

**REPORT OF THE
VIRGINIA STATE CRIME COMMISSION ON**

Virginia's Criminal Justice System

**TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA**



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COMMONWEALTH of VIRGINIA

VIRGINIA STATE CRIME COMMISSION

General Assembly Building

FREDERICK L. RUSSELL
EXECUTIVE DIRECTOR

December 14, 1993

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

MEMBERS:
FROM THE SENATE OF VIRGINIA:
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VIRGIL H. GOODE, JR.
EDGAR S. ROBB

FROM THE HOUSE OF DELEGATES:
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JAMES F. ALMAND
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ATTORNEY GENERAL'S OFFICE
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House Joint Resolution 523, agreed to by the 1993 General Assembly, directed the Virginia State Crime Commission to study improvements in Virginia's criminal justice system and to submit its findings and recommendations to the Governor and the 1994 session of the General Assembly.

In fulfilling this directive, a study was conducted by the Virginia State Crime Commission in 1993. I have the honor of submitting herewith the study report and recommendations on Virginia's criminal justice system.

Respectfully submitted,

Robert B. Ball, Sr.
Chairman

RBB:sc

**Members of the
Virginia State Crime Commission
1993**

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Elmo G. Cross, Vice Chairman
Virgil H. Goode, Jr.
Edgar S. Robb

From The House of Delegates:

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**Criminal Justice Subcommittee
Studying
Virginia's Criminal Justice System
HJR 523**

Criminal Justice Subcommittee Members

**Delegate James F. Almand
Subcommittee Chairman**

Robert C. Bobb
Delegate Jean W. Cunningham
Senator Virgil H. Goode, Jr.
Delegate Raymond R. Guest, Jr.
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**Study of
Virginia's Criminal Justice System
House Joint Resolution 523 (1993)**

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STUDY OF VIRGINIA'S CRIMINAL JUSTICE SYSTEM

I. Authority for the Study

During the 1993 legislative session, Delegates James F. Almand and Robert B. Ball, Sr. and Senator Edgar S. Robb sponsored House Joint Resolution 523 directing the Virginia State Crime Commission to "study the Virginia criminal justice system and to develop an integral plan for its improvement. . . ." (See Appendix A.)

Section 9-125 of the Code of Virginia establishes and directs the Virginia State Crime Commission "to study, report, and make recommendations on all areas of public safety and protection." Section 9-127 of the Code of Virginia provides that "the Commission shall have the duty and power to make such studies and gather information in order to accomplish its purpose, as set forth in Section 9-125, and to formulate its recommendations to the Governor and the General Assembly." Section 9-134 of the Code of Virginia authorizes the Commission to "conduct private and public hearings, and to designate a member of the Commission to preside over such hearings." The Virginia State Crime Commission, in fulfilling its legislative mandate, undertook the study of the criminal justice system.

II. Members Appointed to Serve

At the April 20, 1993 meeting of the Crime Commission, Chairman Delegate Robert B. Ball, Sr., of Henrico selected Delegate James F. Almand to serve as Chairman of the Criminal Justice Subcommittee studying the Virginia criminal justice system. The following members of the Crime Commission were selected to serve on the subcommittee:

Mr. Robert C. Bobb
Delegate Jean W. Cunningham
Senator Virgil H. Goode, Jr.
Delegate Raymond R. Guest, Jr.
Mr. H. Lane Kneedler
Delegate Clifton A. Woodrum

III. Executive Summary

House Joint Resolution 523, sponsored by Delegates James F. Almand, Robert B. Ball, Sr., Senator Edgar S. Robb and passed by the 1993 General Assembly, directed the Crime Commission to study the Virginia criminal justice system and to develop a comprehensive plan for its improvement. A multi-agency working group was established to identify and consider the major issues confronting the criminal justice system and develop a set of recommendations that would form the basis for a comprehensive plan for the improvement of the system.

The Working Group identified five major problem areas for consideration: criminal justice information and communication, prevention, law enforcement, disposition/sentencing, and institutional placement/client services. Five subcommittees were established to study each of these issues. These subcommittees then developed a list of thirty-two preliminary recommendations for the improvement of the system.

Only one of these recommendations, concerning the evaluation of the Jail Services Project, has been advanced by the Working Group for immediate consideration of the State Crime

Commission. The rest of the preliminary recommendations will be reserved for continuing study over the upcoming year. Each recommendation will be further evaluated for fiscal impact and prioritized for funding by the General Assembly. The Working Group will focus their attention on the development of creative funding schemes and will be cognizant of the fiscal constraints on the Commonwealth at this time.

IV. Study Design

- Project staff contacted all affected state agencies and requested that each agency designate a representative to participate on a Working Group for the criminal justice system study.
- The Working Group met on June 29, 1993 and developed a list of the 12 largest problems currently facing the criminal justice system in Virginia.
- Project Staff collapsed these twelve problems into five major problems confronting the system. Subcommittees were established to study each of these problems.
- The five subcommittees met from September through November, discussing each of these problems and developing preliminary recommendations in response.
- The Working Group met on November 18, 1993 and approved the final reports of the five subcommittees.
- The Criminal Justice Subcommittee met on November 18, 1993 and reviewed the final report of the Working Group and commented on the preliminary recommendations. The Subcommittee received the Working Group's request to continue the study for an additional year for further consideration of the preliminary recommendations and their development into a comprehensive plan for the criminal justice system.
- Criminal Justice Subcommittee and Commission Meeting Schedule for 1993:

June 22, 1993	Initial Staff Report
September 21, 1993	Staff Report
October 19, 1993	Legislative Public Hearing
November 18, 1993	Final Staff Report
November 30, 1993	Full Commission Meeting
December 14, 1993	Full Commission Meeting

V. Study Goals/Objectives

The members of the HJR 523 Working Group participated in a facilitated workshop on June 29, 1993 in which they developed a list of the 12 largest problems currently facing the criminal justice system, including:

1. **Bias in the system:** including the racial, class, and regional bias that exists in the system. There are concerns that bias in the system leads to inconsistency and an overrepresentation of minorities and the blue collar class in the system.
2. **Sentencing/Disposition:** including the problems associated with the

inconsistency that results from the voluntary sentencing guidelines, the overcrowding of the system that results from lengthy sentences for drug offenders, and the need for more use of the alternatives to incarceration that currently exist.

3. **Law:** including the need for recodification, the need to include citizens in the legislative process; and the disproportionate sentences that are currently being handed out.

4. **Overall plan:** including the need for more coordination and organization, the need for a prevention to rehabilitation service continuum, the need for a comprehensive community corrections plan, the need for a clear mandate for the criminal justice system, and the desire for more prevention and comprehensive service delivery.

5. **Lack of prioritizing what to do with limited resources; money; politics**

6. **Balancing the needs of citizens; balancing the rights of victims versus offenders; problems with a system that deals with acts and not individuals**

7. **Communication:** including the need for a better image with the public, a need for a change in public perceptions of/attitudes towards the system; need for public education; need for an integrated system to exchange information; the perception of the inadequacy of truth-in sentencing; the need for cross-training among agencies; the desire for a less labor intensive system; the need for a network that the agencies can plug into; and the need for better information management.

8. **The lack of a coherent and balanced public policy**

9. **System overload**

10. **The need for hope and opportunity**

11. **Lack of knowledge of what works, including the need for risk assessment and evaluation**

12. **Values/ the need for the creation of institutions that reflect policies and values**

The staff assigned these problems to the five established subcommittees for the group and developed a charge for each of these subcommittees to focus their discussions:

1. **Criminal Justice Information and Communication:** This subcommittee will review all issues included in the overall topics of public awareness/perceptions and interagency communication and networking.

2. **Prevention:** This subcommittee will review prevention issues including both prevention of potential clients from entering the system and prevention of repeat offenders, particularly juvenile offenders that may be at risk of entering the adult system.

3. **Law Enforcement:** This subcommittee will focus on issues to improve law enforcement, including community policing issues, improvement of investigations, victim/witness issues, collaboration among law enforcement agencies, and law enforcement's role in the criminal justice system.

4. **Disposition/Court Services:** This subcommittee will concentrate on issues related to pretrial detention, sentencing and alternatives to incarceration. The focus should remain on looking at the means for conducting risk assessments of clients and program evaluation rather than a reduplication of the many studies that have been and are currently being reconducted on these issues.

5. **Institutional Placement/Client Services:** This subcommittee will develop a means of assessment for institutional placement and other issues related to corrections, review issues concerning community corrections, and develop a plan for comprehensive service delivery both while a client is incarcerated or on probation or parole.

Each subcommittee met four times during the months of September through November, gathering information and developing proposed recommendations. On November 18, 1993, the working group met to approve the final report of each of the subcommittees.

**VI. PRELIMINARY RECOMMENDATIONS OF THE WORKING GROUP FOR
HOUSE JOINT RESOLUTION 523 CRIMINAL JUSTICE SYSTEM STUDY**

**RECOMMENDATIONS FOR FURTHER CONSIDERATION
BY THE WORKING GROUP**

A. PRELIMINARY RECOMMENDATIONS OF THE CRIMINAL JUSTICE INFORMATION AND COMMUNICATION SUBCOMMITTEE

I. INFORMATION MANAGEMENT

With the dissipation of jurisdictional boundaries from localities to the state and states to the federal government and the increasing number of individuals involved in the criminal justice system, information gathering, analysis, and sharing has become essential to the efficiency of the system. While the Subcommittee recognizes the dichotomy between the need to provide for public safety and the need to respect individual privacy, it recognizes the technological revolution as an opportunity, if not an absolute necessity, to provide criminal justice agencies with increased informational planning and strategic capabilities that can be useful in the execution of their duties and responsibilities.

Recommendation 1: There is a need to vest one entity in Virginia state government with the overall responsibility and authority for strategic planning, coordination, and advising of state and local criminal justice agencies concerning information management. The subcommittee recommends the vesting of such authority and responsibility with the Criminal Justice Information Systems (CJIS) Committee.

While the CJIS Committee is currently acting as an advisory body among the criminal justice agencies, it would under the subcommittee's recommendation be vested as a policymaking body tasked with the development and maintenance of a strategic criminal justice information plan, affecting both state and local criminal justice agencies.

Membership of the CJIS Committee under the statutory provision would mirror its current participants with the addition of representatives from the Department of Information and Technology, the Council on Information Management, the Department of Youth and Family Services, the Department of Mental Health, Mental Retardation and Substance Abuse Services, the Division of Forensic Science of the Department of General Services and other appropriate agencies.

Representatives from the state agencies would be appointed by agency directors. The chairperson of the CJIS Committee would be appointed by the Governor from among its membership.

In the upcoming year, the subcommittee would work on the drafting of such a statutory provision and the funding and implementation of such a proposal.

II. PUBLIC EDUCATION

The public's knowledge and perception of the criminal justice system, as determined by the information the public receives from the media, has long been a concern of those involved in the system. The information provided to the public from the agencies involved is most often piecemeal and sporadic, and at times even contradictory. If comprehensive information about the problems and dynamics involved in the criminal justice system was made available to the public, a better understanding of the system and its underpinnings might develop among the general public. This requires agency collaboration and communication.

Recommendation 2: The Subcommittee recommends that there be established a regular interagency working group made up of media/public relations and/or public information officers of

the criminal justice agencies that would work together to coordinate media and public education campaigns. The purpose of the interagency communications group is to collaborate, develop, disseminate and promote topical criminal justice issues of interest or benefit to the public. The result would be a focus on specific target groups affected by such issues through the most effective means at the interagency communications group's disposal.

Participants would include representatives from the judicial branch, including representatives from the Judicial Council and the Office of the Executive Secretary, representatives from the legislative branch, including representatives from the State Crime Commission and the Commission on Youth, and representatives from the Executive Branch, including representatives from the Department of Corrections, the Department of Criminal Justice Services, the Department of Youth and Family Services, the Department of Correctional Education, the Commonwealth's Attorneys' Services Council, the Virginia Parole Board, the State Police and the Office of the Secretary of Public Safety.

Recognizing that the most successful educational programs have been directed at school-age children, a representative from the Department of Education should also participate in this interagency communications group. Should an agency not have a designated media/public relations and/or public information officer, that agency would designate an executive level employee to participate.

In addition to representatives from the state government branches and agencies, representatives from the Virginia Sheriffs' Association and the Virginia Chiefs of Police would also be asked to participate.

The State Crime Commission should oversee the implementation of this recommendation and provide staff support to the group. The interagency communication group's chairperson would be elected annually from its membership. The group would hold regular quarterly meetings.

Recommendation 3: The Subcommittee recommends that the initial task of the interagency communications group established in Recommendation #2 collaborate to develop an informational booklet on the criminal justice system for dissemination to the public. This booklet would explain the agencies and processes involved in the criminal justice system. Such a booklet would serve to provide information to the public to enhance their understanding of the criminal justice system, its participants, and purpose. Attention should be paid specifically to programs designed for school age children for use in educational environments. The General Assembly should provide funding for this initiative.

III. COMPREHENSIVE SUBSTANCE ABUSE PLAN

Although the following recommendation falls within the charge of the Institutional Placement/Client Services subcommittee, the Criminal Justice Information and Communications subcommittee recognizes the value of such interagency collaboration as is evidenced by the product of recommendation #4, and consequently, would recommend the following:

Recommendation 4: The Office of Substance Abuse Services of the Department of Mental Health, Mental Retardation and Substance Abuse Services should follow-up and update its 1989 Comprehensive Interagency Substance Abuse Plan. The 1989 comprehensive plan was the outcome of successful collaboration and deliberation of those agencies involved in the delivery of substance abuse services. The plan should receive a thorough implementation and follow-up and funding should be provided by the General Assembly for an update in the upcoming year.

B. PRELIMINARY RECOMMENDATIONS OF THE PREVENTION COMMITTEE

I. PRIMARY PREVENTION

The subcommittee has struggled with the exact scope of its mandate to make recommendations concerning "Prevention". While the charge from the initial session of the full Working Group centered on the prevention of juvenile delinquency and recidivism, primary prevention begins at a much earlier age. "Prevention" for the educational system and human service agencies begins much earlier in a child's life, with the most critical time being from birth to four years of age.

With this younger age group, early intervention efforts include identifying those that are at-risk and providing services, including health care, support, and other social services, to both the child and the family. Support to the family includes additional education, provision of food and shelter, and job training. With this approach, a child could very well avoid any contact with the criminal justice system at all.

Because the dollar savings that prevention and early intervention may have for the criminal justice system may not be fully appreciated, these programs are usually placed on the "back burner", with funding going to those programs that can show an immediate result. These programs are only quick-fixes; the cure of the roots of crime, including poverty, broken homes, lack of education, and poor health care, is a large investment up-front in providing services to these at-risk families.

To focus on cures in the long term, the Subcommittee recommends the following:

Recommendation 1: Recognizing the relationship between emotional and behavioral problems (such as is often the result when children experience abuse/neglect) and later delinquency, the subcommittee recommends the development and/or expansion of programs aimed at identifying and serving at-risk families and children. For example, appropriations for the Comprehensive Services Act Trust Fund should be increased to allow more communities to develop community-based alternatives to residential treatment, especially for early interventions (now limited to 25% of the Trust Fund).

Recommendation 2: Expand the definition of eligibility for Virginia's services related to Part H of the Individuals with Disabilities Education Act to include children at-risk due to environmental factors.

Recommendation 3: Increase the number of teen pregnancy prevention program pilot sites beyond those funded by the General Assembly in 1993.

Recommendation 4: The subcommittee endorses the actions of the Joint Commission on Health Care aimed at increasing the availability and accessibility of primary and preventive health care to families.

II. JUVENILES

A. The subcommittee spent a significant portion of its committee meetings discussing the importance of prevention and intervention efforts with juveniles. The increase in crime committed by juveniles, particularly violent crimes, is alarming. Often, children who become involved in the juvenile justice system and receive ineffective or no intervention aimed at positive behavior change, continue this pattern of behavior into adulthood and eventually become the adults incarcerated in the state adult penal institutions.

The Commonwealth cannot continue to neglect this segment of the criminal justice system population. In the past, the juvenile justice system has been poorly funded, and often ignored by the general public. With the significant rise in juvenile crime, we need to supply adequate resources to the juvenile system to combat this increase and steer the Commonwealth's youth into productive, law-abiding lives.

Children who become involved in the criminal justice system often come from families that are dysfunctional (or disrupted). This cycle of dysfunction continues to influence a young person's behavior, both during and after his/her involvement with the criminal justice system.

To break this behavior pattern, the child must receive comprehensive services and monitoring in the juvenile system to meet his/her needs, to foster productive behavior, to follow-up with the child upon his/her eventual return to his/her family and community, **and ultimately to prevent the child's entrance into the adult correctional system.** Prevention of incarceration of adults often begins with adequate and effective intervention with juveniles involved in the juvenile justice system.

With this evaluation of the problem, the subcommittee makes the following recommendations:

Recommendation 5: The services available to youth in the juvenile justice system must be expanded to include:

- increased resources for intake in the Court Services' Units
- more alternatives to institutionalization available for use by Juvenile judges
- increased intensive intervention/supervision
- expansion of the CASA program
- treatment programs for juveniles, including treatment for juvenile sex offenders
- follow-up care and support systems for juveniles reentering the community

The subcommittee will continue to explore the services currently provided and develop a plan for expanding services to meet the goals of this recommendation. The subcommittee will work with the Disposition Subcommittee in determining whether juveniles and juvenile services should be included and to what extent they should be included in the draft of the community corrections act.

Recommendation 6: Because job training and marketable skills improve the chances of an

individual's success and productivity in society, the subcommittee recommends that additional resources be provided to the Department of Youth and Family Services and the Department of Correctional Education for job training and life skills development in the juvenile institutions. The subcommittee will develop a plan for the expansion of these services in the upcoming year.

B. In addition, there are several other recommendations concerning intervention for juveniles:

Recommendation 7: The subcommittee recognizes the fundamental need for a safe school environment for the Commonwealth's youth. Recognizing the research that has been conducted and recommendations that have been made by the Task Force on Violence in the Schools, the subcommittee endorses those recommendations made by the Task Force and calls for their immediate implementation. Funding should be provided by the General Assembly to school divisions who wish to implement the Task Force recommendations. This funding could be distributed by the Department of Education in the form of mini-grants.

Recommendation 8: Many incarcerated adults are also parents of youth that are at-risk of becoming involved in the criminal justice system themselves. To curb this generational succession, parenting classes should be offered in the institutions to these adults to encourage better parent/child relationships upon that adult's return to his/her family. Additional efforts should be made to ensure that these parents are allowed to maintain contact and positive relationships with their children while incarcerated.

Recommendation 9: Resources should be focused on the apprehension and rehabilitation of serious juvenile offenders. These juveniles are committing the largest portion of juvenile crime and preying on other children. The subcommittee supports the decision of the Department of Youth and Family Services to build a separate institution for these juveniles. In addition, those juveniles who are certified as adults and sentenced to incarceration in the adult institutions should be housed in separate facilities from the adult population. The Department of Corrections needs to assess the needs of juveniles certified as adults and provide appropriate treatment, education, and job training in a timely manner.

III. ADULTS

A. The "revolving door" of the adult criminal justice system and the need to curb recidivism among adult offenders has often been discussed. The following recommendations of the subcommittee are made with the intention of preventing recidivism among adult offenders:

Recommendation 10: The subcommittee recommends that the Department of Corrections conduct adequate assessments of incoming inmates which "evaluate all prisoners according to background, aptitude, education and risk and, based on an assessment of needs, determines appropriate program assignments including vocational and technical training, work activities and employment, academic activities . . . , counseling, alcohol and substance abuse treatment and such related activities as may be necessary to assist prisoners in the successful transition to free society and gainful employment." (quoting Va. Code Section 53.1-32.1)

Recommendation 11: In addition, there must be adequate follow-up once the offender is returned to his/her community. In particular, treatment begun in the institution must be continued in the community.

B. The statistics concerning the rate of substance abuse among offenders are quite staggering. It has been consistently proven that alcohol and other drug abuse plays a role in the majority of crimes committed. Fundamental to any effort to curb crime in the Commonwealth is the provision of adequate substance abuse treatment services and facilities for those in need of such services.

Recommendation 12: The rate of substance abuse among offenders is exorbitant and the need for adequate treatment resources, including in-patient drug rehabilitation centers and out-patient treatment providers, for these offenders is clear. The subcommittee will further examine this issue in the upcoming year and develop a plan for the provision of these services to the prison and jail population.

Recommendation 13: Adult literacy programs should be expanded both within the correctional institutions and community corrections programs and within the communities of the Commonwealth. Literacy is a fundamental requirement for survival in today's society, and illiteracy is rampant among adult offenders. By providing adults with the tools needed to survive on the outside, we will hopefully prevent their entrance into the adult correctional institutions.

C. In addition, the subcommittee notes the need to divert some offenders from adult institutions altogether. For some offenders, incarceration may in fact be detrimental to their rehabilitation, by exposing them to criminal elements that will further encourage their inappropriate and/or anti-social behavior. In addition, other offenders, such as those that are incarcerated for violent crimes or sex offenses, need extended supervision upon their return to society. Accordingly, the subcommittee recommends:

Recommendation 14: Parole supervision must be lengthened for some offenders, including violent offenders and sex offenders, in order to ensure those individuals have integrated back into the community and continue their progress.

Recommendation 15: The subcommittee recommends that the options for community corrections available be increased to allow judges the flexibility to place offenders who will not gain from incarceration in community corrections programs. The subcommittee supports the establishment of a community corrections act as proposed by the Disposition Subcommittee that will provide localities with the funds to develop their own community corrections programs.

D. The Prevention Subcommittee also supports the recommendations made by the Law Enforcement subcommittee concerning the redefinition of law enforcement:

Recommendation 16: Law enforcement officers play a vital role in the prevention of crime. By focusing on community policing, law enforcement officers can focus on prevention of crime rather than reaction to crimes. Law enforcement resources should be focused on violent offenders and career criminals. Consequently, the subcommittee joins in with the recommendations of the Law Enforcement Subcommittee on community policing initiatives.

E. The Prevention Subcommittee also supports the recommendations contained in the 1992-200 Comprehensive Prevention Plan for Virginia, the report of the Virginia Council on Coordinating Prevention.

C. PRELIMINARY RECOMMENDATIONS OF THE LAW ENFORCEMENT SUBCOMMITTEE

I. COMMUNITY POLICING

The subcommittee feels that there is a need to “redefine law enforcement” to focus more on community policing. Traditional law enforcement currently concentrates on response to crime and enforcement. While enforcement is essential to the Commonwealth, law enforcement officers spend the large majority of their time inside their cars responding to complaints calls. Law enforcement has become a “slave” to the 9-1-1 system, reacting to crime rather than preventing it.

Law enforcement should also concentrate on the prevention of crime as well as enforcement. The best vehicle for combining the two goals is community policing. This policing effort places the officer back in the community, in conversation with residents and business owners, and serving as a role model for youth. With the police presence in the community and the officer being so approachable, the community’s faith and trust in law enforcement is restored.

Community policing can be extremely beneficial for the enforcement goals. With the community in contact with officers on a day-to-day basis, the residents may feel more comfortable in providing information to the police. In addition, the officers become knowledgeable about the activities and personalities in the community which will assist them in solving crimes. Community policing also provides for policing by the community itself. Community members participate in the prevention and enforcement of crime by forming “Neighborhood Watch” groups and cooperating with the police in their prevention and enforcement efforts.

While there are several “community policing” initiatives in the various local law enforcement agencies in the state, further training for those officials involved in the management of the local criminal justice system should be provided to assist localities in this conversion.

Recommendation 1: The Subcommittee recommends that the Department of Criminal Justice Services, the Commonwealth’s Attorneys’ Services Council, the Supreme Court, the Department of Corrections, the Virginia Parole Board and the Department of Youth and Family Services collaborate to develop a one-day team training seminar for localities on community criminal justice management. Participants from the localities would include sheriffs, police chiefs, clerks, court services’ units, judges, and prosecutors. The training would include instruction on the importance of collaboration and interaction and a needs assessment for that team. The seminar should be such that the attendees could use the training credits earned to fulfill their professional obligations.

An initial pilot project would be conducted. Funding for this pilot project should be provided by the General Assembly. The State Crime Commission should oversee the implementation of this recommendation.

Recommendation 2: An in-service training program on community policing should be developed by the Department of Criminal Justice Services for sheriffs, police chiefs, and the middle-level management of local and state law enforcement agencies. This training would include a basic education on the fundamentals of community policing, management of resources for community policing, and a review of the related technological advances. Funding for the development of this curriculum should be provided by the General Assembly.

II. SPECIALTY LAW ENFORCEMENT AGENCIES

There is significant confusion among local law enforcement agencies and the courts as to what role the specialty state law enforcement agencies play. Duplication of efforts should be avoided and a balance established between these specialty law enforcement agencies and the local law enforcement agencies.

Recommendation 3: The specialty state law enforcement agencies, including the Department of Alcoholic Beverage Control, the Department of Motor Vehicles, the Department of Taxation, the State Corporation Commission, the Virginia Port Authority, the Department of Corrections, the Department of Health Professions, the Capitol Police, the Department of Game and Inland Fisheries, the Marine Resources Commission, the Department of Professional and Occupational Regulations and the various enforcement agencies of the state colleges and universities, should collaborate to determine the exact role each agency should fill (and how this should be established in the Virginia Code), the appropriate resources for each agency, and the appropriate balance with the local law enforcement agencies. Representatives from the Virginia Sheriffs' Association, the Virginia Chiefs of Police and the Virginia State Police would also be asked to participate. The Virginia Crime Commission would take the responsibility for the implementation of this recommendation.

III. ANTI-CRIME PARTNERSHIPS

Recommendation 4: Building on the success of the Anti-Crime Partnership in Newport News, the subcommittee recommends the establishment of two more such partnerships in other localities in the next two years. Funding should be provided by the General Assembly for this expansion. Funding should also be provided to each participating agency for the full-time positions required by the partnerships so that each agency does not have to shift manpower and resources to fulfill its proscribed role.

D. PRELIMINARY RECOMMENDATION OF THE DISPOSITION SUBCOMMITTEE

The charge presented to the Disposition Subcommittee was to "concentrate on issues related to pretrial detention, sentencing and alternatives to incarceration." The Subcommittee was encouraged not to duplicate the numerous studies that have been conducted and are currently being conducted on alternatives to incarceration.

In response, the Subcommittee noted that the value of alternatives to incarceration for offenders has never been questioned. All of the studies that have been conducted or are being conducted discuss the need for additional alternatives that can alleviate overcrowding in the state and local correctional institutions. In addition, alternatives may be provide for a better "habilitation" for an offender than what he/she would have received if incarcerated. Offenders prefer incarceration over alternatives such as intensive supervised probation and CDI programs, because the alternatives are more demanding and require more of an effort for an offender than incarceration.

But while all are in agreement as to the need for additional alternatives, the debate continues over which alternatives are effective and for which localities. Forcing particular alternatives through state mandates on localities is counterproductive.

Consequently, the Subcommittee looked for a way to provide judges in localities with the alternatives that they need for sentencing of offenders without have to make the determination as to which alternatives would be appropriate for that locality. Localities are the best judges of what alternatives will work for them, as we have seen by the success of some of the alternatives in localities that are funded by grants from Federal or state government sources.

The social service agencies had a similar problem with services provided in localities prior to the passage of the Comprehensive Services Act. With the passage of this act, localities would have the responsibility and authority for determining how such funds would be spent in their locality and what services would be provided by that locality.

After observing the early positive results that the social services agencies have had with the Comprehensive Services Act, the subcommittee decided to pursue similar comprehensive legislation for community corrections. Several other states have codified similar acts that were reviewed by the Subcommittee for their content and effect.

With such legislation, each locality would determine what community corrections, or alternatives to incarceration, that locality felt would be most beneficial and effective in combating the crime problems of that area. Localities would then develop a plan for the provision of these correctional programs. This plan would be approved or approved as modified by the Board of Corrections (or whatever body was designated by the General Assembly) based on standards for approval that were delineated in the Code or through a rulemaking procedure as determined by the General Assembly.

Funding for these acts is typically based on a formula. But unlike funding for other states' acts, the Subcommittee recommends that funding not be grant-based but will be mandatory participation using the funds currently provided to localities for corrections.

As the Jail Funding Study has shown, localities currently receive a majority of their funding for jails and community corrections from the state. With the institution of a community corrections act, taxpayers would spend no more money for community corrections; localities would be required to account for the dollars spent, to coordinate and streamline the provision of services, and to evaluate the effectiveness of services.

A comprehensive community corrections act for the Commonwealth would provide a broad plan that would allow localities to determine what is the best way to handle their own specific crime problems and what alternatives would best serve public safety and reduced recidivism.

Recommendation: The Subcommittee will work on the drafting of specific legislation for the 1995 General Assembly session that will provide for a comprehensive act for community corrections. Working in coordination with the staff of the Joint Subcommittee Study of Jail Funding, the subcommittee will make determinations as to what offenders should be included in the act, what must be included in each locality's plan, and how to best implement such an act. The Subcommittee will also make recommendations to the Joint Subcommittee as to how the act should be funded.

E. PRELIMINARY RECOMMENDATIONS OF THE INSTITUTIONAL PLACEMENT/CLIENT SERVICES SUBCOMMITTEE

I. ENDORSEMENT OF GOVERNOR'S COMMISSION ON VIOLENT CRIME RECOMMENDATIONS

Recommendation 1: The subcommittee supports the recommendations proposed by the Inmate Productivity Subcommittee of the Governor's Commission on Violent Crime. We recognize the amount of research and consideration that went into the development of these recommendations, and rather than duplicate the work already successfully completed by the subcommittee, would rather make a statement of support for those programmatic initiatives developed by the Violent Crime Commission concerning the following subject matter:

- Vocational Assessment in Adult Institutions
- Expansion of Prison Work Release Beds and Facilities
- Pilot Programs for Local Work Release Programs for State-Responsible Offenders Housed in Local Jails
- Permanent Source of Working Capital for Virginia Correctional Enterprises
- Expansion of Aftercare Services and Better Coordination with Existing Community Services
- Expanded Correctional Substance Abuse Programs
- Expanded Home Electronic Monitoring
- Establish Program Effectiveness through Third Party Evaluations of All Alternative Sanctions Programs
- Current Recidivism and Risk Assessment Research Will Be Included When Assessing Candidates for All Alternatives Programs
- Recommend Supreme Court Include Annual Judicial Training by DOC's Community Corrections
- Training of Probation/Parole Officers for Sex Offender Supervision
- Intensive Supervision Pilot for Sex Offenders
- Extending Parole Supervision for Sex Offenders
- Amending Parole Eligibility Laws for Sex Offenders
- Evaluate the Effectiveness of Sex Offender Treatment

The subcommittee also agrees with the prioritization for funding made by the Inmate Productivity Subcommittee of the Violent Crime Commission of these programmatic initiatives.

II. THE JUVENILE SYSTEM

The Subcommittee recognizes the serious lack of resources provided to the juvenile justice system and would strongly support an increase in funding available to expand the services provided to juvenile offenders, both in the court services units and the institutions.

Because juveniles that become involved with the juvenile justice system frequently continue their behavior and eventually become inmates in the adult correctional system, it is vital the state focus resources on these children to prevent this pattern. Intervention with these children can both provide for better childhoods for them and prevent the overcrowding of prisons in the future. It behooves the Commonwealth to focus its resources on these children in the long run.

Recommendation 2: The Subcommittee supports the inclusion of serious juvenile offenders in the Community Corrections Act being developed by the Disposition Subcommittee. Such inclusion would provide for additional resources to the court services units and make additional alternatives to institutionalization available to Juvenile and Domestic Relations Court judges.

Recommendation 3: In the upcoming year, the Subcommittee would continue its review of programs currently available in the Department of Youth and Family Services institutions and would propose additional recommendations and funding schemes for what additional programs and services should be provided for the juveniles in those institutions. These proposals would depend on an evaluation of currently conducted programs and discussions with the Department of Youth and Family Services and the Department of Correctional Education concerning additionally needed services.

III. OFFENDER ASSESSMENTS

Assessment of offenders, both as they enter the correctional system and throughout their incarceration, is critical. Such assessments prevent the wasting of resources on an offender that would not benefit from or is not in need of such treatment or programs. It also ensures that those inmates that are in need receive the appropriate response with the provision of treatment and programs.

Recommendation 4: The Subcommittee recommends that the Department of Mental Health, Mental Retardation and Substance Abuse Services and the Department of Corrections, with the assistance of the Task Force on Substance Abuse Services for Offenders and the Youth Commission, work towards the identification and implementation of an instrument to assess substance abuse problems for use at regional reception centers during an inmate's program assessment. Because of the high percentage of substance abuse problems among inmates, it is vital that a tool be developed and utilized to assess each incoming inmate so that he/she may receive the appropriate services while incarcerated.

IV. PROGRAM EVALUATION

The proper evaluation of programs is essential if we are to know which programs are successful and therefore worthy of continued or additional funding. In the past, evaluation has not

been conducted on many of the programs and resources utilized in the criminal justice system. Empirical data should be collected on these programs to determine if they are having an impact.

Recommendation 5: Noting the lack of data concerning the effectiveness of current programs, the subcommittee recommends that funding be provided to the Department of Corrections for program evaluation. Without adequate data, the Department must make determinations concerning the effectiveness of programs based on anecdotal information rather than scientific data. Funding should be provided by the General Assembly for the evaluation of the Department of Corrections' programs.

V. PRE-RELEASE PROGRAMS

Upon leaving the correctional system, many offenders return to their communities that have long since severed their ties to the offender. Offenders return not knowing where they are going to live or work and with no sense of direction as to who can assist them in reestablishing their lives. That is often why it is easier for an offender to return to crime as a way of life rather than becoming a productive citizen and member of his/her community.

Recommendation 6: The Secretary of Public Safety should identify several localities for the establishment of pilot programs for pre-release programs in local jails that would place inmates in the local jail of the community that the offender will return to approximately six to nine months prior to his/her release. This would allow that offender time to reestablish ties to that community and learn where the resources available to him/her are located in the community prior to release. It also allows the community the time to provide job training and treatment services to that offender that will facilitate the offender's productive return to society. Funding for these pilot programs should be allocated by the General Assembly. Evaluation components should be incorporated into each pilot program so that the success of these pilot programs can be determined.

**VII. PRELIMINARY RECOMMENDATIONS OF THE WORKING GROUP FOR
HOUSE JOINT RESOLUTION 523 CRIMINAL JUSTICE SYSTEM STUDY**

**RECOMMENDATIONS FOR THE IMMEDIATE CONSIDERATION
OF THE VIRGINIA STATE CRIME COMMISSION**

RECOMMENDATION FOR IMMEDIATE IMPLEMENTATION

The evaluation of current projects is extremely important if we are to determine whether these projects are efficient and effective. For this reason, Working Group supports the following recommendation for immediate implementation by means of a budget addendum for the 1994-96 budget.

Recommendation: The Working Group supports the progress made by the Department of Mental Health, Mental Retardation and Substance Abuse Services in combating substance abuse among jail inmates with the Jail Services Project. While a survey of Virginia's sheriffs indicates that the program has had a significant impact on the behavior of those inmates in the jails, there is a need for the assessment of the effectiveness of the programs in each locality and the generation of empirical data on the long term effects of the project both in the jails and on inmate recidivism. The Working Group supports the budget request of the Department that would include the establishment of two full-time employment positions for the provision of technical assistance to the localities and evaluation of the program and evaluation system development. This budget request totals \$160,000.

APPENDIX A

1993 SESSION

LD9148825

HOUSE JOINT RESOLUTION NO. 523

Offered January 25, 1993

Directing the Virginia State Crime Commission to study improvements to the criminal justice system.

Patrons—Almand and Ball; Senator: Robb

Referred to the Committee on Rules

WHEREAS, crime and the fear of crime have a negative impact on the quality of life of every citizen of the Commonwealth; and

WHEREAS, the social problems created by criminal activity are continually increasing; and

WHEREAS, the cost of dealing with criminal behavior has become a major liability to taxpayers; and

WHEREAS, the public has a reduced confidence in the ability of the criminal justice system to provide for public safety; and

WHEREAS, current research and planning in criminal justice is being conducted in a fragmented manner, without a focus on the effectiveness and efficiency of the entire criminal justice system; and

WHEREAS, strategic, long-range planning will be necessary to improve the current criminal justice system to meet the future needs of the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Virginia State Crime Commission be directed to study the Virginia criminal justice system and to develop a comprehensive integral plan for its improvement focusing on the goals of honesty, safety, rationality, efficacy and efficiency. The Commission should use the research capabilities of the state institutions of higher learning and the public and private sectors, and should develop not only recommendations but implementation strategies for system-wide improvements in criminal justice in Virginia applicable into the next century.

The Commission shall complete its work in time to submit its findings to the Governor and the 1994 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for processing legislative documents.

Official Use By Clerks

Agreed to By
The House of Delegates
without amendment
with amendment
substitute
substitute w/amdt

Agreed to By The Senate
without amendment
with amendment
substitute
substitute w/amdt

Date:

Date:

Clerk of the House of Delegates

Clerk of the Senate

APPENDIX B

SUBCOMMITTEE ASSIGNMENTS

CRIMINAL JUSTICE INFORMATION AND COMMUNICATION

Mike Leininger, Chair
Legislative Analyst
Department of Corrections

Jackie Fraser
Member, Parole Board

Paul Ferrara
Director, Division of Forensic Labs

Floyd Brown
Human Resources Community Program Coordinator
Department of Rehabilitative Services

Colonel James Powers
Chief, Fredericksburg Police

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Department of Motor Vehicles

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Carole Roper
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Judy Divers
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PREVENTION

Marsha Hubbard, Chair
Associate Specialist, Youth Risk Prevention
Department of Education

Gunnar Kohlbeck
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Virginia State Police

Bob Northern
Special Assistant to the Governor for Drug Policy
Governor's Drug Policy Office

John Cocke
Virginia Employment Commission

Patty Griffin
Director, Forensic Services
Department of Mental Health, Mental Retardation, and Substance Abuse Services

Willie Fuller
Special Agent in Charge of Administration
Department of Alcoholic Beverage Control

Neil Barber
Director, Department of Housing and Community Development

Chief Donald Carey
Blacksburg Police Department

Richard Massey
Acting Deputy Superintendent, Staunton Correctional Center
Department of Correctional Education

Janice Hicks
Department of Criminal Justice Services

Judge Aundria D. Foster
Newport News Juvenile and Domestic Relations Court

Rosanne Kolesar
Department of Health

Ray Goodwin
Department of Social Services

LAW ENFORCEMENT

Bruce Morris, Chair
Harrisonburg Commonwealth's Attorney

John Cencich
Special Agent in Charge, District 6
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Charlie Murphy
Director of Investigations
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Andrea Amy-Pressey
Special Assistant
Office of the Secretary of Public Safety

Sheriff Vernie Francis
Southampton County

Chief Jeffrey Brown
Covington Police Department

Judge William P. Lemmond, Jr.
Prince George Circuit Court

Dr. Lissa Power-Cluver
Principal, Policy and Planning
Department of Education

Mark Bowles
Attorney General's Office

DISPOSITION

Judge Merlin M. Renne, Chair
Yorktown General District Court

Mellie Randall
Department of Mental Health, Mental Retardation, and Substance Abuse Services

Dan Catley
Department of Criminal Justice Services

Gene Johnson
Deputy Director for Community Corrections
Department of Corrections

William McCollum
Director, VASAP

Kathy Mays
Director, Judicial Planning
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Penny Anderson
Deputy Secretary of the Commonwealth
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Sheriff James Dunning
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Deputy Director of Institutions
Department of Corrections

Irv Broocke
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Tom Dertinger
Director, Governor's Employment and Training Department

Sheriff Carl Welis
Bedford County

Barbara Slayden
Executive Director, Offender Aid and Restoration

Carol-Lee Raimo
Department of Criminal Justice Services

Ken Batten
Department of Mental Health, Mental Retardation, and Substance Abuse Services

APPENDIX C

JOINT RESOLUTION

WHEREAS, House Joint Resolution 523 (1993) directed the Virginia State Crime Commission to conduct a study of the Virginia criminal justice system and to develop a comprehensive plan for its improvement; and

WHEREAS, the Crime Commission has developed a multi-agency working group that has developed thirty-two preliminary recommendations for the improvement of the criminal justice system; and

WHEREAS, there remains considerable work to be done, fine-tuning and prioritizing those recommendations into a comprehensive plan for the system to meet the future needs of the Commonwealth; and

WHEREAS, the working group has focused on improving the efficiency of services to offenders, the intervention with youth offenders, the prevention of recidivism, the increase in available and effective community corrections programs, the implementation of community policing strategies, and the improvement of communications among the various agencies involved in the criminal justice system and with the public; and

WHEREAS, the multi-agency working group has expressed a continuing concern for the future of the criminal justice system; now therefore, be it

RESOLVED, That the Virginia State Crime Commission is directed to continue the study begun with the assistance of the multi-agency working group, and to continue the development of the comprehensive plan for the Commonwealth's criminal justice system. Particular attention should be paid to the financing of the preliminary recommendations. The Crime Commission should prioritize the preliminary recommendations for available funding and develop alternative funding schemes as well, with the assistance of the House Appropriations Committee, the Senate Finance Committee, the Governor's Office, and executive branch agencies.

The Virginia State Crime Commission shall complete its work in time to submit its findings and recommendations to the Governor and the 1995 Session of the general Assembly in accordance with the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.