzed data base is created. Computerized crime analysis systems provide crime analysis with the capabilities for crime pattern detection, crime trend forecasting, and identification of crime potentials. By providing accurate investigative information more quickly and often, automated systems can contribute to improved investigator productivity. By utilizing computer-generated analyses, detectives spend less time on each case, with the result being more cases closed per hour of detective work. Prince William County, Lynchburg, Virginia Beach, and Charlottesville are among the localities in Virginia with law enforcement agencies using computerized crime analysis systems.

PROMIS

The Prosecutors Management Information System (PROMIS) is a computerized information system that supports the operations of criminal justice agencies by providing means for the tracking of cases, production of forms, and generation of statistical reports. While originally designed to serve prosecutive offices, PROMIS has evolved to the point where it can be utilized independently by a prosecutor's office, law enforcement agency, court, or corrections facility, or used jointly by a number of agencies. PROMIS was developed with funding from the U.S. Department of Justice, which has designated PROMIS as an Exemplary Project. This designation is reserved for criminal justice programs judged worthy of national attention and suitable for adoption by other communities.

PROMIS can provide user agencies with benefits in the areas of intra-office automation, management reporting, and compilation of criminal histories. Utilization of PROMIS to automate production of operational documents can make personnel resources available for other tasks. To meet administrative needs, PROMIS provides a means for accumulating information on each case and obtaining analyses based on this data. PROMIS' capability for compiling crime, arrest, and adjudication data can be employed to combat the problem of career criminals by identifying defendants with multiple pending cases or those on conditional release for other offenses.

Virginia cities currently utilizing PROMIS are Lynchburg, Portsmouth, Newport News, and Hampton. Newport News and Hampton are participants in the Peninsula Regional PROMIS, an interjurisdictional, multi-agency network. In the Peninsula system, each PROMIS user contributes data about its interaction with an offender, resulting in the creation of a common data base of useful criminal history information. Provided with access to this data base, a prosecutor in one jurisdiction can identify a defendant with cases pending in another jurisdiction participating in the regional network. Case information can also be shared between law enforcement and prosecutive agencies.

JAMS

The Jail Administrators Management System (JAMS) is a computer system designed to simplify jail recordkeeping and provide jail administrators with timely and accurate information on inmate populations. JAMS produces daily reports on facility and inmate status, periodic summary status reports, and statistical reports for facility management and planning.

When an inmate is booked, data are entered into the system and stored. JAMS then displays pertinent information or performs

computations to produce various statistical reports. Since data are entered only once, posting to separate files distributed throughout the jail facility is eliminated. JAMS captures data necessary to complete booking records, updates cell movement and releases, maintains medical information for each inmate, and updates court appearance schedules. JAMS is currently being utilized by the Richmond Sheriff's Department.

TRACER

The TRACER (Total Recall of Adult Criminal Element Records) system was designated to be a comprehensive information system to support criminal justice agencies in Norfolk and Virginia Beach. TRACER's primary function is the tracking of an offender from arrest and booking, through to his exit from the criminal justice system.

The system maintains personal data (including local criminal record) on an offender, information on the charge for which the individual was arrested, custody status information, and confinement history. This information is compiled as each user agency inputs data on its interactions with an offender. TRACER users have the capability to review this information. TRACER also supports its user agencies by providing for the automated production of operational documents and summary reports.

TENPIN

The Tidewater Electronic Police Information Network (TENPIN) is a computer system which provides its users with information on warrants and property identification. Six jurisdictions, Chesapeake, Hampton, Norfolk, Portsmouth, Suffolk, and Virginia Beach utilize TENPIN for checking for warrants outstanding against an individual, comparing stolen and recovered property, and determining ownership of found motor vehicles. TENPIN provides additional data through its interfaces with the Virginia Criminal Information Network (VCIN) and the FBI's National Crime Information Center (NCIC).

THE FUTURE

While Virginia's record in criminal justice information systems is certainly respectable and compares favorably with those of other states, improvements can indeed be made.

First, it is clear that operations systems have been at the fore of Virginia's information system development in past years.

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There are exceptions of course; the Supreme Court's Office of the Executive Secretary produces statistics on court caseloads, costs, and activities for management purposes. But OBTS has yet to be fully used; the VCIN system and UCR are underutilized, and there are many serious and important questions about the operation of criminal justice in Virginia that cannot be answered with presently available data. There has been an increased demand for long range planning data on jail and prison populations, arrest rates, incarceration rates, victimization, costs of criminal justice and the like.

Planning for the future, to avoid being overtaken by rising incarceration rates, the high cost of building prisons, and crime rates that tax law enforcement capabilities, requires information today. However, because Virginia systems are largely operations-based, they cannot presently supply all the statistical information needed for such planning. Operations data and planning information and management data are often two different things. Just as they have different ends, one immediate and day-to-day, the other more long range and evaluative, they should have different beginnings. A concerted effort to collect criminal justice management data should be made in the future, to complement the good work done heretofore on criminal justice system operations data.

Another problem faced by information systems in Virginia is that there are so many actors in the information system business, both private vendors and State systems, that it sometimes seems that the field is chaotic and unorganized. Different State agencies appear to be doing the same things, or doing different things that will ultimately prove incompatible. Should there be State systems, or regional, or local ones? Should one agency sponsor all criminal justice systems development, or should different functional areas manage their own? When is development for Virginia's "unique needs" necessary, and when can management information or "operations" systems from other states, the federal government, or private vendors be employed? Where should State and local authority begin and end?

These questions are in some ways not as pressing as they seem, and the confusion among agencies handling different aspects of systems development is often more apparent than real. But this needs to be made clear to local officials. They may hear the Supreme Court talk about its Case Management System, the Department of Management Analysis and Systems Development talk about automated booking, and the Division of Justice and Crime Prevention³³ present such existing systems as the Prosecutor's Management Information System (PROMIS), and wonder why so many people seem to be doing the

³³ See p.12, r.1

same thing. That they are not, and that systems are best developed with the combination of technical skills and user experience that can only come from different agencies, must be made clear.

However, with information systems technology changing as rapidly as it is, it is important that those in the criminal justice information systems field take steps to insure the continued coordination and compatibility of all systems over the next eight years. Such coordination now exists as far as systems development is concerned, but it is more informal in the areas of the use or installation of developed systems such as PROMIS. Here it is important that what is installed now will complement later developments, rather than be rendered useless by them.

Lastly, information systems in criminal justice, as everything else in criminal justice are ultimately a local concern. State data systems exist, but it is local governments that will collect the data. A case management system built with State funds and manpower will serve and be operated by local officials.

At present, many local officials do not know all that they could about existing systems such as VCIN, and hence do not use them to their fullest advantage. At the same time, some are searching for ways to make their operations more efficient, and casting about, without a great deal of assistance or support, to find small computer packages that will fit their budgets. In other areas, Virginia officials are not prepared to accept new and popular approaches (such as risk assessment) out-of-hand. Much must be done to test new statistical and computer applications in Virginia, and to make them acceptable to the people who will get the fullest advantage from them. Information specialists at the State level have a role to perform that is related to all this - to explore and disseminate information about the state-of-the-art in criminal justice information systems. They should serve local officials as resources as well as developers of new systems.

Sentencing Deskbook

The sentencing deskbook is simply a report on average sentences given in different regions of a State to offenders with different criminal histories. It is a tool for new judges, and has been met with some enthusiasm in other states. In Virginia, a newly designed pre-sentence investigation report (PSI) will be used to collect relevant information for such a deskbook. Such information will be augmented by OBTS data. A sentencing deskbook based on a small sample of Virginia courts will be prepared by the Fall of 1982; a more inclusive deskbook based on PSI and OBTS data will be ready by 1983. The Department of Corrections and the Department of Criminal

Justice Services will jointly run this project.

Risk Assessment

Risk assessment is another area in which other states have moved ahead in recent years. There are several points at which risk assessment comes into play: at points along the pre-trial stage, when magistrates must decide to hold or release persons charged, and prior to release on parole. Most often, people are selected for various forms of release on the basis of their criminal histories, ties to the community, and the nature of the offense. These elements are ranked and used to determine a risk "score," on a special risk assessment form. A joint Department of Corrections/Department of Criminal Justice Services task force will assess the usefulness of the pre-trial sort of risk assessment by December 1982. The Department of Corrections and the Department of Criminal Justice Services will use the PSI data discussed earlier to design a risk assessment instrument for that end of the system. This will not be possible until at least one year's worth of data has been collected.

CRIMINAL JUSTICE TRAINING

CRIME PREVENTION TRAINING

The bulk of crime prevention training in Virginia has been acquired by using grant funds to send individuals to intensive crime prevention training sessions primarily at the National Crime Prevention Institute in Louisville, Kentucky and the Texas Crime Prevention Institute in San Marcos, Texas. Such training has been taking place since the early 1970s, but with the loss of grant funds for such training, most localities have chosen not to provide funds for training at these national centers.

Utilizing the cadre of individuals who have trained and have worked in crime prevention, several jurisdictions offer law enforcement personnel an introduction to crime prevention as part of basic training. This training is supplemented with roll-call and in-service training of veteran law enforcement officers.

There are no requirements for crime prevention training in the State's mandated minimum standards, but several regional training academies do offer some training courses. These are intensive training sessions designed to further the knowledge of individuals performing crime prevention duties.

With the advent of State Police involvement in crime prevention, crime prevention training is being included in the State Police recruit school and is also being included in the in-service training of sworn personnel. All supervisory and upper-management personnel in the State Police have been provided an introductory session on crime prevention.

Working in cooperation with the Virginia Tech Extension, the American Association of Retired Persons, and the Virginia Crime Prevention Association, the Department of Criminal Justice Services has sponsored crime prevention seminars, primarily in the less urban areas of the State. This has involved jurisdictions that have not had the opportunity to send personnel to training sessions previously.

A regular part of the schedule of the two yearly meetings of the Virginia Crime Prevention Association is crime prevention training. This may involve instruction from individuals within the State or individuals in programs outside of Virginia.

A grant has been received by the Southern Rural Development Center to fund four statewide crime prevention seminars. The Department of Criminal Justice Services, working with the Virginia

Tech Extension and the Southern Rural Development Center has completed one of the four planned programs. These programs are not restricted to law enforcement personnel but are made available to all those in the 13 member states of the Southern Rural Development area who may have an interest in crime prevention.

Attached is a list of some of the sources which have been identified as providing formal crime prevention training to law enforcement agencies in Virginia.

CRIME PREVENTION TRAINING SOURCES

<u>TRAINING SOURCES</u>	<u>AGENCIES TRAINED</u>
American Association of Retired Persons	2
Dabney Lancaster College	1
Federal Bureau of Investigation	6
John Tyler Community College	1
National Crime Prevention Institute	21
National Crime Stoppers	1
National Sheriffs' Association	2
Northern Virginia Community College	1
Northern Virginia Criminal Justice Training Academy	5
Old Dominion University	1
Police and Citizens Together (PACT)	1
Richard Bland College	1
Security Administration	1
Southern Police Institute	2
Southwest Virginia Criminal Justice Training Academy	1
Texas Crime Prevention Institute	5
Tidewater/Penninsula Police Crime Prevention Association	1
University of Florida	1
University of Georgia	2
University of Louisville	2
Virginia Association of Chiefs of Police	1
Virginia Crime Prevention Association	16
Virginia State Crime Clinic	1
Virginia State Police	1

TRAINING FOR LAW ENFORCEMENT PERSONNEL

The National Advisory Commission on Criminal Justice Standards and Goals, in its report on Police, stated that "Every state, by 1975, should enact legislation establishing mandatory minimum basic training for police, a representative body to develop and administer training standards and programs for police on a continuing basis to provide the public with a common quality of protection and service from police employees throughout the state."

Pursuant to the provisions of Section 9-109 (1) of the Code of Virginia, the Criminal Justice Services Commission³⁴ is empowered to establish compulsory minimum training standards for law enforcement officers subsequent to their employment and to establish the time allowed for the completion of such training. Every person employed as a full-time law enforcement officer, as defined in Section 0-108.1(H) of the Code of Virginia, subsequent to July 1, 1971, must meet the compulsory minimum training standards established by the Commission within 12 months of the date of employment.

The Commission³⁵ is further empowered to establish compulsory minimum requirements for in-service courses and programs designed to train law enforcement officers in schools operated by, or for the State, or its political subdivisions. Section 9-109(3) of the Code of Virginia states "Every law enforcement officer must complete the compulsory in-service training established by the Commission³⁶ within 24 months of the date of receipt of a certificate of satisfactory completion of an approved BASIC training course and within every 24-month period thereafter."

The Commonwealth of Virginia is in compliance with this standard, having created a Training Standards Commission in 1968, which was the predecessor to the Criminal Justice Services Commission³⁷ that was established in 1976. The State is also in compliance with the standard that recommends the establishment of compulsory minimum basic training and periodic in-service training by every full-time public law enforcement officer in the Commonwealth.

Basic, in-service, advanced, specialized, and supervisory training is available to all public law enforcement officers in the State through either one of the seven State-supported regional Criminal Justice Training Academies, two locally supported regional Criminal Justice Centers, seven independent training academies, Virginia Port Authority Training Academy, several College Campus Police Academies or the State Police Training Academy.

³⁴ See p.12, r.1

³⁵ Ibid.

³⁶ Ibid.

³⁷ Ibid.

In 1981, 13,410 law enforcement and custodial officers in Virginia received training. Specifically, 1,624 received State mandated basic recruit training, 6,632 received compulsory in-service training and 5,154 received specialized, supervisory, or advanced training. In essence, more than 61% of law enforcement training was conducted for the purpose of acquainting law enforcement officers with minimum requirements of their jobs, to keep veteran officers current with changes in laws and procedures, and to maintain a level of proficiency in the use of firearms. Although the exact percentage is unknown, it can be assumed that at least one-half of the officers who received in-service training also received specialized training, since the State Code requires that all officers receive in-service training every two years.

Basic recruit training was provided for 924 law enforcement officers, or about 10% of all law enforcement officers in the State. Noting that basic recruit training is preparatory in nature, it is evident that in 1981, 10% of all officers in Virginia were new employees.

The number of officers receiving basic training in 1981 is down 22% below 1980. This indicates that the turnover rate in law enforcement is down from 13% in 1980 to 10% in 1981. It also indicates that law enforcement agencies are experiencing almost no increases in personnel and in many instances, due to budget difficulties, law enforcement agencies are, in fact, being cut back in authorized personnel.

Tight budgets have forced management officials to closely examine the services provided by law enforcement agencies and to seek alternative methods to continue those services if essential or to discontinue less essential services. With the costs of manning one patrol car 24 hours per day for a year exceeding \$150,000, localities are extremely reluctant to respond to increasing crime rates in the traditional manner of authorizing an increase in sworn personnel.

The need for basic, in-service, and specialized training is well recognized by law enforcement agencies, the Virginia General Assembly, the Department of Criminal Justice Services, and the citizens of the Commonwealth.

However, mandated recruit and in-service training address only minimum performance requirements. The history of policing illustrates the need for officers to be prepared in a comprehensive manner so that performance will be acceptable regardless of the problem or situation. Neither basic nor in-service training teaches officers or agencies how to cope with organized crime, hostage situations, computer fraud, or other special law enforcement problems. Furthermore, such basic instruction does little in the way of improving criminal investigations, the crime scene search process, management, crime prevention, and other similar police functions.

Training in these areas has been unstructured since it is not mandated but left to the localities and training coordinators to

develop courses covering these subjects on an as-needed basis. The amount and quality of specialized, supervisory, and management training varies considerably from one region to another across the State.

In addition to the training administered through the regional training academies, independent academies, and State training academies, specialized training is conducted through special seminars and workshops conducted by State agencies or professional associations.

The Bureau of Forensic Science has, since 1974, conducted seventeen sessions of the Virginia Forensic Science Academy which provides training for law enforcement personnel to become qualified crime scene search technicians. The Bureau also conducts a series of workshops across the State to assist law enforcement personnel in the identity, collection, and preservation of physical evidence found at crime scenes.

The Criminal Justice Services Commission³⁸ has conducted numerous specialized training courses to provide law enforcement personnel the knowledge and skills to improve their performance of the duties and tasks expected of them. These courses include supervision, executive development, instructor development, juvenile officer training, and specialized investigative procedures.

The Division of Justice and Crime Prevention³⁹ has responded to the need for crime prevention training by conducting a series of seminars and workshops across the State to help localities and community groups organize crime prevention and Neighborhood Watch programs.

For management training, most medium and large police departments select officers at mid-management levels with growth potential and send them either to the FBI's National Academy, or the Southern Police Institute at the University of Louisville. Both of these schools are excellent, but enrollment is limited. Furthermore, both schools are mid-management oriented with the National Academy accepting candidates at the rank of Sergeant.

The Criminal Justice Services Commission,⁴⁰ working with the Virginia Association of Chiefs of Police and the Federal Bureau of Investigation, has developed an Executive Development Training Program for chief law enforcement personnel in Virginia. The training program is conducted at the FBI Training Center in Quantico, Virginia and repeated as often as necessary to insure that all police chiefs have an opportunity to attend.

The Virginia State Sheriffs' Association also conducts executive development courses to provide top management training to the sheriffs across the State.

³⁸ See p.12, r.1

³⁹ Ibid.

⁴⁰ Ibid.

TRAINING FOR THE JUDICIARY

The judicial systems of the United States have come under some criticism for being large, inefficient organizations which, because of the inherent bureaucratic maze, might allow or permit a dangerous offender to return to society unpunished and unrehabilitated. Criticism has also been leveled at the judicial system for not, to the lay observer, doing anything to end or significantly reduce these managerial practices which many people believe are "unjust" toward the community as a whole.

In an effort to reduce this criticism, the judicial branches of government are engaged in processes which can and will result in significant improvements in the performance of trial courts. Among these efforts are attempts to reduce the time delay from arrest to final disposition of criminal cases, efforts to better manage a court's civil and criminal caseload through the implementation of better, more modern managerial/administrative programs, and better utilization of existing resources (physical, personnel, and financial).

One method of solving these problems is continuing the education and training received by members of the judiciary in an effort to maintain minimum standards within the judicial branch. One now finds more members of the judiciary (defined to include judges, clerks, magistrates, and court support personnel) undergoing, usually on an annual basis, minimum levels of in-service training or education in law and in law-related fields. Continued exposure of the judiciary to these types of educational opportunities will encourage and initiate some of the desired managerial/administrative changes necessary, and thus enable the courts to better fulfill their legal mandate to the communities in which they serve.

Within the Commonwealth of Virginia, the Office of the Executive Secretary of the Supreme Court of Virginia, has the responsibility to coordinate training for members of the judiciary. In conjunction with the Secretary of Public Safety, through the Division of Justice and Crime Prevention,⁴¹ education grants have been awarded to the Office of the Executive Secretary (OES) for purposes of continued and ongoing training and education of judges of the circuit courts, the general district courts, magistrates, clerks of court, and court support personnel. This continuous training and education will enable members of the judiciary to better fulfill their legal and administrative duties and responsibilities. Additionally, the OES also provides education and training for new judges, magistrates, clerks of court, and court support personnel.

The court reorganization which occurred in 1973 brought many

⁴¹ See p.12, r.1

changes to Virginia's court system. Since 1973, one of the primary functions of the OES has been to coordinate all judicial education activities. To this end, the OES employs a full-time Education Officer responsible for supervising the preparation and presentation of in-state conferences and seminars.

The Committee on District Courts, which oversees policy in the district court system, indicated its commitment to judicial education by unanimously endorsing, in November 1974, a program of continuing education to advance the level of professional competency in the State's judicial system. This Committee also directed that a certain number of days be allowed to each segment for in-state training purposes. Thus, judges of the general district court and the juvenile and domestic relations district courts are authorized six days administrative leave annually to attend in-state education/training programs. Magistrates receive three days of administrative leave for education/training purposes while clerks, deputy clerks, and designated clerks' office personnel are granted two days each year for their workshops. Mandatory attendance at a designated in-state program is required of circuit and district judges and district court clerks annually.

Recognizing the present scarcity of financial resources for judicial training/education program out of state, Virginia's judges have encouraged attendance at in-state conferences. However, it is also recognized that the subject matter and/or the individual presenting the training are so unique that out-of-state training/education cannot be eliminated entirely. Accordingly, training offered by the National College of the State Judiciary, Reno, Nevada, courses sponsored by the American Academy of Judicial Education, and the National College of Juvenile Justice satisfy the Committee's intent of having all new judges complete one basic course before they are allowed to attend any specialty or graduate-level program. Judges who do attend courses at these or similar institutions are granted an additional five days administrative leave. Where courses of more than five days duration are taken, judges use their accumulated annual leave to make up the difference.

Judicial education in Virginia emphasizes the following:

1. Provision of a comprehensive curriculum to each new judge during his/her first year of judicial service, including pre-bench orientation, in-state conferences, and attendance at appropriate national programs
2. Continuing education for sitting judges, offering opportunities for national as well as in-state participation

3. Provision for adequate time so that judges may attend training sessions, and incentives to attend the recommended quota of educational offerings

The expansion of educational/training opportunities to more of the judges within the Commonwealth has been possible in large part through the funds provided by the Division of Justice and Crime Prevention and the Council on Criminal Justice.⁴²

⁴² See p.12, r.1

TRAINING FOR COMMONWEALTH'S ATTORNEYS

After each election, approximately 25% of all Commonwealth's Attorneys are new to the prosecution arena and the turnover rate among assistants is almost 25% annually. Most of these new prosecutors spend a few days learning their way around the courthouse and then take their place in the system as prosecutors. During their tenure, on-the-job training is administered. Although many self-starters stay around and become top notch prosecutors, the statistics show that a substantial number retreat, annually, to higher paying or less frustrating jobs.

Additionally, there are constant demands upon all of the Commonwealth's Attorneys and their staffs to stay abreast of changes in laws, programs, and management techniques. Their limited budgets place severe strains on the resources available for training and education of the prosecutorial staff.

The impact of training for Commonwealth's Attorneys, assistant Commonwealth's Attorneys and members of their staffs will be to enhance the quality of prosecution in the Commonwealth of Virginia. By providing continuing education in law-related, juvenile specific, managerial, and administrative areas, the public is assured that a high standard is established and maintained for Commonwealth's Attorneys and their support personnel.

Presently, the Commonwealth's Attorneys, through the Commonwealth's Attorneys' Services and Training Council, have an annual training/educational meeting. The location of these meetings varies. The topic areas of these meetings include briefings on recent Supreme Court (U.S.) decisions, recent Virginia Supreme Court decisions, and information which can be utilized in preparing cases for prosecution, such as techniques which can improve one's presentation to a jury. Additionally, at the last annual meeting, March 30, 1982, a panel presentation, chaired by The Honorable Gerald L. Baliles, Attorney General of Virginia, provided information on "Improving Prosecution through Victim/Witness Services." Additionally, a series of four regional meetings will be held providing Commonwealth's Attorneys with "how to" information on setting up a victim/witness assistance program in their respective jurisdictions.

Among the effectiveness measures for training are measurements of length of trials in which the Commonwealth's Attorneys' office is involved, including but not limited to: the number of days between indictment and trial and final disposition; the number of cases won; the number of cases "lost" and why; the average length of sentences being given defendants upon conviction; the

number of plea negotiations entered into and why; and the amount of time an attorney spends in case preparation (excluding unusual or complicated cases). Such information coupled with the training received will enable a prosecutor to more effectively allocate and utilize his office's resources in order to achieve the established goal of improving the quality of prosecution in Virginia.

TRAINING FOR ADULT CORRECTIONAL PERSONNEL

Training for State adult corrections staff is currently provided through the Department of Corrections Academy for Staff Development at Waynesboro, Virginia. Basic and in-service training programs for correctional officers are implemented in accordance with Criminal Justice Services Commission⁴³ standards. The Academy is also the site for management, counseling, clerical, and support services training for other adult correctional staff. Training is provided either by the Department of Corrections or consultants from State, federal, and national public and private organizations.

The Academy is also the central site for the Jails Training Program. Basic and in-service training for local correctional officers is accomplished in accordance with Criminal Justice Services Commission⁴⁴ standards and is done on site, when feasible, or at the Regional Law Enforcement Training Academies. Management, legal issues, and correctional training for sheriffs and local correctional administrative staff are also provided on a regional basis annually by the Virginia State Sheriffs' Association through consultant services purchased by grant and private funding.

Other frequently used correctional training resources are the National Sheriffs' Association; the National Institute of Corrections; the American Correctional Association and its Virginia Chapter, and the Virginia Commonwealth University, Center for Public Affairs. The FBI Academy also offers training applicable to correctional situations or training provided in conjunction with national and federal correctional associations.

⁴³ See p.12, r.1

⁴⁴ Ibid.

TRAINING FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION PERSONNEL

Formalized training services offered to prevention programs by justice agencies in the Commonwealth are limited to staff and board members of local offices on youth and volunteers. Training for office on youth personnel is provided by the Department of Corrections, Division of Youth Services. The areas covered include planning, data collection, needs assessments, identification of service gaps, evaluation, and coordination of services. Additionally, the Department of Criminal Justice Services, in cooperation with the Department of Corrections, has sponsored two workshops for office on youth personnel conducted by the Southeastern Criminal Justice Training Center of Florida State University. A Juvenile Justice and Delinquency Prevention grant currently funds a prevention training coordinator for the Department of Corrections who has established 14 formal training packages and has developed a core network of prospective trainers. Additional training has been offered to this audience by the Association for Youth Development of Tucson, Arizona.

While offices on youth are receiving a considerable amount of quality training, direct service personnel in prevention programs must utilize whatever happens to be available. Unlike the other youth services areas, there are no standards governing training requirements other than what may be required by the administering agency. For example, teachers in an alternative education classroom are required to complete whatever training is offered to the total school teaching staff. Frequently this training is general in nature and not directly applicable to the alternative education classroom.

The lack of a coordinated training effort presents serious problems in assuring quality of services across the State. Feelings of isolation from both the administering agency and from similar programs elsewhere are common and often result in morale problems. Much of the training which has benefited prevention programs in the past has been funded through Federal dollars, therefore the permanency of the training is questionable.

Available training for juvenile law enforcement officers is much more formalized. Under standards set by the Criminal Justice Services Commission,⁴⁵ all new law enforcement officers are required to complete a 250-hour basic training course. Four hours are devoted specifically to juvenile law, with an additional two hours covering specialized procedures in the handling of juveniles. Some other training topics, while not related specifically to juveniles, are nevertheless applicable to police juvenile work. All officers must obtain 40 hours of in-service training per year, 8 hours of which must be devoted to law. With existing standards for mandatory basic and in-service training, every law enforcement officer in the State has at least some formal exposure to juvenile law and other juvenile-related matters.

⁴⁵ See p.12, r.1.

Many juvenile officers are obtaining training beyond the required minimum through the criminal justice training academies and from out-of-state universities. Some local and regional police academies offer more advanced courses focusing in greater detail on the handling of youth. These courses are generally available only to officers within each academy's service area, and are not offered on a regular basis. In some departments, officers designated as juvenile officers conduct informal training for other members of the force.

The Division of Justice and Crime Prevention⁴⁶ has conducted training sessions for juvenile officers throughout the State. This training dealt primarily with police juvenile diversion, a topic not fully covered in other training.

The Division of Justice and Crime Prevention⁴⁷ has recently completed a survey of all law enforcement agencies in the State to determine the adequacy of existing training and the need for additional training in the juvenile area. The Department of Criminal Justice Services will begin conducting a 40-hour course in juvenile-related matters in July 1982.

Juvenile officers in one training academy catchment area often cannot benefit from training offered at other academies, either through lack of awareness of the training or restricted academy service areas. Even when offered, this localized training frequently focuses on little else but juvenile law and handling of juveniles, and does not address needed diversion strategies and counseling techniques. Out-of-state training for juvenile officers, while usually of a high caliber, is costly and time consuming.

Regular patrol officers (i.e., non-juvenile officers), who usually have the first contact with a youth "on the streets", have generally received no training other than the four required hours of basic training in juvenile law, or the one required hour of in-service training. This should be considered in light of the fact that half of a patrol officer's face-to-face contact is with alleged juvenile offenders.

The majority of training for juvenile court personnel is provided by the Department of Corrections. Standards developed by the Department of Corrections require 40 hours of in-service training per year for all personnel. Most training is delivered through the Department's Academy for Staff Development, although none is designed specifically for the intake worker. Some training is provided through the Virginia Juvenile Officers Association and other sources outside the Department of Corrections. The Department of Corrections is currently planning to implement a more intensive

⁴⁶ See p.12, r.1.

⁴⁷ Ibid.

training program for intake officers which will focus on community services, diversion, and risk assessment through financial resources

provided by the Department of Criminal Justice Services. Many new training needs have been recently identified by a Department of Corrections Task Force which was created to develop a standard operating procedures manual for intake officers. These training needs include: crisis counseling techniques, family counseling modalities, assessing when children need to be removed from their homes, what level of security is truly needed when detention is ordered, and use of community-based service programs and realistic diversion criteria.

Personnel in programs administered by the juvenile courts are also required to obtain a minimum of 40 hours of in-service training per year. The Department of Corrections, through the Academy for Staff Development, offers training to court service unit line personnel mainly in the areas of counseling and treatment modalities. Other training, such as that sponsored by the Virginia Juvenile Officers Association, is also utilized and often reimbursed by the Department of Corrections.

Training for juvenile judges is offered regularly through the Juvenile Court Judges Committee of the Virginia District Court Conference, which creates an ongoing learning environment. Topics ranging from case law to specialized court problems are covered. Many judges have attended local training sessions of interest to them, and many judges also attend the National College of Juvenile Justice in Reno, Nevada. The Supreme Court is currently developing an intensive training program for judges which would deal with risk assessments and dispositional alternatives.

The Department of Corrections mandates a minimum of 40-hours training for all court aftercare personnel. No training offered through the Academy for Staff Development focuses specifically on aftercare; rather, it is generic and involves largely counseling approaches. As with training available to other court service staff, only generic training is offered to aftercare staff by the Department of Corrections. There is no training consistently available which deals specifically with the reintegration of juvenile offenders into the community. This problem is compounded in suburban and rural areas, where probation officers often perform aftercare functions in addition to their regular duties.

New training is especially important to promote the use of community-based alternative programs which serve as resources for all human service providers. Often, youth are processed through the system simply because of a lack of knowledge of available alternatives. Even if awareness of community alternatives is present, often the "traditional" attitudes and habits of potential referral agencies interfere with appropriate placement of youth.

Training for personnel in community-based alternative programs is not uniform, and is not consistently available to all program types. For example, the Department of Corrections provides ample quality training for group personnel. Staff operating a non-residential diversion program, however, have no training network readily available, and must pull from whatever training is being conducted elsewhere. With no training standards in place, quality of service is almost impossible to monitor.

The Department of Corrections provides training for detention facility staff. Most training offered at the Department of Corrections Academy for Staff Development is also available to detention home personnel, who are required to obtain a minimum of 40 hours of training per year. The Virginia Council on Juvenile Detention is currently compiling a detention training curriculum in conjunction with the Academy.

Historically, detention home personnel perhaps have been more slighted in the area of training than any other identifiable group. Concerned basically with temporary custodial functions in a secure setting, personnel have been offered little training in important areas, e.g., restraint, stress reduction, organized activities, and human relations. Coverage problems interfere with timely training. Though gradually improving through the efforts of the Virginia Council on Juvenile Detention, a gap in available training for detention staff remains.

Training offered to jailors and custodial officers is general in nature with the only specific reference to juveniles being an overview of the juvenile justice system. The emphasis is, understandably, on security, jail operations, and firearms. Eight hours of training in human relations is offered, but there is no emphasis on specific methods of relating to the juvenile offender. As perceived by the majority of sheriffs, jail staff are in no way equipped to deal with juveniles unless they happen to have had prior experience or training in this area.

Learning center personnel receive a minimum of 40 hours training per year through the Department of Corrections Academy for Staff Development. Training topics offered include a basic orientation to the Department, various counseling modalities, and methods of restraint. Training is also obtained through organizations such as the Virginia Juvenile Officers Association and Virginia universities. A Juvenile Justice and Delinquency Prevention grant will provide training for the new employees of the Intensive Treatment Learning Center. The addition of the Intensive Treatment Learning Center will give the Department the facilities and staff capable of serving more disturbed adolescents who may be in need of intensive psychological/psychiatric services.

RELATED AGENCIES, ORGANIZATIONS, AND SERVICES

SUBSTANCE ABUSE

In Virginia, available substance abuse services vary widely among catchment areas. At best, these services can be considered to be minimally responsive to the substance abuse service needs in the State. This is particularly true for alcoholism treatment services and services targeted for special population. The Department of Mental Health and Mental Retardation estimates the number of problem drinkers in Virginia by Health Service Area⁴⁸ to be:

<u>Health Service Area</u>	<u>Number</u>
I	31,788 - 44,400
II	44,834 - 62,623
III	62,054 - 86,674
IV	47,754 - 66,700
V	55,530 - 77,561
Total	241,960 - 337,958

The estimated number of drug abusers by Health Service Area is as follows:

<u>Health Service Area</u>	<u>Number</u>
I	2,448 - 4,898
II	3,845 - 7,691
III	4,344 - 8,686
IV	3,392 - 6,782
V	4,809 - 9,617
Total	18,838 - 37,674

Preliminary assessments indicate that increased community-based service capacity must be created in Virginia to meet these needs and to handle the increased burden resulting from the possible closing, or reduction in the capacity of alcoholism units in some State mental hospitals.

The organization and operation of substance abuse services in a manner which promotes continuity of care for clients who require different types and/or levels of care is needed in Virginia. This is especially important in the provision of aftercare programming which draws from a variety of community resources. There is an expressed need for the development of a coordinated interagency network of substance abuse services through cross-referral mechanisms, consultation, and service

⁴⁸ Map of Virginia Health Service Areas, p.133.

contracts. Liaison with the criminal justice system, as well as other human service agencies, through formal and informal relationships also is important for the provision of treatment, aftercare, vocational, legal, and educational services to clients.

Special service requirements of population groups such as women and the elderly must receive increased attention by both drug abuse and alcoholism programs. Both federal and State policies and plans have targeted the service needs of these population groups as priority concerns. The provision of treatment, intervention, and prevention services to these population groups needs to involve both the enhancement of the existing service network and the development of programs targeted specifically to their special needs. For women with drug or alcohol abuse problems, special programs might include residential programs which provide arrangements for child care and transitional living facilities for women abusers not yet ready to return to their home environments. Substance abuse prevention efforts targeted to at-risk women (e.g., those experiencing trauma resulting from divorce, rape, or spouse abuse) are potentially available through a variety of "gate-keeper" or early intervention agencies such as family planning clinics, crisis intervention programs, rape crisis centers, child protective services, and other social service agencies.

Available data indicate that alcohol abuse is the leading substance abuse problem in Virginia. Other major substances abused are marijuana, narcotics, and barbiturates/sedatives/tranquilizers.

The Virginia Substance Abuse Plan for FY 1980-1981 provides information about which groups need to be targeted for alcohol services:

Application of the Marden Formula to Virginia census data indicates that males between the ages of 20 and 29 years are most in need of services, followed by males between the ages of 40 and 49 and 30 and 39. The female population most in need of services appears to be between the ages of 30 and 49 years. Admissions to treatment, arrest and mortality data indicate that blacks are more involved in alcohol abuse than whites.

Use of the Marden Formula enables estimates of persons with alcohol-related problems by occupation. The occupational category containing the largest number of persons with alcohol problems is "Craftsmen and Foremen". The greatest number of women with alcohol problems are clerical workers; however, it should be noted that the greatest number of women in the labor force are employed in this occupation.

It appears that alcohol abuse starts at an early age. Peaks in the indicator data suggest that the 18-24 group have the highest rates of alcohol as well as drug abuse. The alcohol

abuse continues through middle age, while drug abuse seems to decline after 24. These data suggest the need for an increasing emphasis on prevention and early intervention services in the alcohol service delivery system.

The alcohol-related death rate for women is approximately half that for men. Due to the long duration of drinking generally required to produce death, it can be assumed that societal changes in sex-related behaviors (like drinking) will take many years to surface. We can assume that the alcoholism rate in women may in ten years approach that of men. We can also assume that societal factors result in an under-representation of women in terms of arrests and admission to treatment. An increased emphasis on alcohol services designed specifically to attract and treat women is required.

The higher involvement of blacks in alcohol abuse suggests an increased emphasis on prevention, intervention and treatment services specifically designed for blacks.⁴⁹

The Marden Formula is a procedure developed by Parker G. Marden, Ph.D., to attempt to estimate numbers and types of persons in the population who will have alcohol-related problems.

Regarding services for drug abusers, the Virginia Plan for Substance Abuse for FY 1980 - 1981 states:

The indicators show peak drug abuse around the ages of 15-24. The data have been stable over the past few years with youth and women stable while the number of blacks has been declining. A decrease in the amount of narcotic addiction and an increase in marijuana use/abuse suggest some improvement of the situation, both in terms of a "softer" drug of abuse and younger clients in treatment. The large percentage of marijuana arrests (83%) to total arrests suggests this is more of a legal than an abuse issue. Increases in prevention and intervention are suggested with a maintenance effort in treatment.⁵⁰

⁴⁹ Virginia Substance Abuse Plan for FY 1980-1981, Virginia Department of Mental Health and Mental Retardation, 1980, p. 111-15.

⁵⁰ Ibid.

In Virginia, substance abuse services are available through a variety of public and private providers, including:

- A. The Virginia Department of Mental Health and Mental Retardation provides intensive alcoholism and drug abuse treatment for both inpatient and outpatient needs.
- B. Community services boards administer drug abuse and alcoholism programs and services provided through comprehensive community mental health centers and community centers and clinics.
- C. Private practices of psychiatrists, psychologists, physicians, psychiatric social workers, and certified counselors
- D. Psychiatric units provide acute substance abuse care in general hospitals.
- E. Private psychiatric hospitals, clinics, and centers with substance-abuse service capabilities
- F. Residential alcoholism and drug abuse facilities operated through private, not-for-profit corporations

The Virginia Department of Mental Health and Mental Retardation has primary responsibility for planning, administration, regulation, program development, and evaluation of public substance abuse services within the Commonwealth. All public and private substance abuse programs in Virginia must be licensed by the Department of Mental Health and Mental Retardation in order to provide services. All programs which receive public support must also meet the programmatic certification standards developed by the Department.

The following services are available in Virginia for substance-abusing persons:

Residential Treatment Services

- Residential Drug Free
- Medically Supervised Drug Use
- Intermediate Care
- Halfway Houses
- Quarterway Houses

Prevention Services

- Public Information
- Public Education (school and community)
- Attitudinal (values clarification/decision making)
- Behavioral (alternatives programming)

Early Intervention Services

- Crisis Intervention (hotlines, store front centers)
- Employee Assistance
- Criminal Justice Diversion

Emergency Services

- Detoxification / Medical and Environmental Medical Support

Outpatient Treatment Services

- Drug Free
- Medically Supervised Drug Use (other than Methadone)
- Medically Supervised Methadone Use

Aftercare Services

Support Services

- Employment Placement
- Vocational Training
- Education

Information/Referral Services

The focus of the substance abuse service delivery system in most Virginia communities is the programs administered through the community services boards. There are 36 of these boards in Virginia, and they are locally managed and operated within standards established by the Virginia Department of Mental Health and Mental Retardation. Funding for these substance abuse services is provided through local government support, the Virginia Department of Mental Health and Mental Retardation, private and public third party payers, and the federal government; primarily the National Institute on Alcohol Abuse and Alcoholism and the National Institute on Drug Abuse.

Within the alcohol component of the Commonwealth's substance abuse services network, there are currently 19 outpatient clinics, 18 alcoholism service units within community mental health centers, an inpatient program serving residents of Virginia at the Medical College of Virginia, 21 alcoholism residential treatment facilities, and 31 inpatient State Hospital units. The clinics and mental health centers provide primary outpatient treatment, public education and information, agency consultation, and serve as community catalysts for the development of community involvement in the establishment of local programs and services. The State inpatient program located at the Medical College of Virginia, and the units at Eastern State Hospital, Western State Hospital, and Southwestern State Hospital provide intensive, specialized alcoholism treatment.

The 21 residential treatment facilities, totaling approximately 414 beds, provide a protective environment where alcoholics receive an array of counseling services aimed at recovery and enhanced self-sufficiency. They are of two types: subacute detoxification (5-day average stay) in which clients withdraw from the toxic effects of alcohol under medical supervision, and residential rehabilitation in which clients receive individual and group counseling aimed at re-entry to society by beginning to work and re-establishing family relationships (average stay 2 to 12 months).

The Commonwealth's drug services network consists of 5 methadone clinics, 7 residential treatment facilities, 25 outpatient drug-free components of service efforts, and a Treatment Alternatives to Street Crime (TASC) program. Prevention, crisis intervention, and referral services are offered by these programs, as well as numerous private agencies.

The 5 methadone clinics provide medically supervised detoxification or maintenance and other support. They are located in major metropolitan areas; specifically, Portsmouth, Norfolk, Richmond, Alexandria, and Hampton, where opiate use is most prevalent. These programs have a capacity to provide services to 536 persons, including 447 maintenance and 89 detoxification treatment units.

The residential treatment facilities provide an array of services, including individual, group and family counseling, educational services, vocational and job placement counseling, referrals for health care, medically and non-medically supervised detoxification, psychiatric, and legal services. The publicly supported residential substance abuse treatment capacity in Virginia is 364 beds.

The outpatient drug-free treatment services provided by programs in Virginia are similar to, but generally less intensive than those in residential facilities. Outpatient treatment units serve approximately 2,185 persons at this time. TASC, while not a treatment provider, functions as an identification, screening, and referral program for the drug-abusing client involved in the criminal justice system. This program provides services to approximately 250 clients in the Richmond area annually.

Other substance abuse service efforts in Virginia include education and prevention, intervention, occupational assistance, services to special populations, i.e., women, youth, the aging, and cultural minorities, and criminal justice interface activities. Education and prevention programs are usually affiliated with the services offered by the community services board or an individual treatment program.

School divisions provide supplemental prevention programs which emphasize peer counseling, positive self-concept, and decision-making skills. Approximately 25 prevention and education efforts, including prevention components in treatment programs, receive support from the Virginia Department of Mental Health and Mental Retardation. There are also many private or civic-sponsored prevention efforts conducted within the Commonwealth. Additionally, the Department of Education reports that 49 county and city school divisions have supplemental prevention programs.

Intervention and outreach programs are most often affiliated with community service boards, treatment programs, or other locally-based organizations. These activities include hotlines, walk-in centers, and other forms of crisis intervention counseling. Occupational assistance programs are being developed by a number of businesses, industries, and governmental units in Virginia. Two new employer-related consortia which purchase occupational programming services, training expertise, and employee evaluation and referral through local substance abuse programs are operational. In addition, the State Employee Assistance Service (SEAS) is in its second year of operation.

Within the criminal justice system, counseling programs which provide substance abuse services on an as-needed basis are operational at the Virginia Correctional Center for Women, Staunton Correctional Center, Southampton Correctional Center, the Norfolk City Jail, the Virginia Beach City Jail, and a therapeutic community at the Powhatan Correctional Center. Additionally, the Unicom Program at the Staunton Correctional Center is a substance abuse specific therapeutic community. The Department of Corrections provides direct substance abuse services and/or referrals to community programs on an as-needed basis.

The following Tables (1 through 28) represent a comparative and descriptive analyses of the Drug and Alcohol Abuse activities as reflected in Virginia.

Admission to Treatment

According to the Client Oriented Data Acquisition Process (CODAP), a reporting system developed by the National Institute on Drug Abuse reported 3,841 persons were admitted to drug treatment programs during fiscal year 1980, an increase of 2% over FY 79. In the same period National Alcoholism Program Information System (NAPIS), a reporting system developed by the National Institute on Alcohol Abuse and Alcoholism, reported 14,161 persons admitted to alcohol treatment programs, an increase of 10.5% over FY 79.

Tables 1, 2 and 3 represent the basic demographics of the drug treatment population during FY 1980.

TABLE 1
Drug Admissions by Age

	<u>Number</u>	<u>Percent</u>	<u>Rate*</u>
Under 18	974	25.4%	33.0
18 - 24	1,271	33.1%	17.1
25 - 34	1,374	35.8%	14.9
35 - 44	171	4.5%	2.6
45 - 59	41	1.1%	.5
60+	10	.3%	.1
	<u>3,841</u>	<u>100%</u>	

* Per 10,000 population over 15 years of age

TABLE 2
Drug Admissions by Race

	<u>Number</u>	<u>Percent</u>	<u>Rate*</u>
White	2,548	66.3%	7.5
Black	1,258	32.8%	16.4**
Other & Unknown	35	.9%	
	<u>3,841</u>	<u>100%</u>	

TABLE 3
Drug Admissions by Sex

	<u>Number</u>	<u>Percent</u>	<u>Rate*</u>
Male	2,792	72.7%	13.6
Female	1,049	27.3%	4.9
	<u>3,841</u>	<u>100%</u>	

Tables 4, 5 and 6 represent a comparable analysis for the alcohol treatment population.

TABLE 4
Alcohol Admissions by Age

	<u>Number</u>	<u>Percent</u>	<u>Rate*</u>
Under 18	649	4.6%	22.0
18-24	2,197	15.5%	29.5
25-34	3,734	26.4%	40.6
35-44	3,360	23.7%	50.8
45-59	3,406	24.1%	42.4
60+	812	5.7%	10.9
Invalid or Unknown	3		
	<u>14,161</u>	<u>100%</u>	

* Per 10,000 population over 15 years of age
** Combined black and other = non-white

TABLE 5
Alcohol Admissions by Race

	<u>Number</u>	<u>Percent</u>	<u>Rate*</u>
White	10,742	75.9%	31.8
Black	3,236	22.9%	43.5**
Other and Unknown	183	1.3%	
	<u>14,161</u>	<u>100%</u>	

TABLE 6
Alcohol Admissions by Sex

	<u>Number</u>	<u>Percent</u>	<u>Rate*</u>
Male	11,186	79.0%	55.5
Female	2,975	21.0%	13.8
	<u>14,161</u>	<u>100%</u>	

On a comparative basis the drug abuse population may be characterized as consisting of more youths, more blacks and more females than the alcohol abuse population.

Because the CODAP data have rather extensive breakouts of substance of choice, additional information is presented in Table 7 representing primary drug of choice upon admission to treatment facility.

* Per 10,000 population over 15 years of age
** Combined black and other = non-white

TABLE 7
Drug Admissions by Primary Drug of Abuse

	<u>Number</u>	<u>Percent</u>	<u>Rate*</u>	<u>FY 79 Rank</u>
Narcotics	1,423	37.0%	3.41	2
Marijuana	1,141	29.7%	2.74	1
Amphetamines	318	8.3%	.76	5
Barbiturates/ Sedatives	261	6.8%	.63	3
Tranquilizers				
Alcohol	166	4.3%	.40	4
None**	134	3.5%	.32	Unranked
Cocaine	133	3.5%	.32	8
PCP	119	3.1%	.29	7
Hallucinogens	118	3.1%	.29	6
Inhalants	16	.4%	.04	9
Over-the-Counter	7	.2%	.02	10
Other	5	.1%	.01	Unranked

* Per 10,000 population over 15 years of age

** "None" refers to former clients who are not abusing drugs on admission but are requesting assistance in lieu of possible recidivism.

Sufficient data have been collected for drug and alcohol admissions so that trends may be analyzed across years. For the drug treatment system, several long established trends appear to have been reversed. The proportion of male to females under treatment remains stable over the years with no trend established. The trends in relative proportions of the various age groups, however, are represented in Table 8.

TABLE 8
Percent Age at CODAP Admission by Fiscal Years

	1976	1977	1978	1979	1980
0-17	23.7%	24.8%	25.8%	32.3%	25.4%
18-24	41.6%	37.7%	34.8%	30.7%	33.1%
25-44	32.9%	35.3%	37.5%	35.6%	40.3%
45-59	1.1%	1.6%	1.5%	1.0%	1.1%
60+	.7%	.5%	.5%	.2%	.3%
	100%	100%	100%	100%	100%

Until FY 80, the under-18 group showed a consistent increase. Eighteen to 24-year-olds showed a consistent decrease. The 25-to-44 group was interpreted as increasing with some leveling off in FY 79. All three groups showed a substantial reversal in trend for FY 80. The youth group (0-17) showed a decline for the first time since records have been kept. Conversely, the 18-24 age group showed a first time increase. Lastly, the apparent leveling off observed in FY 79 of the 25-44 group, appears to be a mere pause in an increasing trend.

A similar reversal may be noted in race/ethnicity trends found in Table 9.

TABLE 9
Percent Race at CODAP Admission by Fiscal Years

	1976	1977	1978	1979	1980
White	57.7%	59.5%	61.7%	68.8%	66.3%
*Non-White	41.8%	39.7%	37.3%	31.2%	33.7%

* Predominately black, less than 1% other

For the first time since records have been kept the proportion of whites seeking treatment has decreased and non-whites increased. The permanence of this reversal remains to be established in the future. There were still significantly fewer blacks in the treatment system in 1980 than there were in 1976.

Finally, the changes in Primary Drug of Abuse percentages over the years has implications for programmatic planning. Again, a reversal of an established trend is noted in Table 10.

TABLE 10
Percent Admissions to Programs
by Primary Drug of Abuse and Fiscal Years

	1977	1978	1979	1980
Narcotics	46%	39%	32%	37%
Marijuana	24%	25%	33%	30%
Alcohol	13%	12%	7%	4%
Barbiturates/Sedatives/ Tranquilizers	6%	8%	10%	7%
All other and Unknown	12%	16%	18%	22%

Once more several reversals are evident. The previously decreasing trend for narcotic abuse showed a 5% increase for FY 80. This is consonant with a national trend reported concerning heroin availability in the U. S. Clearly, this leaves less room in our crowded system for younger marijuana abusing clients, therefore, inducing a decrease in primary marijuana abuse among clients in treatment. A third reversal involves a 3% decrease in Barbiturates/Sedatives/Tranquilizers which was previously increasing systematically over years. Alcohol as a primary drug (in conjunction with others as a rule) continues a decreasing trend. "All others" continues to increase, with notable increase in PCP, Cocaine and "none" bearing the major contribution. The "none" category represents former clients who are not abusing drugs at admission, but are requesting support and/or therapy in lieu of possible recidivism.

In alcohol treatment, two full years of data exist and a rudimentary analysis of trends may be attempted. Table 11 represents trends in age over years, according to the National Alcoholism Program Information System (NAPIS).

TABLE 11

Percent Age at NAPIS Admission by Fiscal Years

	1979	1980
18	2.4%	4.6%
18-24	14.2%	15.5%
25-44	47.5%	50.1%
45-59	27.5%	24.1%
60+	6.0%	5.7%
Unknown	2.4%	0.0%
	100%	100%

The major result of the age trend analysis is the virtual doubling of admissions in the under-18 category. This represents 649 admissions and a rate of 22 per 10,000 population up from 10.5 in FY 79.

The trend analysis on Race/Ethnicity (Table 12) shows an increase in whites and a decrease in non-whites in our alcohol system. The relatively small shift and the lack of multi-year data leave this as an unestablished trend at this time, subject to further confirmation or disproof.

TABLE 12

Percent Race at NAPIS Admission by Fiscal Year

	1979	1980
White	74.0%	75.8%
Black	25.0%	22.9%
Other and Unknown	1.0%	1.3%

Changes in sexual composition were extremely small, less than 1%. This suggests a stable proportion, as in the drug system, with no clear trend apparent.

Arrests

Arrest data do not provide an accurate picture of the extent of the substance abuse problem since they identify only that substance abuse activity which is visible to law enforcement agencies. Also, these data vary with the increase or decrease in the activity of local and state law enforcement efforts and the emphasis which law enforcement agencies place on particular violations. This emphasis may vary from locality to locality. The number of sworn vice squad officers and other officers in less populous areas can also influence arrest data. Even with these limitations, an examination of arrest data can reveal information helpful to analyzing the type of problem in the state.

Tables 13, 14 and 15 represent alcohol and drug-related arrest rates per 10,000 population.

TABLE 13
Alcohol and Drug Arrests
by Age Per 10,000 Population*

	Below 18	18-24	25-34	34-44	45-59	60+
Alcohol Related	118.0	423.7	265.9	135.2	203.1	72.6
Drug Related	60.2	95.2	31.3	6.3	3.2	.2

TABLE 14
Alcohol and Drug Arrests by Race
Per 10,000 Population *

	White	Non-White
Alcohol Related	246.3	272.9
Drug Related	27.9	36.7

TABLE 15
Alcohol and Drug Arrests by Sex
Per 10,000 Population *

	Male	Female
Alcohol Related	350.9	30.9
Drug Related	53.8	6.9

Table 13 presents age specific alcohol and drug-related arrests. While the highest rates for both are found in the 18-24 year old group, the drug arrest rates drop off dramatically after the age of 25. The alcohol arrest rates stay quite high until the age of 60. The rates are

* Over 15 years of age

comparable to those reported in the 80-81 plan with one notable exception. The rate for alcohol-related arrests in the under 18 group has more than doubled. This is in concordance with the treatment data indicating an increase in alcohol abuse in the under-18 age group. Both alcohol and drug-related arrests show a moderately higher rate for non-whites over whites, reference Table 14. The breakouts according to sex (Table 15) continue to remain stable over years with alcohol arrests favoring males at an 11 to 1 ratio and drug arrests at 8 to 1. These ratios may be compared to alcohol and drug-related death ratios to obtain an estimate of the differential arrest rate compared with the (assumed) underlying differential abuse rate between sexes.

Table 16, Drug Arrests by Age and Substance provides further insight into the nature of the problem. Seventy-eight point two percent of all arrests were marijuana-related with 18-24 year old group contributing 57.6% of all drug arrests.

TABLE 16
Drug Arrests by Age and Substance

Substance	Under 18	18-24	25-34	35+	Totals
Marijuana	1,603	5,761	1,898	363	9,624 (78.2%)
Opium/Cocaine & Derivatives	33	462	414	85	994 (8.1%)
Synthetic Narcotics	35	288	175	35	533 (4.3%)
Other Non-Narcotics	105	576	393	88	1,162 (9.4%)
Totals	1,776	7,087	2,880	571	12,314 (100%)
	(14.4%)	(57.6%)	(23.4%)	(4.6%)	(100%)

Table 17 presents the arrest rates by planning district.⁵¹ The highest alcohol arrest rates are found in the Western part of the State in PD 1, 2, 3 and 5. They are also composed of basically rural counties. The highest drug arrest rates are found in PD 5, 15, 19 and 20. These may be characterized as more urban in nature. Each contains a major metropolitan area: Richmond in PD 15, Petersburg in PD 19 and the Tidewater Complex of Portsmouth, Norfolk, Chesapeake, Suffolk and Virginia Beach in PD 20. In addition to the presence of a high population center, PD 15, 19, and 20 appear to lie on a major drug importation route. PD 5, including Roanoke City and rural counties, appears to combine both high drug and alcohol arrest rates, reflecting its mixed urban and rural makeup. These data may also suggest a Tidewater/Richmond to Roanoke drug supply route.

⁵¹ Map of Virginia Planning Districts, p. 134.

TABLE 17
Drug and Alcohol Arrests Per 10,000
Population *

	Drug	Alcohol
PD 1	13.9	494.9
PD 2	13.5	409.3
PD 3	17.3	372.8
PD 4	12.8	236.6
PD 5	27.2	354.1
PD 6	16.0	295.8
PD 7	11.3	327.7
PD 8	26.4	229.7
PD 9	2.9	180.3
PD 10	10.9	238.9
PD 11	15.9	227.1
PD 12	13.2	193.8
PD 13	7.8	221.3
PD 14	9.8	160.1
PD 15	34.5	185.3
PD 16	7.1	161.7
PD 17	7.8	130.8
PD 18	11.2	97.0
PD 19	31.8	207.7
PD 20	70.2	276.0
PD 21	26.4	274.9
PD 22	5.4	100.8

* Over 15 years of age

Drug Thefts

Tables 18 and 19 present data concerning drug thefts from pharmacies, hospitals, manufacturers and doctors' offices. The number of thefts increased slightly from 182 to 186. The volume (i.e., dosage units) of drugs stolen, however decreased by 16.6% over FY 79 representing a smaller yield per theft. All drugs stolen showed large decreases except depressants which increased by 17.7%. The proportions of drug types stolen which have remained stable in the past, reflect a massive increase for depressants (49.6% share of the market) stability for stimulants (6.2% share) and decreases for the rest, with narcotics leading the way. These trends could reflect the easy availability of illicit non-stolen narcotics due to the breakdown of government in Iran and Afghanistan.

TABLE 18

Total Drug Thefts by Volume

Reported in Dosage Units

	<u>FY 77</u>	<u>FY 78</u>	<u>FY 79</u>	<u>FY 80</u>	<u>% Change Over FY 79</u>
Number of Thefts	171	202	182	186	+2.2%
Narcotics	116,692	155,928	168,838	112,082	-33.6%
Amphetamines	39,129	66,325	48,793	24,454	-49.9%
Barbiturates	76,876	78,816	77,542	49,892	-35.7%
Stimulants	26,820	36,266	32,807	25,985	-20.8%
Depressants	<u>156,169</u>	<u>181,230</u>	<u>177,365</u>	<u>209,155</u>	<u>+17.7%</u>
Total Volume	415,686	518,557	505,345	421,568	-16.6%

TABLE 19

Percent Total Drug Thefts by Type

	<u>FY 77 Percent of Total</u>	<u>FY 78 Percent of Total</u>	<u>FY 79 Percent of Total</u>	<u>FY 80 Percent of Total</u>
Narcotics	28.0%	30.1%	33.4%	26.6%
Amphetamines	9.4%	12.8%	9.6%	5.8%
Barbiturates	18.5%	15.2%	15.3%	11.8%
Other Stimulants	6.5%	6.9%	6.5%	6.2%
Other Depressants	37.6%	35.0%	35.1%	49.6%
Total	100%	100%	100%	100%

The Board of Pharmacy estimates the street price of diverted narcotics at \$45.00 per dosage unit, stimulants at \$30.00 per dosage unit and depressants at \$17.00 per dosage unit. Using these figures the street price of diverted licit drugs during fiscal year 1980 totaled \$10,960,659.

Alcohol-Related Traffic Accidents

As shown in Table 20, there were 23,572 alcohol-related traffic accidents in 1979. This represents a 6.5% increase over 1978. The drinking driver was involved in 10.8% of all crashes and 24.4% of fatal crashes.

TABLE 20

	Alcohol-Related Accidents				% Change Over 1977
	1976	1977	1978	1979	
Fatal	341	379	315	319	+1.3%
Personal Injury	7,781	8,734	9,377	10,132	+8.1%
Property Damage	10,819	12,056	12,436	13,121	+5.5%
Total	18,941	21,169	22,128	23,572	+6.5%

TABLE 21

Fatal Alcohol-Related Accidents by Age

	Number	Percent	Rate*
Under 18	13	4.1	.44
18-24	143	44.8	1.92
25-34	71	22.3	.77
35-44	40	12.5	.60
45-59	40	12.5	.50
60+	10	3.1	.13
Age Unknown	2	.6	-
Total	319	99.9	.77

* Per 10,000 population over 15 years of age

Virginia Alcohol Safety Action Project, Diversions
to Education and Treatment

The Virginia Alcohol Safety Action Project (VASAP) is responsible for screening drivers arrested for driving under the influence (DUI) and diverting them to education or treatment programs under court direction. VASAP uses three diagnostic levels. Level I is non-problematic or social drinker and requires alcohol/driving education. Level II is pre-problematic and requires more intensive secondary prevention efforts. Level III is a problem drinker or alcoholic and is referred to an alcohol treatment program. Table 22 represents an analysis of VASAP assignments by level and age for fiscal year 1980. VASAP referrals accounted for 48.4% of all referrals made to public facilities. VASAP represents a major referral source to alcohol abuse treatment and by comparison with other indicators probably produces an earlier entry into treatment. Table 23 is an analysis of VASAP assignment by level and sex. The differential assignment rate by sex probably reflects the differential arrest rate seen earlier plus an additional bias introduced by judges reluctant to refer women to VASAP programs. The total 19,482 represents an increase of 21.2% over 1979.

TABLE 22

VASAP Assignments by Level and Age*

	Level I	Level II	Level III	Total	Percent
Below 18	0	0	0	0	0.0%
18-24	166	1,695	1,166	3,027	15.5%
25-34	145	1,731	1,887	3,763	19.3%
35-44	79	834	1,366	2,279	11.7%
45-54	34	427	1,051	1,512	7.8%
55-64	21	191	534	746	3.8%
65+	11	55	111	177	.9%
Unknown	611	3,862	3,505	7,978	41.0%
Total	1,067	8,795	9,620	19,482	100%

* Due to excessive number of unknowns, rates were not calculated for these data.

TABLE 23
VASAP Assignments by Level and Sex

	Level I	Level II	Level III	Total	Rate*
Male	933	8,062	9,053	18,048 (92.6%)	89.6
Female	134	733	567	1,434 (7.3%)	6.7
Total	1,067	8,795	9,620	19,482 (100%)	46.7
	(5.5%)	(45.2%)	(49.4%)	(100%)	

* Per 10,000 population over 15 years of age

Deaths Related to Alcohol and Drug Use

The Virginia Center for Health Statistics reported 853 deaths related to alcohol consumption and 225 deaths related to ingestion of drugs during calendar year 1979. These deaths are classified using the National Center for Health Statistics ICD9 codes. They are not completely comparable to the codes used in calendar year 1978. The ICD9 codes have been included for interpretative purposes along with a narrative description of the underlying and/or contributing causes.

ALCOHOL DEATHS

	Number	Percent
Deaths related to alcoholic psychosis (291)	19	2.2%
Deaths related to alcohol dependence syndrome (303)	428	50.2%
Deaths related to nondependent abuse of alcohol (305)	58	6.8%
Deaths related to alcoholic liver disease and cirrhosis (571.0-.3)	267	31.3%
Deaths related to accidental poisoning by alcohol (E860)	61	7.2%
Deaths related to toxic effect of alcohol (N980)	20	2.3%
	853	100%

DRUG DEATHS

Deaths related to drug dependence (304)	5	2.2%
Deaths related to nondependent abuse of drugs (305.2-.9)	4	1.8%
Deaths related to drug withdrawal syndrome in newborn (779.5)	2	.9%
Deaths related to accidental poisoning by drugs (850-858)	54	24.0%
Deaths related to drugs causing adverse effects in therapeutic use (930-949)	66	29.3%
Deaths related to suicide by drugs (950.0-950.5)	87	38.7%
Deaths undetermined whether accidentally or purposely inflicted by drugs (980.0-980.5)	7	3.1%
	225	100%

Whereas the alcohol deaths may be directly attributable to use and abuse, the drug deaths are more difficult to interpret. They tend to be a mixture of accidental and purposeful self administration and just what proportion is directly related to habitual abuse is difficult to determine. The large variety of substances involved and the relatively small number of drug deaths also preclude meaningful interpretation.

Table 24 indicates the alcohol and drug-related deaths by age. Alcohol deaths maximize in the 45-59 age group while drug deaths appear to increase as a function of age. This age trend is at odds with the data from the last calendar year which peaked at the 25-34 age group. No explanation has yet been developed to reconcile these differences.

Table 25 shows that non-whites have an alcohol-related death rate 2.5 times as high as whites. The drug rates on the other hand show no differences between whites and non-whites.

Table 26 represents a male alcohol-related death rate almost 3.5 times higher than the female rate. The drug rates, however, are virtually identical. Tables 27 and 28 represent major geographic contributors by residence (county or independent city) at time of death. This is different from last year's data, when only place of death was available. Place of death overly represents the independent cities where most hospitals are located, while residence at time of death should prove more responsive to any underlying changes in geographic distribution of deaths and/or abuse patterns.

TABLE 24

Alcohol and Drug Deaths by Age

	<u>Number</u>	<u>Alcohol Percent</u>	<u>Rate*</u>	<u>Number</u>	<u>Drug Percent</u>	<u>Rate*</u>
Below 18	6	.7%	.2	5	2.2%	.17
18-24	10	1.2%	.1	20	8.9%	.27
25-34	52	6.1%	.6	35	16.9%	.38
35-44	136	16.0%	2.1	38	16.9%	.57
45-59	377	44.2%	4.7	51	22.7%	.63
60+	272	31.8%	3.7	73	32.4%	.98

* Per 10,000 population over 15 years of age

TABLE 25
Alcohol and Drug Deaths by Race/Ethnicity

	<u>Number</u>	<u>Alcohol Percent</u>	<u>Rate*</u>	<u>Number</u>	<u>Drug Percent</u>	<u>Rate*</u>
Non-White	324	38.0%	4.1	33	14.7%	.42
White	529	62.0%	1.6	192	85.3%	.57

TABLE 26
Alcohol and Drug Deaths by Sex

	<u>Number</u>	<u>Alcohol Percent</u>	<u>Rate*</u>	<u>Number</u>	<u>Drug Percent</u>	<u>Rate*</u>
Male	651	76.3%	3.23	106	47.1%	.53
Female	202	23.7%	.94	119	52.9%	.55

TABLE 27
Residence at Time of Death - Alcohol

	<u>Number</u>	<u>Percent</u>	<u>Rate*</u>
Alexandria	17	2.0%	1.93
Charlottesville	18	2.1%	5.27
Chesapeake	23	2.7%	2.54
Fairfax	20	2.3%	.44
Henrico	20	2.3%	1.39
Newport News	34	4.0%	3.04
Norfolk	73	8.6%	3.25
Portsmouth	24	2.8%	2.94
Richmond	71	8.3%	4.10
Roanoke	32	3.8%	4.07
Virginia Beach	34	4.0%	1.74

* Per 10,000 population over 15 years of age

TABLE 28
Residence at Time of Death - Drug

	<u>Number</u>	<u>Percent</u>	<u>Rate*</u>
Alexandria	6	3.0%	.68
Arlington	9	4.0%	.69
Chesapeake	8	3.5%	.88
Chesterfield	5	2.0%	.47
Fairfax	17	7.5%	.37
Henrico	9	4.0%	.63
Newport News	6	3.0%	.54
Norfolk	11	4.8%	.49
Portsmouth	5	2.0%	.61
Richmond	19	8.4%	1.10
Roanoke	5	2.0%	.64
Virginia Beach	9	4.0%	.46

* Per 10,000 population over 15 years of age

TRENDS IN ALCOHOL AND DRUG ABUSE

The available data indicate that alcohol abuse is the leading substance abuse problem in Virginia. Other major substances abused are narcotics, marijuana, and amphetamines. It is worth noting that after years of declining narcotics abuse, the trend appears to indicate a major upswing in Virginia in FY 80.

Alcohol Abuse:

The indicators suggest several major problems in the alcohol abuse area. First is the problem of teen-age alcohol abuse. The arrest rate for alcohol-related offenses in teenagers is up from 50.3 to 118.0. Concurrently, the admissions to our alcohol programs for those under 18 years of age has increased from 2.4% to 4.6% of the total in one year. In terms of rate per 10,000, this translates to a change from 10.5 to 22 from FY 79 to FY 80.

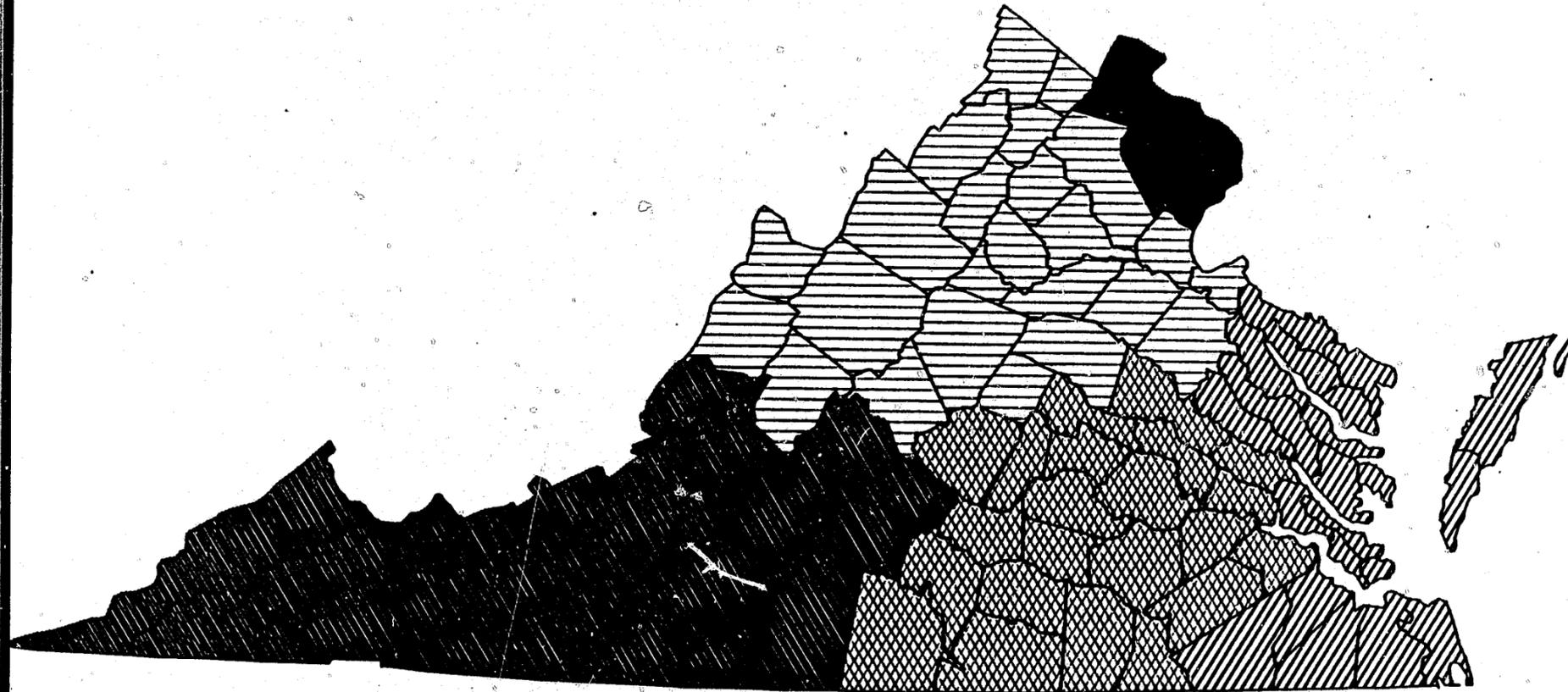
It appears that alcohol abuse starts at an early age. The high rates of the indicators paint an alarming picture. The doubling of alcohol admissions so that they are almost equal to the 18-24 year group is especially critical. Coupled with the fact that drug admissions and arrests drop off drastically around 25 to 34, a picture is suggested whereby our young people are abusing alcohol and drugs, starting in their early teens and gradually through their 20's turning away from drug abuse, but continuing alcohol abuse as a lifetime practice. These data suggest the critical need for an increasing emphasis on prevention and early intervention services targeted towards teenagers in our alcohol delivery system. The alcohol-related death rate for women is less than half that for men. Due to the long duration of drinking generally required to produce death, it can be assumed that societal changes in sex-related behaviors (like drinking) will take many years to surface. We can assume that the alcoholism rate in women may in ten or twenty years approach that of man. We can also assume that societal factors result in an under representation of women in terms of arrests and admissions to treatment. An increased emphasis on alcohol services designed specifically to attract and treat women is required.

The highest arrest rates for alcohol-related offenses appear in the Western part of the State, more specifically in Planning Districts 1, 2, 3 and 5. These data suggest a concentration of alcohol treatment money in rural areas.

Drug Abuse:

The indicators show peak drug abuse around the ages of 15-24. An increase of narcotic abuse admissions, an elevation of drug abuse indicator rates for non-whites over whites, and consistently higher rates for our larger cities, suggest a young, black inner-city dwelling target population in need of prevention, early intervention and treatment services. The large number of marijuana admissions and arrests are difficult to evaluate. Prioritization of marijuana-related abuse compared to narcotic abuse should be a major policy issue in our drug treatment system. The highest arrest rates for drug-related offenses were found in Planning Districts 5, 15, 19, and 20. These data suggest a concentration of drug abuse treatment money in our large urban areas.

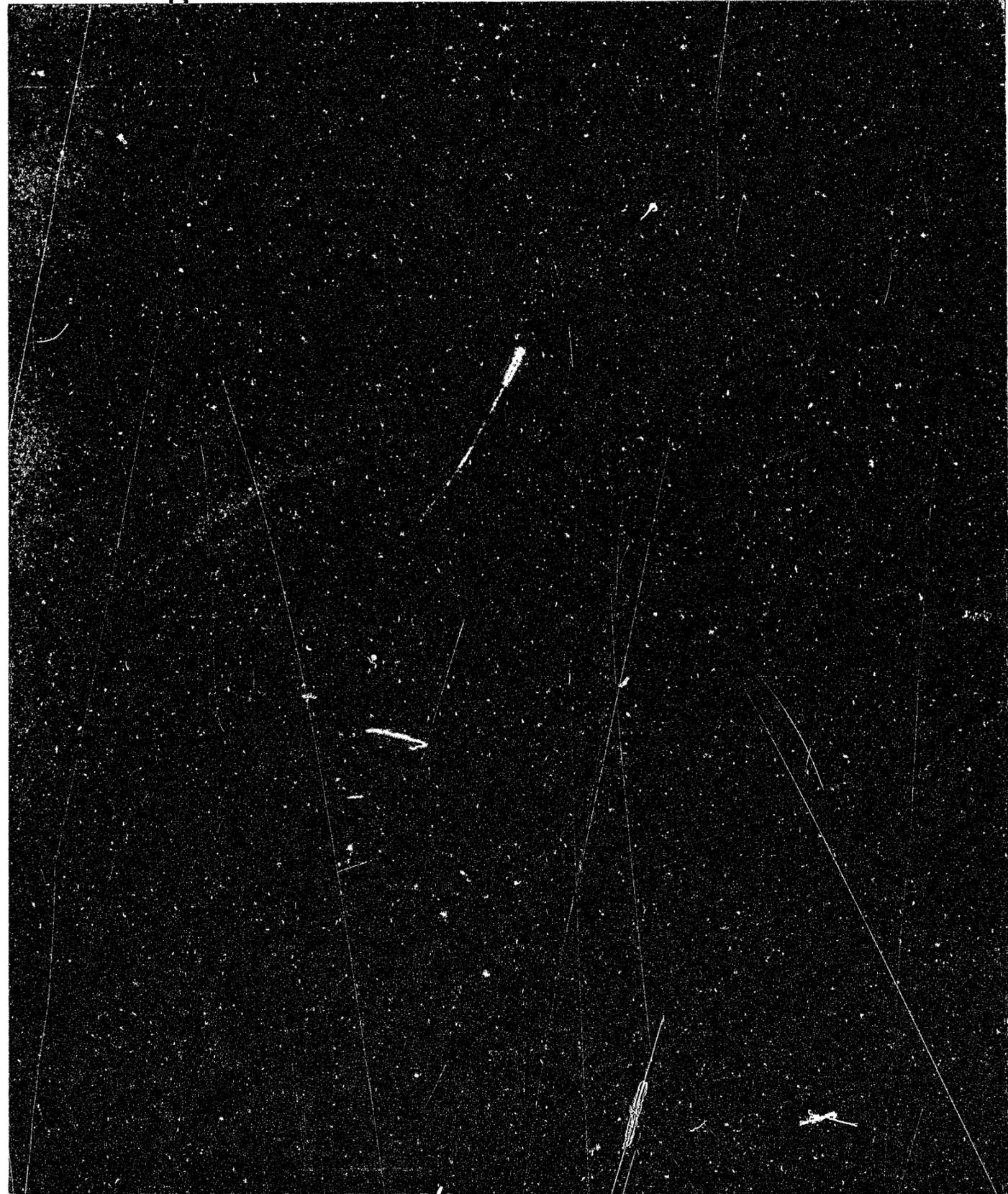
VIRGINIA HEALTH SERVICE AREAS



133

AREA CODE  HSA-1  HSA-2  HSA-3  HSA-4  HSA-5

HSA DIRECTORY OF PLANNING DISTRICTS
HSA-1: PLANNING DISTRICTS 6, 7, 9, 10, AND 16
HSA-2: PLANNING DISTRICT 8
HSA-3: PLANNING DISTRICTS 1, 2, 3, 4, 5, 11, AND 12
HSA-4: PLANNING DISTRICTS 13, 14, 15, AND 19
HSA-5: PLANNING DISTRICTS 17, 18, 20, 21, AND 22



DOMESTIC VIOLENCE

Overview

Public awareness of the home as a potentially dangerous place, particularly for some women and children has surfaced only recently. Domestic violence, however, is now thought to be the most frequently occurring type of crime. Family fights constitute the largest single category of police calls and statistics indicate that a large number of homicides occur among family members. According to the Virginia State Police, in 1981 four hundred sixty-one homicides occurred. Of this number, approximately 54 were killed by spouse, 24 were killed by girl friend/boy friend, 23 were killed by parent/child and 29 were killed by other relatives. Nationally, police officers killed in the line of duty were often responding to a domestic disturbance call.

Although domestic violence is estimated to be the most frequently committed crime, with potentially very serious consequences, accurate statistics are not available for many reasons. Often the crime goes unreported because of the victim's shame and secrecy, fear of retaliation and a history of social and legal indifference. At the State level a separate crime category for spouse abuse or domestic violence does not exist. Therefore, it is impossible to determine the magnitude of domestic violence in the State. At the local level it is also difficult to determine the magnitude of the problem because in most jurisdictions within Virginia, spouse abuse or general domestic violence is not considered as a separate category in crime statistics.

When the Division of Justice and Crime Prevention⁵² obtained LEAA funds in 1979 to establish domestic violence programs, several localities in the State began to collect data on spouse abuse. At present, the data presented in the criminal justice plans from these localities for fiscal year 1981 presents the most comprehensive documentation of the magnitude of the problem of spouse abuse to date although the data is limited to a few geographic areas.

Arlington County Police recorded 1,426 requests for services in 1979, most of which involved some degree of spouse abuse. This number represents an increase of 12% in the family offense calls in 1978. Approximately eleven percent of these cases received the services of the juvenile and domestic relations court. In Arlington it is also estimated that as many as 3,600 hidden victims of chronic abuse are in need of services.

⁵² See p.12, r.1.

The Central Virginia Planning District's (PDC #11) criminal justice plan for fiscal year 1981 indicates that the number of domestic violence cases coming to the attention of social service agencies is steadily increasing. This includes spouse abuse as well as child abuse, elderly abuse, and other forms of intra-family violence. Based on statistical information from the Tayloe-Murphy Institute, it is estimated that approximately one-third of the population in the Central Virginia Planning District, or 89,000 people suffer from some form of domestic violence.

During 1980 the Lynchburg Police Department received 1,366 domestic calls not involving assaults. Approximately 1,158 simple assaults between spouses were responded to by the Lynchburg Police and 203 requests were made for an officer to stand by while the woman left the residence.

Lynchburg Protective Services reported that they serve approximately 50 to 75 children a month who suffer from child abuse or neglect because of violence or conflict between parents. In addition, other agencies such as Lynchburg Youth Services, Family Services, and the juvenile and domestic relations district court also serve children who are having emotional problems that can be attributed to violence within the home.

Between 50 to 75 people per week receive medical attention in the Central Virginia Planning District because of violence between immediate family members.

The Rappahannock Planning District, (PDC #9), reported in their criminal justice plan for 1981 that between January 1, 1979 and December 31, 1979 there were 974 domestic calls to four of the law enforcement agencies resulting in 125 arrests. Warrants sworn against husbands totaled 191, and 12 against wives in the same time period. Hospital emergency room data from the planning district show the majority of victims of domestic violence to be females between the ages of 18 and 44 who were victimized by either their husband or another family member.

The City of Bristol, in the Mount Rogers Planning District, (PDC #3), reported that the Bristol Police Department responded to approximately 1,200 domestic violence calls from April 1979 to April 1980.

The Victim-Witness Program of the Loudoun County Court System, Northern Virginia Planning District, (PDC #8), reports that during their first four months of 1982 over sixty victims of spouse abuse had their cases heard in court. During 1981 the number of cases in court was 104.

Although the data available is limited to a few regional planning districts, spouse abuse as a problem is apparent. The lack of data regarding the nature and extent of domestic violence, however, presents an incomplete picture of domestic violence. The understanding of domestic violence in Virginia is obscured by this lack of systematic data collection as well as by the underreporting by victims themselves.

Domestic Violence, particularly spouse abuse, has only recently been identified as a problem in the Commonwealth. Citizens have become concerned about the problem of family violence now being discussed and publicized by the media. In response to family violence the General Assembly has enacted legislation to improve institutional response to spouse abuse. In addition, many localities have developed programs to aid the victims of spouse abuse.

Legislative Response

The 1978 Session of the General Assembly passed House Joint Resolution Number 31 (HJR 31) encouraging all localities of the State to establish community-based shelters for battered spouses and their children and encouraging the Virginia Department of Welfare to provide Title XX funding for local information and referral services to battered spouses. This resolution also encouraged the use of funding available through the Division of Justice and Crime Prevention⁵³ to support shelters.

As a result of HJR 31, the Division of Justice and Crime Prevention⁵⁴ conducted a survey of thirty-five local law enforcement agencies in the State to determine the specific needs of law enforcement in addressing domestic violence. Three major issues emerged from the survey:

1. The need for more specialized training for law enforcement officers
2. The need to establish and/or modify law enforcement standard operating procedures to reduce the impact of domestic violence calls and situations on the agencies and the individual officers responding
3. The need to develop community programs and awareness of existing resources

⁵³ See p.12, r.1.

⁵⁴ Ibid.

Analysis of the survey results and further study by the Division of Justice and Crime Prevention⁵⁵ and the Department of Welfare resulted in a request from the House Appropriations Committee of the Virginia General Assembly for the Division of Justice and Crime Prevention⁵⁶ to draft legislation addressing the issue of domestic violence, its victims, possible solutions and alternatives for the Commonwealth. House Bill 690 was drafted and later modified and approved by both Houses of the General Assembly in 1980. This bill was modeled on the existing child abuse statutes and gives the Department of Welfare primary responsibility for the planning, coordination and implementation of programs and services for domestic violence within the State (Code of Virginia, Chapter 18, Sections 63.1-315 through 63.1-319). As a result of this action the Spouse Abuse Unit in the Department of Welfare became operational in March 1981.

In accordance with the Code of Virginia, the Spouse Abuse Unit performs the following functions:

1. Maintains a clearinghouse and resource center for information about spouse abuse
2. Encourages the use of existing information and referral agencies to provide specialized information on spouse abuse
3. Develops and maintains a statewide list of available community and State resources for victims of spouse abuse
4. Promotes inter-agency cooperation for technical assistance, data collection, and service delivery
5. Acts as an administering agent for State grant funds for community groups seeking to establish service programs for victims of spouse abuse
6. Provides technical assistance, consultation, and training on maintaining/establishing shelters, self-help groups and other necessary service delivery programs

During the first year of operation the Spouse Abuse Unit provided the following services:

30 Presentations on Spouse Abuse
50 Technical Assistance to Shelters
16 Requests from victims
235 Community Information Requests

⁵⁵ See p.12, r.1.
⁵⁶ Ibid.

In addition to these services the Spouse Abuse Unit developed and distributed 3,600 copies of the Directory of Spouse Abuse Programs in Virginia and 500 copies of Working With Abusers: A Resource Handbook. The unit also provided in-service training to approximately 200 professionals. The Spouse Abuse Unit was allocated \$45,000 from the National Center on Child Abuse and Neglect for the establishment of services to children of battered spouses. As a result of the unit's Request for Proposals from all shelters and programs serving battered spouses, 13 proposals were submitted. In September 1981, grants of \$15,000 each were awarded to the Alexandria Battered Women's Shelter in Alexandria, the Shelter for Help in Emergency in Charlottesville, and the YWCA Women's Advocacy Program in Richmond. The Spouse Abuse Unit is monitoring their progress.

The passage of Senate Bill 279 by the General Assembly in the most recent session also impacts the Spouse Abuse Unit and Virginia spouse abuse programs. Senate Bill 279 raises the marriage license fee with the resulting revenue to be allocated to the Department of Welfare for the funding of spouse abuse programs and programs for the prevention of child abuse. The Spouse Abuse Unit anticipates administering approximately \$200,000, or half the amount allocated to the Department of Welfare. The procedures for distributing these funds are still in the planning stage.

Local Response

The majority of spouse abuse programs in the Commonwealth are community initiated and community funded. Many are sponsored and funded by women's centers and organizations, YWCAs, United Way, and church groups. Currently there are seventeen programs which operate shelters, five which will arrange for shelter in motels and/or safe homes on a limited basis, and nine programs which offer counseling and other supportive services, but are not involved in sheltering. In addition there are three military facilities offering services to spouse abuse victims.

As a part of a data gathering project on program services, Welfare's Spouse Abuse Unit received monthly reports from eighteen spouse abuse programs for January 1982. The summary of the reports shows that 582 abused women, 2 abused men, and 38 abusers requested services (633 total). Shelter was provided to 100 women and 142 children in January 1982. The average length of stay was 9 nights. Ten individuals were placed on waiting lists for shelter because of the lack of shelter resources.

Demographic information from the January reports indicates that 68% of the new clients were White, 24% were Black, 6% were Hispanic, and 2% were other. The majority (56%) of adult clients were in the 18-29 age range, 35% were in the 30-44 age range, 8% were 45-60, and 1% were over sixty. Five percent of the adult clients were known to be pregnant.

The Rappahannock Council on Domestic Violence in Planning District 16 reports the following statistics on program services to abused spouses and their families from January 1, 1981 - December 31, 1981:

No. of calls concerning spouse abuse victim	657
No. of clients provided with information and assistance	431
No. of families provided shelter	112
No. of persons sheltered	214

From January 1, 1981 through August 31, 1981 the Rappahannock Council on Domestic Violence reports that the 71 women residing in the shelter had the following characteristics:

County of Residence	No.	Age	No.	Race	No.	Education Completed	No.
Stafford	13	18-22	19	White	54	Grades 1-8	3
Spotsylvania	17	23-27	18	Black	15	Grades 8-12	35
Fredericksburg	11	28-32	134	Hispanic	2	HS Graduate	25
Caroline	13	33-37	10			Some College	6
King George	4	38-47	9			College Grad.	2
Other	13	Over 47	2				
Totals	71		71		71		71

According to the Lynchburg YWCA Women's CARE and shelter, new shelter admissions totalled twenty-nine for the period of January 1, 1981 through July 31, 1981. The women using the shelter can be characterized by the following data:

Race	No.	Age	No.	Education	No.
White	21	18-25	12	Grades 6 - 8	4
Black	8	26-40	16	Grades 9 -11	14
		41-55	1	HS Graduate	7
				College	3
				Grad. School	1
Totals	29		29		29

During the final quarter of 1981, Alexandria Battered Women's Shelter reports that thirteen women and ten children were sheltered. The Alexandria shelter continues to collect and report extensive data on these women. The following information is helpful in understanding the characteristics of women being provided program services in the Commonwealth:

Race	No.	Marital Status	Drug/Alcohol Use	Number of Years Married
Black	3	Married	None	3
White	9	Divorced	Drug	0
Oriental	1	Separated	Alcohol	7
		Single	Both	0
			Unknown	3
				9 - 11
				11 - 13
				13 - 15
				15 - 20
				20+
				Unknown
Totals	13	13	13	13

Number of Years in Abusive Situation	Number of Children	Police Involvement	Source of Referral
0 - 1	1	No	6
1 - 3	3	Yes	7
3 - 5	2		
5 - 7	2		
7 - 9	1		
9 - 11	2		
11 - 13	1		
13 - 15	0		
14 - 20	1		
20+	0		
Totals	13		13

The data from the previously mentioned spouse abuse programs does not give a complete picture of the extent and magnitude of spouse abuse and responses to spouse abuse in the Commonwealth. The information reported, however, helps to identify some of the characteristics of spouse abuse victims who seek services and also demonstrates that spouse abuse programs are being utilized by abused spouses in the Commonwealth.

A foremost problem in addressing the issue of domestic violence in Virginia stems from the lack of systematic data. The lack of data also complicates the issue of determining responsibility for exploring and addressing the problem of domestic violence since it crosses many agencies and professions.

Secondly, there is a need for more specialized training of law enforcement personnel in the handling of domestic calls. Law enforcement agencies need to review their current standard operating procedures concerning domestic disturbance calls and insure that they respond to the needs of victims while reducing the impact these calls have on the departments and on individual officers.

In conjunction with law enforcement needs, there is also a need for community programs to function as alternative resources for police. The needs of domestic violence victims will be more effectively met through cooperative efforts of law enforcement agencies and domestic violence programs.

APPENDIX A

JUVENILE JUSTICE SYSTEM FLOW ANALYSIS

Most juveniles first contact the formal juvenile justice system when they are questioned or arrested by the police. The officer, at this first encounter, has considerable discretion in most cases and can decide to direct the juvenile toward an alternative to the formal system, usually diverting him to his home. During fiscal year 1981, 37,101 juveniles were handled within the police department and released to their parents and 25,472 were referred to the intake staff of the juvenile court.

Juveniles may be referred to the intake services staff of the juvenile court not only by police, but from a number of other sources such as parents or guardians, school officials, social service workers, probation officers, or private citizens. Available statistics show that 98,147 complaints and 87,015 cases (defining a case as a child) were handled by intake services throughout the Commonwealth during fiscal year 1981.

Intake personnel have the role of screening complaints referred to the juvenile courts. If the intake officer is of the opinion that a formal hearing is not warranted in a particular situation, he or she may attempt to persuade the complainant not to file a petition. In total, 23,812 (27%) complaints referred to intake departments in fiscal year 1981 did not result in a petition being filed. With consent from the complainant, the alleged offender, and the offender's parents, the complaint may be diverted in a number of ways. The intake officer may warn and release the alleged offender, refer the case to a diversion or prevention project or other facility, or even counsel the alleged offender directly.

If a complaint results in a petition being filed, as was the case with 61,869 complaints in fiscal year 1981, the alleged offender is often released to the custody of his/her parents. If a conclusion is reached that the alleged offender needs to be retained in custody until the preliminary court hearing, a detention order must first be issued by the respective judge, clerk, deputy clerk, or in special cases other court personnel with delegated judicial authority. Youths may be detained in secure detention facilities (9,339 in fiscal year 1981) or in less-secure detention facilities (534 in fiscal year 1981).

If a high degree of security is needed, or if all other placement alternatives are exhausted, an alleged delinquent youth may be detained in jail, providing that he or she is at least 15 years of age and entirely separated from confined adults in the same facility. During fiscal year 1981, approximately 3,869 juveniles were detained in local jail facilities.

The next stage is the formal juvenile court hearing. In fiscal year 1981, juvenile and domestic relations district court hearings were held for 54,047 youths involving 61,869 complaints. After the preliminary hearing, a few cases are dismissed, withdrawn or nolle prossed, but most return to the juvenile court for adjudication of the charge(s). Those found innocent then exit the system and those found guilty must return for sentencing or disposition. If a guilty verdict is rendered, then a background investigation is usually conducted before the dispositional phase of the trial. Then the court makes a determination as how best to meet both the security needs of the community and the individual needs of the offender.

Juvenile courts have a wide range of dispositions available to them, ranging from continuing a case with supervision to commitment to the State Department of Corrections, or to a local jail. During fiscal year 1981, over 20% (12,640) of the complaints were dismissed, and 1.2% (761) were disposed of with mild sanction. Probation accounted for 10.7% (6,636) of the dispositions, while unsupervised probation comprised 6.6% (4,089) of the dispositions. There were 824 complaints (1.3%) deemed serious enough to be certified to a circuit court for processing as an adult.

Institutionalization is another alternative in court-imposed sentencing. In fiscal year 1981, in Virginia, 1.7% (1,022) of the court dispositions were suspended jail sentences.

Approximately 2.8% (1,753) of the complaints resulted in commitment to the State Department of Corrections. Of these commitments, 20% (1,272) were placed in State learning centers and group homes. Learning centers are administered by the Department of Corrections, and their purpose is to provide educational and vocational training for delinquent youth while they receive rehabilitative treatment. Suspended commitments to the State Department of Corrections comprised 2.1% (1,276) of the complaints.

All other types of dispositions account for almost 52% (31,839) of the complaints heard by the juvenile and domestic relations district court. In this category, juveniles may have been referred to the Department of Welfare for aid, been given a fine, or otherwise given a disposition unique to his/her problem.

In most cases after youths are released from these placements, the court service unit or the local social service department in the jurisdiction where commitment was ordered resumes counseling contact with them in the community. Assuming a successful adjustment back into society, aftercare counseling ceases and contact with the juvenile justice system ends.

Sources of Data:

Virginia Department of State Police
Uniform Crime Report, 1981

Virginia Juvenile Justice Information System (VAJJIS)
Court Report #1, FY 1981
Court Intake Report, FY 1981
Detention Home Reports, FY 1981
J-6 Reports (Department of Corrections) FY 1981

Virginia's Juvenile Population

The Commonwealth of Virginia has a total population of approximately 5,313,000 according to the Department of Planning and Budget's 1980 population projections. Of this total, approximately 1,438,000 (27%) are youth under the age of eighteen. The youth population within the State has remained fairly constant since 1970, with the figures representing approximately 27-34% of Virginia's total population. Of the total youth population, the majority are white, 77%-78%, while non-whites represent only 22-23%. Also, males constitute a slightly higher percentage of the total youth population than do females; 51% as opposed to 49%. Based upon rough estimates of current trends, 4.4% of the youth population within the State are likely to enter the juvenile justice system sometime during their childhood.

Virginia's Educational System

The educational system is a major source of referrals to the juvenile justice system and also provides behavioral information about youths referred. Youth who are expelled, suspended, or have dropped out have a much higher likelihood of coming into contact with the juvenile justice system.

Total membership within Virginia's school system has shown a consistent decline since the 1975-76 school year when membership was 1,103,669. In the 1979-80 school year, total membership within the school system had dropped to 1,031,438; over 72,000 students less than just five years previous.

Children in grades 8-12 account for 36-39% of the total school membership. Membership for these grades increased from the 1973-74 school year membership total. The 1977-78 membership for grades 8-12 showed a 5.5% increase over the previous year, but then decreased in both the 1978-79 and 1979-80 school year. The number of school dropouts for grades 8-12 was 21,025 in the 1973-74 school year, representing 5.2% of the total school membership for grades 8-12. However, the 1975-76 school year, with 20,012 dropouts, or 4.8% of the total school membership for those grades, marked the beginning of a steady increase in school dropouts. During the 1976-77 school year, the number of dropouts for grades 8-12 rose to 21,716, representing 5.1% of the total. However, the number of dropouts rose again in the 1977-78 school year to 23,402, or 5.5% of the total for those grade levels. The 1978-79 school year data indicated that there were 23,431 dropouts in grades 8-12, representing 5.7% of the total. In 1979-80, there was a slight decrease in the number of dropouts, with 21,763, accounting for 5.4% of the total for grades 8-12.

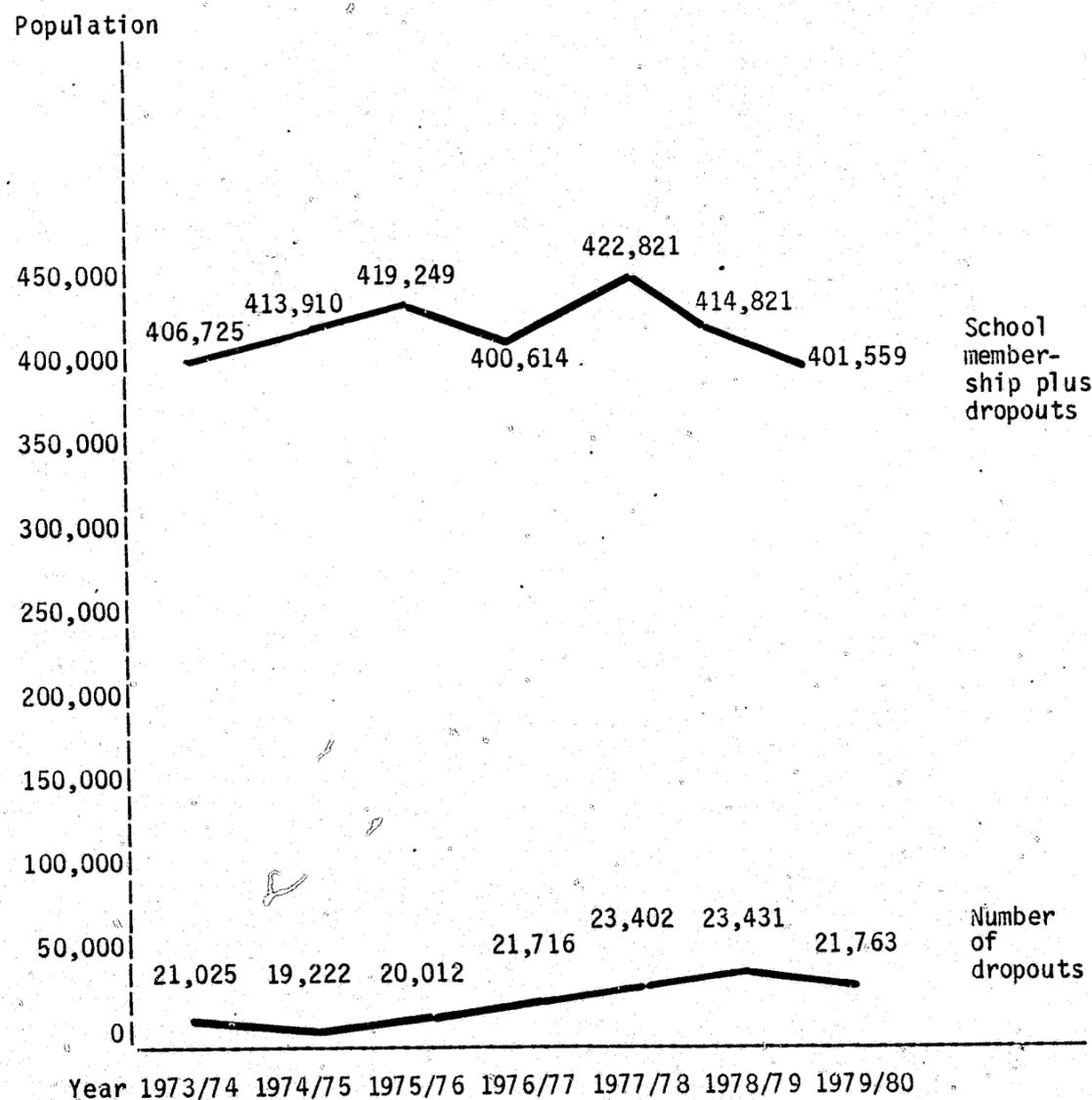
Approximately 150,571 children in grades 8-12 have dropped out of school since the 1973-74 school year. This is an average of 21,510 children each year, or 5.2% of the total for grade levels 8-12. The 1974-75 school year showed the lowest number of dropouts, 19,222. The highest incidence of dropouts occurred in the 1978-79 school year, with 23,431 as the total.¹

There are a variety of reasons for children dropping out of school. These reasons may include problems in achievement, behavior, health, or family finances, just to name a few. The most recent data available show that approximately 55-58% of the children that dropped out did so because of achievement problems. Problems with behavior accounted for approximately 22-25% of the children that dropped out. Health problems accounted for roughly 7-10%, while financial problems were responsible for 10-13% of the children that dropped out of school. Research indicates that youth who have dropped out of school have a much higher likelihood of coming into contact with the juvenile justice system.

¹ Refer to Figure 1. p.149

FIGURE I

End of School Memberships and Number of Dropouts
 Grades 8-12
 School Years 1973/74 - 1979/80



Youth Contact with Virginia's Law Enforcement Agencies

Children come into contact with the juvenile justice system through a number of different ways, one of which is contact with the police. The police officer may divert, or refer the child to the formal juvenile justice system. Statistics indicate that in 1981, 11.4% of the total arrests by police were persons under the age of 18 (37,101 of 324,435).² The number of juveniles arrested by the police increased from 1975 to 1977 from 38,998 to 41,053. Following 1977-1981, there was a slight but steady decrease in the number of juveniles arrested by police.

Offenses for which persons are arrested are divided into two categories, Part I and Part II offenses. Part I offenses include murder, manslaughter, forcible rape, robbery, aggravated assault, burglary, larceny, and motor vehicle theft. For the past seven years, 35-40% (13,660-15,746) of all juvenile arrests were for Part I offenses. Of those juveniles arrested for Part I offenses, more than 50% were arrested for larceny. Burglary accounted for the next highest category of juveniles arrested for Part I offenses, (30-34%). The offenses showing the lowest numbers of juvenile arrests were murder, manslaughter, and forcible rape, with less than 4% of the total Part I offense arrests being juveniles.

Available data for Part I offenses for the past seven years show that 84-87% of the juveniles arrested were males. The majority of juveniles arrested were white (57-61%), while non-whites accounted for the remaining 39-43%.

Part II offenses include less serious felonies and misdemeanors, as defined by the Federal Bureau of Investigation. The majority of the juvenile arrests since 1975 (23,183-26,785, or 60-65%) have been for Part II offenses. The Part II offenses for which significant numbers of juveniles were arrested are in the categories: "All Other Offenses, Except Traffic" (28-38%), and "Runaways, Juveniles Apprehended" (15-23%). Arrests for "Narcotics and Drug Laws," "Vandalism," and "Other Assaults" each accounted for roughly 7-9% of the total Part II arrests. "Public Drunkenness," "Disorderly Conduct," and "Curfew and Loitering" violations accounted for approximately 4-7% respectively of the total Part II offense arrests.

² Department of State Police, Uniform Crime Report, 1981

Part II offenses show that significantly more males were arrested than females, (73-75% males as opposed to 25-27% females). As in the case of Part I offenses, significantly more white juveniles were arrested (17,249-20,366) than non-white juveniles (5,399-6,370).

As in the case of a juvenile's contact with the police, the same decisions, diversion/referral may be made after arrest. The juvenile can be diverted from the formal system by releasing and sending the juvenile home with parents or guardians; or if it is necessary to the well-being of the juvenile, he can be referred to a social service agency or to the juvenile court. The number of juveniles that police have diverted by release to parents or guardians has decreased each year since 1975, until 1980, where it increased slightly over the 1979 figure. In 1981, it again decreased, representing the lowest since 1975. This accounts for approximately 26-31% of the total dispositions of juveniles arrested by police. The majority of juveniles arrested are referred to the juvenile court. This number has remained fairly consistent since 1975, ranging from 67-72% of the total dispositions made by police.³

Initial Juvenile Court Contact

Referral by a police department is by no means the only way in which a child can be referred to one of Virginia's thirty-two juvenile court service units. Referrals to the intake department of the court come from parents/guardians, private citizens, school officials, and social service workers, as well as numerous other sources. When a person has a complaint against a juvenile, he may initiate a formal complaint with an intake officer of the court. The intake officer's primary responsibility is to screen all of these complaints to determine if there is probable cause for such. He may handle this informally, or if there is probable cause, may handle it with a formal petition. The Virginia Juvenile Justice Information System (VAJJIS) indicates a low range of 49,460 to a high range of 97,853 children have come to the attention of the intake departments of the juvenile court service units throughout each year since the 1976 fiscal year. Of these totals, the number of children with formal petitions filed against them accounted for approximately 70-73%, while 27-30% were diverted from formal processing.⁴

³ Refer to Figure 2.

⁴ Refer to Figure 3.

FIGURE 2
Juvenile Arrests and Police Dispositions
1975-1981

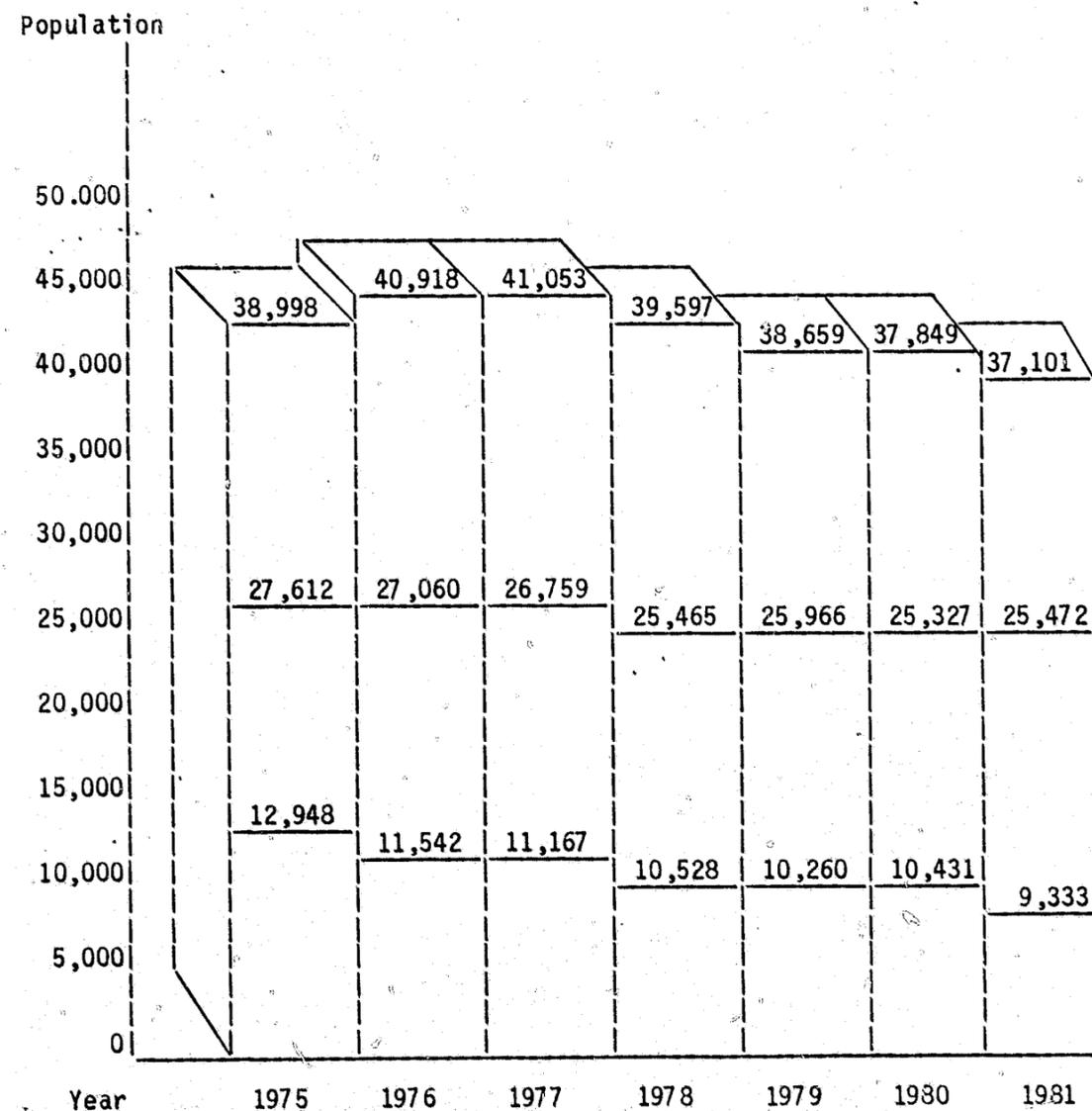
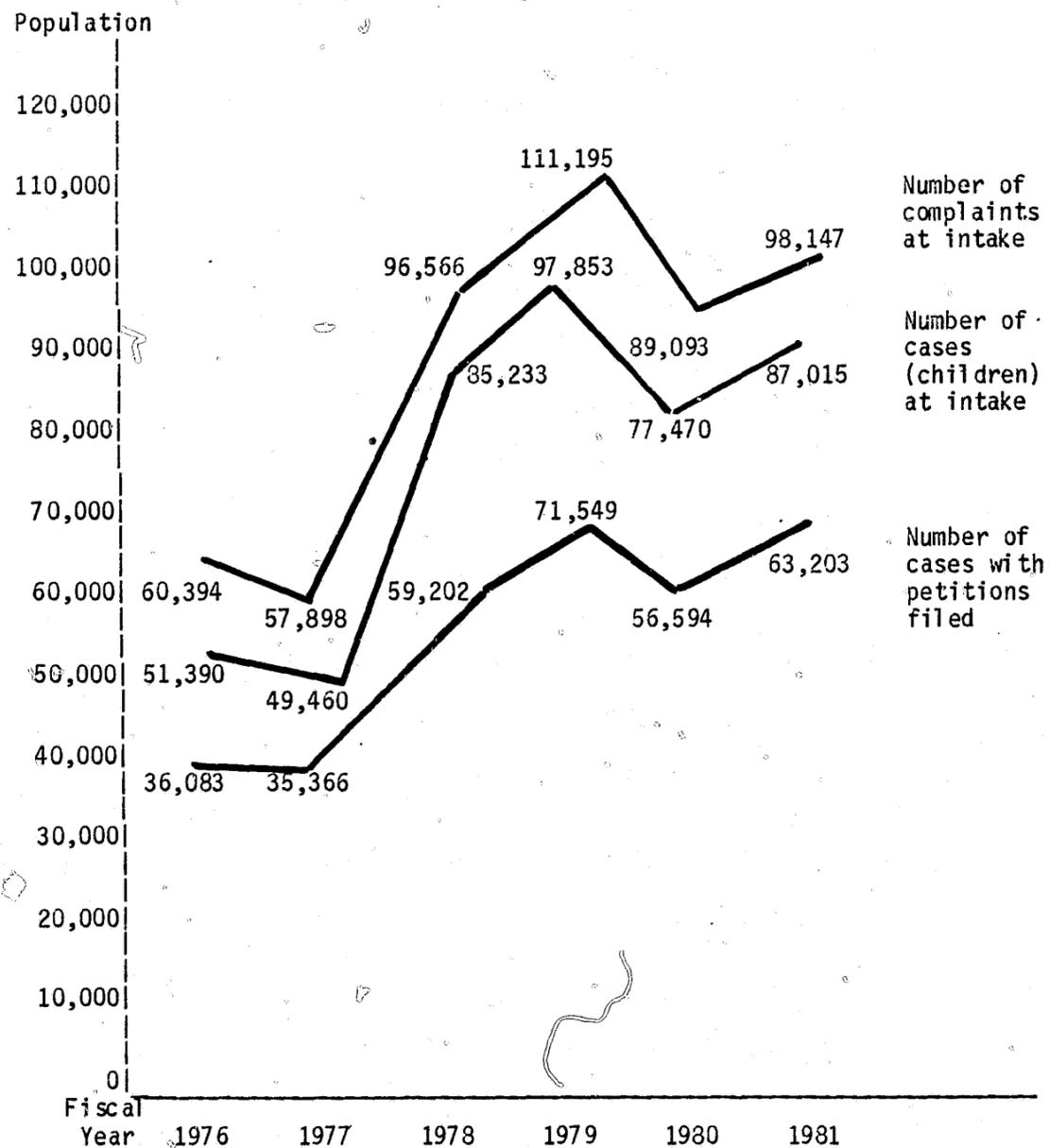


FIGURE 3

Juvenile and Domestic Relations District Court Intake
Fiscal Years 1976-1980



If a formal petition is filed against a juvenile, the juvenile is generally released to the parents or guardian while awaiting a formal court hearing; however, if the juvenile has no parents or guardians, or the release of the juvenile would present danger to his life or health or would present danger to other persons or property, he may be retained in custody until the hearing, provided a detention order is issued by a judge, clerk, or other authorized personnel of the court. A juvenile may be detained in a less-secure or secure detention facility. If the offense is serious enough and all other placement alternatives are exhausted, a juvenile may be legally detained in jail, providing certain conditions are met.

The average number of juveniles held each year in secure detention since fiscal year 1976 is 9,537. When this figure is compared to the other temporary pre-adjudicatory holding facilities available, such as less-secure, crisis and outreach detention, the majority of the juveniles held in pre-trial detention have been held in secure facilities (72-92%).

Youth placed in less-secure detention facilities since fiscal year 1976 account for roughly 3-5% of the total youth held in detention on a pre-trial status. The actual number of youth held in this type of pre-trial holding facility increased from 320 in fiscal year 1976 to 627 in fiscal year 1979. In fiscal year 1980, there was a slight decrease to 434, however, fiscal year 1981 again showed an increase to 534.

Another non-secure pre-adjudicatory holding facility is crisis detention. Implementation of this temporary, emergency shelter facility for crisis intervention began in 1977. Since that time, approximately 6-16% of the youth held in pre-trial detention have been placed in crisis detention facilities. In fact, each year, the number held in this type of facility has increased over the previous years. In fiscal year 1977, 1,037 youth were held in crisis detention. The fiscal year 1981 figure of 2,040 shows a 97% increase over the number held in fiscal year 1977.

Outreach detention counseling is offered through several of Virginia's secure detention facilities. This type of service affords intensive supervision through direct and indirect services, and requires daily visits to the child in his own home. Utilization of this type of detention service showed an increase from fiscal year 1976 (587 youths) to fiscal year 1979 (1,087 youths). In fiscal year 1980, the number of youths detained in outreach detention decreased

to 967; however, the number again increased to 984 in fiscal year 1981. The number of youths held on a pre-trial status in this particular type of detention since fiscal year 1976 accounts for approximately 5-8% of the total number of youths detained.¹⁰

As previously mentioned, youth may also be detained in jail, providing they are at least 15 years of age and entirely separated from adults by sight and sound. In addition, for a jail to legally hold a juvenile, the facility must be certified to do so by the Virginia Board of Corrections. At the present time, 58 of the total 94 city and county jails are certified by the Board of Corrections to house alleged juvenile offenders. Statistics indicate that an average of 2,236 youths have been held in jail on a pre-trial basis each year since fiscal year 1978.

The majority of youths held in all types of detention awaiting formal court hearings are alleged delinquent offenders. The remainder are alleged children in need of services (CHINS). This category includes alleged status offenders and juveniles before the court for non-delinquent offenses.

Juvenile Court Dispositions of Juvenile Complaints

The next stage of the formal system is the juvenile court hearing. The majority of the children coming before the court have been referred by the court service unit intake department. The Code of Virginia authorizes the Commonwealth's Attorney, on his own motion and approved by the court, to file a formal complaint.

Data since the 1976 fiscal year indicate that an average of 54,958 court hearings were held each year for complaints filed against Virginia's juveniles. Approximately 20-28% of these complaints were dismissed by the juvenile court, and 72-80% went on to have a formal disposition rendered.¹¹

¹⁰ Refer to Figure 4.

¹¹ For the purpose of this report, the Virginia Juvenile Justice Information System (VAJJIS, Court Report #2) will be used in describing juvenile court dispositions since FY 1976. Refer to Figure 4.

FIGURE 4
Juvenile Court Dispositions: Youths Held in Secure, Less-Secure, Crisis, and Outreach Detention on a Pre-Trial Basis

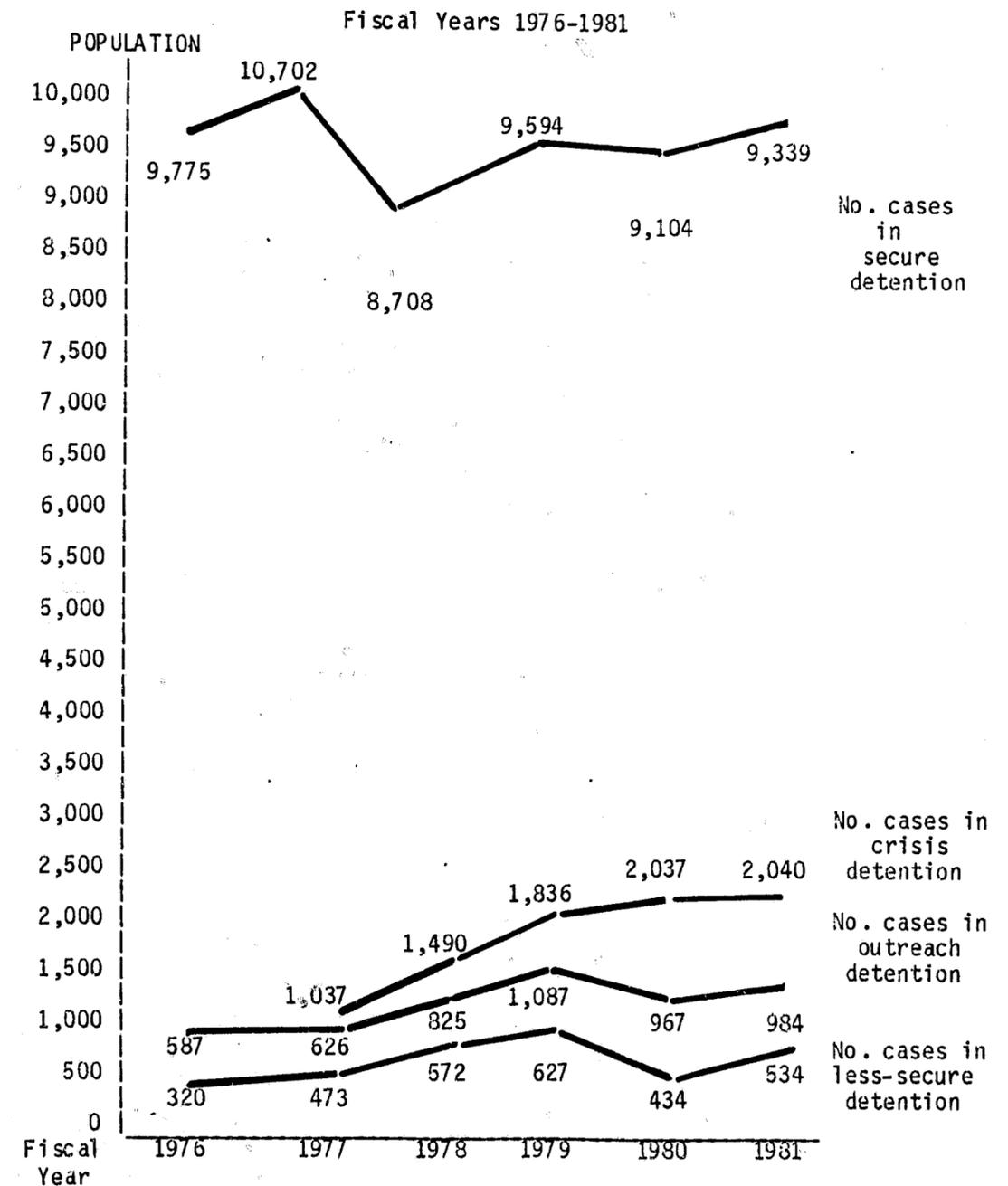
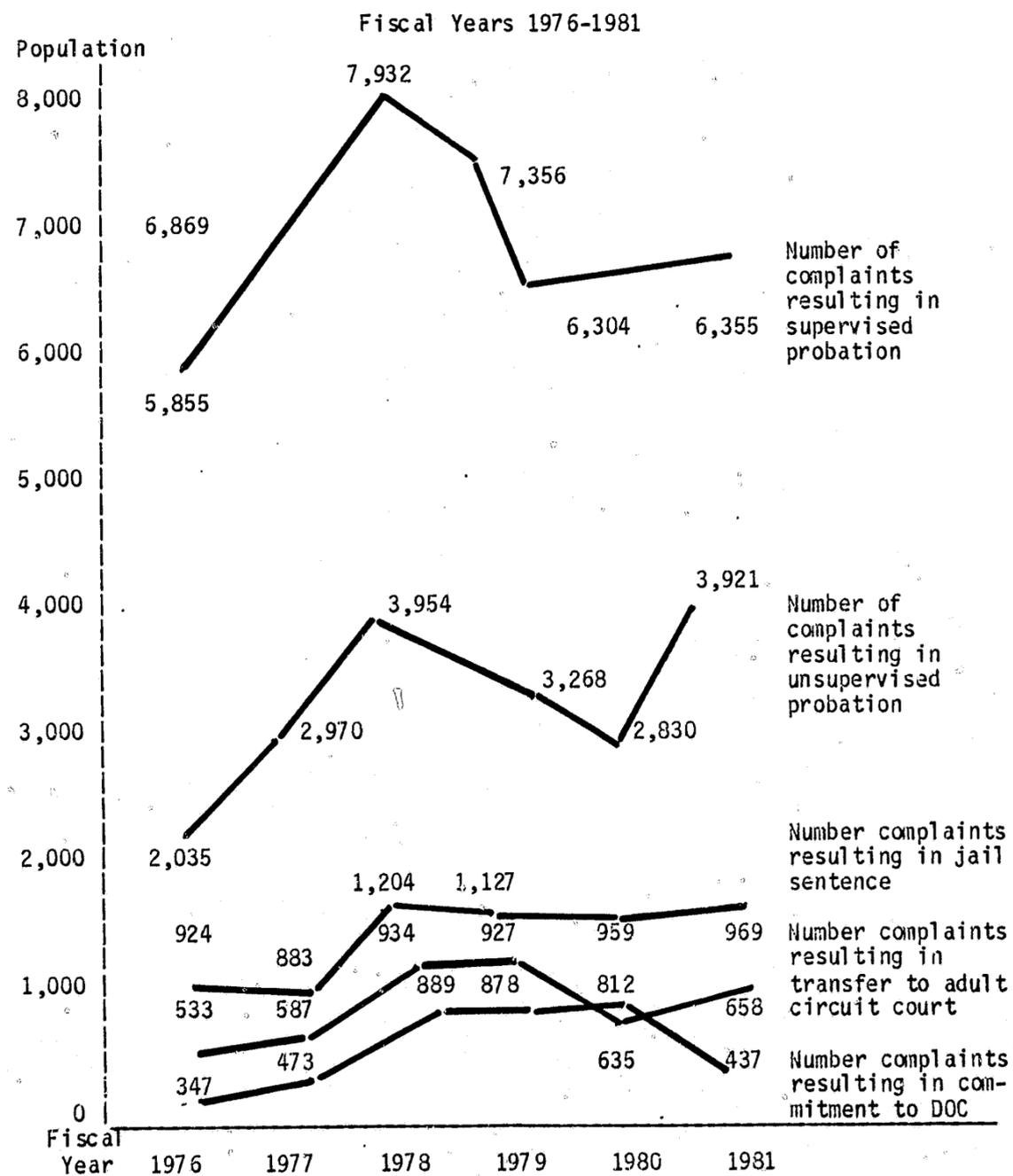


FIGURE 5

Juvenile Court Hearings and Dispositions Rendered on Complaints



It appears that since the 1976 fiscal year, 33-56% of the complaints disposed of by the juvenile court have fallen into the category of "other dispositions". This category includes such dispositions as taking the case under advisement, the issuance of a reprimand, continuing the case, referring it to another agency, fines or restitution, as well as other less severe measures for dealing with juveniles before the court.

The utilization of supervised probation services accounts for the way in which the next largest number of youth were dealt with by the juvenile court since the 1976 fiscal year; however, this particular method has shown a decrease in the actual number of cases disposed of in this manner since fiscal year 1978, until fiscal year 1981, when there was a slight increase over the 1979 figure. An average number of 6,779 complaints have been referred annually to probation supervision since fiscal year 1976. This accounts for approximately 10-18% of total court dispositions.

Since fiscal year 1976, the average number of complaints handled by unofficial probation each year is 3,163. This accounts for roughly 4-8% of the total dispositions rendered by the court.

Youth Committed to State Facilities

Commitment to the Department of Corrections is another dispositional alternative available to judges of juvenile courts. For those juveniles who are repeat offenders, serious offenders, or who are not amenable to treatment services in the community, commitment is a viable method to control and afford protection of both the youth and the community in which he cannot lawfully abide. Since the 1976 fiscal year, approximately 3,775 complaints usually have resulted in a commitment to the Department of Corrections. This figure represents roughly 0.6-1.5% of the total dispositions by the juvenile court. Complaints resulting in a suspended commitment to the State Department of Corrections accounted for almost twice the number that actually resulted in a commitment. These figures represent approximately 2.0-3.0% of the total dispositions given to juveniles annually since the 1976 fiscal year.

Once a juvenile has been committed to the State Department of Corrections, the juvenile can be placed in a learning center or youth home for treatment and rehabilitative services. The juvenile court does not commit youth to specific learning centers. Since the 1976 fiscal year, commitments to learning centers and youth homes have remained fairly constant, averaging approximately 1,306 a year.

Another disposition available to the juvenile court is sentencing a youth to serve time in a jail. Complaints that have resulted in a jail sentence have averaged approximately 1,011 yearly since fiscal year 1976. The utilization of this method of dealing with the more serious juvenile offender accounts roughly for 1.5-2.5% of the total number of dispositions rendered by the juvenile court. Complaints resulting in a suspended jail sentence represent about the same amount.

There are instances in which the juvenile court determines that the offense type or offender warrants a transfer to the adult circuit court. If the juvenile is age 15 or older and is charged with an offense which, if committed by an adult, would be punishable by imprisonment, the court, on motion from the Commonwealth's Attorney, may hold a transfer hearing. The court may retain jurisdiction over the case or transfer it to the appropriate circuit court. This disposition has accounted for the smallest proportion of total dispositions, averaging approximately 712 a year, or 1-1.6%.

Although youth throughout the Commonwealth come into contact with the juvenile justice system in numerous different ways, the overall concern on each part or component of the system is the initial well-being and safety of the child and the community. While some children referred to court can be dealt with on an informal basis, there are others who are in need of more intensive treatment and rehabilitative services. It is of the utmost importance that each component work cooperatively with other components to ensure an effective juvenile justice system.

SOURCES OF INFORMATION

Virginia's Juvenile Population

1. Department of Planning and Budget's Projected Population, 1978-81
2. General Social and Economic Characteristics, 1970 Census of Population, Virginia

Virginia's Educational System

Department of Education - Facing Up (Issues 9-15)

Youth Contact with Virginia's Law Enforcement Agencies

Department of State Police's Uniform Crime Reporting Section - Crime in Virginia, 1975-80, Uniform Crime Report, 1981

Initial Juvenile Court Contact

Virginia Juvenile Justice Information System/Direct Care System - Court Intake Report, Detention Home Reports, and Jail Reports

Juvenile Court Dispositions of Juvenile Complaints

Virginia Juvenile Justice Information System - Court Report No. 1 and No. 2

Youth Committed to State Facilities

Virginia Juvenile Justice Information System - Court Report No. 2

END