

1990
Annual Report
of the
Virginia State Crime Commission



General Assembly Building
Capitol Square
Richmond, Va. 23219

140260



140260

COMMONWEALTH of VIRGINIA

VIRGINIA STATE CRIME COMMISSION

General Assembly Building

MEMBERS
FROM THE SENATE OF VIRGINIA
ELMON T. GRAY, CHAIRMAN
HOWARD P. ANDERSON
ELMO G. CROSS, JR.

FROM THE HOUSE OF DELEGATES
ROBERT B. BALL, SR., VICE CHAIRMAN
V. THOMAS FOREHAND, JR.
RAYMOND R. GUEST, JR.
A. L. PHILPOTT
WARREN G. STAMBAUGH
CLIFTON A. WOODRUM

APPOINTMENTS BY THE GOVERNOR
ROBERT C. BOBB
ROBERT F. HORAN, JR.
GEORGE F. RICKETTS, SR.

ATTORNEY GENERAL'S OFFICE
H. LANE KNEEDLER

IN RESPONSE TO
THIS LETTER TELEPHONE
(804) 225-4534

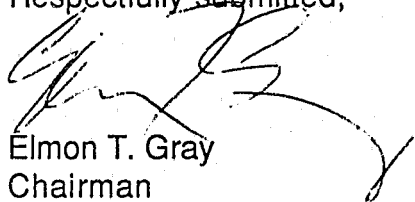
F. L. RUSSELL
EXECUTIVE DIRECTOR

April 16, 1991

TO: The Honorable L. Douglas Wilder, Governor of Virginia,
and Members of the General Assembly:

Pursuant to the provisions of the Code of Virginia (Title 9, Chapter 20, (§§9-125 through 9-138) creating the Virginia State Crime Commission and setting forth its purpose, I have the honor of submitting herewith the Annual Report for the calendar year ending December 31, 1990, as mandated §§9-132 of the Code.

Respectfully submitted,


Elmon T. Gray
Chairman

140260
APR 16 1991
RECEIVED

ETG:gf

140260

U.S. Department of Justice
National Institute of Justice

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

Permission to reproduce this copyrighted material has been
granted by
Virginia State Crime Commission

to the National Criminal Justice Reference Service (NCJRS).

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

MEMBERS OF THE COMMISSION DURING 1990

From the Senate of Virginia:

Elmon T. Gray, Chairman
Howard P. Anderson
Elmo G. Cross, Jr.

From the House of Delegates:

Robert B. Ball, Sr., Vice Chairman
V. Thomas Forehand, Jr.
Raymond R. Guest, Jr.
A. L. Philpott
Warren G. Stambaugh
Clifton A. Woodrum

Appointments by the Governor:

Robert C. Bobb
Robert F. Horan, Jr.
George F. Ricketts, Sr.

Attorney General's Office:

H. Lane Kneedler

Executive Director
Frederick L. Russell

Former Director
Robert E. Colvin

The 1990 Annual Report of the Commission
is dedicated in memory of the late
Warren G. Stambaugh and the following
resolution is respectfully offered.

MEMORIAL RESOLUTION

WHEREAS, Warren G. Stambaugh, was born in Maysville, Kentucky in 1944, educated at Georgetown University School of Foreign Service and Catholic University Columbus School of Law, and died on November 14, 1990, in Washington, D.C.; and

WHEREAS, Warren G. Stambaugh, represented the 49th House District and the citizens of Arlington County with dedication and conviction for 17 years, from 1974 through 1990; and

WHEREAS, Delegate Stambaugh, often mentioned for future House leadership posts, served with distinction on the Courts of Justice, Finance, Health, Welfare and Institutions, and Interstate Cooperation Committees, the last of which he chaired; and

WHEREAS, Delegate Stambaugh was appointed to the Virginia State Crime Commission by the Speaker of the House of Delegates when the Commission renewed operations in 1986 and served on the Commission with conviction and dedication; now, therefore, be it

RESOLVED by the Virginia State Crime Commission, That the contributions of Warren G. Stambaugh, to his community and the Commonwealth are recognized with deep appreciation. It is further recognized that the diligent efforts of this most active member has enhanced the work of the Virginia State Crime Commission; and, be it

RESOLVED FURTHER, The members and staff of the Virginia State Crime Commission express sorrow and regret on the passing of Warren G. Stambaugh, an irreplaceable friend and colleague; and, be it

RESOLVED FINALLY, That the Chairman of the Commission prepare a copy of this resolution for presentation to his widow, Mrs. Rosemary Stambaugh, as an expression of sympathy for her loss and as a token of the esteem with which Warren G. Stambaugh was held by this Commission.

TABLE OF CONTENTS

I.	Introduction	1
II.	Membership, Staff and Offices	1
III.	Acknowledgements	4
IV.	Task Force Report on Drug Trafficking, Abuse and Related Crime.	5
V.	Report of the Task Force Studying Ritual Crime	9
VI.	Report on Pretrial Detention	12
VII.	Report on Laws Governing Local Jails.	16
VIII.	Criminal Justice Issues Addressed in 1990:	
	A. Drug Forfeiture Constitutional Amendment	18
	B. Convenience Store Workers' Safety.	20
	C. Hospital Protocol For Treatment of Sexual Assault Victims.	20
	D. Forensics Laboratories Update.	21
IX.	Legislation Proposed in the 1991 Session	25
X.	Looking Ahead: Criminal Justice Issues For 1991.	29

Appendices:

- A. Crime Commission Meetings Held in 1990
- B. Proposed Meeting Schedule For 1991
- C. Code of Virginia §9-125 et seq. Establishing the Virginia State Crime Commission

I. INTRODUCTION

The 1990 Annual Report of the Virginia State Crime Commission is here offered to introduce you to the substantial accomplishments of the Commission as well as present an account of the mandate and purpose of this legislatively based agency. The work of the Commission during the past year continues a developing tradition of aggressively attacking criminal justice issues in the forefront of public consciousness and concern, and this tradition promises to continue its growth in the years to come.

The work of the Commission is based in the legislative mandate to strengthen the criminal justice system in the Commonwealth through investigation of all areas of public safety and to offer recommendations for its enhancement. In addition to the research, evaluation and reporting on specific criminal justice concerns to the Governor and General Assembly, the Commission develops legislation and assists in coordinating proposals of numerous agencies and organizations at both the state and local levels. This report seeks to summarize the primary projects undertaken by the Commission in 1990 and to indicate the direction of Commission efforts in 1991.

Completion of the broad-based two-year study concerning all aspects of drug trafficking and abuse, and encompassing the participation of numerous governmental departments and agencies, was achieved by the Commission task force studying drug-related crime in Virginia. The work of the Commission in this vital area continues, however, as outgrowths of this study offer further challenges for the Commission in 1991.

Picking up where Virginia's Commission on Prison and Jail Overcrowding left off, the Crime Commission pursued remedies to relieve jail overcrowding in the Commonwealth's pretrial population, including legislation in reform of laws governing pretrial release of arrestees. This study also concluded with recommendations for continued work of the Commission relating to the pretrial process.

These and other initiatives are outlined more fully in the pages to follow. They span the spectrum of criminal justice issues, and require the assistance and participation of numerous individuals. The Commission works closely with the Governor's office, the General Assembly and the Attorney General, as well as others, on a regular basis to accomplish these many tasks and would be unable to achieve such success in fulfilling its mandate without this strong cooperative effort.

II. MEMBERSHIP, STAFF AND OFFICES

Membership

The thirteen-member Commission is composed of six Delegates appointed by the Speaker of the House of Delegates, three Senators appointed by the Senate Privileges and Elections Committee, three citizen members appointed by the Governor from the state at large, and the Attorney General of Virginia as an ex officio member with full voting privileges. All appointees

serve terms of four years, with the exception of the Attorney General, whose membership runs concurrently with her tenure as Attorney General of Virginia. The Commission elects its own chairman and vice-chairman, and appoints and employs an executive director, counsel and other employees as it deems necessary.

In 1990, Senator Elmon T. Gray of Sussex served as Chairman. Delegate Robert B. Ball, Sr., of Henrico served as Vice-Chairman. Senator Howard P. Anderson of Halifax, Senator Elmo G. Cross, Jr., of Hanover, Delegate V. Thomas Forehand, Jr., of Chesapeake, Delegate Raymond R. Guest, Jr., of Front Royal, Speaker of the House of Delegates A. L. Philpott, of Bassett, Delegate Warren G. Stambaugh of Arlington, and Delegate Clifton A. Woodrum of Roanoke also represented the legislature on the Commission. Chief Deputy Attorney General H. Lane Kneedler represented the Honorable Mary Sue Terry, Attorney General of Virginia.

Serving as gubernatorial appointees to the Commission in 1990 were Robert C. Bobb, of Richmond, the Honorable Robert F. Horan, Jr., of Fairfax, and the Reverend George F. Ricketts, Sr., of Richmond.

Additionally, Senator Elliot S. Schewel and Delegate Robert Tata, and citizen members Leonard G. Holmes, Ph.D., Michael L. Wade, M.S., Janet I. Warren, D.S.W., and Isaac K. Wood, M. D., are serving as task force members on the two-year study of ritual crime in the Commonwealth.

Staff and Offices

1990 saw the Commission welcome a new Executive Director. Frederick L. Russell, former Chief of Police from the city of Bedford, began directing the affairs of the Commission November 1. The Crime Commission wishes the former Commission director, Robert E. Colvin, continued success in his new role as Commissioner with the Virginia Alcoholic Beverage Control Board and extends a sincere appreciation for his years of fine service to the Commission since its resumption as an active agency in 1986.

In addition to the executive director, the Commission employs Sylvia A. Coggins, Executive Assistant, as a full time permanent member of the staff. To effectively pursue the numerous and diverse activities of the Commission, other persons are employed on a part-time or temporary basis.

D. Robie Ingram, Esquire, continues in his role as a part-time Staff Attorney with the Commission. Michael P. Maddox, Esquire, who has previously worked as a Research Analyst with the Commission, also assumed a role as Staff Attorney in 1990.

Dana G. Schrad, Esquire, who has served as Staff Attorney and Research Manager for the drug trafficking task force, and Susan A. Bass, a Research Analyst for the task force, will continue in these positions with activities which were an outgrowth of the work of the task force.

Rod Belcher served the Commission as an intern on the Commission's task force studying ritual crime in Virginia, and Lisa Claiborne served the Commission as an intern in 1990.

Professor James Hooker has coordinated the selection and placement of interns from Virginia Commonwealth University since 1986; his support is most appreciated.

Phyllis H. Price, Ph.D., Quality Control Supervisor with the Division of Legislative Services, Mandie M. Patterson, Victim Services Manager, and John Mahoney, Victim Services Specialist with the Department of Criminal Justice Services, contributed significantly to the research and preparation of the manual of Hospital Protocol for Treatment of Sexual Assault Victims.

The Division of Legislative Services handles accounts and payroll for the Commission. Agency Director E. M. Miller, Jr., Fiscal Officer Ben Reese, Accountant Senior Caryl S. Harris, and Fiscal Technician Betsy W. Smith all provide invaluable services to the Commission. In addition, Staff Attorneys Oscar R. Brinson and Mary P. Devine, Research Associate Mary K. Geisen, Printer Jim Hall and Receptionist Tammy Lowery each regularly extend many courtesies to the Commission. We also wish to extend our sincere appreciation to Sharon Crouch, House of Delegates Systems Director, and her staff, for substantial technical assistance in producing the 1991 drug trafficking report and year round computer support, as well as Division of Legislative Automated Systems Director Charles M. Hubbard and his staff for their regular technical and computer assistance.

Offices of the Crime Commission are located on the 9th floor of the General Assembly Building, 910 Capitol Street, Suite 915, Richmond, Virginia 23219. Regular business hours are observed, with extended hours as needed, particularly during sessions of the General Assembly. The telephone number is 804-225-4534. All parties with criminal justice concerns or inquiries are invited to contact the Commission.

III. ACKNOWLEDGEMENTS

In the course of the Commission's research and inquiry it draws upon the special knowledge and expertise of numerous other government departments and agencies to insure comprehensive and accurate information. We wish to extend our sincere appreciation to the many individuals from these offices who have assisted the Crime Commission in 1990:

Blue Ridge Association of Chiefs of Police
Clerk of the House of Delegates
Clerk of the Senate
Commonwealth's Attorney's Training and Services Council
Department of Correctional Education
Department of Corrections
Department of Criminal Justice Services
Department of Education
Department of Youth and Family Services
Department of Mental Health, Mental Retardation and Substance Abuse Services
Department of State Police
Division of Forensic Science
Division of Legislative Automated Systems
Division of Legislative Services
House Appropriations Committee Staff
Office of the Attorney General
Office of the Governor
Office of the Lieutenant Governor
Secretary of Administration
Secretary of Education
Secretary of Health and Human Resources
Secretary of Public Safety
Senate Finance Committee Staff
Virginia Association of Chiefs of Police
Virginia Commonwealth University
Virginia Correctional Association
Virginia Crime Prevention Association
Virginia Parole Board
Virginia Probation and Parole Officers' Association
Virginia State Sheriffs' Association
Virginia State Lodge of the Fraternal Order of Police
Virginia Supreme Court

While the Commission received invaluable aid from many sources, limited space makes individual listing of all names prohibitive. These substantial contributions are duly recognized by the commission and greatly appreciated.

IV. TASK FORCE REPORT ON DRUG TRAFFICKING, ABUSE AND RELATED CRIME

Introduction

Senate Joint Resolution 144 (1989) directed the Virginia State Crime Commission to conduct a two-year "comprehensive study of combatting drug trafficking, abuse and related crime in Virginia, including needed changes in legislation with a primary focus on enforcement efforts, consumption reduction and correctional/rehabilitative issues."

In 1988, the Commission conducted a study of the seizure and forfeiture of assets from drug trafficking crimes. That study was the springboard for SJR 144, patroned by the Commission's chairman, Senator Elmon T. Gray. The goal of the drug trafficking study was to develop a more comprehensive, coordinated strategy for law enforcement, corrections, treatment and prevention efforts related to substance abuse.

The drug trafficking study developed, with the invaluable assistance of many state agencies and private associations, more than 65 research and implementation projects. The Offices of the Governor, Lieutenant Governor and Attorney General provided much-needed support, and assisted in the coordination of many drug study projects. The principal success of the drug study has been the improved cooperation and communication among the agencies and individuals who play a key role in the fight against drug abuse and drug-related crime.

During both years of the drug trafficking study, the Commission funded the project with a federal anti-drug grant. The federal grant for 1990-91, the second year of the study, was \$118,129. Staff Attorney Dana G. Schrad and Research Analyst Susan A. Bass have directed the work of the drug study since its inception in 1989.

Drug Task Force members

Senate Joint Resolution 144 directed the Virginia State Crime Commission to appoint a 21-member task force to carry out the two-year drug study. The thirteen members of the Commission, along with four appointees from the General Assembly and four appointees from the criminal justice system, served as the Drug Study Task Force. The Chairman of the Crime Commission, Senator Elmon T. Gray, and the Vice Chairman, Delegate Robert B. Ball, Sr., also served as the Chairman and Vice Chairman, respectively, of the Drug Study Task Force.

The task force was divided into three subcommittees, as follows:

Law Enforcement Subcommittee

Speaker A. L. Philpott of Bassett, Chairman
Gen. J. C. Herbert Bryant, Jr. of Sterling
The Honorable W. M. Faulconer of Orange
The Honorable Robert F. Horan, Jr., of Fairfax
Senator Johnny S. Joannou of Portsmouth
The Honorable H. Lane Kneedler, Attorney General's Office
Delegate Warren G. Stambaugh of Arlington

Education Subcommittee

Senator Howard P. Anderson of Halifax, Chairman
Mr. Robert C. Bobb of Richmond
Delegate V. Thomas Forehand, Jr., of Chesapeake
Senator Elmon T. Gray of Sussex
Delegate Raymond R. Guest, Jr., of Front Royal
Delegate Thomas M. Jackson of Hillsville
Chief Richard W. Presgrave of Harrisonburg

Corrections/Treatment Subcommittee

Delegate Robert B. Ball, Sr., of Henrico, Chairman
Senator Elmo G. Cross, Jr., of Hanover
Senator Edward M. Holland of Arlington
The Honorable Christopher W. Hutton of Hampton
Delegate Clinton Miller of Woodstock
Reverend George F. Ricketts, Sr., of Richmond
Delegate Clifton A. Woodrum of Roanoke

Focus of Study

During the first year of the drug study, the task force members held a series of informational meetings and public hearings to gather information about the most critical issues related to the drug problem in Virginia. Information was received from law enforcement agencies, the court system, substance abuse education and prevention programs, drug treatment programs and from corrections agencies. Each subcommittee held a series of meetings to develop its own recommendations, which were merged for the approval of the full task force. The 1989 interim report of the Drug Study Task Force contained fifteen findings, 48 recommendations and 65 activities which directed the work of the task force in 1990.

The activities developed in 1989 provided the focus for the Drug Study Task Force in 1990. The task force and Commission staff worked closely with the Offices of the Governor, Lieutenant Governor and Attorney General, and many state agencies to complete the activities to develop a comprehensive drug strategy for Virginia. In addition, invaluable support and assistance was received from law enforcement, criminal justice, mental health and substance abuse treatment professionals, and medical, educational, parent and school organizations during the year.

The subcommittees again held a series of meetings prior to presenting their reports to the full task force. The 21-member task force met in October and November, 1990, to hear public comments on the subcommittee reports and recommendations, and to receive and review proposed legislation. The full task force approved the final draft of the subcommittee reports at the November meeting, and forwarded the report of the task force and proposed legislation to the Crime Commission for approval. The final report of the task force was published as Senate Document No. 11, and presented to the Governor and 1991 General Assembly.

Accomplishments of the Law Enforcement Subcommittee

The subcommittee recommended that regular meetings of the multi-jurisdictional task forces should be held to address problems and foster improvements in the regional cooperative drug investigation and prosecution efforts. The first meeting of the task force coordinators, investigators and commanders was a successful avenue for sharing information and ironing out problems.

The subcommittee also recognized the need to improve the Virginia Narcotics Pointer Index System so that local law enforcement agencies would have access to criminal intelligence on drug traffickers. The Commission worked with the Narcotics Pointer Index System Advisory Board and the Virginia State Police to recommend and implement the needed enhancements to the system.

The creation of a Virginia Criminal Intelligence Center within the State Police was recommended by the subcommittee. The center, which received start-up funds from the Governor's 1990 Drug Summit budget set-aside, provides criminal intelligence to federal, state and local law enforcement agencies.

In 1990, the Law Enforcement Subcommittee Chairman, Speaker A. L. Philpott, successfully patroned a budget amendment mandating that federal anti-drug grant funds be used to purchase six surveillance vans for local law enforcement agencies to use in undercover drug investigations. The Virginia State Police will maintain the vans and provide technical assistance to the localities in the use of such vans.

Accomplishments of the Corrections/Treatment Subcommittee

The Corrections/Treatment Subcommittee focused on treatment and drug abuse prevention services for jail and prison inmates. In 1990, the Subcommittee Chairman, Delegate Robert B. Ball, Sr., patroned a budget amendment allocating federal anti-drug grant funds to further develop the drug detection dog program in the Department of Corrections.

The subcommittee also recommended that drug abuse treatment programs and vocational and educational programs be improved for inmates to facilitate rehabilitation and curb recidivism. The newly-created Department of Youth and Family Services was directed by the subcommittee to enhance its drug testing, treatment, and vocational and educational programs for drug-dependent youth in the detention homes and learning centers. A pre-discharge planning strategy was developed by the Virginia Parole Board, and the Departments of Corrections and Mental Health, Mental Retardation and Substance Abuse Services to ensure that parolees receive appropriate treatment services upon release.

The subcommittee recommended that cross-training be developed for criminal justice and substance abuse treatment personnel to enhance professional understanding of the special circumstances surrounding substance-abusing offenders.

Accomplishments of the Education Subcommittee

The Education Subcommittee recommended improvement and statewide expansion of programs that have been successful in educating the public about substance abuse. In particular, the Subcommittee recognized a need for better coordination between school-based and community-based prevention and intervention programs.

In 1990, Senator Howard P. Anderson, Chairman of the Education Subcommittee, and Senator Elmon T. Gray successfully patroned a budget amendment to institutionalize the Office of Youth Risk Prevention in the Department of Education. This budget amendment allowed federal Drug-Free Schools and Communities Act funds to be used for School/Community Team Training sessions across Virginia. This training program assists local school and community officials in developing drug prevention programs directed at high-risk high school students.

At the request of the subcommittee, the Department of Mental Health, Mental Retardation and Substance Abuse Services developed a funding resource manual for localities to use in applying for public and private grants for drug prevention programs. Additionally, the Department was encouraged to provide more grant writing workshops for communities.

The subcommittee directed the Department of Education to improve the drug education curriculum for Grades K-12, and make training available on the implementation of the curriculum in the classroom. The Department of Education also was asked to develop cross-curricula infusion training packets for use in the schools to supplement the more direct drug education programs.

The subcommittee also worked with the Drug Policy Office of the Governor, the Lieutenant Governor's Office, the Attorney General and several legislative subcommittees to ensure against duplicating state-level planning efforts. In 1990, Delegate Warren G. Stambaugh patroned legislation to strengthen the drug-free school zone law, and the subcommittee encouraged the use of drug-free school zone signs by all schools. In 1991, the Office of the Governor is providing funds to help school divisions purchase drug-free school zone signs at cost from the state. The subcommittee also developed recommendations for a statewide media campaign directed at educating all Virginians about drug abuse. The media campaign project has been assumed by the Governor's Office of Drug Policy.

V. REPORT OF THE TASK FORCE STUDYING RITUAL CRIME

Introduction

During the 1990 session of the Virginia legislature, Delegate Robert Tata sponsored House Joint Resolution No. 147 (HJR 147) directing the Virginia State Crime Commission to "study certain cult practices" and to "(i) focus its study on those cults in Virginia that emphasize or promote their members' participation in dangerous, anti-social or criminal activities as a part of their practices; (ii) determine, to the extent possible, the prevalence of such cults and their recruitment and ritualistic practices; (iii) identify risk factors associated with youth involvement in such groups; (iv) confer with law enforcement agencies throughout the Commonwealth regarding the reports and documentation of occult activity, ritualistic crimes, and whether such acts involved youth; (v) inventory school divisions to determine the nature and magnitude of the problem and the perspectives of school administrators concerning how such problems should be managed; (vi) assess the fiscal impact of vandalism and destruction of public property due to such acts; (vii) review the efforts of other states to prevent and control such cults and resulting criminal activity; (viii) recommend appropriate ways in which the Commonwealth might respond to such activity to protect public property and safety while protecting the Constitutional rights of its citizenry; and (iv) limit its study to such related matters as the Commission may deem appropriate."

This resolution called for the establishment of a task force consisting of thirteen members, reporting directly to the Crime Commission, for the purpose of fulfilling the resolution's mandate. In addition to members drawn from the ranks of the Commission, the task force was to be comprised of one member each from the House of Delegates and from the Senate, and four citizen members.

The task force held its initial meeting on October 17, 1990 to define the parameters of the study, as required by the resolution, set forth issues to be addressed, and determine the direction and method by which further investigation will proceed. In March of 1991 the Commission received a staff update of such investigation and heard public and private testimony from persons expressing interest in, or experiences with, dangerous ritual activities.

Ritual Crime Task Force Members

Subsequent to the April 17, 1990, meeting of the Crime Commission, the Chairman, Senator Elmon T. Gray, of Sussex, selected Mr. Robert C. Bobb to serve as chairman of the Ritual Crime Study Task Force. The following were selected to serve as members of the task force:

Crime Commission Members

Robert C. Bobb, Task Force Chmn.
Senator Elmon T. Gray, Sussex
Delegate Raymond R. Guest, Jr., Front Royal
Mr. H. Lane Kneedler, Attorney General's Office
Speaker A. L. Philpott, Bassett
Rev. George F. Ricketts, Sr., Richmond
Delegate Warren G. Stambaugh, Arlington

House of Delegates At-Large Member

Delegate Robert Tata, Virginia Beach

Senate At-Large Member

Senator Elliot S. Schewel, Lynchburg

Citizen Members Appointed

Leonard G. Holmes, Ph.D.
Detective Michael L. Wade, M.S.
Janet I. Warren, D.S.W.
Isaac A. Wood, M.D.

Issues Addressed

The task force has assumed a sweeping responsibility in attempting to address this relatively unexplored area of criminal justice. Concerns relating to ritual crime manifest themselves not only in law enforcement and in the courts, but in schools and the mental health community as well. In seeking to examine and respond to these concerns the task force will endeavor to determine:

1. The prevalence of ritually related criminal activity in the Commonwealth.
2. The prevalence of other dangerous ritually related activity which may not presently constitute a crime.
3. The geographic concentration of such activity.
4. The nature of such activity; whether it is associated with violent crime, crimes against property, or other crimes, and to what degree.
5. The nature of other states' experiences with ritual crime, both in terms of the extent of such activity and the means by which such states address it.
6. Whether existing criminal statutes adequately address adverse ritual activity in the Commonwealth.
7. Whether measures beyond the criminal code need be employed to address adverse affects of ritual activity in the Commonwealth.

Interim Report

On December 11, 1990, the Crime Commission issued an interim report on the continuing activity of the Ritual Crime Task Force. Such report set forth the focus of future task force activities and delineated study boundaries and objectives.

The task force determined that, because of their broad meanings, the use of such terms as "cult" and "occult" will not be assumed to possess negative connotations or be directed at a specific group or sect. Further, because religious beliefs are afforded protection under the United States Constitution, ritual practices relating to belief systems will be examined only in the context of dangerous or criminal behavior, and not in terms of the degree to which such beliefs have traditionally enjoyed acceptance in western society.

Task force attention will be directed at the various activities in assault of persons, property and individual rights which have been attributed in some respect, or might be attributed, to organized ritual activity. The belief systems which guide or encourage such activity will be examined insofar as they exceed the bounds of constitutional protection and appear to present a unique problem for individuals and institutions obliged to confront them (including law enforcement, schools and the mental health community).

The methodology adopted for pursuing this investigation will include the following activities:

- A review of the vast array of literature detailing various allegations of ritual activity throughout the United States
- A state-wide mail survey of the law enforcement agencies, school divisions and licensed mental health practitioners in Virginia, followed by telephone and personal interviews with selected respondents.
- Research of criminal statutes in Virginia and the many states relating to the types of activities which are alleged to be associated with ritual crime, as well as statutes specifically directed at ritual conduct.
- Observation of seminars and classes on ritual crime and abuse given by experts in law enforcement, education and mental health.

VI. REPORT ON PRETRIAL DETENTION (JAIL ISSUES SUBCOMMITTEE)

Introduction

The Virginia State Crime Commission was directed and authorized by House Joint Resolution No. 79 (1990), patroned by Delegate W. Roscoe Reynolds, and Senate Joint Resolution No. 33 (1990), patroned by Senator Joseph V. Gartlan, Jr., to "study and identify improvements to the decision-making process with respect to pretrial detention of persons accused of crimes," including, but not limited to, "1. Clarification and elimination of inconsistencies in statutes governing bail, bond and recognizance; 2. Development of methods to provide relevant information about an accused person to judicial officers at the time pretrial detention decisions are made; 3. Development and provision of bail risk assessment training for all magistrates and judges; 4. Identification of methods of providing information about the complainant, when the complainant is not a police officer, to the attorney for the Commonwealth; and 5. Identification of alternative programs to ensure court appearance."

Findings of the Commission on Prison and Jail Overcrowding (COPJO) were the impetus for this study. That 1989 study concluded that, of Virginia's jail population, over half is

constituted by persons awaiting trial. COPJO determined that increased use of risk assessment tools and pretrial release alternatives could reduce the population awaiting trial. It also found numerous inconsistencies in the Code of Virginia regarding bail, bond and recognizance. COPJO recommended, therefore, that a study be conducted to assess methods for increasing the effectiveness of the Commonwealth's pretrial process based on the findings of that study. This task was placed with the Crime Commission.

Pursuant to this mandate, the Commission applied for, and received, a grant from the National Institute of Corrections. This grant was utilized by the Crime Commission in contracting for the services of highly recommended and experienced consultants in the area of pretrial activities. These consultants, Pretrial Services Resource Center and the Adjudication Technical Assistance Project, developed and conducted a broad-based judicial survey, engaged in on-site research and participated in follow-up interviews with relevant parties in the pretrial process, concluding with a report to the Crime Commission of their findings and recommendations. Such findings and recommendations were referenced by the Crime Commission in preparing this report.

Subcommittee Members

The Crime Commission Chairman, Senator Gray, selected Delegate V. Thomas Forehand, Jr. to serve as the chairman of the Jail Issues Subcommittee conducting this study. Members of the Crime Commission who served on the subcommittee are as follows:

Delegate V. Thomas Forehand, Jr., Chairman, Chesapeake
Senator Howard P. Anderson, Halifax
Delegate Robert B. Ball, Sr., Henrico
Senator Elmo G. Cross, Jr., Hanover
Mr. Robert F. Horan, Jr., Fairfax
Rev. George F. Ricketts, Sr., Richmond
Delegate Clifton A. Woodrum, Roanoke

Issues Addressed

1. The manner in which inconsistencies in the Code of Virginia relating to bail, bond and recognizance might be eliminated.
2. Development and improvement of methods for efficiently delivering relevant information about pretrial detainees to judicial officers making release decisions.

3. Development and improvement of bail risk assessment tools for judicial officers making pretrial release decisions, and methods for training judicial officers in the use of such tools.
4. Development of an effective method of obtaining identifying information from citizen complainants appearing before magistrates, and supplying that information to the Commonwealth's Attorney.
5. Consideration of appropriate alternative pretrial release programs which might be effectively used in the Commonwealth to reduce jail populations while insuring court appearances and community safety.

Findings

Based upon the independent research of the Crime Commission staff, and the report of the Pretrial Services Resource Center, the Commission made the following findings:

1. Ambiguities in Virginia's bail statutes result primarily from misconceptions about the meaning of the terms "bail," "bond" and "recognizance," respectively, and the apparent inconsistencies brought about by application of this language. The substantive law controlling the bail process, however, is consistent both in the courts and the statutes themselves. Adequate definition, and consistent usage, of terminology in the Code of Virginia will resolve the confusion arising from these problems.
2. Problems arising with respect to delivering information to the Commonwealth's Attorney about a criminal complainant when such person is not a police officer derive from a flaw in the manner in which such information is obtained. No rule or law presently requires a citizen to supply personal information to a magistrate when filing a complaint, even though such identifying information is necessary to prosecute the case, and magistrates do not consistently ask for it.
4. While it is feasible to establish a mechanism for requiring a citizen complainant to provide identifying information, and making that information public, the general availability of such information can and is used in some instances by the defendant or others to harass the complainant. Any method for providing this information to the Office of the Commonwealth's Attorney should therefore allow for limited disclosure to outside parties where necessary and appropriate.
5. The recommendation, made by the Pretrial Services Resource Center, that no person be held on a magistrate's bail decision more than 48 hours without review of that decision could be an effective mechanism for reducing jail population by insuring that those who can safely be released on bond or recognizance gain such release in a timely manner.

6. The remaining recommendations of the PSRC report to the Crime Commission are primarily formulations of broad goals which are generally desirable but must be assessed on an individual basis for their feasibility, and a determination made as to the most effective means of implementation. In some cases these recommendations reflect activity that has already, or is presently being, undertaken.

Recommendations

In accordance with these findings, the Crime Commission made the following recommendations:

1. That statutory definitions for the terms "bail," "bond" and "recognizance" be added to the Code of Virginia, thereby formally delineating proper use of these terms in the law.
2. That certain sections within Title 19.2 of the Code of Virginia relating to the bail process be amended in order to insure consistent usage of language, primarily with respect to the terms "bail," "bond" and "recognizance." Such amendments are to utilize terminology as it is presently used, and defined according to recommendation number 1, and not to alter the meanings of such terms.
3. That the provisions of §§19.2-132, 19.2-132.1 and 19.2-133 of the Code of Virginia, which overlap and duplicate one another, be incorporated into a single code section, while retaining the substantive rights and requirements of all three Code sections.
4. That Virginia's Committee on District Courts determine the appropriate information to be obtained from a citizen filing a criminal complaint, develop a form to be used in obtaining such information and mandate usage of this form by all magistrates in the Commonwealth. Such form should be forwarded directly to the Office of the Commonwealth's Attorney for use in prosecution of the case.
5. That localities within the Commonwealth act to further the goals espoused by recommendations numbered 1, 3, 4, 5, 6, 7, 8 and 10 in PSRC's Bail Study Project final report through continuing investigation into methods for effective implementation of policies and mechanisms on the local level.
6. That Virginia state agencies concerned with issues relating to criminal justice and public safety act in concert with the Crime Commission to investigate means for effective state level implementation of the goals encompassed by the PSRC recommendations, where and to the degree such implementation proves practical.
7. That further study be made into the most effective means for implementing a mechanism to ensure that no person being held for trial on a magistrate's initial bail decision fails to receive a review of that decision by an appropriate judicial officer after a 48-hour time period.

VII. REPORT ON LAWS GOVERNING LOCAL JAILS (JAIL ISSUES SUBCOMMITTEE)

Introduction

The Virginia State Crime Commission was directed and authorized by House Joint Resolution 20 (1991), patroned by Delegate Harry J. Parrish, to "study laws governing local jails as such laws reflect the authority of regional jail administrators."

With the recent advent of regional jails, which serve multiple jurisdictions, sections of the Code relating to jail administration had become outdated. Such sections, which contemplated administration of jails only by the sheriff and his deputies, failed to adequately address the administration of regional jails, which are administered by a superintendent (who is generally not a sheriff) and jail officers who are not deputies.

The subcommittee conducted careful research of the Code of Virginia pertaining to jail administration, and surveyed jail administrators and the law enforcement community, and made recommendations for amendments consistent with its findings. Special attention was paid to the separate needs of those whose sole responsibility is jail administration, and law enforcement officers who also retain the responsibilities of that position.

The Commission received the report of the subcommittee on December 11, 1990, and adopted its findings and recommendations.

Subcommittee Members

The Crime Commission Chairman, Senator Gray, selected Delegate V. Thomas Forehand, Jr. to serve as the chairman of the Jail Issues Subcommittee conducting this study. Members of the Crime Commission who served on the subcommittee are as follows:

Delegate V. Thomas Forehand, Jr., Chairman, of Chesapeake
Senator Howard P. Anderson, Halifax
Delegate Robert B. Ball, Sr., Henrico
Senator Elmo G. Cross, Jr., Hanover
Mr. Robert F. Horan, Jr., Fairfax
Rev. George F. Ricketts, Sr., Richmond
Delegate Clifton A. Woodrum, Roanoke

Issues Addressed

1. The authority necessary to administer jails and the degree to which the Code of Virginia provided such authority.
2. How an expansion of authority in regional jail administrators would impact on sheriff's duties.
3. How an expansion of authority in regional jail administrators would impact on law enforcement powers and training.
4. The most effective manner in which the Code of Virginia could be amended without unduly infringing upon law enforcement powers and duties.

Findings

1. The subcommittee determined that superintendents and sheriffs both find the Code of Virginia to grant adequate authority for proper jail administration.
2. Despite the statutory authority which does exist, the Code of Virginia retained outdated sections which were either inconsistent or inadequately reflective of authority and obligations specifically recognized elsewhere in the Code.
3. Sections of the Code of Virginia containing outdated provisions should be amended to conform with the proper authority and obligations of regional jail superintendents.
4. While Code sections frequently relate to duties of a sheriff as both jail administrator and law enforcement officer, amendments reflecting a superintendent's proper duties and authority need not impinge upon the law enforcement duties of sheriffs.

Recommendations

1. That the Code of Virginia be amended to include a statutory definition for local correctional officers, thereby distinguishing them from law enforcement or other correctional officers.
2. That sections of the Title 53.1 of the Code of Virginia be amended to conform to the new definition for local correctional officer.

3. That certain sections of Title 53.1 pertaining to record keeping and reporting requirements by sheriffs of local jails be expanded to include superintendents of regional jails as well.
4. That certain sections of Title 53.1 of the Code of Virginia prohibiting improper treatment of prisoners, and allowing for sanctions in case of improper conduct by jail administrators, be expanded to include regional jail superintendents and officers also.
5. That certain sections of Title 53.1 of the Code of Virginia relating to the receipt and care of jail prisoners, and compensation therefore, be amended to reflect the authority of regional jails and their jurisdictions as well.

VIII. CRIMINAL JUSTICE ISSUES ADDRESSED IN 1990

A. DRUG FORFEITURE CONSTITUTIONAL AMENDMENT

A major weapon against the crime of dealing in drugs, in addition to imposing a criminal sentence upon conviction, is forcing the forfeiture of the dealer's wealth amassed through his dealing. It has proven to be at least as effective if not more effective than the imposition of a prison sentence.

While Virginia has had its own method for forfeiture, the federal scheme has been more widely used in the Commonwealth for two reasons: One, the federal scheme accomplishes a forfeiture in most cases without the necessity for trial. (Virginia still requires a trial or, at a minimum, notice thereof to the alleged offender.) Two, the federal scheme provides for return of the seized and forfeited proceeds to the law enforcement agencies responsible for the forfeiture. (Until recently, Virginia's forfeited proceeds were earmarked for the Literary Fund.)

In 1988, legislation was offered in Congress to rescind the federal forfeiture program in those states where the forfeited assets were, by state law, to be returned to other than law enforcement (e.g., Virginia). Through the efforts of Virginia's Congressional delegation (specifically, Congressman Rick Boucher and Senator John Warner), this measure was forestalled, though there is still support for such a measure and it may one day be passed. Responding to that possibility and acknowledging the need for reimbursement to law enforcement, two bills were offered in the Virginia General Assembly in 1989 to reflect enforcement needs. If passed, the constitutional amendment would allow both federally forfeited and state forfeited drug assets to be returned to law enforcement efforts rather than to the Literary Fund. (It is noteworthy that, under Virginia's forfeiture scheme, only \$150,000 was returned to the Fund from all (not solely drug) forfeitures in fiscal year 87-89.

The amendment measure passed the General Assembly and was set for statewide referendum in November, 1990. In anticipation of its passage, the Governor's Secretary of Public Safety, in concert with the Governor's Office of Drug Policy, began work in early fall of 1990 on a redraft of the drug forfeiture procedure developed and sponsored two years prior by the Crime Commission. (The Crime Commission measure had established a streamlined pretrial and trial procedure specifically for the seizure and forfeiture of drug assets, acknowledging return of assets to the Literary Fund.) The bill fashioned by the Governor's office, with the assistance of the Crime Commission, the Attorney General's Office and the Department of Criminal Justice Services (DCJS), was intended to update the procedure for forfeiture in anticipation of a change in the law allowing return of state-seized assets to law enforcement. With the full support of law enforcement and the PTA (representing the segment most affected by removing the Literary Fund as the asset recipient), the enabling constitutional amendment easily passed the referendum and cleared the way for development of appropriate implementing legislation.

The legislative measure (House Bill 1308) finally adopted by the work group, after significant input from Virginia's law enforcement agencies, the agencies noted above and the Commonwealth's Attorney's Services and Training Council, largely follows the federal scheme; it provides for return of 90% of the forfeited assets directly to the agencies responsible for the seizure with 10% retained in a drug enforcement fund maintained by DCJS to cover management and operation costs and for distribution to the law enforcement agencies on the basis of need. The legislation does not provide for administrative forfeiture (as does the federal scheme); it does provide for an immediate default judgment against an alleged offender who is properly notified of a hearing on the issue of ownership of seized property. This procedure has been clarified and streamlined, but an alleged offender is still entitled to a full civil judicial hearing on the issue of forfeiture.

The measure, offered by Commission member Delegate Clifton A. Woodrum, was further scrutinized and fine-tuned and was passed by the General Assembly to become effective on July 1, 1991.

Among the major benefits of the new law are that the Commonwealth's law enforcement agencies need not rely on the federal government to ensure that they receive a return on their investment and effort to rid the state of illegal drugs; the Commonwealth will retain 100% of any forfeited assets as opposed to 85% or less (under the federal scheme). If the Congress were to pass a law of any nature which rescinds or reduces the states' participation in the federal drug forfeiture sharing program, Virginia's ability to seize, forfeit and return drug assets to the management of the forfeiture process is entirely within the control of the Commonwealth. Virginia has a powerful new enforcement tool in the fight against drugs.

B. CONVENIENCE STORE WORKERS' SAFETY

Pursuant to a request by Senator Elmon T. Gray, Crime Commission Chairman, the Virginia Crime Prevention Center of the Department of Criminal Justice Services during the course of 1990 gathered data to aid Commission efforts in determining the scope of criminal attacks on convenience store clerks in the Commonwealth.

This project arose in response to concerns that employees of convenience stores suffer a far greater risk of being subjected to violent crimes than most other worker groups.

In December, the Commission received a report stating that convenience store crime is on the rise. Based on survey results, the majority of convenience store robberies involve the use of a firearm. This is in contrast to all robberies statewide, in which a firearm is used only 37 percent of the time. As would be expected, these convenience store robberies take place most often at night, and typically involve a store clerk working alone. The report indicated that injury to workers in the course of these crimes is not uncommon.

The research indicated that on a national and state level alike, convenience stores are disproportionately targeted for violent crimes. Concern was expressed also about the subsequent treatment of victims who were subjected to these criminal acts.

Due to the substantial problems with convenience store workers' safety which these findings evidence, the Commission determined that the Department of Criminal Justice Services should continue its study of these issues in order to more fully determine what crime prevention measures should be employed to protect this high risk group.

C. HOSPITAL PROTOCOL FOR TREATMENT OF SEXUAL ASSAULT VICTIMS

The Crime Commission's 1988 Report on Victims and Witnesses of Crime (House Document 10) recommended that the Commission publication "Hospital Protocol for Treatment of Sexual Assault Victims" be updated and republished for distribution to all hospital emergency rooms. The Commission further requested the assistance of the Virginia Hospital Association in distributing the document across the Commonwealth.

In May 1989, Robert E. Colvin, former executive director of the Commission, organized the hospital protocol task force to accomplish this directive. Members of the task force included staff from the Department of Criminal Justice Services in addition to professionals representing law enforcement, the Division of Forensic Science, emergency room medical staff, child protective services, victim/witness programs, sexual assault crisis centers, Commonwealth's Attorneys, the Virginia Hospital Association and victim service providers.

In conducting the research for this project, existing protocols from other states were obtained and reviewed. The task force modeled the new Virginia protocol after one developed jointly by the Illinois State Attorney General's Office and a national advisory committee. This document was modified to reflect current law and medical practice in Virginia.

In order to evaluate current treatment of sexual assault victims, the task force designed a survey which was distributed by the Virginia Hospital Association to its 120 member hospitals. The results of the survey helped to ensure that the final protocol would meet the needs of the hospital staff for whom it was designed.

The revised protocol attempts to instruct hospital staff in evidence retrieval procedures and interviewing techniques to ensure the quality of physical evidence and simultaneously address the emotional needs of victims. Accompanying the new protocol will be a revised Physical Evidence Recovery Kit (PERK). The new PERK, with its step-by-step instructions, will promote uniformity in evidence collection and packaging. Grant funding for the new PERKs has been secured through the Department of Criminal Justice Services (DCJS).

The Crime Commission endorsed the new protocol which will provide hospital staff with valuable legal, medical and forensic guidance. Issues covered include reporting requirements, victim/patient consent, reimbursement of expenses, evidence collection procedures, and interviewing techniques. In addition, the task force developed individual adult and child protocols, recognizing that the legal, physical and psychological needs of these victims differ in many ways.

Training for local hospital staff in the implementation of the protocol is currently scheduled for late 1991. The training sessions will be co-sponsored by the DCJS, the Virginia Hospital Association, and the Division of Forensic Science. These sessions will be targeted at hospital staff and will provide separate segments addressing the specific needs of adult and child victims.

D. FORENSICS LABORATORIES UPDATE

Prepared by Dr. Paul B. Ferrara
Director, Division of Forensic Science

Organization

Effective July 1, 1990, as a result of a Crime Commission initiative (HB320, Chief Patron: House Speaker A. L. Philpott), the Division of Forensic Science was established, elevating it from a bureau under the Division of Consolidated Laboratory Services (DCLS) and making it equal in stature to the Division of Consolidated Laboratory Services, under the Department of General Services. This legislation also created an advisory board made up of representatives of user agencies of the Division of Forensic Science and gubernatorial appointees.

As anticipated by the Commission, this change has increased the responsiveness of the forensic laboratory system to the law enforcement community and made for a more efficient operation without any additional costs.

Drug Backlog

During 1990, the Division of Forensic Science, for the first time in its history, achieved and maintained its goal of completing 95% of all drug analyses within 10 days of submission. This accomplishment was made possible by the support of the Crime Commission and the leadership of the General Assembly for the 90-92 budget addendum funding additional resources for the Drug Section of the Division of Forensic Science.

-DNA Genetic Fingerprinting

During the 1989 General Assembly Session, the Crime Commission fully endorsed HB1765, patroned by Commission members Delegate Warren G. Stambaugh and House Speaker A. L. Philpott, and other legislators, which authorized creation of a DNA genetic profile data base from convicted sex offenders, including those incarcerated as of July 1, 1989. A companion bill (HB1823), introduced by Delegates James Almand and Warren Stambaugh, placed the responsibility for operation of this data base with the Division of Forensic Science. However, no funding for implementing this legislation was provided until July 1, 1990.

As result of a joint subcommittee (SJR127) report (chaired by Sen. E. M. Holland) to the 1990 General Assembly, the DNA databank was expanded to include all convicted felons, effective July 1, 1990. However, only funding for sex offenders was provided to the Division of Forensic Science. The Department of Corrections and the sheriffs have not received any funding for the collection of these blood samples.

Nonetheless, the Division of Forensic Science began receiving blood samples at the rate of 500-1,000 per week starting in July, 1990. By year's end, some 18,000 had been collected and submitted to the laboratory where they were logged-in and prepared for storage in freezers to await analysis. Just this phase alone in creating a databank has cost the Division over \$80,000.

Due to shortages of space, trained personnel and funds for supplies and equipment, implementation of this databank was delayed until 1991. Late in 1990, the Division of Forensic Science became the beneficiary of an anonymous donation of \$150,000 from a private citizen of the Commonwealth who felt that this DNA databank was too important to go unfunded.

Meanwhile, the Department of General Services worked throughout 1990 to provide a suitable location to house this DNA operation. After several unsuccessful attempts to lease appropriate facilities, the Department has made the Seaboard Building on Franklin Street

available to the Division of Forensic Science. This 12,000 sq. ft. building is in the process of being renovated at a cost of approximately \$850,000 and, when completed in September 1991, will become a model, secure DNA facility with sufficient space to conduct, on an expanded scale, DNA stain work on crime scene evidence and databank work together with associated computer hardware for the DNA Databank and the Automated Fingerprint Identification Remote Input Terminal. By the summer of 1991, the Division hopes to have operational a DNA databank consisting of information on several hundred sex offenders due for release.

The Division is also working with the FBI on a pilot program to create a National DNA Databank, linking other local, state, regional and federal databanks together. Virginia has been selected by the FBI as a pilot test site for this system.

Building Projects

In addition to the efforts described above to provide additional laboratory space in Richmond to house the DNA operations, the Division has been working to provide more laboratory space in Roanoke, Norfolk and Richmond.

Laboratory Information Management System (LIMS)

With funding through grants from the Department of Criminal Justice Services and from the Governor's Drug Policy Office, the Division of Forensic Science began late in 1990 to procure a side area computer network to automate the current manual system, to track evidence, generate various case load reports, generate Certificates of Analysis and generally allow law enforcement officials to learn more about the distribution patterns of various drugs in the Commonwealth. This initiative was among those specifically enumerated in the Governor's Agenda for Virginia. The schedule for this project anticipated implementation in Richmond by September 1991 and in the regional forensic laboratories within the following year.

Physical Evidence Case Backlog

While the Division of Forensic Science has been successful in meeting the goals for rapid turnaround on drug cases, backlogs in other areas, especially serology and fingerprints, continue to be problematic. At the end of 1990, the serology section had a backlog of 512 cases, 353 of which were over 30 days old. The latent fingerprint section had a backlog of 568 cases, 248 of which were over 30 days old. Both of these backlogs are of great concern since police investigations are often hampered by these delays. These backlogs are the result of several factors that include a continual increase in the volume and complexity of work submitted, lack of space to house additional staff, and lack of qualified personnel in the job market. In the case of serology, the unavoidable diversion of staff to DNA work has been a major contributor to the backlog increase.

However, the Division has taken steps to slow this backlog build-up. Recruitment for fully qualified serologists continues; a Serology Item Reduction Program (SIRP) has been implemented to limit the number of items of evidence in a case examined to those of most probative value. As the number of serologists trained in DNA grows, the capacity of the Division to increase sample throughput in DNA will reduce the emphasis on conventional serology now necessary. The new aforementioned facility (Seaboard Building) will provide sufficient space to house more personnel in serology/DNA and latent fingerprints when it becomes available in September, 1991.

IX. LEGISLATION PROPOSED IN THE 1991 SESSION

This list combines the Crime Commission's legislative recommendations derived from public hearings, formal legislative studies and other inquiries during 1990.

1. APPROVED

SHERIFF'S DEPUTIES AUTHORITY TO OPERATE METAL DETECTORS:

Chief Patrons: Senator Elmon T. Gray/Delegate Robert B. Ball, Sr.

Language amendment to the budget bill to allow sheriff's deputies to operate metal detectors (magnetometers) to provide courtroom security. The Virginia Sheriff's Association believes the Appropriations Act language in Item 80-D is vague, and puts deputy sheriffs who operate metal detectors in courtroom security assignments in violation of the Act. The amendment as previously written prohibited personnel expenditures from Compensation Board funds for the principal purpose of operating metal detectors.

2. PASSED

REMOVING SUNSET CLAUSE ON CRIMINAL/TRAFFIC CONVICTION FEE:

Chief Patron: Delegate Clifton A. Woodrum

HB 1510

Amendment to Code of Virginia §14.1-133.2 to remove sunset clause that lapses on July 1, 1991 and allow local ordinances to be adopted so that the \$2.00 fee assessed in criminal/traffic convictions can be continued. The fee is collected by the locality to help defray courthouse maintenance costs.

3. PASSED

EXPAND THE LIST OF APPROVED LABORATORIES' CERTIFICATES:

Chief Patron: Delegate William Moore (by request)

HB 1487

Amendment to Code of Virginia §19.2-187.01 to conform with §19.2-187, which allows certificates of analysis from the laboratories listed therein to be admitted in court without requiring further proof. However, not all of the labs whose certificates are admissible under §19.2-187 are entitled to a presumption of proper chain of custody as provided in §19.2-187.01. This bill brings consistency to the two Code sections, with the exception of U. S. Postal Inspectors.

4. PASSED

INCLUDE JAIL OFFICERS IN LINE OF DUTY ACT:

Chief Patron: Senator Elmo G. Cross, Jr.

SB 632

Amendment to §15.1-136.2 to include jail officers to entitle the families of those killed

in the line of duty to qualify for a \$25,000 benefit. This treats jail officers the same as jail sheriff's deputies. (*COMPANION BILL WITH #9*)

5. PASSED
TRANSFER AND HOUSING OF JAIL INMATES:
Chief Patron: Delegate Raymond R. Guest, Jr.
HB 1404

Amendment to create §153.1-79.1 to authorize the transfer and housing of inmates between neighboring jails to alleviate overcrowding. This provides for cooperative agreements between jail sheriffs and superintendents, and reflects common practice.

6. WITHDRAWN
POSSESSION OF AN UNREGISTERED WEAPON SILENCER:
Chief Patron: Delegate Clifton A. Woodrum
HB 1509

Amendment to §18.2-308.6 to make mere possession of a silencer an offense, so that prosecutors do not have to prove lack of registration as an element of the offense, since such federal registration is confidential.

7. PASSED W/AMENDMENTS
REGIONAL JAIL OR JAIL FARM BOARD MEMBERSHIP:
Chief Patron: Delegate Raymond R. Guest, Jr.
HB 1403

Amendments to §15.1-50 and §53.1-106 to allow a member of a local governing body to serve on a regional jail farm board.

8. PASSED W/AMENDMENTS
BAIL, BOND AND RECOGNIZANCE DEFINITIONS:
Chief Patron: Delegate V. Thomas Forehand, Jr.
HB 1592

Amendments to Code Sections 19.2-119, -120, -121, -123, -124, -130, -132, -136, -137, -144, -148, and -149, and repeals 19.2-132.1 and -133 to add definitions for "bail", "bond" and "recognizance", to distinguish between bail and bond. (VSCC study bill).

9. PASSED W/AMENDMENTS
JAIL OFFICERS AND JAIL SUPERINTENDENTS:
Chief Patron: Senator Elmo G. Cross, Jr.
SB 631

Amendments to Code sections 53.1-1, -68, -75, -79, -90, -91, -92, -109, -110, -118, -122 through -126 and -130 to create the position of "jail officer" and delineate the duties, power and authority of a jail officer. Current law does not clarify the duties, authority and responsibilities of personnel in jail facilities, such as regional jails, which are not operated by a sheriff. Amendments also conform duties of a jail superintendent to those of a jail sheriff. (VSCC study bill) (*COMPANION BILL WITH #4*)

10. APPROVED

HANDICAPPED INMATES IMPLEMENTATION PLAN RESOLUTION:

Chief Patron: Delegate Clifton A. Woodrum

HJR 367

HB 225 (1990), patroned by Delegate Clifton A. Woodrum, was carried over, and would amend 2.1-701, 22.1-215 and 53.1-131 to provide special education services to inmates of local jails. (VSCC study bill) However, the fiscal impact of providing such services is in dispute, and a plan is needed for developing and providing such services through local school divisions. HB 225 was withdrawn by the patron this session, and replaced with a resolution calling for the Department of Education to develop an implementation plan and fiscal impact statement prior to amending the Code of Virginia to mandate such services.

11. APPROVED

CONTINUING DRUG STUDY RESOLUTION:

Chief Patron: Senator Elmon T. Gray

SJR 205

Study resolution for the Crime Commission to complete the remaining study projects initiated by the VSCC Task Force on Drug Trafficking, Abuse and Related Crime, which include a study of diverted pharmaceutical drugs, and funding for special drug prosecutors.

12. APPROVED

DRUG FREE SCHOOL STUDY RESOLUTION:

Chief Patron: Delegate Edward R. Harris, Jr.

HJR 360

HJR 161 (1990) asked the VSCC Drug Study Task Force to develop a plan to ensure drug free schools. Due to time and budget constraints, the Education Subcommittee of the Drug Study task force agreed to ask Delegate Harris to continue the study to 1991. The study will be conducted by the Crime Commission subcommittee handling the other carry-over study projects of the drug study.

13. PASSED
MULTI-JURISDICTION GRAND JURY; POWER TO INDICT FOR PERJURY:
Chief Patron: Senator Johnny S. Joannou
SB 798

Amendment to §19.2-215.1 to clarify that perjury related to drug offenses is included among the offenses for which multi-jurisdiction grand juries may consider bills of indictment. (VSCC study bill)

14. FAILED
JOINT TRIALS OF CONSPIRATORS IN DRUG TRAFFICKING OPERATIONS:
Chief Patron: Senator Johnny S. Joannou
SB 793

SB 264 was carried over from 1990, and passed by indefinitely January 10, 1991 by the House Courts of Justice Committee. However, Senator Joannou has indicated his desire to re-introduce a joint trials bill this session.

15. APPROVED
HJR 306: MEMORIAL RESOLUTION FOR DELEGATE STAMBAUGH:
Chief Patron: Speaker A. L. Philpott
HJR 306 (reported from House Rules)

Speaker's resolution to honor Delegate Warren G. Stambaugh.

X. LOOKING AHEAD: CRIMINAL JUSTICE ISSUES FOR 1991

Between continuing projects from 1990 and formal studies arising out of the 1991 session of the General Assembly, the coming year promises to be among the busiest the Crime Commission has had in recent years. While the formal work of subcommittees and the Ritual Crime Task Force will dominate much attention, the multitude of criminal justice concerns which regularly occupy the Commission will require considerable attention.

Although the 21-member drug study task force officially disbanded when the second-year report was completed, some projects initiated by the task force were not completed in 1990. The Commission and Task Force Chairman, Senator Elmon T. Gray, successfully patroned Senate Joint Resolution 205 in the 1991 General Assembly session, calling on the Commission to continue its anti-drug efforts. SJR 205 calls for the Commission to complete its studies of pharmaceutical drug diversion, drug gang activity, and funding alternatives for multijurisdictional task forces and special drug prosecutors. A seven-member Drug Issues Subcommittee of the Crime Commission will complete these studies in 1991.

The Commission received two other study resolutions in 1991 that will be addressed by the Drug Issues Subcommittee. House Joint Resolution 360, patroned by Delegate E. R. Harris of Lynchburg, is a carry-over study resolution from 1990 that directs the Crime Commission to develop a plan for drug-free schools in the Commonwealth. Senator Elliot S. Schewel of Lynchburg, patron of Senate Joint Resolution 212, directed the Commission to study the release of information pertaining to juveniles. Because both of these issues originally were addressed by the Drug Study Task Force, the Drug Issues Subcommittee will be responsible for these studies in 1991. Additionally, the Drug Issues Subcommittee will continue to monitor the anti-drug work of state agencies and associations, and recommend ways to improve coordination and efficient use of resources in Virginia's anti-drug efforts.

Investigation of ritual crime in Virginia continues in 1991 as the task force completes its two-year study of such activity. The first stage of the task force's work focused on development of an understanding of the issues involved in unorthodox ritual practices and their effect on crime, and determining the prevalence of dangerous ritual activity in the Commonwealth. The next phase will involve a more detailed analysis of the type of crime or other dangerous conduct which is associated with ritual activity, a determination of the geographical areas in which such activity predominates, and development of recommendations for addressing the problems associated with the activity in question.

HJR 79 and SJR 33 (1990 Session) called upon the Crime Commission to study the decision making process respecting pretrial detention in Virginia, and to make recommendations for its improvement. A bill enacting legislation arising from certain of these recommendations, sponsored by Delegate V. Thomas Forehand, Jr., was passed in the 1991 session of the General Assembly. Also arising from the Commission's report were recommendations to continue study,

in conjunction with other state agencies, on the further development of mechanisms for implementing effective pretrial procedures. The work of the Commission in this regard primarily will be to facilitate and coordinate other agencies' efforts.

Recognizing that inmates with close family ties are far less likely to commit future offenses, and that certain conditions in correctional facilities tend to discourage or prevent the maintenance of such ties, Delegate Gladys B. Keating, of Franconia, sponsored House Joint Resolution 429 calling for the study of various topics of concern which, through enhancement of community and family relations, might aid in the reduction of recidivism among Virginia's inmate population and ease their return as productive members of society. This resolution dictates a two-year study and requires the Commission to report its findings and recommendations to the Governor and 1993 session of the General Assembly.

Concerned about the increase in rate of incarceration among women in Virginia's correctional institutions, and the special concerns women have in this setting, Delegate Marian Van Landingham of Alexandria requested the Crime Commission to conduct a two-year study into the issues relating to incarcerated women. House Joint Resolution 422 directs the Commission to examine the existing conditions, available programs, and unique physical and psychological needs of women in the Commonwealth's prisons and jails and to report its findings and recommendations to the Governor and 1993 General Assembly.

House Joint Resolution 419, introduced by Delegate Richard L. Fisher, of Vienna, directs the Crime Commission to investigate the feasibility of requiring local jail inmates to reimburse the costs of their incarceration. A formal report of the Commission's findings and recommendations is to be completed in time for submission to the Governor and 1992 General Assembly.

In addition to these study resolutions, the Commission has received formal requests from Delegate Clifton A. Woodrum, of Roanoke, for two other studies, each to be concluded in time to report findings and recommendations to the Governor and 1992 session of the General Assembly. The first asks that the Commission examine practices and procedures for transportation of persons certified for admission to a hospital. Whereas Virginia statutes controlling such transportation requirements place the burden on sheriffs, and various factors often prevent transportation within the specified time periods, the Commission is to identify obstacles to effective transportation and make appropriate recommendations for alleviation of these problems.

The second request concerns protection of the public from violent criminal acts while visiting commercial establishments. As citizens are increasingly subjected to such violent crime, and are in less of a position than business owners to know of conditions relating to criminal activity on such premises, the Commission is to determine the prevalence of this danger and to recommend means to address it.

Continued review of past recommendations will be made over the course of the year as the Commission seeks to insure effective implementation. Constant attentiveness to current criminal justice concerns will be maintained as the Commission identifies new issues and

Initiatives in its pursuit of an ever more effective and efficient criminal justice system for the Commonwealth. The Commission encourages any interested parties to offer their concerns or suggestions, and invites attendance to Crime Commission meetings. A schedule of anticipated meetings for 1991 may be found in Appendix B. Crime Commission offices may be contacted for confirmation of times and dates of such meetings.

APPENDIX A

LIST OF 1990 MEETING DATES

Legislative Subcommittee
January 9, 1990

Treatment Subcommittee
January 9, 1990

Annual Breakfast Meeting
January 16, 1990

Full Crime Commission Meeting
April 17, 1990

Full Task Force Meeting
April 17, 1990

Law Enforcement Subcommittee
June 19, 1990

Education Subcommittee
June 20, 1990

Corrections Subcommittee
June 21, 1990

Law Enforcement Subcommittee
July 17, 1990

Education Subcommittee
July 18, 1990

Corrections Subcommittee
July 19, 1990

Law Enforcement Subcommittee
August 21, 1990

Education Subcommittee
August 22, 1990

Corrections Subcommittee
August 23, 1990

Jail Issues Subcommittee
September 18, 1990

Jail Issues Subcommittee
October 16, 1990

Full Crime Commission Meeting
October 17, 1990

Full Task Force Meeting
October 17, 1990

Ritual Crime Task Force
October 18, 1990

Jail Issues Subcommittee
November 13, 1990

Legislative Subcommittee
November 13, 1990

Full Task Force Meeting
November 14, 1990

Jail Issues Subcommittee
December 11, 1990

Full Crime Commission Meeting
December 19, 1990

APPENDIX B

VIRGINIA STATE CRIME COMMISSION
- Proposed Schedule of Commission Meetings -
1991

Date	Time	Subcommittee	Room
Wednesday, March 27	10:00 a.m.	Ritual Crime Task Force PUBLIC HEARING	House Room C
Tuesday, April 16	10:00 a.m.	Full Crime Commission	House Room D
Wednesday, May 22	10:00 a.m. 2:00 p.m.	Ritual Crime Task Force Drug Issues Subcommittee	Senate Room A Senate Room A
Thursday, June 13	10:00 a.m.	Corrections Subcommittee	Senate Room A
Wednesday, July 10	10:00 a.m. 2:00 p.m.	Ritual Crime Task Force Drug Issues Subcommittee	Roanoke, VA Roanoke, VA
Thursday, July 25	10:00 a.m.	Corrections Subcommittee	Senate Room A
Wednesday, August 14	10:00 a.m. 2:00 p.m.	Ritual Crime Task Force Drug Issues Subcommittee	Senate Room A Senate Room A
Thursday, August 29	10:00 a.m.	Corrections Subcommittee	Senate Room A
Wednesday, Sept. 11	10:00 a.m.	Drug Issues Subcommittee	6th Floor Speaker's Conf. Room
Tuesday, October 22	10:00 a.m.	Full Crime Commission PUBLIC HEARING	Senate Room A
Tuesday, November 12	10:00 a.m.	Legislative Subcommittee	6th Floor Speaker's Conf. Room
Tuesday, December 10	10:00 a.m.	Full Crime Commission	Senate Room A
Friday, Jan. 10, 1992	8:00 a.m.	Commission Legislative Breakfast	

APPENDIX C

§ 9-125

CODE OF VIRGINIA

§ 9-126

CHAPTER 20

VIRGINIA STATE CRIME COMMISSION

Sec.

9-125. Commission created; purpose.

9-126. Membership; appointment; terms; vacancies; chairman; expenses.

9-127. Studies and recommendations generally.

9-128. Studies of operations, etc., of law-enforcement agencies.

9-129. Cooperation with agencies of other states.

9-130. Commission to refer cases of crime or official misconduct to appropriate authorities.

Sec.

9-131. Executive director, counsel and other personnel.

9-132. Reports to Governor and General Assembly.

9-133. Publication of information.

9-134. Powers enumerated.

9-135. Construction of chapter.

9-136. Cooperation of other state agencies.

9-137. Disclosure of certain information by employee a misdemeanor.

9-138. Impounding of certain documents.

§ 9-125. Commission created; purpose. - There is hereby created the Virginia State Crime Commission, hereinafter referred to as the Commission. The purpose of the Commission shall be, through the exercise of its powers and performance of its duties set forth in this chapter, to study, report and make recommendations on all areas of public safety and protection. In so doing it shall endeavor to ascertain the causes of crime and recommend ways to reduce and prevent it, explore and recommend methods of rehabilitation of convicted criminals, study compensation of persons in law enforcement and related fields and study other related matters including apprehension, trial and punishment of criminal offenders. The Commission shall make such recommendations as it deems appropriate with respect to the foregoing matters, and shall coordinate the proposals and recommendations of all commissions and agencies as to legislation affecting crimes, crime control and criminal procedure. The Commission shall cooperate with the executive branch of government, the Attorney General's office and the judiciary who are in turn encouraged hereby to cooperate with the Commission. The Commission will cooperate with governments and governmental agencies of other states and the United States. (1972, c.766.)

The numbers of §§ 9-125 through 9-138 were assigned by the Virginia Code Commission, the numbers in the 1972 act having been 9-117 through 9-130.

Law Review. - For survey of Virginia law on criminal law for the year 1971-1972, see 58 Va. L. Rev. 1206 (1972).

§ 9-126. Membership; appointment; terms; vacancies; chairman; expenses. - The Commission shall be composed of thirteen members: six shall be appointed by the Speaker of the House of Delegates from the membership thereof; three shall be appointed by the Privileges and Elections Committee of the Senate from the membership of the Senate; three shall be appointed by the Governor from the State at large; and the Attorney General of Virginia shall serve as an ex officio member with full voting privileges. One-half of the initial appointments made by the Speaker of the House of Delegates, and two-thirds of the initial appointments made by the Governor and by the Privileges and Elections Committee of the Senate shall be members of the Virginia State Crime Commission created by House Joint Resolution No. 113 of the 1966 Regular Session of the General Assembly and continued by subsequent legislative action. The term of each appointee shall be for four years; with the exception of the Attorney General whose membership on the Commission shall be concurrent with his term as Attorney

General of Virginia. Whenever any legislative member fails to retain his membership in the House from which he was appointed, his membership on the Commission shall become vacated and the appointing authority who appointed such vacating member shall make an appointment from his respective House to fulfill the vacated term. The Commission shall elect its own chairman annually. Members of the Commission shall receive compensation as provided in §14.11-18 of the Code of Virginia and shall be paid their necessary expenses incurred in the performance of their duties. Provided, however, that all such expense payments shall come from existing appropriations to the Virginia Crime Commission. (1972, c. 766; 1974, c. 527; 1979, c. 316.)

§ 9-127. Studies and recommendations generally. - The Commission shall have the duty and power to make studies and to gather information and data in order to accomplish its purposes as set forth in § 9-125, and in connection with the faithful execution and effective enforcement of the laws of the State with particular reference but not limited to organized crime and racketeering, and to formulate its recommendations to the Governor and the General Assembly. (1972, c. 766.)

§ 9-128. Studies of operations, etc., of law-enforcement agencies. - At the direction or request of the legislature by concurrent resolution or of the Governor, the Commission shall, or at the request of any department, board, bureau, commission, authority or other agency created by the State, or to which the State is a party, the Commission may, study the operations, management, jurisdiction, powers and interrelationship of any such department, board, bureau, commission, authority or other agency, which has any direct responsibility for enforcing the criminal laws of the Commonwealth. (1972, c. 766.)

§ 9-129. Cooperation with agencies of other states. - The Commission shall examine matters relating to law enforcement extending across the boundaries of the State into other states; and may consult and exchange information with officers and agencies of other states with respect to law enforcement problems of mutual concern to this and other states. (1972, c. 766.)

§ 9-130. Commission to refer cases of crime or official misconduct to appropriate authorities. - Whenever it shall appear to the Commission that there is reasonable cause, for official investigation or prosecution for a crime, or for the removal of a public officer for misconduct, the Commission shall refer the matter and such information as has come to its attention to the officials authorized and having the duty and authority to conduct investigations or to prosecute criminal offenses, or to remove such public officer, or to the judge of an appropriate court of record with recommendation that a special grand jury be convened. (1972, c. 766.)

§ 9-131. Executive director, counsel and other personnel. - The Commission shall be authorized to appoint and employ and, at pleasure remove, an executive director, counsel, and such other persons as it may deem necessary; and to determine their duties and fix their salaries or compensation within the amounts appropriated therefor. (1972, c. 766.)

§ 9-132. Reports to Governor and General Assembly. - The Commission shall make an annual report to the Governor and the General Assembly, which report shall include its recommendations. The Commission shall make such further interim reports to the Governor and the General Assembly as it shall deem advisable or as shall be required by the Governor or by concurrent resolution of the General Assembly. (1972, c. 766.)

§ 9-133. Publication of information. - By such means and to such extent as it shall deem appropriate, the Commission shall keep the public informed as to the operations of organized crime, problems of criminal law enforcement in the State and other activities of the Commission. (1972, c. 766.)

§ 9-134. Powers enumerated. - With respect to the performance of its functions, duties and powers subject to limitations contained herein, the Commission shall be authorized as follows:

a. To maintain offices, hold meetings and functions at any place within the Commonwealth that it may deem necessary;

b. To conduct private and public hearings, and to designate a member of the Commission to preside over such hearings;

c. Pursuant to a resolution adopted by a majority of the members of the Commission, witnesses attending before the Commission may be examined privately and the Commission shall not make public the particulars of such examination. The Commission shall not have the power to take testimony at private or public hearings unless at least three of its members are present at such hearings ;

d. Witnesses appearing before the Commission at its request shall be entitled to receive the same fees and mileage as persons summoned to testify in courts of the State, if such witnesses request such fees and mileage. (1972, c. 766.)

§ 9-135. Construction of chapter. - Nothing contained in this chapter shall be construed to supersede, repeal or limit any power, duty or function of the Governor or any department or agency of this State, or any political subdivision thereof, as prescribed or defined by law. (1972, c. 766.)

§ 9-136. Cooperation of other state agencies. - The Commission may request and shall receive from every department, division, board, bureau, commission, authority or other agency created by this State, or to which the State is a party or any political subdivision thereof, cooperation and assistance in the performance of its duties. (1972, c. 766.)

§ 9-137. Disclosure of certain information by employee a misdemeanor. - Any employee of the Commission who shall disclose to any person other than the Commission or an officer having the power to appoint one or more of the Commissioners the name of any witness appearing before the Commission in a private hearing except as directed by the Governor, or court of record or the Commission, shall be guilty of a misdemeanor. (1972, c. 766.)

§ 9-138. Impounding of certain documents. - Upon the application of the Commission or duly authorized member of its staff, the judge of any court of record may impound any exhibit or document received or obtained in any public or private hearing held in connection with a hearing conducted by the Commission, and may order such exhibit to be retained by, or delivered to and placed in custody of the Commission, provided such order may be rescinded by further order of the court made after five days' notice to the Commission or upon its application or with its consent, all in the discretion of the court. (1972, c. 766.)