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1982

ANNUAL REPORT

Of The

VIRGINIA STATE CRIME COMMISSION

801 East Broad Street, Suite 701  
Richmond, Virginia 23219

October 5, 1982



COMMONWEALTH of VIRGINIA

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F. Ray Ashworth  
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*2nd Vice-Chairman*  
George F. Ricketts

October 5, 1982

TO: The Honorable Charles S. Robb,  
Governor of Virginia, and  
Members of the General Assembly

Ladies and Gentlemen:

Pursuant to the provisions of the Code of Virginia (Title 9, Chapter 20, Section 125-138) creating the Virginia State Crime Commission and setting forth its purpose, I have the honor of submitting herewith the Annual Report for the fiscal year ending June 30, 1982, as mandated by Section 9-132 of the Code.

Respectfully submitted,

Claude W. Anderson  
Chairman

CWA/LL/sah

U.S. Department of Justice  
National Institute of Justice

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## INTRODUCTION

The mandate of the Virginia State Crime Commission is to study, report, and make recommendations on matters which relate to the administration of justice. In carrying out this mission, the Commission focused its activities around a number of criminal justice issues during fiscal year 1981-82, including alternatives to the incarceration of juvenile and adult offenders, crime and the elderly, the needs of law enforcement agencies, crime in the schools, and corrections. The Commission continues to examine the complex issues and accelerate its work in cooperation with the legislature, the administration, all areas of law enforcement, the judiciary, correctional officials, and citizens of the Commonwealth to combat crime and its effects.

## COMMISSION LEADERSHIP CHANGES

Delegate Claude W. Anderson, of Buckingham, became chairman of the Commission in April, 1982, succeeding former Delegate L. Ray Ashworth, of Wakefield. Ashworth did not seek re-election to the House of Delegates, and thus became ineligible to fill a position as a member of the House. However, in January, 1982, he was named to the Commission as a citizen appointee of Governor Charles S. Robb, replacing former Senator George S. Aldhizer, II, of Broadway, who resigned. Named to fill the vacancies left from the House when Delegate Ashworth and Delegate Erwin S. Solomon, of Hot Springs, did not seek reelection were Delegates Robert B. Ball, Sr., of Henrico, and Clifton A. Woodrum, of Roanoke. Attorney General Gerald L. Baliles became a Commission member January 16, replacing J. Marshall Coleman.

ACHIEVEMENTS DURING FISCAL 1981-82

ALTERNATIVES TO INCARCERATION

Adult Misdemeanants and Felons

In an attempt to offer ways to alleviate the widespread overcrowding in our correctional institutions and jails, the Crime Commission has undertaken a number of projects which consider alternative methods for dealing with criminal offenders. The Commission began stressing alternatives in 1979, when legislation to establish the Community Diversion Incentive Act (CDI) was first introduced. Then, as overcrowding in all correctional centers and most of the local jails increased and money shortages brought about additional austerity and budgeting problems, need was realized throughout the legislature and executive branch for greater use of alternatives and expansion of those programs already available, as well as for increased regional cooperation.

In its first year of operation, the CDI program began very slowly to receive referrals. The five original programs which received funding in January of 1981 had received only 11 offenders by July of the same year. Additional funds were appropriated in the 1981 Session of the General Assembly which allowed the program to fund four additional sites in July of 1981 and another site in October, 1981. Presently, there are 10 CDI programs operating across the state. Some of the newer sites are starting almost as slowly as the original programs. However, the clients diverted had risen from 11 in July, 1981, to 93 as of April 30, 1982.

Several legislators, Commonwealth's attorneys, and judges have expressed concern that the programs are not diverting the number of offenders that the Department of Corrections had projected and that the

offenders in the programs could have been served by traditional probation methods. The Crime Commission is exploring these concerns and will assist the Department of Criminal Justice Services in monitoring and evaluating the program's success rate.

Public Inebriates

The comprehensive study of methods for handling public inebriates was completed in December, 1981. In 10 public hearings held across the state, law enforcement officials, Commonwealth's attorneys, magistrates, judges, treatment professionals, merchants, and interested citizens expressed concern for the burden that arrests for the offense of "drunk in public" placed on the limited resources of our criminal justice system.

Following consideration of a number of strategies for positive action, the Commission's Public Inebriate Subcommittee recommended the adoption of a social detoxification model as an alternative to jailing these individuals. This model was based on the experience of a number of programs then operating in the state. These programs had demonstrated their success in effectively working with this population at a significantly reduced cost to their jurisdictions.

In January, 1982, legislation was drafted to establish a network of social detoxification centers across the state. House Bill 407, sponsored by Delegate Raymond R. Guest, Jr. of Front Royal, the subcommittee chairman, was passed during the 1982 General Assembly Session. To establish these centers, \$500,000 was appropriated and the Department of Criminal Justice Services has recently awarded funds to Charlottesville, Virginia Beach, and Winchester to fund public inebriate diversion programs. These localities were chosen because they had well-developed plans and programs were ready to begin operation. This put them ahead

of other localities that may want programs as more funding becomes available.

In looking at other alternatives for misdemeanor offenders, the staff attempted first to ascertain the extent to which alternative sentencing programs are available to the local courts. A comprehensive study of existing programs was completed in November, 1981, with visits made to the sites and pertinent data compiled into a reference guide.

Additionally, meetings were held with North Carolina officials who are operating such programs on a wide scale, and programs and legislation from other states were reviewed. Staff met with representatives of national organizations active in this endeavor and worked with the National Institute on Sentencing Alternatives to obtain further information.

Following these initial efforts, two strategies were adopted. A plan was developed to establish a mechanism to make these programs available to localities across the state. The other was to share as much information about these alternative sentencing programs as possible.

One activity which met both of those objectives was the Commission's participation with Offender Aid and Restoration/United States of America (OAR/USA) in a "Consultation on Sentencing Alternatives for Misdemeanants in Virginia" in November, 1981. As a follow-up to the conference, the Commission developed and published a booklet entitled Incarceration in Virginia: There Are Alternatives.

This publication is designed to serve as a resource for Virginia decision-makers in the legislative, judicial, and executive branches of state government and for community leaders in cities and counties across the state. It focuses on (1) the demonstrated need for sentences other

than incarceration, (2) Virginia's battle against corrections overcrowding, (3) possible alternative sentences, (4) legislative issues, (5) the need to educate community leaders and citizens as to the advantages of these sentences, (6) program administration, and (7) possible means of funding such programs. Additionally, brief program summaries from selected Virginia localities are included in order to provide information to those wishing to establish similar programs.

These booklets have been sent to legislators, judges, Commonwealth's attorneys, sheriffs, law enforcement officials, program directors, and others across the state. Additional copies are available at the Commission office.

#### Forum

Further pursuing its public awareness efforts, the Commission held a two-day Forum on Sentencing Alternatives in February, 1982. Legislators, Commonwealth's attorneys, judges, sheriffs, police, program directors, and others were brought together from across the state for this informational and discussion session in Richmond.

National experts, including Milton Rector, President of the National Council of Crime and Delinquency, and Jerome Miller, President of the National Center on Institutions and Alternatives, addressed the need for alternative sentencing. Additional portions of the agenda included a panel of program directors who discussed the status of Virginia alternative sentencing programs and a panel discussion of the progress and problems of the state's implementation of the Community Diversion Incentive Act. Franklin E. White, Secretary of Public Safety, expressed

his support of alternatives to incarceration and his commitment to working to expand Virginia's alternatives.

The second day of the Forum was devoted to a discussion of legislation which was currently before the 1982 General Assembly. One of the pieces of legislation which would have an impact on these programs was Senate Bill 341. This bill, sponsored by Commission member Senator Frederick C. Boucher, of Abingdon, provided for community service orders as a sanction available to the courts. Senate Bill 341 passed the 1982 Session and this provision is now found in Section 19.2-303, 53-179, and 53-186 of the Code.

#### Community Diversion Incentive Act (CDI)

In order to better continue their scrutiny of Virginia's alternative sentencing program for felons, the Community Diversion Incentive Program (CDI), the Commission's Adult Corrections Subcommittee met with Georgia officials who administer a similar diversion program. Although much of CDI was modeled after this program, the contrasts were found to be substantial.

Georgia officials are working on implementing two new alternative sentencing programs, intensive supervision, and "shock" incarceration. Several years ago they successfully started Diversion Centers as work programs for inmates. The Georgia officials hope that these three programs will result in a substantial savings over the costs of incarcerating these offenders. The information gathered has been disseminated to the entire Commission and the Department of Corrections. Suggested revisions in the use of CDI will be forthcoming, with the same objective, of reducing the costs of handling felony offenders. Efforts

are being made to obtain information on other successful alternative programs, especially of the intensive supervision probation programs now being used in several other states.

Mindful of the various programs of alternatives in other states, the Commission began to assimilate this material. Efforts were made to find how and when some of these were implemented and their success rates. Intensive supervision, for instance, is not entirely new. Some variations are. Georgia is implementing two-man teams, including a probation officer and another individual to carry out surveillance checks, to handle 25 probationers at a time. Texas developed local probation programs with state funding. Adult probation in Texas is a function of the judicial districts which are commonly coterminous with the counties. The state sets standards and provides a subsidy, but judicial district adult probation departments deliver the probation services. Those localities opting for the programs have 40 probationers assigned to each officer with the state paying \$5.00 a day per probationer to cover all administrative expenses. New York has an older program which was originally instituted to address the issue of quality supervision. These states, like Virginia, suffer from excessive overcrowding and are utilizing probation wherever and whenever possible.

Endeavoring to provide to the General Assembly as much helpful information as possible concerning the alternative programs, the Commission plans to bring together professional correctional personnel from several states for a fact-finding meeting in early fall that hopefully will include members of the Commonwealth's money committees, other study committees, the judiciary, and the public. The visitors will relate highlights and the success rate of their programs and answer questions.

## YOUTH ALTERNATIVES

### The "286" Judicial Special Placements Program

The Commission has been interested in the progress of the "286" (Title 16.1, Section 286, the Juvenile Code Revision) Judicial Special Placements Program since its inception in 1976. Several steps were taken during the previous year to make it more responsive to the needs of troubled youth.

In response to the expressed need from local court service units and youth-serving programs, legislation was enacted which opened up this program to non-residential placements. In 1982, House Bill 552, sponsored by Delegate Anderson, was passed, and the courts will now be able to consider these significantly less costly placements in serving the youths before them.

Another look at this program was accomplished through a survey of juvenile court judges, court service unit directors, and probation counselors. These court personnel were asked their perceptions of this program, including its effectiveness and administration by the Department of Corrections, and their recommendations as to how to improve it.

The findings of this study showed that the "286" program is viable and valuable to the court service units. The 117 respondents demonstrated that they are, in general, pleased with the program. They feel that it is effective in providing improved services to juveniles, and a majority of them would like to make more placements than they do now.

The respondents' evaluation of the administration of the program by the Department of Corrections was very favorable. Eighty-five percent of the respondents said that they "Always" or "Usually" received

adequate information about the program from the Department. In contrast, when given an open-ended question, the respondents gave a significant number of specific recommendations concerning the program. One of the most frequent was the request for detailed, up-to-date information. "Red tape", paper work, and the time-consuming application process were mentioned often as well.

The probation counselors were identified as those most responsible for and informed about the "286" program. Respondents from court service units where there is a Coordinator of Special Placements rated the program significantly more favorably, and the presence of such a Coordinator resulted in a greater percent of the respondents indicating that they would like for their court to make more placements than they do presently.

More than three-fourths of the respondents indicated that "All", "Most", or "A Few" of the children placed in the "286" program would have been eligible for non-residential community placement. This raises some serious questions about whether the money now spent on residential care is being used appropriately.

Two of the more noteworthy findings of this study were that all children placed in "286" would not have been committed to the Department of Corrections without the program and children who were eligible for "286" have been committed to the Department. This raised questions about the program's being used properly, both in placing those who would otherwise not have been placed and in missing some who should have been.

There are undoubtedly children whom the courts consider to be a danger to society and eligible only for incarceration in an institution.

Yet, this survey showed that juvenile court judges, court service unit directors, and probation counselors feel that these special placements are effective in treating children and that the reason some children are placed in "286" and others are not is often unrelated to anything the child has done. In order to best meet the needs of children before the court, the Commission's Youth Services Subcommittee recommended that the "286" special placements be expanded with a demonstrated accompanying reduction in the number of placements in learning centers.

It was recommended, also:

- 1) That the application process be revamped, with careful attention given to making it as efficient and clear as possible;
- 2) That court service units be encouraged to designate a Special Placements Coordinator and that adequate resources and work load credit be provided those doing these placements;
- 3) That all commitments to the Department of Corrections be accompanied by a brief notation as to why this child was not recommended for "286" placements;
- 4) That non-residential placements be encouraged and expanded;
- 5) That the funding for this program be increased, with an accompanying decrease in allocations to the learning center system;
- 6) That local court service units supervise children from other courts placed into their areas;
- 7) That information regarding placement facilities be regularly updated, and this information be promptly shared with the court service units;
- 8) That a method for evaluating the facilities be developed and the results of this evaluation shared with the court service units;
- 9) That all judges, court service directors, and probation counselors be provided periodic training in the use of the program;
- 10) That a funding review be done prior to completion of the application process;

- 11) That a means of temporary placement, pending acceptance into the program, be developed.

An Executive Summary and complete copy of that report are available at the Commission office.

#### Seminar

Action strategies for alternative methods of handling juvenile offenders were presented at a seminar entitled Action Alternatives for Youth, held in June, 1982, in Richmond. The presenters at that program included United State Parole Commissioner O. J. Keller, who provided an overview of the problems which have resulted from the widespread incarceration of youths in the United States. James Rowland, of the Fresno County California Probation Department, discussed innovative programs which he operates there, and Philip Jenkins, of the North American Traffic Seminars, provided information on how best to deal effectively with juvenile traffic offenders. The keynote address was by Juvenile Court Judge Michael J. Valentine of the 19th Judicial District in Fairfax, who enumerated the many difficulties brought on by alternative sentences in Virginia and best ways to cope with these.

Many of the youth workers, including juvenile court and corrections personnel present requested more detailed information about how to develop and implement these programs in their areas. Additional information on that session is available at the Commission office.



## CORRECTIONS

### Reorganizations and Changes

Toward the close of the fiscal year there were nearly 9,000 adults incarcerated in correctional facilities of the state and more than 1,000 others, who are rightfully the responsibility of the Commonwealth, housed in local jails.

The Department of Corrections had two partial reorganizations during the year, which means that it had two directors and an acting director and other administrative and operational changes during that time. Almost immediately after he became director of the Department, R. K. Procnier made reorganizational shifts designed to (1) expedite the completion of capital outlay projects, (2) increase the efficiency and effectiveness of the Department's time computation and classification unit, (3) accelerate the professional delivery of services to youths, and (4) improve communications throughout the Department, with other state agencies, and the public.

Two major construction projects were completed. One is the long overdue Youthful Offender Center adjacent to the Southampton Correctional Center at Capron. As completed, it houses 100 persons. The second is the Brunswick Correctional Center at Lawrenceville, which began receiving inmates in June.

Buckingham Correctional Center near Dillwyn is nearing completion and is expected to be in use by November, 1982, at the latest.

Both Brunswick and Buckingham are designed for 500 persons and will feature work-oriented programs, including a considerable amount of farming. A vast amount of acreage must be cleared, however, before

farm operations can start. Programs of the Rehabilitative School Authority are being tied into and developed at each institution.

Although designed for 500, the Department intends to place 750 persons in each facility, despite the possibility of federal suits.

In contrast to the attitudes of some localities regarding acceptance of correctional centers, both Brunswick and Buckingham welcomed such facilities as an economic boost to the areas. With few exceptions, staff were employed and trained prior to the opening at Brunswick. Many staff members have been employed at Buckingham and are receiving training.

Ground has been broken in Nottoway County for a third 500 man center. That area also welcomed the center for many reasons.

Despite the planning for these 2,000 plus beds, the Department and administration envision a need within a decade for an additional five to eight 500-man units at a cost of approximately \$300 million. The main alternative to this would be to make greater use of alternative programs for less violent offenders.

In recent years, the Department has also built the maximum security Mecklenburg Correctional Center and converted a former mental hospital into the Staunton Correctional Center. Moreover, it greatly expanded facilities at St. Brides, Powhatan, and Marion Correctional Centers, as well as established trailer units at Southampton, and Powhatan and increased bed space at various field units. In so doing, the Commonwealth has spent many millions of dollars for building programs and increasing personnel. The Crime Commission is mindful that the time will come when the Commonwealth may reach the point where it will have all the inmates it can safely handle. Meanwhile,

judges will continue sentencing, and localities, no doubt, will have more serious and potentially dangerous overcrowding than they have been experiencing because so few local jurisdictions have built new jail facilities or enlarged existing ones to safely house the inmate population. Despite the building of state and local facilities, approximately one-half of our local jails continue to house an excessive number of inmates. This further underlines the need for more local construction, regional facilities or increased use of alternative programs to alleviate the growing overcrowding problem.

#### Adult Corrections

In addition to exploring ways to alleviate overcrowding, the Commission addressed a number of key areas in adult corrections in the past year. Three major meetings were held concerning the feasibility of establishing regional jail farms. Local law enforcement representatives, legislators, judges, planning district representatives, government officials, and concerned citizens were brought together from 12 jurisdictions to consider this concept, resulting in studies in these areas. At present, the Tidewater area has pursued this. Encouraged by both the legislature and administration to go toward regionalization of jails and jail farms, a number of localities are leaning in the direction of a cost-saving, work-oriented way of housing low-risk inmates. Four localities -- Danville, Martinsville, Newport News, and Petersburg -- for a number of years have operated jail farms. All except Newport News have also received state inmates.

Dismay at the numerous delays in the construction and opening of the Youthful Offender Institution at Southampton brought about an

on-going study throughout the Fall of 1981. The Crime Commission, having received a written report from staff on the problems, then toured this facility in December and monitored its progress until it became fully operational in early summer.

The Capital Outlay Division of the Department of Corrections was another particular concern to the Commission. Several update reports on this were presented to the full Commission and follow-up on these done by staff.

Classification and Time Computation for inmates were highlighted as being seriously inadequate and of great concern to inmates and the Department as well as legislators and the public.

The Commission heard from computer experts who are helping the Department to revise the procedure and will use that information to monitor future developments. Plans are being implemented which will enable the Department to have mini-terminals in each major institution. This will allow institution personnel both to have access to and to update records on individual inmates and to share accurate information with the inmates in a timely fashion.

The Department's Classification and Records Unit reports that testing of basic programming has begun. Basic computation variables such as sentence information and good conduct time have been programmed. The system will be implemented to handle the computing of time and reducing the backlog after further testing, department officials told the Commission.

The backlog is in excess of 16,000 computations and fluctuates on a monthly basis. Reduction of this volume will begin as soon as the more sophisticated computation variables are programmed and tested.

It is hoped that this will eliminate many of the complexities that have existed and resulted in inmates being retained in the system beyond the date at which they should have been released.

Staff continues to monitor the Department's development and implementation of mental health programs for inmates. Activities included a tour of the Marion Correctional Treatment Center, meetings with Department personnel who are evaluating services to inmates with mental health needs, and a visit to the Cooke County, Illinois, jail to examine the services provided there by jail administrators and mental health professionals.

The Commission is also concerned that the responsibility for transporting state inmates from local jails to state institutions is now borne by the local sheriff's departments. However, Section 53-21.1, Chapter 2, Article 1 of the Code, which was reenacted by House Bill No 731 during the 1982 regular session of the General Assembly, requires that the Director of the Department of Corrections "shall dispatch a guard to the county or corporation with a warrant directed to the sheriff authorizing him to deliver the convict, and it shall be the duty of such guard to take charge of the person and convey such person to the custody of such Director."

The Commission is working with the Compensation Board, the Department of Corrections, and the Virginia State Sheriffs' Association to develop a means for the Department of Corrections to begin transporting state inmates from local jails. Presently, local sheriffs have to free up a vehicle and two deputies to transport an inmate. In the Tidewater area, Chesapeake, Portsmouth, and Virginia Beach sheriffs have instituted a pool system. One vehicle on a rotating basis from a particular

jurisdiction is responsible for transporting all inmates from the three jails. The Department of Corrections should utilize some sort of pooling mechanism when it assumes this responsibility. This one effort could save thousands of dollars for local sheriffs' departments and taxpayers throughout the Commonwealth.

#### Youth Corrections

A number of serious problems at Hanover Learning Center were brought to the attention of Commission members and staff. In response, these allegations were examined in-depth, with numerous on-site visits and interviews with more than a dozen employees and former employees at Hanover. A report was transmitted to the Director of the Department of Corrections, addressing a number of key issues. These were:

- 1) The ineffectual leadership provided by the Learning Center's Superintendent. Allegations of violations of state policy, including the hiring of personnel without following proper guidelines and being intoxicated while at the Learning Center;
- 2) The persistence of questionable actions combined with perceived vindictiveness and favoritism had resulted in extremely low staff, low ward morale, and high turnover of key personnel;
- 3) The perceived disinterest of the Regional Office, combined with a lack of communication. Several stated that they had lost confidence in the Regional Office and felt that they had no opportunity for their serious concerns to be heard; and
- 4) The unilateral adoption of a rigid treatment program for all youth at the Learning Center. This appeared to have been done at the neglect of the wide variety of needs of youth at the Learning Center. This is not a new problem to the Department's learning centers, but seemed especially pronounced at Hanover.

The Department took prompt action in this matter and the Center was put under new leadership. This appeared to alleviate many of the previous concerns, yet left a serious question about the Department's

ability to deal internally with such debilitating problems as those which existed at Hanover Learning Center, and clearly points out lack of communication.

#### Conference on Youth Services

The Commission worked with the Virginia Association of Children's Homes, Virginia Association of Independent Special Education Facilities, the Virginia Community Residential Care Association, and the Departments of Welfare, Education, Corrections, and Mental Health in planning a conference for private and public sector child and family service providers. This conference, entitled "Making The Pieces Fit", was held January 11-12, 1982, in Richmond. It was a substantial move toward establishing communication and cooperation among youth services providers. The information developed during that two-day session is being disseminated throughout the state. The Conference Steering Committee, composed of representatives of each of the provider associations and cooperating state agencies, continues to exist as a mechanism for on-going communication.

#### Other Issues

Also addressed were the requests from juvenile court service units for aid in communicating to the Department their need for additional personnel (especially in Southwest Virginia). The progress of the Delinquency Prevention and Youth Development Program was monitored in several areas, with meetings with local program staff and youth commission members.

## CRIME IN THE SCHOOLS

### Conference

A conference exploring the problems of crime in the schools was held in November, 1981, in Richmond. This was co-sponsored by the Crime Commission and the Virginia Chapter of the Americans for Effective Law Enforcement. More than 150 people attended, representing schools, courts, law enforcement agencies, and the legislature. Dr. Jerome Gresham, of the National School Resources Network, was the keynote speaker. He provided an overview of the problems along with suggestions for dealing with them. Other speakers discussed programs which have been developed across the state to work with this problem and the ways in which other school districts can bring school, law enforcement, and juvenile court personnel together to address this problem.

### Study

A study, Virginia's Schools: A Safe Environment?, was conducted during the Spring and Summer of 1982. This study was designed to determine: 1) The nature and extent of serious incidents in Virginia's middle and high schools; 2) How school administrators in Virginia are addressing the issue of crime in their schools; 3) The kind of assistance administrators would like to have for addressing crime; and 4) The nature of the relationships among school, police, and court officials. A representative sample of the school administrators, police and sheriffs departments, and juvenile court personnel was surveyed to answer these questions.

The findings of this study showed that the largest proportion of offenses which occur in the schools are student-on-student assaults. Alcohol and drug abuse comprise 22 percent of the incidents. The remaining serious school incidents are divided among verbal threats, abuse and profanity; vandalism and theft; possession of weapons; and other offenses, each of which constitutes less than 10 percent of the suspensions and expulsions. According to this study, physical assaults by students on teachers are very rare in Virginia.

When principals were asked whether they felt serious incidents by students in school had increased or decreased over the past five years, 17 of 24 said they believed serious incidents had decreased. The vast majority of principals said that neither students nor teachers feared being the victim of a crime in school. It was found, as well, that location is only a secondary factor affecting crime. The primary factor is supervision. Crime or serious incidents occur most often in places where supervision is relatively minimal.

The primary cause of serious incidents was found to be rooted in a student's home. Others named were: the community, in its absence of opportunities for leisure pursuits, "boredom", and the "absence of preventive measures". School size was said to play a role, as well, in that large schools make personal attention impossible in some areas.

The study indicated that only in a few localities are the schools, the courts, and police making a conscious effort to establish and nurture good relations. The respondents indicated their feeling that informed, supportive, and involved parents and communities are needed to assist the schools in dealing with serious incidents.

The subsequent recommendations of this study include the following:

- 1) That school principals establish structures for communicating with juvenile courts and police on a regular basis;
- 2) That probation counselors, in their case disposition recommendations to their courts, and judges, themselves, consider the use of school services and programs in lieu of, or as part of, probation;
- 3) That the job descriptions and evaluations of principals' performances include public relations functions;
- 4) That the Department of Education develop a uniform, statewide system for keeping records on suspensions, expulsions, vandalism, theft, breaking and entering, and other serious incidents;
- 5) That the Department of Education give immediate attention and study to the problems of drug and alcohol abuse in the public schools;
- 6) That security resources, both personnel and hardware, should be distributed to schools, not simply on the basis of whether the school is elementary, middle, or high, but also based upon the location of the school and on its history of serious incidents; and
- 7) That agencies which work with youth, schools, courts, police and sheriff's departments, and social services, develop standard social history forms for reporting procedures.

This report has been transmitted to educational and law enforcement personnel across the state; full copies and an Executive Summary are available at the Commission office.

#### CRIME AND THE ELDERLY

Five seminars on Crime and the Elderly were held across the state during May and June. The schedule included May 18 in Petersburg at Richard Bland College; May 21 in Fredericksburg at the Holiday Inn South; June 2 in Abingdon at Emory and Henry College; June 3 in Roanoke at Hollins College; and June 18 in Norfolk at Old Dominion

University.

The program format was the same for each seminar, but the speakers varied, as did the sessions utilizing local panelists. The format was as follows: 1) An overview speaker discussed the problems of crime and the elderly on a national and state basis. Those speaking were Victoria Jaycox, of the Criminal Justice and the Elderly Program of the National Council of Senior Citizens; Lee Pearson, of the Office of the Criminal Justice Services of American Association of Retired Persons (AARP), and Dr. O. W. Cundiff, of the Virginia Cooperative Extension Service; 2) Two workshops were conducted twice daily, so that all participants could attend both. Roland Handy, of the Virginia Office on Aging, did one workshop on "Fraud and Con Games" and Issac Harding, an ex-offender, did one on the "Elderly as an Easy Victim of Crime"; 3) The luncheon speaker was Harold Wright of the Division of Justice and Crime Prevention. He discussed the crime trends in the state and community crime prevention programs as a response to crime and the elderly; 4) The early afternoon session focused on elderly offenders, allowing for community reaction to questions raised about elderly offenders. At three of the seminars, either Chief Ottie Adkins or Detective Keith Chadwick of the Huntington, West Virginia, Police Department, discussed a program they have started in Huntington to divert persons over 60 from involvement in the criminal justice system. Dr. Nancy Osgood, of the MCV/VCU Department of Gerontology, discussed elderly offenders at the Petersburg session. Dr. Vernon Fox, of Florida State University, did so at the Norfolk seminar; 5) The final afternoon session provided an opportunity for local persons to discuss the resources they have available to their communities. Several

representatives of police departments discussed their crime prevention efforts. The Area Agency on Aging representatives discussed their services, as did representatives of Legal Aid offices and other social agencies. Additionally, Deputy T. O. Hickman, of the Chesapeake Sheriff's Department, presented a slide show on the Elderly Victim's Assistance Program in Chesapeake, and Robert Armstrong, Director of the Office on Crime Victim's Compensation, discussed the services available through his office.

One addition to the Norfolk program was the presentation by Judge Keith Leenhouts, of Royal Oak, Michigan. Judge Leenhouts is currently the director of Volunteers in Probation-National Council on Crime and Delinquency (VIP-NCCD), a national office which promotes the use of volunteers throughout the criminal justice system. He discussed the volunteer programs which he initiated in the juvenile courts, programs which utilize retired persons as volunteers.

More than 300 persons attended these seminars, with an average of 55-60 at each. Each participant was provided a packet of the most up-to-date information available nationally on crime and the elderly. Additional packets of that information are available at the Crime Commission office.

#### MAJOR CRIMINAL ACTIVITY

In an effort to assess the major crimes plaguing local law enforcement agencies, the Commission held a series of public hearings across the state in 1981. The first was on May 26, 1981, in Richmond; the next, in Abingdon on June 22; a third, in Norfolk on July 16, and fourth, September 15, in Falls Church. Major crimes which were highlighted

included: drugs and related offenses, bank robberies, fencing, bidrigging, organized crime, handgun control, theft of precious metals, art and antiques, and arson.

These hearings allowed local law enforcement personnel, lawmakers, local government representatives, merchants, and citizens to express their views on a number of other matters also. Some called for an increased awareness of the plight of crime victims, others for the need for alternatives to incarceration. The Neighborhood Watch programs were said to be significantly successful in decreasing crime in residential areas. The impact of local budget cuts was discussed, as was the need for adequate compensation of law enforcement personnel.

#### SPOUSE ABUSE

The Office on Spouse Abuse of the Virginia Department of Welfare, along with service providers and judges who have developed various strategies for dealing with spouse abusers, presented an informational session to the Commission in July, 1981. Later that year, Senator Boucher and staff worked with the Office on Spouse Abuse and Virginians Against Domestic Violence to enhance the capabilities of that office. Senate Bill 279, which was passed during the 1982 Session, established a Family Trust Fund for domestic violence programs.

#### OFF-DUTY WEARING OF UNIFORMS

The Commission held a public hearing in December, 1981, in order to hear from those opposed to and in support of the off-duty wearing of uniforms and insignia by law enforcement officers. Those in favor of these officers wearing their uniforms while employed during their

off-duty hours argued that the uniform is a symbol of the officer's being trained as a public servant regardless of who is employing him at that time. The present salaries of law enforcement officers were said to be inadequate, and moonlighting would be discouraged by restrictions on wearing uniforms on "moonlighting work". Those opposed, notably the AFL-CIO, indicated that there are legal, constitutional, and ethical problems with this practice and that it is a privilege which has been much abused.

#### LEGISLATION

The Commission's 1982 Legislative Package contained bills relating to a variety of criminal justice issues. Previously mentioned were legislation establishing public inebriate facilities, a bill to allow community service orders as a sentencing option for the courts, the opening of the "286" Judicial Special Placements Program for non-residential placements, and the creation of the Family Trust Fund for victims of domestic violence.

Also successfully advocated by the Commission was a bill to provide workman's compensation benefits for sexually assaulted employees, a bill which provided minimum entrance requirements for deputy sheriffs and chiefs of police, and a bill which made training requirements equivalent for permanent and temporary law enforcement personnel. Several vehicular related bills were in the package as well; one clarifying those vehicles which require safety harnesses for inspection, another allowing the use of the registered gross weight in enforcing the for-hire statute, and a third increased from \$350 to \$500 the reporting criteria for property damage accidents. The distribution, use, or possession of

"jackrocks" (stringing nails together and throwing them with the intent of puncturing tires) was made a criminal violation, and enforcement action was provided against those threatening the Governor and his family.

A more complete summary of the 1982 bills is available from the Commission office.

#### CONCLUSION AND RECOMMENDATIONS

The Commission has pursued a number of criminal justice issues and concerns in the Commonwealth. Yet the needs remain, and many of them are acute. Violent crime continues to terrify citizens across the Commonwealth, and the impact of all crimes is devastating to property and personal well-being. Crime trends show that the situation is not likely to lessen anytime in the near future. Therefore, the Virginia State Crime Commission will continue to examine the complex issues and accelerate its work in cooperation with the legislature, all areas of law enforcement, the judiciary, correctional officials, the administration, and citizens of the Commonwealth to combat crime and its effects.

From delinquency and crime prevention programs in communities to enhancing the efforts of law enforcement officers and meting out appropriate punishment, the task of establishing the most effective and efficient methods is tremendous. The effort is not without reward.

Recommended, especially, are the following:

- \* That alternatives to incarceration be expanded across the state, and incentives provided localities to utilize these alternatives.

- \* That the Commonwealth coordinate its efforts through the Department of Corrections to render necessary assistance to persons being released from the system so that they are better able to adjust in the community and to reduce recidivism.
- \* That the establishment of mini-computers within the institutions should be a high priority of the Department of Corrections. The location of the mini-computers within the institutions would allow staff and inmates to be aware immediately of any status change or anticipated eligibility for release dates. This would reduce the problems encountered by delays in processing important information which must be processed. Each inmate has a right, at all times, to know when to expect his release.
- \* That a plan be developed and funded to maintain the high level of modern equipment and thoroughly trained scientific personnel for the Bureau of Forensic Science to reduce its increasing backlog and to maintain its leadership as one of the best and most successful laboratories in the country.
- \* That law enforcement agencies be provided adequate training and resources to carry out their duties to the fullest extent.
- \* That whenever possible the Parole Board should conduct hearings in local jails for those inmates housed there when time approaches for their release. The custom of transferring them into the state system for such hearings and examinations is both time consuming and costly.



- \* That youth-serving agencies continue their joint efforts to provide the best possible services for needy and troubled youth.
- \* That youth serving agencies develop a method of working together to reach their goals.
- \* That school principals establish structures for communicating with juvenile courts, police, and their communities on a regular basis.
- \* That to the fullest extent possible, the Department of Corrections make use of less-secure facilities, including by-passed motels, hotels, surplus federal government-owned buildings, and farms to house non-violent, low risk inmates, thus freeing up space in the more secure, more expensive correctional centers for the more violent inmates.
- \* That every effort be made in the Department of Corrections to continue to reduce the turnover of personnel and to reduce, what in past years has been, excessive overtime.
- \* That geriatrics, especially, should be housed in less-secure buildings of the Department.
- \* That violent, long-term inmates not be left in jail when space is available, or can be made available to transfer them to state-owned facilities.
- \* That Department of Corrections' owned vans be used to pick-up and transfer state prisoners from local jails to state facilities. Regular schedules should be developed area-wide to pick-up prisoners from jails in a given area at scheduled times, instead of continuing the practice of having local

sheriffs provide the personnel and transportation. This should result in considerable savings and increase efficiency.

- \* That wherever possible, work programs be developed for all inmates.
- \* That the Department of Corrections conduct inmate classification in local jails wherever and whenever possible.

Accomplishment of the foregoing recommendations will be the Commission's goal in the year ahead. It is working toward this end and firmly hopes that the executive and legislative branches as well as the state agencies in the criminal justice system will cooperate in a unified effort so that achievements of the past decade or so will not have been in vain and the hard-earned, richly deserved progress will continue. Efforts for lasting improvements should, we propose, be the goal of the entire Commonwealth, especially at a time when Federal Law Enforcement Assistance Administration (LEAA) money no longer is available, budgets are tight, and there is a need for unified planning and cost-effective operation.

#### A HISTORICAL SUMMARY

##### MAJOR RECOMMENDATIONS IMPLEMENTED

Over the years the Crime Commission has engaged in the following activities, among others, in fulfilling its mandate:

- \* Performed a study in cooperation with the International Chiefs of Police leading to the establishment of the Central Crime Laboratory, now in operation as the Bureau of Forensic Science. This was the first state owned and operated laboratory of this type in the country.
- \* Recommended and assisted in the establishment of a pilot program of the Forensic Science Academy; now a full-scale program that annually trains approximately 20 or more investigative officers in the scientific gathering and preservation of evidence, thus preserving a chain of evidence. This program is increasing the efficiency and effectiveness of local law enforcement agencies.

- \* Performed a study leading to the creation of the Law Enforcement Officers Training Standards Commission, now the Department of Criminal Justice Services. This agency establishes the curricula and supervises the training of law enforcement officers.
- \* With the help of professional consultants, conducted a study of Organized Crime in Virginia and continues to monitor this type of activity and the myriad of problems it poses.
- \* Conducted a study to establish a Bureau of Drug Abuse and Narcotics, later established by statute as the Council on Drug Abuse Control and the Division of Drug Abuse Control.
- \* Conducted a study, with the help of professional consultants, of the relationship between pari-mutuel betting and organized crime.
- \* Initiated a study of the Virginia correctional system which revealed innumerable problems, including overcrowding, sexual abuse, understaffing, need for additional training, better salaries and a number of other important issues within the Department of Corrections.
- \* Joined with other legislators in sponsoring a bill that led to the division of the Department of Welfare and Institutions into two separate departments, namely the Department of Corrections and the Department of Welfare, each with its own Director and Advisory Board.
- \* Initiated an in-depth study of the compensation of law enforcement personnel that led to better salaries and other improvements to increase the efficiency of law enforcement.
- \* Conducted a study of the investigative capabilities within the Department of State Police, which led to establishment of the present Bureau of Criminal Investigation.
- \* Initiated a study of the Private Security Industry and established regulations that placed it under the supervision of the Department of Commerce.
- \* Conducted a study, with the cooperation of three former attorneys general, a number of judges and attorneys, of the grand jury system and developed legislative recommendations.
- \* Conducted a comprehensive study of the Commonwealth's criminal justice information systems.
- \* Conducted Virginia's first in-depth study of local jails to determine conditions, ways to assist sheriffs and others directly involved, and to provide information for future planning.

- \* Sponsored legislation to establish the Rehabilitative School Authority to provide educational and vocational training to inmates of the Department of Corrections.
- \* Developed a study and proposed legislation that led to financial assistance to mandatorily released convicts.
- \* Conducted an in-depth study of criminal sexual assault that led to marked changes in the law, a medical protocol for the emergency treatment of those sexually abused, and proposals of special training of those officers investigating sexual assault cases. Another publication, Criminal Sexual Assault, A Handbook for Victims, in 1979, has been given widespread circulation and usage. A reprint was necessary in 1981. The National Criminal Justice Reference Service (NCJRS), an international clearinghouse sponsored by the National Institute of Justice, has asked permission to reproduce the latter document for microfiche and full-size paper copy as part of the NCJRS system.
- \* Responded to public and legislative concerns over financial hardship suffered by innocent victims of violent crimes, by conducting a study and proposing legislation to provide reimbursement for out-of-pocket expenses and has continued to monitor the program. The Crime Victims Compensation Act has disbursed \$1,556,986.53 to settle 679 claims. There are 311 claims pending.
- \* Studied alternative programs employed in other states to alleviate correctional overcrowding and developed legislation known as the Community Diversion Incentive Act (CDI) to provide funding for local diversion programs.

In addition to these, there are a number of other studies and recommendations that were developed through a close working relationship with all segments of the criminal justice system. This included assisting the Virginia Association of Commonwealth's Attorney in establishing and funding the Commonwealth's Attorneys Services and Training Council. Similar assistance was given the Virginia Sheriffs' Association in expanding its organization to better serve its members, state and local governments, and the public.

Additionally, the Commission cooperated with executive, legislative and judicial branches of government, local jurisdictions, and other groups, including the business segment, and individuals throughout the

Commonwealth. The Commission worked with many of these groups in developing legislation and assisting in carrying it to a successful conclusion.

Over the years, the Crime Commission has served as a sounding board for the public. It has heard of the multitude of problems in the criminal justice system from those confined and their families as well as those who professionally direct and are a part of the system, both in Virginia and throughout the nation.

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**END**