



1975

ANNUAL REPORT

Of The

VIRGINIA STATE CRIME COMMISSION

Suite 905, 701 E. Franklin Street

Richmond, Virginia 23219

January 14, 1976

46489

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COMMONWEALTH OF VIRGINIA



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January 14, 1976

MEMBERS

From the Senate of Virginia
Stanley C. Walker, *Chairman*
George S. Aldhizer, II
George M. Warren, Jr.

From the House of Delegates
Claude W. Anderson
L. Ray Ashworth
Raymond R. Guest, Jr.
John L. Melnick
Theodore V. Morrison, Jr.
A. L. Philpott

Attorney General of Virginia
Andrew P. Miller

Appointments by the Governor
Erwin S. Solomon, *Vice Chairman*
William N. Paxton, Jr.
George F. Ricketts

NCJRS

APR 19 1976

ACQUISITIONS

To: The Honorable Mills E. Godwin, Jr., 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 calendar year ending December 31, 1975, as mandated by Section 9-132 of the Code.

Respectfully submitted,

Stanley C. Walker

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Chairman

MEMBERS OF THE COMMISSION

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Lewis W. Hurst, *Executive Director*

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VIRGINIA STATE CRIME COMMISSION.

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

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

§ 9-126. Membership; appointment; terms; vacancies; chairman; expenses. — The Commission shall be composed of thirteen members: six shall be appointed by the Speaker of the House of Delegates from the membership thereof; three shall be appointed by the Privileges and Elections Committee of the Senate from the membership of the Senate; three shall be appointed by the Governor from the State at large; and the Attorney General of Virginia shall serve as an ex officio member with full voting privileges. One half of the initial appointments made by the Speaker of the House of Delegates, and two thirds of the initial appointments made by the Governor and by the Privileges and Elections Committee of the Senate shall be members of the Virginia State Crime Commission created by House Joint Resolution No. 113 of the 1966 Regular Session of the General Assembly and continued by subsequent legislative action. The term of each appointee shall be for four years; with the exception of the Attorney General whose membership on the Commission shall be concurrent with his term as Attorney General of Virginia. Whenever any legislative member fails to retain his membership in the House from which he was appointed, his membership on the Commission shall become vacated and the appointing authority who appointed such vacating member shall make an appointment from his respective House to fulfill the vacated term. The Commission shall elect its own chairman annually. Members of the Commission shall receive no compensation for their services, but shall be

reimbursed for their actual expenses incurred in the performance of their duties. (1972, c. 766.)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

INTRODUCTION

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

The Commission's chairman is Senator Stanley C. Walker of Norfolk. Delegate Erwin S. Solomon of Hot Springs is vice chairman.

Walker, Solomon, and William N. Paxton, Jr., a Richmond insurance company executive, have served since the inception of the Commission. Senator J. Harry Michael, Jr. of Charlottesville was named in mid-December to fill the unexpired term of Senator George M. Warren of Bristol.

Also serving on the Commission are Senator George S. Aldhizer II of Broadway, Delegates Claude W. Anderson of Buckingham, L. Ray Ashworth of Wakefield, Raymond K. (Andy) Guest, Jr. of Front Royal, John L. Melnick of Arlington, Theodore V. Morrison, Jr. of Newport News, A. L. Philpott of Bassett, Attorney General Andrew P. Miller of Richmond and the Reverend George F. Ricketts also of Richmond. Counsel is Reno S. Harp, III, Deputy Attorney General, also of Richmond.

The Commission was created to study all areas of public safety and protection and, in so doing, to ascertain causes of crime and to make recommendations designed to help reduce and prevent it, to gather information and data relating to the apprehension, trial, punishment and rehabilitation of criminal offenders. It is further to report its findings to the Governor and General Assembly with its recommendations.

AN OVERVIEW

The Virginia State Crime Commission remains concerned about the increasing crime rate and the problems resulting because of the increase in criminal activity. One of the major problems is the overcrowding in a majority of the state's correctional facilities, the local jails and the lack of funds available to cope with them.

More than 32,000 individuals, a record, tax the capacity of all units beyond normal safety. The number incarcerated within the Division of Adult Services of the Department of Corrections on November 30 totaled 5,964 with an additional 4,690 in local jails and jail farms. An additional 11,470 were under adult probation. There were 1,223 juveniles being cared for by the Division of Youth Services and an estimated 9,000 children under supervision of juvenile courts and probation staff.

During its in-depth study of local jails, an advisory task force of the Commission found that jail stays were worsening at an alarming rate. From the period July 1974 through June 1975, there was a 25 percent increase in the time convicted felons remained in local jails before transfer.

Of equal concern is the steadily increasing number of crimes by juveniles and youthful offenders. On November 19, 1975, there were 1,092 felons 21 years of age and under confined in the state system. These figures came from the computerized inmate record file. Additionally, there were 138 felons on file who were actually 21 or under and may not have been included. This figure is far more than can be handled at Southampton Correctional Center. There the normal capacity is 474 and the population as of December 16, 1975, was 523. This means an undesirable situation exists throughout the system with 569 individuals who are under 21 being scattered in adult centers where they share quarters with hardened criminals. This is a deplorable condition that should be rectified.

Despite increased funds for Probation and Parole and increased numbers of both officer and staff personnel, the Commission believes there is still a long way to go. There appears to be a horrendous loss of time in the number of days utilized in release processing. A study in October 1975, showed a total of 76.1 days as the total elapsed average number of days in handling 82 cases.

The process includes seven steps. The steps and the average time required for each are:

1. In sending written notice to inmate, 6.6 days;
2. In receiving case file from the board, 6.6 days;
3. In making initial request for placement plan, 2.7 days;
4. In receiving approved placement plan, 30.5 days;
5. In receiving case file from Division of Adult Services, 13.7 days;
6. In preparing parole papers and furnishing notice, 1.6 days;
7. In actual release from the institution, 17.0 days.

The Commission believes that several of the steps should be taken in less time, particularly in the placement plan, in the time now used to obtain the case file from the Division of Adult Services and in the actual release from the various correctional centers.

By speeding up the probation and parole process the dangerously overcrowded conditions in the correctional system and in the local jails could be reduced. This is imperative for many reasons.

First, the Crime Commission believes that certain inmates incarcerated for nonviolent crimes could be removed through proper probation and parole processes from correctional facilities thus freeing badly needed physical space.

Secondly, in times of economic crunch such as we are now experiencing, it is economically sound. The direct costs to the taxpayers is approximately

\$6,300 a year to house those who are in correctional centers. This does not include welfare and other costs. It costs only \$384 per person for each placed on parole.

The Commission believes that certain individuals charged with minor property offenses could be out with good probation services once the courts and citizens are familiar with and understand the programs available.

Currently, the increased crimes resulting from unemployment, greater use of hard drugs, robbery and shoplifting add to the problems that already beset the criminal justice system. Robbery, breaking and entering as well as crimes against persons are uppermost in the minds of most Virginians.

We have these and other problems despite the progress made in recent years. There are more arrests because the quality of law enforcement is better. Law enforcement officers in all categories are better trained and better paid.

The Crime Commission from its inception has placed high priority on law enforcement training, improving criminal investigative capabilities, upgrading of facilities, living and rehabilitative conditions and correctional care for those who have been and will be incarcerated.

The Crime Commission has been painstakingly careful in the studies it has undertaken. So many areas have been studied previously. The Commission has endeavored to refrain from repeating studies previously made. As a result of its careful studies, considerable major legislation has come from it. It is the policy of the Commission to propose action that produces beneficial results for the public and for the criminal justice system.

MAJOR LEGISLATIVE RECOMMENDATIONS

From its studies, the Crime Commission has introduced legislation that resulted in several major accomplishments. They include:

Crime Laboratory - (a centralized statewide crime laboratory) Initially the Commission recommended that a crime laboratory be established administratively within the state's laboratory system; however, after this was not accomplished in 1972, the Commission recommended and successfully sponsored legislation providing for the consolidation of several existing state laboratories into one division and the establishment of a state forensic laboratory to provide services to all law enforcement agencies in the Commonwealth. In a very short length of time, the crime laboratory was organized and has developed its expertise.

In 1974 the Crime Commission, in conjunction with the crime laboratory, sponsored the Forensic Science Academy, a pilot course to intensively train law enforcement officers in the collection, identification and preservation of items of physical evidence at crime scenes for laboratory examination. The pilot course was such a success that the Academy was established by law in 1975. To date, 30 law enforcement officers from across the state have completed this training and 10 others are currently participating in the Academy and are scheduled to finish in March 1976.

Training and Standards Commission - In 1967, the Commission recommended and proposed legislation to create a Law Enforcement Officers Training and Standards Commission which would set standards and approve training for all law enforcement officers. The legislation was successful and the Training and Standards Commission was established effective July 1, 1968. Since that time that commission's duties have been expanded and the name of the Commission has been changed to Criminal Justice Officers Training and Standards Commission.

Drug Abuse Control - From 1966 through 1970 the Commission concentrated much of its efforts on drug abuse control. It studied the drug abuse problem across the state and made a number of recommendations to update the state's drug laws and to encourage education on the subject. Major recommendations were for the establishment of a Bureau of Drug Abuse and Narcotics. This was later set up as the Council on Drug Abuse Control and a Division of Drug Abuse Control.

Pari-mutuel Betting - In 1973, in a time when Virginia was considering the adoption of pari-mutuel betting, the Commission conducted a study of the relationship between pari-mutuel betting and organized crime with the help of professional consultants.

State Investigative Unit - The establishment of a sophisticated State Investigative Unit has been another of the Commission's priorities. In 1967 the Commission recommended that in lieu of establishment of an independent criminal investigation agency, that the investigative force of the Department of State Police be strengthened. In 1971 the Commission recommended that the State Police could be improved by forming a separate investigative division. They felt the existing setup was not effective and recommended that the investigative capabilities of the State Police be increased. In 1972 the Commission again recommended that an investigative division be established in the State Police to aid drug law enforcement, coordinate

statewide law enforcement and investigate major criminal organizations. During 1973 the Commission conducted a special study of the feasibility of setting up a separate state investigative unit. In 1974 the Commission recommended and sponsored successfully legislation which established within the Department of State Police a Division of Investigation.

Grand Jury - During 1974 the Commission conducted a special study of the grand jury system in Virginia. Out of that study came recommendations for the restructuring of the grand jury system. These recommendations were incorporated in the Code Commission's recommendations for changes in the Criminal Code which were enacted into law. The restructured grand jury system provides for an investigative grand jury with the necessary tools with which to properly conduct investigations. This change in the system does not interfere with the regular grand jury which continues to operate as it has in the past.

Corrections - In its study of corrections, the Crime Commission found dangerous conditions in the Penitentiary and in other correctional centers within the Department of Corrections. These have had far-reaching effects including legislation that on July 1, 1974, separated the former Department of Welfare and Institutions into two separate departments. They are the Department of Corrections and the Department of Welfare. Each has its own director. There have been other recommendations implemented within the department. These include the present plans to move reception and classification permanently to Powhatan Correctional Center and Southampton Correctional Center.

Other Studies and Recommendations - An active study of organized crime in Virginia was started in 1969 and continues. The Organized Crime Detection Task Force has issued several reports that have been well received nationally. The Commission recommended an updating of laws regarding riots and disorderly conduct and also riot control training and proper equipment for law enforcement personnel in all localities.

The Commission also recommended that the Central Records Exchange, set up under authority of the Attorney General's office, be transferred to the Department of State Police; that the State Department of Education and the Department of Community Colleges investigate and explore the possibility of working with local police departments to offer training on a regional basis to police officers; that the State Compensation Board take into account the cost of training of officers or deputies as an expense item of the respective sheriffs' offices, and the possibility of providing state aid toward payment of such expenses.

It also recommended study and improvement by localities of programs related to law enforcement, i.e., need for additional officers, increased pay, uniformity of training, and improved public relations; development of a procedure for presenting the background and any prior convictions of the defendant in sentencing; that the Departments of Mental Hygiene, Welfare and Institutions, and Health work together to set up an effective rehabilitation program for alcoholics; endorsed the program titled "Services in the Seventies to Virginia's Delinquent Children and their Families," including the proposed establishment of a State Council on Human Needs and Resources.

OTHER STUDIES CONDUCTED

The Commission has undertaken a number of other studies. It has worked closely with the administration, members of the General Assembly, the Virginia Association of Commonwealth's Attorneys, the Virginia Association of Chiefs of Police, the Virginia State Sheriffs' Association, the Division of Justice and Crime Prevention and other agencies of state government and segments of the criminal justice system. It has assisted in the transferring of ideas and methods of operation with agencies in other states as well as national organizations.

The Crime Commission's task forces included a number of legislators, persons within the criminal justice system, professional and business people as well as others who have held high elected offices and other distinguished citizens. Many of the studies have been undertaken with federal grants provided by the Law Enforcement Assistance Administration through the Division of Justice and Crime Prevention.

In the area of juvenile problems, the Commission recommended that the General Assembly seriously consider changes in the Code to broaden the child labor laws, permitting greater latitude for employment to youth. It recommended a truancy study by the Department of Education and a program of greater emphasis on citizenship. It also recommended a study of the juvenile code and now has underway an in-depth study of the entire juvenile program. Earlier, the Commission recommended that more probation officers be made available to the juvenile courts and the expansion of the regional juvenile detention homes. New juvenile detention homes have been built in Bristol, Danville, and Lynchburg.

A lot of work and cooperative effort have gone into the improvements. A lot remains to be done. The Federal Bureau of Investigation reported an increase of 18 percent in crime in 1973 over the previous year. This is

high enough but the fact is that Virginia has an even greater increase. The FBI says it is 20.15%. Crime is of the utmost concern. People's personal habits are changing in many ways in the hope of avoiding exposure to this. Unemployment and crime run hand-in-hand. Burglaries, breaking and entering and hard drugs increase with the unemployment trend in recent years.

Unfortunately, many citizens have not responded to the grave threat posed by the criminal. For various reasons they have not even bothered to report assaults, rapes, burglaries and robberies. Some surveys show that only a third or less of certain crimes are reported to police.

Because of these and other factors, the Crime Commission, for some time, has been laying the ground work for a "Crime in the Streets" awareness and educational-type program to be conducted statewide. This citizen involvement program will be undertaken with the cooperation of the Virginia State Chamber of Commerce, citizen organizations and, hopefully, local chambers of commerce and civic and business organizations.

A great deal of advance planning has gone into this undertaking. It will be done with regional or district task forces that will include citizens from various fields all with the single goal - to have everyone aware of crime and its potential and to be mindful of the many ways to cope with it.

CRIME IN THE STREETS

Through its various studies and several other recent reports conducted by other agencies the Crime Commission has become increasingly aware of the urgent need for this educational and awareness-type program. Reports of the Joint Legislative Audit and Review Commission and the Division of Justice and Crime Prevention are specifically mentioned. The JLARC staff report points out a number of shortcomings in Virginia's attempt to control the use of drugs and to treat and train the victims. It especially notes that law enforcement agencies have not followed the direction of Senate

Joint Resolution 60, adopted in 1972. This resolution, introduced by the Crime Commission, was designed to stop those persons engaged in the trafficking and abuse of hard drugs which present the greatest danger and harm to both users and society. Instead, it notes, more resources are spent on the apprehension of drug users and the confiscation of small amounts of marijuana, citing that in 1,006 arrests, there were 66.2 percent for marijuana, 6.08 percent for hallucinogens, 1.4 percent for depressants, 4.2 for stimulants, 3.0 for hashish and 10.1 for all others.

The Division of Justice and Crime Prevention authorized a survey on public attitudes concerning crime and found that 55 percent of the 1,000 citizens sampled in the cross-section poll list crime as the number one concern.

The Crime Commission concurs with these findings and reiterates an earlier recommendation of the Organized Crime Task Force that the Investigative Division of the Department of State Police direct more attention to hard drug trafficking, a cause of foremost concern throughout the Atlantic seaboard.

In its cooperative work with the Bureau of Forensic Science of the Consolidated Laboratory Services, the Commission is aware that "white heroin" reappeared in Virginia in the summer of 1974, and that it is again prevalent in dangerously high quantity. In 1973, Turkey instituted maximum prohibitions in the growing of opium poppies in an effort to control the manufacture of heroin. This resulted in a severe depletion of the supply of "white heroin."

With these disruptions in the normal supply channels, heroin dealers were forced to turn to South America and Mexico for their supply. The heroin produced in these countries soon appeared on the streets in Virginia - recognizable by its characteristic brown color.

"Brown" heroin or "Mexican Mud" (as it is known in street language) caused a drop in potency at the wholesale level to about 30 percent in 1974, a sharp drop from the high of approximately 90 percent potency for "white" heroin in 1970.

HEROIN POTENCY INCREASES

Immediately upon the partial removal of the ban on poppy growing in Turkey, in May of 1974, "white" heroin reappeared in Virginia and potency rose to about 95 percent at the wholesale level, higher than it was at its peak in 1970. The street level potency rose to a record level of 12.5 percent.

Of those who recall the heroin epidemic in 1968-1969 and have seen the problem ease, many, including the Crime Commission, are concerned as to whether Virginia is again at the beginning of another epidemic. The potency of the heroin is now at the highest percentage ever recorded for the wholesale level and is, at the street level, nearly twice as high as any previously recorded level.

As indicated by a marked increase in the number of specimens reaching the Bureau of Forensic Science Laboratory, the available volume of high potency heroin in Virginia is definitely on an upswing.

To further complicate matters, the price of heroin has continued to increase on a somewhat steady basis. Even when the potency of heroin was reduced during this past year, its price continued to follow a distinctive inflationary trend.

The Crime Commission strongly believes that the Investigative Division of the State Police should give more and greater attention to this increasingly dangerous problem. In the last session, legislation introduced by the Commission was passed giving the attorney general the authority to call on the state investigative unit to investigate certain criminal activity.

While shoplifting has been a cause of concern for years, it reached an alarming condition in mid-1975.

The Crime Commission launched a vigorous study following requests by the City of Norfolk. The powers of police officers in the apprehension of shoplifters came into question. The Crime Commission feels the best and most direct approach would be to specifically state in the Code that a merchant or his employee may detain a suspected shoplifter for a misdemeanor offense so long as the alleged offense was committed in his presence. Such detention must take place on the merchant's premises or after close pursuit from such premises by such merchant or his agent. This would allow a shopkeeper to detain a suspect in order to call for a law enforcement officer. A law enforcement officer should be given the authority to make the formal arrest. Subsequent to the arrest, the police officer could cause issuance of a summons and release the individual if he deemed it appropriate under the circumstances.

The Commission feels the change should be limited to the one situation of shoplifting and not extended to give a police officer authority to arrest without a warrant in any other situation except where already provided for by law, nor to give all citizens authority to arrest for all misdemeanor offenses. The study was conducted with the cooperation of a number of business and civic-oriented organizations and individuals.

Shoplifting in Virginia in 1974 cost merchants \$248,227,364. This is established on a basis of two percent loss in total sales. FBI statistics show that shoplifting in a five-year period (1967-1972) increased 73 percent.

The Crime Commission will introduce legislation in the 1976 session of the General Assembly hopeful of helping business in its fight against shoplifting. This will be one phase of the Commission's legislative package.

RESTRUCTURES GRAND JURY

In the last session, the Crime Commission introduced successful legislation to restructure the grand jury system. Some of the changes incorporated in the Code Commission's revision of Title 19.2 of the Code include:

1. Special grand jury would report only, not indict.
2. Witnesses before the special grand jury may have counsel to advise them.
3. The commonwealth's attorney may be present during the special grand jury's investigatory stage if requested by the grand jury and may interrogate witnesses with the grand jury's consent.
4. Court may designate special counsel to work with the special grand jury at their request.
5. A court reporter would be provided for use of the special grand jury to record and transcribe testimony taken by the grand jury.
6. Expenses of the special grand jury would be paid by the state.
7. If a witness testifying before the special grand jury is subsequently prosecuted for perjury the court may permit both the the commonwealth's attorney and defense attorney to have access to the testimony of that witness before the grand jury. That testimony would be admissible in the perjury case.

SCIENTIFIC TRAINING

The Forensic Science Academy provides training otherwise not available to law enforcement, stressing sophisticated scientific gathering of evidence. Legislation passed allows local fire departments and federal investigatory agencies to submit evidence for examination to the crime laboratory. Upon consent of the court, evidence such as drugs and weapons may be turned over to the Bureau of Forensic Science upon conclusion of trial, for the purpose of research training and comparison standards.

The legislation changing membership designation on the CJOTSC removes the requirement that one sheriff represent a city and three represent counties; it leaves the membership having four sheriffs without designation

of city or county. Other legislation affecting this commission requires all law enforcement officers to meet in-service training requirements set by CJOTSC regardless of any grandfather clause which may have exempted them from compulsory training standards; the Commission may exempt a law enforcement officer who has previous law enforcement experience from compulsory minimum training, and a House Joint Resolution was passed directing the CJOTSC to study the feasibility of establishing minimum entrance standards for law enforcement.

Two bills were passed authorizing (but not requiring) local governing bodies to pay legal expenses of sheriffs, deputy sheriffs and local police officers who are arrested, indicted or otherwise prosecuted on charges arising out of acts committed in the discharge of their duties and the charges are subsequently dismissed or upon finding of not guilty.

A bill was passed changing the definition in the Code of marijuana and hashish from "Cannabis Sativa L" to "Genus Cannabis." This legislation put to rest the question as to whether or not there is more than one specie of marijuana. Still another bill was passed providing that any person who willfully delivers or attempts to deliver to an inmate any drug regulated by the Drug Control Act without first securing permission from appropriate authorities shall be guilty of a class 4 felony. It also provides that any person who willfully delivers or attempts to deliver to an inmate a firearm, ammunition or explosive without securing permission shall be guilty of a class 3 felony.

Because of work release problems within the Department of Corrections a bill was passed which allows inmates to be cared for in approved halfway houses while participating in education, employment or community activity programs. Heretofore it was required that inmates be transferred daily from

the penal institution to wherever they were employed or in school. Sometimes an inmate would have to be driven two hours or more each way to and from work or school.

The bill would also allow the Department of Corrections to deduct additional money from an inmate's wages while on work release to help defray the cost of the work release program. The current procedure used by the department is not sufficient to cover the costs of the work release program.

A bill was passed allowing inmates to earn one to five days per month for vocational or educational training to be applied to the parole eligibility date and toward the total terms of confinement.

During the year the Crime Commission conducted a number of studies. These include the Continuing Study of Corrections, encompassing both Youth Services and Probation and Parole. The latter two will be accentuated in 1976. The Commission continued its Study of Local Jails by an Advisory Task Force and issued a comprehensive report to the Governor and members of the General Assembly on December 15. The report stressed that consideration in the future planning be given to regional jails and recommended that immediate funding be given priority by the legislature in the 1976 session.

Additionally, the Commission completed its Study of Law Enforcement Liability Insurance and recommends that localities furnish this type insurance to its police officers. The Commission found this type insurance to be readily available at a reasonable cost. The shoplifting study also was completed.

Each of these reports was well received and some of the recommendations resulting from the findings have been put into effect, both statewide and in localities. Legislation will be upcoming from other findings in the 1976 session.

At the request of the 1975 General Assembly, the Commission also conducted studies on deadbolt locks, dum dum bullets and handguns. Considerable research was done on each and public hearings were conducted. Detailed information on these and other studies is contained elsewhere in this report.

PRESENT STUDIES

In the coming year, the Crime Commission will emphasize crime in the Streets, Youthful Offender Study, Probation and Parole, Crime Against Women, Victims of Crime, Sentencing, and will continue with the Division of Justice and Crime Prevention the study of Goals and Objectives, as well as Compensation of Law Enforcement Officers, and Bail Bonding. The Commission has not completed the mandate to study Handguns. It will continue to gather data on this subject and will make a separate report on it later. The Commission will continue to work and render assistance to all segments of the criminal justice system, other state agencies, the legislature and the executive branch in a zealous effort to stem the crime problem throughout the Commonwealth and give Virginians the protection and safety they deserve.

CONCLUSIONS AND RECOMMENDATIONS

Despite the extra emphasis placed on crime prevention in recent years, there has been continued increase in the number of crimes committed. As crime increases almost everywhere and as overcrowding haunts our entire correctional system, the Virginia State Crime Commission once again calls attention to the dangerous conditions that prevail.

We strongly recommend immediate financial support for acutely needed bed space both within the Department of Corrections and in the local jails.

The alarming number of violent crimes - murder, homicide, rape, kidnapping, robbery, assault and arson, among them - and the daring with which hard narcotic drug trafficking and shoplifting are on the rise have aroused public rage. Records are being broken in the number of offenses committed. The citizenry feels the imminent potential danger to their lives and their property.

This is understandable when we consider the staggeringly large number of persons - over 32,000 - under supervision of the state's correctional system and in local jails, the almost unbelievable increase in the number of crimes, and the number of convictions.

It is an alarming statistic to realize that of the 649 incidents of rape arrests reported from January through November there had been 33 convictions as of December 22, 1975. These figures were obtained from the Central Criminal Record Exchange. At the same time there had been 1,484⁷ sex assaults reported along with 365 convictions. The CCRF showed 748 arrests for rape in the calendar year 1974 with 152 convictions; 1,709 arrests for sex assaults with 647 resulting in convictions. The Federal Bureau of Investigation figures for 1974 showed a disparity in the totals.

FBI reports showed 739 rapes in 11 jurisdictions - Lynchburg, 25; Newport News and Hampton, 91; Norfolk, Portsmouth and Virginia Beach, 367; Petersburg, Colonial Heights and Hopewell, 21; Richmond, 211, and Roanoke, 24.

These figures surpass the high marks in 1974, when there were 1,931 robberies and 5,496 burglaries. The number of convictions were at a low percentage and the number of cases to be disposed of was higher than 50 percent of the arrests. There also remained a high number of murder cases, assaults, rape and sex assaults to be disposed of by the courts.

The delay in making disposition of cases for various reasons is cause for further concern. Arrests, convictions and disposition figures of cases handled by CCRE through December 22, 1975, present a perplexing picture.

The figures follow:

	<u>Total Arrests</u>	<u>Total Convictions</u>	<u>Other Disposition</u>	<u>Disposition Not Received</u>
<u>1974</u>				
Murder	847	313	361	173
Robbery	1931	703	856	372
Burglary	5496	1933	2452	1111
Assault	3360	511	2239	610
Rape	748	152	418	178
Sex Assault	1709	647	715	347
 1975 (January through November)				
Murder	795	102	212	481
Robbery	2160	377	669	1114
Burglary	6158	1233	1913	3012
Assault	3236	223	1565	1448
Rape	649	33	212	404
Sex Assault	1484	365	404	715

Legislation became effective January 1, 1975, requiring cities and counties to report to one bureau the same uniform crime reports localities had been furnishing voluntarily to the Federal Bureau of Investigation. The reporting is made to the Department of State Police

which maintains the records in the CCRE. This is considered an important step in records preservation and a necessary one. In the past, reporting had been on a voluntary basis. There were no formal instructions on the manner of reporting. Now there are. Moreover, the state police have six field representatives who have had necessary and intensive training in preparation of the complete reports.

They coordinate their efforts with and assist the localities in their compilation. Because of this change, uniform reporting is now being done. Officials at the Department of State Police believe the jurisdictions are cooperating. The Crime Commission notes that there are no penalties to jurisdictions that do not cooperate. It is hoped that all will cooperate because of the need for accurate facts. The Crime Commission will follow with interest the development of this plan.

Through its handgun study and its public hearings, the Crime Commission has found additional evidence to point out the alarming number of crimes in which guns are used. It is more apparent now than ever that legislation calling for stiffer penalties for crimes committed with the use of handguns is necessary. The Crime Commission strongly supports such legislation or will introduce it to carry out its purpose.

The Crime Commission, mindful that rape is one of the more serious crimes in Virginia, is undertaking an in-depth study of rape.

Rape is one of the most vicious and discussed crimes. Almost daily the members of the Commission are confronted by either victims of rape, their families or friends. The Commission is aware of the humiliation and frequent harrassment that besets the victims of rape.

Rape knows no age group. Juveniles and the aged are often victims, not only of the crime but of the embarrassment of repeated investigations and court appearances. The Commission hopes that within the next year strong legislation will be introduced to curb or at least reduce this crime. Such legislation would protect the victim and punish the attackers.

There also is much concern for relief of victims of crime. It is going to be necessary to give a great deal of consideration to the victims of crime. The Commission intends to give it a thorough look. It is the opinion of many that the victim is paying too great a price.

These are of extreme importance. The public is concerned over the increase in violence. The Crime Commission intends to address these subjects and others in its Crime in the Streets program, an educational-type awareness undertaking designed to inform the citizenry on self-protection when victimized. It will stress ways of informing law enforcement of violations and rendering full cooperation to law enforcement. The Commission believes that it is time that many citizens cast aside the attitude of non-involvement. One of the better ways to reduce the growth of crime is for citizens to join together in a cooperative manner in an all-out effort to halt crime's continued growth.

The state currently has a study of speedy trials underway, and the Crime Commission, responding to House Joint Resolution 211, will have a study of sentencing procedures in Virginia and will make recommendations. House Joint Resolution 211 states there is a disparity in sentencing. There has been and is great concern over the disparity existing throughout most of the country as well as in our state. No previous sentencing study has ever been undertaken in Virginia. The Crime Commission believes that the purpose of the sentence should be to protect the public, deter criminal activity and to punish the lawbreaker.

Citizens are conscious of court delays. This is not common to Virginia. It is nationwide. Where Virginia is concerned the comparison is good. The area is a difficult one with many problems. There is strong feeling among those in qualified positions that there may not be a sufficient number of judges, prosecutors and trained supporting staff to properly handle the increasing number of cases in the available time. The chief judge in one district recently told the Crime Commission that the judges in his district now sentence fewer offenders to jail due to crowded facilities, and the expense plus red tape involved in determining indigency for appointment of required counsel. That district is using pretrial release and alternative sentencing programs which the chief judge says is effectively reducing the jail population.

The Commission advocates that one way to alleviate some of the overcrowding within the Department of Corrections is to remove the misdemeanants from the system and to exchange them with felons who may be currently endangering morale and security in the local jail.

The Crime Commission is concerned over the high percentage of persons 25 years old and younger who are incarcerated. Of the 6,147 felons and misdemeanants in the adult correctional centers on December 24, 1975, there were 2,459 or 40 percent who are under the age of 25.

Moreover, 41.1 percent of those total inmates are recidivists. Of the total number of inmates, 1,498 are felons who had served prior felony sentences and 1,029 felons who had previous misdemeanor sentences. The shocking fact is that of the 2,527 recidivists, 1,565 of them, or 61.93 percent, committed crimes of violence.

These figures, i.e., the number of persons under 25 and the total number of recidivists, underline the urgent need for proper reception and

classification. The Crime Commission believes that already there has been too great a time lapse between the appropriation of monies last February, when funds were included in the appropriation act for reception and classification facilities at Powhatan and Southampton Correctional Centers, and actual start of construction. Actually, plans were only recently completed. Bids for the construction of these units are being invited in January, 1976. and the construction hopefully will begin without further undue and seemingly unnecessary delay.

Because of the urgency for such facilities and for acutely needed bed space, the Crime Commission believes that when capital outlay money is not readily available that provisions should be made to transfer special or discretionary funds for such purposes. Already too much time has elapsed, and the public safety is too important to allow continued overcrowding that has endangered inmate and correctional officer morale and could lead to even more regrettable situations and ultimately end in violence.

With such a large number and high percentage of offenders who are incarcerated for crimes of violence, the Crime Commission contends that the Commonwealth can no longer continue to incarcerate those offenders with others who have not committed crimes of violence. To continue housing them together encourages additional problems. They should be separated as soon as is practicable.

Also there is the concern over the young offender. The Commission cannot overstress the need for another institution for use by those first offenders 23 years of age and under. The Southampton Correctional Center used primarily for young offenders is bulging. Its normal capacity is 474;

its population on December 16, 1975, was 523. Since there were 1,092 felons 21 years of age and under plus 121 felons whose ages were not listed incarcerated in the system on November 19, 1975, there are 569 young offenders unhealthily scattered throughout the system. The Commission deplores this situation and urges that another youthful offender center be given high priority in future planning.

There has been a great deal accomplished between the Commission and the board of the new Department of Corrections and the director of the Department of Corrections. The Commission is mindful of the Department's many problems and feels that the Board should have the authority to review and be consulted on such matters as the budget and establishment of correctional institutions.

As we approach the 1976 General Assembly the Commission strongly recommends that both short range and long range planning needs be stressed and supported to relieve local and state problems. We realize that long range planning is a slow process, often too slow. But the Commonwealth and local governments must realize this is the foremost subject we face. It needs strong support from the public.

To add to the problems, the trafficking of hard narcotics has greatly increased. The Department of State Police should place more emphasis on this phase of law enforcement. A Joint Legislative Audit and Review Commission's report indicates a lack of coordinated effort. Larger localities, with greater numbers of specialized law enforcement officers, have their own drug enforcement and conduct investigations in cooperation with the State Police. Some of the smaller localities, however, feel that the Investigative Division is placing too much emphasis on the so-called less dangerous

drugs. In some areas there remains a general feeling that the state is not placing the proper priorities on efforts to combat crime within the localities.

Because of the increases, the Crime Commission strongly feels that the proper training of law enforcement officers is needed more now than ever and that one of the key factors in the improvement of any criminal justice system is proper training. The Commission commends the work of the Criminal Justice Officers Training and Standards Commission and the cooperating local jurisdictions for the training which has thus far been accomplished. The Training and Standards Commission, created in 1968, has the responsibility of establishing and maintaining compulsory minimum training programs for all permanent, full-time law enforcement officers, those officers designated to provide courthouse and courtroom security, jailers or custodial officers of local law enforcement agencies, and correctional officers of the State Department of Corrections.

In the basic law enforcement training, which consists of a total of 204 hours of training, 5,634 officers have satisfactorily completed the program; 266 were in school at the time of the survey in mid-November, 1974. Since January 1, 1973, the effective date of the training requirement for court security officers, 523 have successfully completed that course. The required training for jailers or custodial officers became effective June 1, 1973, and since then, 1,377 officers have satisfactorily completed it. Training for officers in the Department of Corrections was required as of June 1, 1973, and thus far, 1,032 have completed it and 116 were in school at the time of the survey.

In addition to basic minimum training for the different categories of officers, the Training and Standards Commission now administers in-

service training for all law enforcement. This in-service training requirement, which consists of 40 hours training every two years, became effective January 1, 1975, and as of mid-November, 2,533 officers had completed that training and 83 were then in school. The Crime Commission sees this in-service training as a progressive and positive program which is imperative for quality law enforcement.

Pursuant to legislation passed by the 1975 General Assembly, the Commission is currently setting up training standards for local fire marshalls and their assistants.

The Training and Standards Commission has been able to carry out its statutory function due largely to federal funds from the Law Enforcement Assistance Administration and some state funds to provide needed personnel. It is important that the state provide funds when federal funds are no longer available to provide sufficient staff to carry out that Commission's duties and responsibilities.

For more than a year and a half a Commission task force has studied the Criminal Justice Information System. Through this and through its relationship with the Governor's Management Review Board, the Commission believes that the Criminal Justice Information System is needed and strongly recommends it. The Commission believes that the administration and the legislature need to give in-depth consideration to this proposed system and the manner in which it is to operate.

The Crime Commission is aware of the fear and outrage that grips citizens when a parent goes to a school yard and is confronted by a teenager with a shotgun standing within close range and pointing the barrel toward his head; when judges are killed while sitting on the bench in court; when hard narcotics trafficking increases; when merchants lose

in excess of \$248,000,000 annually through shoplifting; other citizens lose millions through stolen property; taxpayers live in fear of rape and mugging should they venture outside after dark. These are reasons why the Crime Commission intends to use its every effort to deter the growth of crime at every corner and in every jurisdiction. We guard with pride the achievements of the criminal justice system and the cooperation we have received from the citizens, jurisdictions, other state agencies, the legislators and the administration. We shall continue to strive to justify such faith.

- Considerable legislation in the 1976 session will come from the Jails Study. The Code should be amended to reimburse localities \$50,000 for the construction of a local jail; \$150,000 for each county or city involved in the regional jail.

The Commission urges that full consideration be given to the following proposals:

- Legislation dealing with conservators of the peace.
- Legislation requiring all law enforcement officers to have a high school education or the equivalent.
- Legislation to include ABC law enforcement in the Line of Duty Act.

There will be other proposals that have not come directly from individual studies. Some were proposed by organizations within the criminal justice system.

In its Capital Outlay report the Crime Commission recommended an addition at Powhatan Correctional Center and certain remodeling there to

provide for reception and diagnosis. There was also a recommendation for the construction of a reception and diagnostic facility at Southampton Correctional Center. The Administration and General Assembly adopted these recommendations during the 1975 Session and transferred the necessary \$5,735,631 that had been previously appropriated for Green Springs.

Other recommendations included in the Capital Outlay report of December 6, 1974 are again proposed. They include:

- At Bland Correctional Center work should be undertaken on the conversion of six dormitories to single-room housing, the remodeling of the one-story dormitory housing building for use as an academic school and construction of a vocational training shop facility. The estimated cost of these improvements totals \$1,038,200, including a 10% contingency allowance. Architectural planning to implement the remaining recommendations should be authorized simultaneously and the construction authorized when such plans are completed. Priorities among the remaining recommendations for Bland should phasing be necessary are: (1) Gym, and Recreation, \$525,000, (2) Administration and Counseling, \$525,000, Health Care, \$400,000, (3) Warehouse, \$240,000.
- The site of the St. Brides Correctional Center, which is now leased from the City of Norfolk, should be purchased as soon as possible, and remodeling should be started on the facility. The proposed price has been put at \$1,125,000 and the remodeling at \$500,000.
- Planning funds for a prototype - 500 bed institution should be provided, this being \$1,200,000.
- Any planning for future institutions should take note of the fact that there are now sophisticated intrusion alarm systems that would materially reduce the personnel cost associated with the maintenance of perimeter security, the last zone of defense and protection of the public. Not only is this less costly, but it improves over existing guard tower types of security. Usually, the intrusion alarm systems pay off in approximately a year.

In its Phase IV Report of the Continuing Study of Corrections, the Crime Commission proposed that the Department of Corrections consider overcrowding as its top priority and added a number of recommendations not necessarily in the order of priority. They are repeated here:

- The department should consider leasing or purchasing buildings to relieve the overcrowding. They would house for interim relief those persons incarcerated for non-support, driving under the influence or misdemeanants who are low risk and persons in education or work release. There would be no security risks housed in such facilities.
- Probation and Parole should go hand-in-hand with corrections in order to make maximum use of the possibility to reduce inmate population by paroling those who have earned eligibility.
- Money should be provided to hire Probation and Parole persons allocated by the General Assembly in 1974 with the necessary support services provided.
- A special inventory should be taken within the correctional facilities to be certain all available space is properly utilized.
- That complete support be given to corrections' capital outlay requests.
- In previous reports the Crime Commission has stressed the urgency of proper classification. This continues to be needed and should be implemented without undue delay.
- A complete new system of records-keeping should be set up within the department.
- Prohibitive costs and overtime for correctional personnel should be stopped. Corrections should have the cooperation of the Bureaus of the Budget and Personnel to immediately employ and train sufficient personnel to adequately staff each unit.
- Specialized management training for superintendents and other administrative personnel should be instituted immediately and geared to stress modern techniques in supervision. Personnel should be retrained periodically.
- Vocational training should be a part of each unit and should stress usable skills. Where possible, industry should be established.
- A program of rotating superintendents of institutions should be explored to insure that no one remains at any correctional center more than five years.
- Because of the need for programs and personnel full support be accorded maintenance and operation budget requests of corrections.
- People should be employed within the system and trained regardless of sex, race, creed or color. The employment practices should be free from nepotism.
- Security should be tightened in field units receiving high security risk inmates.
- More effective lines of communication should be developed by the staff personnel and inmates. Policy and rule changes affecting prisoners should be made known immediately to all inmates.

- Each unit should have an adequate library and the department should expand the program in cooperation with the Rehabilitative School Authority.
- Recreation, arts and crafts should be made available at more institutions. Gymnasiums are again recommended.
- The department should immediately cease assigning inmates over 23 years of age to the Southampton Correctional Center because of overcrowding elsewhere. There are more than 100 persons there now over 23 who should be reassigned.
- Close cooperation should prevail between the department and Rehabilitative School Authority; role of the Authority's employees regarding security matters should be clearly defined, classroom attendance should be rescheduled in such a manner that inmates receive maximum benefits.
- The Crime Commission supports the concept of citizens advisory and volunteer programs within corrections.
- In the area of work release the Commission urges that proper planning and preparation be given full consideration and that adequate funding for staff be provided.
- The Commission suggests that a joint effort be made by the House Health, Welfare and Institutions Committee and the Senate Rehabilitation and Social Services Committee to review the regulatory statute setting up the new Board of Corrections.
- The department should work closely with programs such as the Offender Aid and Restoration and the Central Labor Union that function across our state and are actively involved in Offender Employment Assistance Programs operating under their Human Resources Development Institution (HRDI) affiliated with the AFL-CIO; Virginia Employment Commission and other programs, assisting inmates in finding employment. This includes the corrections project for training its own ex-offenders.
- Emphasis should be placed on strengthening research and planning capabilities to enable the department to explore new developments and concepts, including preventive and rehabilitative, being implemented throughout the country. This should be taken into consideration in the budget requests of the department.

In its Law Enforcement Liability Insurance Report dated December 15, 1975 the Commission recommended that:

- Local jurisdictions should insure or indemnify their law enforcement personnel against civil suit for acts committed in the performance of duty.

The report on Shoplifting, issued December 9, 1975, recommended revisions in the Code to clarify the inconsistencies in the interpretation of the shoplifting laws:

- The Commission recommends that the Code be revised so that a merchant or his employee may detain a suspected shoplifter whether it be for a felony or misdemeanor offense so long as the alleged offense was committed in his presence. Such arrest, or detention, must take place on the merchant's premises or after close pursuit from such premises by such merchant or his agent. A law enforcement officer would be given the authority to formally arrest the suspected shoplifter without first having to obtain a warrant. Subsequent to the arrest the police officer would cause issuance of a summons and release the individual if he deemed appropriate under the circumstances.

On December 15, 1975, the Commission released its report on the Study of Local Jails following an in-depth study by an advisory task force. Many recommendations were made concerning all phases of the operations of local jails. These recommendations are repeated here:

- Immediate attention should be given to relieving the jails of prisoners, particularly the hard-core offenders who belong in the Department of Corrections. The legislature should provide the funds so that those who belong in the corrections system are removed from the local jails so the jails can perform their function in the proper manner as recommended in this report. This will require that the legislature give high priority to short range solutions. Community-based programs can provide some of the space to help relieve the overcrowding.
- The Commonwealth should give close attention to its participation in the planning and construction of new jail facilities. Construction of jails with less than 50 beds should be discouraged. Regional jails are recommended where feasible. They should include maximum security facilities separate from medium security. The medium security area should be made more secure by an outside perimeter. Adequate physical space should be provided for all necessary supports such as classification, counseling, health care, recreation, education, libraries, work release, drug and alcohol education, communication procedures and religious services. Electrical power, as well as a comprehensive emergency plan, must be incorporated in the planning.
- Where possible, regional jail arrangements should be utilized, e.g., three existing facilities within a 50-mile area - one for males, one for females, and a third facility for juveniles.
- The state should remove specific dollar amounts from funding of regional jails and should not require that any such facility be erected on state-owned land. Instead, a formula should be devised to be based upon the population of the area or region to be served, the size of the facility, the cost of the facility and the relative ability of the localities to pay.
- In areas where regional jails are operated the existing local jails should be utilized as lockups. Lockups should house an inmate no longer than 72 hours unless no other facilities are available.
- A lack of sufficient staffing is apparent within the Bureau of Institutional Services. The Advisory Task Force feels that this adds to existing problems and recommends that the staffing be increased immediately.

- The Parole Board should hear cases of inmates eligible for parole consideration who are incarcerated in local jails. The current practice of the Parole Board is to often consider those inmates confined in state institutions. We have been advised that while the law permits the Parole Board to consider prisoners who have served sufficient time in local jails to meet parole eligibility, the Parole Board in fact insists that the prisoner be processed through classification with the corrections system before giving consideration for parole. We feel the local probation officer should forward a copy to the Parole Board of his complete report on the prisoner immediately after sentencing. The Parole Board should then request of the local sheriff and parole officer a supplemental report if the prisoner had been detained in local jails a sufficient length of time to meet parole eligibility. The prisoner should then be produced before the representative of the Parole Board for interview at the nearest correctional unit. (This is intended to give the prisoner some incentive during his incarceration in jail after sentence and also to assure that all prisoners are treated equally.)
- The Code of Virginia should be changed so that those incarcerated in the corrections system for non-support serve time in local facilities and thus free space in correctional facilities. Work release should be utilized where possible to provide support for the inmates' dependents.
- The court sentencing persons under the Habitual Offender Act shall have the option to permit that such offenders serve sentence in the local jails.
- The Code should be changed so that the commonwealth's attorneys or the city attorneys who prosecute shall also receive a report from the sheriff at the beginning of each court term showing the number of prisoners in jail, their date of commitment, the offense and the sentence. The report now goes only to the judges.
- All presentence and postsentence reports should be transmitted by the clerk of the court at the time the inmate is transferred. Felon inmates who are to be transferred to the Department of Corrections' Receiving Center shall be transferred, if at all possible, within 30 days after sentencing unless the sheriff or jailer requests retention and such retention is approved by the Department.
- Personnel staffing should be certified by the Department of Corrections following a survey by the Department and once these recommendations are made they should be followed by the Compensation Board and binding on the local jurisdictions.
- Jailers should be required to report daily to the Juvenile and Domestic Relations Court the identity and number of juveniles incarcerated and the length of incarceration for each.
- The State should amend Section 37.1-67.1 to allow for temporary detention for up to at least 72 hours when necessary for possible civil commitment of the mentally ill.
- Specialized penal units in the Department of Mental Health and Retardation should be developed with medical and psychiatric capabilities designed to meet the needs of and to cope with mentally or emotionally disturbed or

retarded inmates who constitute behavioral or management problems. Such units could serve the needs of the state system as well as the local jails. These units should be allowed to receive and temporarily hold prisoners for local jails at the request of the sheriff, even when the person is awaiting trial.

- The state should encourage expanded local usage of community mental health and mental retardation services. (Section 37.1-194 et. seq. Chapter 10).
- Juveniles, who are not sentenced as adults, should not be detained in local jails unless other alternatives are unavailable.
- The state should provide the primary share of revenue for the operation of treatment/rehabilitation programs.
- Arresting officers, jailers, and the juvenile court system must adhere to statutory requirements and the spirit of the Juvenile Code regarding the detention of juveniles.
- All custodial personnel should receive some training to properly handle juvenile cases, however, special training should be available for persons working regularly with jailed juveniles.
- All localities should have access to secure, pretrial juvenile detention facilities. Emphasis should be placed on community development and use of alternatives to secure detention. Secure detention should be used solely for those children who pose a threat to themselves, their family or their community.
- Alternatives to be considered for juveniles include:
 - a. Diversion units programmed to handle the bulk of status offenders
 - b. Less secure detention homes
 - c. Outreach and/or home detention programs
 - d. Crisis intervention centers
 - e. Crisis runaway homes
 - f. Boarding homes
 - g. Volunteer homes
- The state should encourage the establishment and use of community-based, less secure residential facilities, either regionally or locally, to which the juvenile court could directly sentence juvenile offenders.
- Where it becomes necessary to transfer an inmate to another local facility away from the local community jail, comprehensive screening shall be conducted with due consideration given to the individual inmate's distance from his/her home, special needs, and those programs available in the receiving facility.
- The Compensation Board should take steps as necessary to provide a cost-of-living differential to jail personnel in those areas where cost of living is out of line with the remainder of the state.
- The Virginia Supplemental Retirement System should include retirement for correctional officers at age 60.

- Standard classification and bookkeeping forms furnished by the Department of Corrections should be utilized throughout the jail system in order that proper information on each inmate is sent to the Department of Corrections at the time of the inmate's transferral.
- Those who have committed violent or aggressive crimes should be separated from those who have committed nonaggressive crimes.
- The Board of Corrections should consider more effective use of its power to close facilities that do not meet minimum standards.
- The Commonwealth should make greater use of alternatives to incarceration by using proper classification and follow-up. Alternatives should include release on recognizance, street supervision pending trial, weekend sentences, utilization of halfway houses and realistic bonding procedures.
- Anyone suspected of drug or alcohol addiction should be given a medical examination as soon as practicable in order to diagnose and treat symptoms.
- The common holding section or drunk tank and sleeping dormitories should be eliminated in the planning of future jails.
- The rated capacity of any jail should not exceed 150 persons. Jails should have a rated capacity of at least 50 inmates. (It is understood that some jails in the state must of necessity be larger due to a greater population density.)
- Classification and rehabilitation programs should be established in the local jail. All programs in the jail should be made available to both male and female inmates.
- Work release, recreation, study and library programs should be provided. The courts should be encouraged to utilize the work release concept.
- Tables of organization should be developed for jails of various sizes. (Suggested tables of organization are included in the Jail Report.)
- Communities should be invited to develop a model system of in-jail and post-jail programs as well as a system of alternatives to incarceration. It is important that such models incorporate local evaluation components.
- The Board of Corrections should establish and monitor minimum standards for treatment programs and guidelines for community involvement and technical assistance.
- Establishment of broadly based community advisory boards for each jail in the state should be encouraged along with volunteer programs and other work within the jails. Volunteers should be covered by appropriate insurance.
- Community volunteers or the advisory board should develop a catalog of community services available to the inmate during the in-jail and post-jail period. This would include both public and private agencies. It is further recommended that there be utilization of community resources by criminal justice agencies.

- Programs of recreation, libraries and vocational rehabilitation should be closely related to community agency programs. The sheriff should make every effort to involve various agencies in local government in appropriate jail programs.
- The state should seek more discretionary federal funds from the Law Enforcement Assistance Administration to be used toward construction of new jails, additions to jails or correctional facilities.

CORRECTIONS

During the year 1975, the Crime Commission continued its study of corrections and issued two reports.

One of these dealt specifically with the work release program and was prompted by a series of incidents that took place in the late fall of 1974, resulting in the death of a police officer from Portsmouth and the death of a work release inmate assigned to Unit 22 at Chesapeake. The other report was an in-depth study on the Southampton, James River, and Powhatan correctional centers, the Virginia Correctional Center for Women, the Pre-Release Activities Center and six field units.

The Commission maintained close contact with members of the State Board of Corrections, the director of the Department of Corrections and the heads of the various divisions. The Commission's Capital Outlay Subcommittee met on several occasions with the Capital Outlay Subcommittee of the Board of Corrections in the hope of maintaining an understanding of the department's capital outlay problems and limiting requests in the upcoming biennium budget to the bare necessary minimum because of the existing financial problems. Additional meetings between the two committees are planned. A consultant has been engaged to lend assistance. He has recently met with Corrections administrative personnel and visited correctional centers to obtain first-hand knowledge of capital outlay needs.

The Commission and staff maintained close contact with various units within the department as well as with citizen volunteers. This rapport enabled all to be mindful of both improvements and problems that exist within the correctional system.

Because of the problem pin pointed in the Chesapeake area, the Commission engaged the services of a consultant to review the existing work release pro-

gram. The Commission's executive director and the consultant examined the guidelines under which work release had been administered. They made a number of unscheduled visits to each correctional facility housing work release inmates. A special report evaluating the existing program cited shortcomings prevailing at the time. It included the history of the work release program, both in Virginia and in the United States.

The report contained legislative and administrative recommendations for the improvement of the work release program. Also, it called for legislative changes, including clarification of the statute authorizing work release in order to make it less restrictive regarding participation in training, educational and work activities in which suitable individual prisoners may be authorized to participate.

The report also recommended that the Department of Corrections be encouraged to contract for work release programs and that presentence and post sentence reports be required for all offenders. Shortly after the Commission's report was made public, the Department of Corrections announced that new work release guidelines had been developed and issued to all correctional facility superintendents. New criteria was developed for accepting inmates into the work release program.

The Phase IV Report on the Virginia Correctional System was released May 27, 1975. In addition to the reports on the individual institutions, it included a section on the progress of the Rehabilitative School Authority that had begun to function late in 1974. The report also included a section providing statistical profiles on inmates in Virginia correctional units. The statistical profile was a survey of approximately 2,000 inmates as to their alcohol and drug habits, present and previous crimes, juvenile records and also looked at a comparison of sentences given according to types of crimes. Included in the report were follow-up reports on the Bland and

St. Brides Correctional Centers that had been covered in a previous report. The latter report also included changes occurring within the Department of Corrections following its separation from the former Department of Welfare and Institutions.

The Crime Commission made 21 recommendations concerning the correctional system and cited overcrowding as the problem needing top priority consideration. To help relieve overcrowded conditions, the Commission recommended that the department consider leasing or purchasing suitable buildings currently not in use around the state. The urgent need for proper classification was again stressed. A complete new system of records-keeping for the department was recommended along with specialized management training for correctional facilities superintendents and other administrative personnel. The Phase IV report was the final in-depth study to be completed on the Division of Adult Services of the Department of Corrections. The Commission intends to continue close communication with the department and to note the problem areas and the areas in which progress has been made.

As noted in previous reports, records-keeping within the Department of Corrections has created many problems. Frequently, the Commission staff has sought information concerning inmates that was not available. Records were not forwarded when inmates were transferred into the system from local jails nor were they always forwarded when inmates were transferred from one correctional center to another. In many instances, when records were forwarded, there was a considerable backlog before the information was transferred from those records into the computer. On January 28, 1975, information on felons inducted into the penal system after July 1, 1974, had not been entered into the computer. By August 12, the backlog had been reduced to approximately 400 felons. The records processing had been considerably stepped up. On November 7, the Bureau of Research and Reporting, which handles the records,

had completed the fiscal year 1974 and lacked input from only four folders of felons transferred in the system in fiscal year 1975.

The data is comprehensive and contains the following information on each felon: inmate's name, inmate's number, race, sex, offense, date admitted, sentence, jail time, back record, occupation, military status, education, I.Q., machinery, aptitude, clerical skills, habits (use of drugs and alcohol), status of parents, marital status, date of birth, juvenile record and current correctional unit location.

While a number of personnel changes took place in key positions, the department made progress in the area of its reception and classification program despite the lack of proper physical facilities. An inmate program manual was developed to assist in the classification, spelling out each step in the classification method. It explains to the inmate the department's responsibilities and the inmate's responsibilities. It also gives information each newcomer needs concerning recreation, library, entertainment, mail, packages, magazines and newspapers, visitation and other contacts.

The 1975 session of the General Assembly transferred funds from a planned facility at Green Springs to be used for constructing reception and classification buildings at Southampton Correctional Center and Powhatan Correctional Center. There have been delays in the original schedule. Working drawings are now being reviewed for Southampton. The department plans to advertise for bids in December and award a contract for construction in January. Changes in the Powhatan plans will delay the awarding of that contract until February. The time schedule estimates completion of the facilities in 18 months from the time of awarding the contract.

Correctional officer personnel now available to corrections are more plentiful than they were a year ago. This is due to two factors--increased salaries and unemployment. Correctional officer trainees now start at \$7,344 annually. Correctional officers begin at \$7,680 and probation and parole

officer trainees at \$8,400 with the second step being \$8,784. Probation and parole officers begin at \$9,168.

Probation and Parole continues to have problems. Even with the increased number of parole officers, 79 days is the average length of time an inmate waits for his release following the Parole Board's decision to release him. There were 82 inmates who had been approved for parole on October 31 who were waiting for their freedom. This delay is compounded by the necessary checks and paper work. Seven steps are involved in processing an inmate out of the system once he has been approved for parole. The Division of Probation and Parole says it takes approximately 30 days to check out the prisoner's employment and home plan.

Felons paroled in fiscal year 1974 totaled 1,418, almost double the 742 paroled in 1970. In July, 1975, the board approved 183 parole applications as compared with 87 in July of 1974.

Tighter furlough controls may result from guidelines effective July 15. They involve the district office of Probation and Parole in the locality where the inmate will be spending his furlough. Parole officers will conduct investigations, including contacts with the chief law enforcement officer and make recommendations before approval is given. The furloughed inmate will be required to report to the chief law enforcement officer in the locality when the furlough begins.

In recent months, the training requests from the Department of Corrections to the Council on Criminal Justice have been for lower amounts than were requested a year ago. Some who sit on the Council feel that the department is assuming some of the cost because of increased capabilities. They indicate that some of the weak areas in the criminal justice system have been addressed.

Overcrowding continues to plague the correctional system which had as high as 1,990 persons awaiting transfer from the local jails. The state then

began shifting some who were incarcerated in local jails by agreement with other jails less crowded in October. The department, besides making a number of personnel changes, earlier entered into plans to place misdemeanants at the Petersburg and Danville jail farms. The overcrowding especially concerns the young adults. On November 18, there were 1,092 persons 21 and under in the state system. Of the other 5,462 felons incarcerated, the records of 138 showed no birth date. Therefore, felons who were actually 21 or under may not have been included. There also were 636 misdemeanants incarcerated for a total adult population of 6,098.

Virginia's problems of overcrowding are shared by other states. In New York, there are more than 16,000 in 25 prisons and that state fears another Attica. Nearly 12,000 are in the Michigan system, which is also suffering building pains and financial shortcomings. Rhode Island has contraband problems.

On July 1, the department created the Division of Finance and expects it to be in operation by January 1, 1976. This would reorganize and unify budgetary and financial operations under a single management to achieve an integrated system of accounting and fiscal control.

The infirmary for adult inmates at the Medical College of Virginia Hospital opened August 4. This consolidates inmate beds in a single ward at considerable savings to the Commonwealth.

Last year the department planned a central pharmacy under a professional director. It now plans that the pharmaceutical director will (a) properly dispense drugs on an individual prescription basis; (b) keep smaller quantities of drugs on hand in stock bottles for authorized use; and (c) distribute drugs on a daily basis for closer control. The department feels that the new procedures should produce a meaningful savings and fresher stock.

From the standpoint of morale, the department has instituted at James River Correctional Center a program involving counselors and other personnel.

The counselors each must spend four days with a correctional officer or an industrial foreman monthly. The feeling is that this association will give each a better knowledge of the other's work.

Also, the department is encouraging more art and recreation. The Spring Street Jaycees this year won a second national jaycee award for outstanding achievement in the field of mental health and retardation on an individual development program.

YOUTH SERVICES

There are estimates that perhaps as many as 100,000 children and youth are in trouble in Virginia each year. Many are brought to the attention of the juvenile court, others are handled by a variety of state and local agencies and schools while others receive no attention at all. Numerous concerns about the juvenile justice system have been brought to the Crime Commission in 1975 by the Director of the Division of Youth Services, juvenile court judges, court service workers, private citizens and many citizen groups.

The Crime Commission has planned an in-depth examination of these and other specific concerns regarding the extent and quality of services presently provided to children and youth in trouble.

The study will utilize all existing reports and will seek the advice of professionals in the field of juvenile justice in Virginia.

One of the purposes of the study will be to determine to what extent serious crimes in Virginia are being committed by juveniles. Questions will be asked concerning each significant aspect of the juvenile justice system, i.e. initial contact with police, intake, detention, juvenile court, the entire institutionalization process of children and follow-up procedures after release. Recommendations for needed changes in the system will be proposed.

Little is known about recidivism rates among juveniles. Therefore, the study will seek to compile such statistics or to determine some method for the collection of such necessary data.

The Commission also plans to investigate the practice of placing children committed to the Department of Corrections or the care of the

Department of Welfare or Department of Education, Special Education Division in out-of-state treatment facilities. Virginia has no state residential center for the treatment of emotionally disturbed children at present. Therefore, approximately 1,000 juveniles are sent out of state for treatment each year at an estimated cost of 7-8 million dollars. Depending on the type of treatment needed and the availability of space at the institutions out of state, the children are sent to one of approximately 119 facilities whose services are contracted by the state.

Because of communication problems among the various agencies dealing with the placement of children in out-of-state facilities, the actual number of children leaving the Commonwealth for treatment is not known. The Youth Services Subcommittee considers this to be a very grave condition and one requiring immediate attention.

The Youth Services Subcommittee has compiled a partial list of state agencies providing direct services to delinquency prone children and youth. Special attention will be focused during the study on the resources and alternatives available to those who make decisions about the "handling" of juveniles in trouble. Pilot and model programs in Virginia and other states will be studied for their effectiveness and cost-benefit factors.

A preliminary report will be issued on April 15 with a final report to be published in December, 1976.

The Youth Services Subcommittee of the Crime Commission is chaired by Delegate Theodore V. Morrison, Jr. of Newport News. Other members include Delegates Claude W. Anderson of Buckingham, Raymond R. (Andy) Guest of Front Royal, John L. Melnick of Arlington, and Erwin S. Solomon of Hot Springs, Senator Stanley C. Walker of Norfolk, Attorney General Andrew P. Miller

and the Reverend George F. Ricketts, both of Richmond.

The Commission will appoint a twenty-four member advisory task force of citizens and professionals to look at several specific areas including volunteers in the juvenile justice system, prevention of juvenile delinquency and private agencies which deal with children and youth.

ORGANIZED CRIME PROGRAM

During 1975, the Crime Commission began conducting a series of regional informational seminars on organized crime throughout the state. The theme of the seminars was "Awareness." They were geared toward representatives of the business community as well as law enforcement. The goal was to acquaint the business community with how legitimate business can be infiltrated by organized crime elements and to alert law enforcement as to organized crime's methods and operations.

We felt this type seminar would provide an opportunity for law enforcement and the business community to develop mutual cooperation and awareness of the potential problem.

The first seminar, which was for the Tidewater region, was held in Virginia Beach in April. Approximately 150 representatives of the business community and law enforcement officials attended. Ralph F. Salerno, a nationally recognized authority on organized crime was the main speaker.

Two seminars were held in August - one for the western region in Martinsville, and one for the central Virginia region in Lynchburg. Some 150 people participated at Martinsville and 100 in Lynchburg. The featured speakers for these two seminars were Ralph Salerno, who spoke on organized crime's methods and operations, and Dr. Brandt Allen, an associate professor at the Colgate Darden Graduate School of Business Administration of the University of Virginia, who spoke on computer fraud, credit cards and organized crime.

The three programs were structured such that the morning sessions were for both the business community and law enforcement. There were special workshops in the afternoon for law enforcement to discuss investigations, intelligence and other specific procedures. In each locality the local police departments helped coordinate the program. All three programs were received with enthusiasm by law enforcement, the business community and area legislators.

We plan to hold at least two additional seminars in the future - one in Northern Virginia and one in Richmond.

This series of seminars is a project of the Commission's Organized Crime Detection Task Force headed by Delegate A. L. Philpott.

REHABILITATIVE SCHOOL AUTHORITY

Virginia is one of ten states where education programs within correctional facilities are the responsibility of educators. The Rehabilitative School Authority (RSA) was created by the General Assembly in April, 1974. It is composed of all educational facilities of all institutions operated by the Department of Corrections.

The school has now completed its first year of operation. It has awarded 320 general education development (GED) certificates and 645 vocational certificates. College credits have been given 147 students at the community college level, an additional 33 have received college credits in vocational classes, three received associate in arts degrees from community colleges and 32 have received credits in four-year college programs.

In some of the centers the programs differ. At St. Brides Correctional Center, the program includes both academic and vocational training. The Authority has expanded vocational programs to include climate control technology at Unit 4 at South Hill, welding at Unit 10 in Augusta County, climate control technology at the Penitentiary in Richmond, and power mechanics and offset printing at St. Brides. An innovative program in arts and crafts has been started at Hanover Learning Center. Also the Authority has assumed management of the Youthful Offender Program. An auto mechanics course will be expanded at Beaumont Learning Center. The barbering program has been modified to include hairstyling. A pilot program for a tandem relationship between selected RSA academic/vocational courses and the Department of Corrections enterprise/industrial program will be started during the current academic year at the Penitentiary.

The Rehabilitative School Authority has had a shortage of educational buildings and space since it began to function. Temporary buildings are

to be constructed at Bland Correctional Center and plans have been drawn for additional classroom space at the Penitentiary.

The RSA has established its own library and has an acting coordinator of library services. Plans are for the library to have extensive, comprehensive and cosmopolitan book selection. The board policy, however, will preclude the purchase of books trading on sensationalism and obscenity. Books will be selected for all ages and abilities with emphasis on stimulating development of tastes for good literature as well as religious (non-denominational) and fictional appeal. Materials which may prove to be a hazard to security, such as books on making weapons, will not be included. In embellishing the library, the goal is to reflect the tastes of the various ethnic groups of the population.

A proposed ten-year program will provide direction for the future.

The Authority is placing stress on quality programs. In the next year, all academic teachers will be required to complete endorsement in their respective areas of teaching. Resource teachers will be placed in youth institutions to assist in the guidance of a student's educational plan and to evaluate the student's performance. Consultants have been employed to work on a performance based criterion referenced testing program to be used to direct teaching efforts to the needs of the students.

While the Authority is directed by a board and is under a superintendent, the Authority has named an educational advisory committee. This was the result of the acceptance of a five-year plan for education and training of those in custody. The committee will advise the RSA board and superintendent on standards and policies to be used in maintaining quality education. The committee will submit reports to the board and superintendent detailing the objectives of the authority and achievements in

the area of their functions, which are (1) to assist with review of the present school curriculum, (2) to visit schools periodically to observe the quality of instruction, (3) to assist in determining the need of establishing additional courses as well as dropping courses not currently relevant and (4) to assist in reviewing textbooks which may be used as supplementary additions in school curriculum.

The committee members will meet on a monthly basis in juvenile centers under the Authority's jurisdiction. The members were chosen because of their unique qualifications in education. They include Dr. John F. Mesinger of Charlottesville, who is the chairman. He is a professor in the Curry Memorial School of Education at the University of Virginia and formerly was clinical psychologist of the Alleghany County Schools in Pennsylvania. The other members are the Reverend Edmund E. Ellis of Courtland, Mrs. Kenneth R. Young of Edinburg, Mrs. Clarence M. Maloney of Lynchburg and Victor R. Gilly of Bland.

Mr. Ellis is serving as secretary of the committee. He is pastor of the Courtland Baptist Church. He has had considerable contact with the young inmates at the Southampton Correctional Center. Mrs. Young has gained renown as a member of the Federal Relationship Network of the National School Boards Association and is past president of the Virginia School Boards. She is a member of the Virginia Council of Women in Educational Administration and was one of the United States representatives attending the International Symposium on Educational Testing, both at The Hague and Montieux, Switzerland. Mrs. Maloney also has a rich background in education. She is currently vice president of the Lynchburg School Board and a member of the Virginia Commission on Human Resources. She is a member of other boards. Mr. Gilly served ten years as principal

of Bland High School and for the past 14 years has been division superintendent of the Bland County public schools. He is active in a number of educational and teacher associations.

Until September, 1975, Dr. Charles K. Price, superintendent, actively operated the school systems without an assistant superintendent. William N. Hahn is now assistant superintendent of the Authority. He was former supervisor of vocational programs. He is a graduate of Virginia Polytechnic Institute and State University with a bachelor of science degree in industrial arts education and received his masters in industrial education in 1974 at Virginia State College.

Because of existing budgetary problems, the Authority has been unable to fund a full-time personnel director. It has utilized academic personnel in this area. The superintendent feels there is an urgent need for a full-time personnel director. The RSA staff now numbers 300, including secretarial support. The superintendent believes that educational services are being denied while academic staff devote time to personnel work.

Whereas local school boards establish positions and fill them, the RSA has accountability to its own board, the appropriate secretary of the Governor's Cabinet, the State Board of Personnel and the Division of the Budget.

SHOPLIFTING

In recent months much attention has been focused upon the increase in the incidence of the crime of shoplifting and the difficulty in the apprehension and arrest of suspects. The matter was brought to light when the Norfolk City Police Department changed its procedure for handling shoplifting cases.

In mid-July, 1975, it was made public that the Norfolk Police Department had changed its procedure based upon a legal interpretation by that city's attorney. Police officers were instructed that when called to the scene of an alleged shoplifting incident, if the suspect had been apprehended by a "civilian" agent or employee of the store, the officer should advise the shopkeeper to go to a magistrate and secure a warrant before the suspect could be legally arrested and transported by the police officer. This change in procedure caused a great deal of controversy in the Tidewater area as well as in many other areas of the state. Shopkeepers and merchants felt they were put into a position more vulnerable than ever before to thefts by shoplifters and were not being given adequate assistance by the police. The police department felt its hands were tied by the law. In other areas of the state, police agencies began to question the legality of their procedures in handling shoplifting cases.

When the controversy arose, Senator Stanley C. Walker, in his capacity as a legislator and chairman of the Crime Commission, immediately called upon the Attorney General to render his opinion as to the application of the law. At the July meeting of the Crime Commission a subcommittee was formed to look into the situation and make recommendations for legislative action if the need were found. Delegate Erwin S. Solomon was appointed

chairman; Delegates Raymond R. Guest, Jr., John L. Melnick, Theodore V. Morrison, Jr., A. L. Philpott and Reno S. Harp, III, Deputy Attorney General, were appointed to the subcommittee. The subcommittee had hearings in several places across the state. They heard from the Virginia Retail Merchants Association, police officials, commonwealth's attorneys, city attorneys, judges, merchants, legislators, and interested citizens.

Shoplifting is a serious problem in Virginia. According to statistics from police departments, shoplifting has increased significantly during 1975 in most areas of the state. For example, the Fairfax County Police Department reports that for the period January through June, 1975, shoplifting offenses increased 23% over that same period in 1974. In the city of Norfolk, according to police department offense statistics, shoplifting increased 44% for the time period of January through June 1975, over the same period in 1974. Reported shoplifting offenses increased 105% in Richmond for the period January through September 1975 over the same period in 1974, according to that department's records.

According to the Virginia Retail Merchants Association, shoplifting on an average nationwide amounts to a figure equal to 2% of total retail sales. Applying that to Virginia, based on last year's retail sales, shoplifting across the state probably amounted to nearly \$250,000,000 in 1974 alone.

Regarding shoplifting, the Virginia Code in Section 18.2-103 provides:

Whoever, without authority, with the intention of converting goods or merchandise to his own or another's use without having paid the full purchase price thereof, or of defrauding the owner of the value of the goods or merchandise, (i) willfully conceals or takes possession of the goods or merchandise of any store or other mercantile establishment, or (ii) alters the price tag or other price marking on such goods or merchandise, or transfers the goods from one container to another, or (iii) counsels, assists, aids or abets another in the performance of any of the above acts shall be deemed guilty of larceny.

The Code provides that the shoplifting of goods valued at less than \$100, is a misdemeanor offense, shoplifting of goods with a value of \$100 or more, is a felony offense.

The Code allows in Section 18.2-105 a merchant, who causes the arrest of a suspected shoplifter on his premises or after close pursuit to be exempt from civil liability for unlawful detention, slander, malicious prosecution, false imprisonment, false arrest or assault and battery of the person so arrested provided he had probable cause to believe that person shoplifted.

Any citizen in Virginia may arrest without a warrant for felonies, and breaches of the peace which are committed in his presence. Pursuant to the provisions of Section 19.2-81, a police officer may arrest without a warrant any person who commits any crime in his presence, and any person who commits a felony not in his presence where there is probable cause to believe the suspect committed the crime. That section also gives police officers authority to arrest without a warrant at the scene of a motor vehicle accident or in the apprehension of anyone charged with theft of a motor vehicle upon reasonable grounds to believe the suspect then and there present is guilty and in the case where a person is duly charged with a crime in another jurisdiction upon receipt of certain information through specified reliable channels.

The recent controversy in Virginia centers around a merchant's authority to detain a suspected shoplifter beyond mere obtaining identity and investigating suspicious actions and a police officer's authority to transport a shoplifting misdemeanor suspect against his will, which is in effect an arrest, without a warrant when the alleged offense was not committed in the officer's presence. There has never been any question about authority in a felony situation.

Until recently many police departments have operated under the belief that merchants had the authority to detain a suspected shoplifter in order to call the police and await their arrival. The police officer would then transport the suspected shoplifter along with the merchant or employee who caught the suspected shoplifter to a magistrate to issue a warrant. This practice was based upon interpretation that shoplifting arrests fell within the common law right to arrest, which would allow any person to make an arrest for conduct which constitutes a breach of the peace or where such breach is imminent. Proponents of this interpretation feel this right was at one time assumed by the legislature because of the passage of legislation providing that a merchant who causes the arrest of a suspected shoplifter on the premises of such merchant or after close pursuit from such premises by such merchant would be exempt from civil liability.

In direct contrast to that interpretation, the Norfolk city attorney interpreted the law such that the Norfolk Police Department changed its procedures from the above described and ceased to assist merchants in shoplifting - misdemeanor arrests. Subsequently the Attorney General issued an opinion which reflected the same interpretation as that of the Norfolk city attorney.

The Norfolk city attorney's office interpreted the law to mean a police officer could not legally transport a shoplifting - petty larceny suspect against the suspect's will unless the officer is acting; (1) pursuant to a directive of another police officer or special police officer, (in whose presence the misdemeanor was committed); (2) under the authority of a warrant in his possession; (3) under reasonable belief that the misdemeanor was committed in his presence.

The Attorney General's opinion, which was made public August 15, stated, "Under current Virginia law, a warrantless arrest by a police officer cannot be effected at the scene of shoplifting - misdemeanors not committed in his presence, nor can such arrest be effected by a citizen under any circumstances." The opinion also said police officers do not have the authority to detain or transport a suspected shoplifter (of merchandise valued at \$100 or less) "unless he is acting pursuant to the request of another officer who has already arrested the individual for shoplifting in his presence." Shoplifting, in the Attorney General's opinion, does not constitute a breach of the peace.

After the change in the procedures by the police department, the City of Norfolk experienced a drastic drop in the arrest rate for shoplifting. Prior to the public announcement of the change, shoplifting arrests were running on an average of 47% higher than the number for the same period in 1974; since the controversy began, arrests for shoplifting show a decrease over last year's figures of approximately 25%. A comparison of 1975 figures to those in 1974 by months shows shoplifting arrests for January increased 57%, February increased 45%, March increased 83%, April increased 52%, May increased 44%, June remained the same, July decreased 16%, August decreased 20%, September remained same, October decreased 48% and November decreased 33%.

Since the controversy began, Norfolk has also experienced a flood of applications for special police powers. Many merchants are having one or more of their employees designated as a special police officer, which allows that designated officer to have the power of arrest on the premises of the store for crimes committed in his presence.

Since Virginia's controversy involves the two questions of whether or not there can be a warrantless arrest for a shoplifting - misdemeanor and whether or not a shopkeeper can detain a suspect in order to deliver him to

police, statutes in other states were surveyed on these two questions.

At least 14 states have statutes which specifically state that a peace officer may arrest without a warrant a person if he has probable cause for believing the suspect has shoplifted. In South Carolina, a 1971 Attorney General's opinion states that under arrest laws merchants, or any private citizen, may arrest a shoplifter irrespective of the value of goods, if he is a witness to the crime; suspect must be turned over to a police officer.

Some 35 states have statutes which specifically give a merchant or his employee the authority to detain a shoplifting suspect. Some states give this authority for the purpose of recovering stolen goods, some for the purpose of questioning and investigating ownership, others for the purpose of verifying identification and turning the suspect over to police. Wisconsin, in the case of a juvenile, would turn him over to his parent or guardian.

Several states stipulate that the employee who detains a suspected shoplifter must be an adult at least 18 or 21 years of age.

Most states allow a suspect to be detained for a "reasonable" length of time. However, two states - Louisiana and Indiana - stipulated that it must not be longer than one hour, and three other states - West Virginia, Montana and Maine - limit it to 30 minutes.

A majority of states whose statutes do not specifically give a merchant authority to detain a suspect have statutes which sound as though that authority is presumed. For instance, an Alaska statute provides in a civil or criminal action brought by a person who is detained for investigation and questioning, it is a defense that he was detained in a reasonable manner, for a reasonable period of time, and that probable cause existed. Several states give some type of civil liability exemption to a merchant who detains

or causes the arrest of a suspect although it is not specifically spelled out that they have such authority.

At least two states - Idaho and Nevada - require that notice be posted of the shoplifting law in a conspicuous place in order for that merchant to be entitled to immunity from civil or criminal liability for detaining a suspect.

A vast majority of those who are concerned about the issue are in agreement that there needs to be a legislative change to clarify Virginia's laws relating to shoplifting. Because of the recent controversy, the principle of a shopkeeper's right to detain and cause the arrest of a suspected shoplifter needs to be enunciated in the statutes.

The Crime Commission heard many suggestions for change in the statutes in order to help alleviate the problem. Some have suggested that a police officer be given the authority to issue a summons based on probable cause for any misdemeanor. Then only if a person would not accept the summons would he be physically arrested.

Some suggested that the statute which exempts merchants from civil liability in certain instances (§18.2-105) be amended and expanded to remove any doubt that a merchant is exempt for "making an arrest" as well as "causing an arrest." Then there could be no doubt about legislative intent or the authority of a merchant.

Others have suggested that in order to give merchants the authority to arrest for a shoplifting - misdemeanor offense, all citizens should be given the power to arrest one who commits a misdemeanor in his presence. However, most commonwealth's attorneys and judges from whom we heard did not feel this power should be extended to everyone in all misdemeanor situations.

Some suggest that merchants be given the authority to detain a suspect in order to summon the police. In actuality, such detention constitutes an arrest.

The Crime Commission recommends that the Code be changed to give the merchant or his employee the authority to detain a suspected shoplifter whether it be for a felony or misdemeanor offense so long as the alleged offense was committed in his presence. Such detention, or arrest, must take place on the merchant's premises or after close pursuit from such premises by such merchant or his agent. This would allow a shopkeeper to detain a suspect in order to call for a law enforcement officer. A law enforcement officer should be given the authority to make the formal arrest without first having obtained a warrant. Subsequent to the arrest the police officer could cause issuance of a summons and release the individual if he deemed appropriate under the circumstances.

The Commission feels the change should be limited to the one situation of shoplifting and not extended to give a police officer authority to arrest without a warrant in any other situation except where already spelled out in the Code, nor to give all citizens authority to arrest for all misdemeanor offenses.

RAPE

Virginians, in recent months, have focused sharp attention and concern on the ever-increasing number of criminal sexual assaults in Virginia. Commission members and staff have heard from police officers, rape crisis center counselors, attorneys, medical personnel and many private citizens who have cited the need for factual information on the incidence of such crimes, on the causes and prevention of rapes and related offenses, and on available treatment for both victims and perpetrators.

In 1973, the total rape index of crime in Virginia was 994; in 1974, it was 1,143. The rate of rape (crime) per 100,000 inhabitants for those years, respectively, were 20.7 and 23.3. The FBI Crime in the United States Reports also show that in 1973 Norfolk had the highest number of offenses known for rape with a total of 164 followed by Richmond with 149, Portsmouth with 75, Alexandria with 59 and Newport News with 30. In 1974, the number of offenses known increased in all of these cities except Alexandria: Norfolk had 179, Richmond had 153, Portsmouth had 82, Newport News had 46 and Alexandria had 55.

On a nationwide scale, statistics show that rape has continued to increase 49 percent since 1969. That percentage is slightly higher in southern states. Virginia too has increased in the number of offenses reported and known to police. However, the number of rape convictions has not increased along with the increase of arrests (clearances). In many instances, suspects are still never found. Records of the Central Criminal Records Exchange (CCRE) at the Department of State Police reveal that there were 748 arrests for rape in 1974 with 152 convictions. There were 1,709 arrests for sex assaults (i.e. sodomy, incest, carnal knowledge of a child) with 647 convictions. In 1975 (January through November) there were 649 arrests for rape and 33 convictions. Arrests for sex assaults in

1975 totaled 1,484 with 365 convictions thus far.

In a 1972 publication made by the United States Conference of Mayors in conjunction with the Law Enforcement Assistance Administration, entitled Rape, it is reported that only about one rape out of three is reported to police; and experts agree that it is the most under-reported offense among all crimes. This report concludes that law enforcement agencies should: (1) improve rape investigative techniques and treatment of rape victims; (2) there should be more thorough selection and training of rape investigators, the majority of whom should be female police officers; (3) statutory corroboration requirements, where they exist, should be changed to disallow the use in any trial of statements bearing on a victim's moral character and past sexual behavior, and (4) each jurisdiction, should study its own rape patterns and methods of detection, apprehension, and prosecution to determine where improvements can and should be made.

There have been three studies made recently concerning rape in Virginia. Because of the need to gather public interest and support and to bring about an awareness of the problem to Virginia citizens and legislators, groups in Norfolk, Charlottesville and Fairfax (Northern Virginia) have conducted studies in their particular areas. Other cities in Virginia expressing concern on the subject of sexual assault have held public hearings and seminars.

The Charlottesville rape study was conducted by the Citizen's Task Force on Crime. The task force consisted of legal advisors, educators, doctors, local law enforcement agencies, lawyers, radio announcers, community workers and students. This study includes recommendations, histograms and maps, city statistics on rape, a questionnaire on rape based on opinion and general knowledge of rape by law enforcement, students and community; methods of prevention, victims' attitudes, police attitudes

and insight to the problem of rape as it relates to Charlottesville. It has been recommended by the task force that the Virginia State Crime Commission conduct a study of rape and sexual assault and help enact some changes in Virginia's criminal statutes.

The Fairfax County Commission on Women, working with the city council, held a public hearing, gathered information concerning sexual assaults in Fairfax and also conducted a seminar for area educators.

"Analysis of Selected Crimes Against Women" is the title of the report done by the Crimes Reisittance Program's Crimes Against Women Task Force in Norfolk, Virginia. This task force is the result of a special project supported by a grant from the Police Foundation and the Federal Bureau of Investigation. The task force team consists of two Norfolk City Police and two FBI agents. Norfolk was one of four pilot cities chosen for this special project. The other cities were Wilmington, Delaware whose program is Crimes Against Elderly; DeKalb County, Georgia, Crimes Against Youth; Birmingham, Alabama, Combating Trafficking in Stolen Property; and Norfolk, Virginia, Crimes Against Women. The goal of the task force is to develop an innovative approach whereby Norfolk may successfully mount a campaign to reduce crimes against women within the city.

Experts contend that there are three types of rapists: the criminal rapist, the psychiatric rapist, and the psychopathic rapist. While all of these types are dangerous, they commit the crime for totally different reasons. The treatment or punishment that proves successful in dealing with one type may not prove successful in dealing with the other types. (Rape, Carol V. Horos, Tobey Publishing Company, 1974).

These different types of rapists may require different methods of treatment. Maryland, Massachusetts, and Wisconsin have established institutions operated by state government, which provide for rehabilitative treatment of sex crime offenders. These treatment programs usually provide

for psychiatric evaluations and counseling of inmates. Length of stay varies with the sentence given by the court. A number of sex offender treatment programs have been reviewed by the Commission in its study of Defective Delinquents and Sex Offenders.

Rape is both a serious crime and a social problem. It is not a problem to be handled by police protection or by the court alone. Citizens must take precautionary measures to lessen their chances of a sexual attack.

The feasibility of a public information program conducted by a law enforcement agency with the assistance of rape crisis and rape prevention centers throughout the state would be one element of an overall crime reduction plan. This would serve to educate people, male as well as female, on the methods of preventing a rape attack, emphasizing self-protection, especially in the home where the largest number of rapes occur. Post-crime education should focus on the importance of reporting the crime promptly and cooperating with law enforcement agencies.

In reviewing the material the Commission collected on rape, all the experts agreed on one aspect of the problem - the public's misunderstanding of rape. It appears that very few people other than the victims understand that rape is a highly traumatic and terrifying ordeal. Many people do not understand the facts or the reality of rape. A victim may undergo long-term medical or psychiatric treatment or both.

Rape is one of the most commonly committed crimes, the least reported and the least often punished. It is estimated that one rape occurs every 10 minutes, but many women are discouraged by family and friends from reporting the rape, for fear of humiliation and other reasons. Most rapes occur between the hours of 8 p.m. and 2 a.m., by rapists between the ages of 15 and 19 years old.¹ It was also found that the older the rapist, the younger the victim. In Virginia, rape victims have been reported as young as six months and as old as 95 years. In 1973, there were more rapes in

Virginia than in New York per 100,000 persons.

CONCLUSION

Rape is on an increase in Virginia. As statistics show, rape is the number one violent crime in Virginia. It is especially high among young people between the ages of 15 to 20, both victims and suspects. Rape is highest in the Commonwealth cities of Norfolk and Richmond. Nationally, it is reported that one out of three cases is actually brought to the attention of the police. Thus, the actual number of rapes and other sexual assaults in Virginia is not known, but presumed higher than report.

The Crime Commission feels that there is need for an extensive study of rape and other sexual assaults in Virginia. This has been brought to the Commission's attention by citizen groups throughout the state. The areas of study should concentrate on patterns of rape, methods of apprehension and methods of prosecution, in order to determine what changes would be appropriate for this state.

RECOMMENDATIONS FROM VIRGINIA CITIZENS

The citizens and professionals with whom the Commission spoke feel that the focus of rape laws should emphasize the activity of the perpetrator rather than the victim. Changes in the laws concerning admissibility of evidence should be considered; and the law should have some restrictions dealing with any testimony of the victim's previous sexual experiences. Then, in such case, only past sexual experience between the victim and the suspect should be in question.

It has also been recommended to the Commission that for all practical purposes that rape, sodomy, fondling, incest, child molestation and their attempts be classified in one section of the Code titled "Criminal Sexual Assaults."

Virginia rape statutes should be changed to apply to men and women. Forcible sodomy, attempted sodomy are as traumatizing as forcible rape and attempted rape. Redefining terms such as carnally know, penetration, and rape will help make the Code more easily understood by all citizens and help to remove some of the strain in prosecuting rape cases.

An organized program of education concerning criminal sexual assault is the most progressive step that Virginia could take on a statewide basis. It is felt that education is the fastest, most direct method of introducing people to a change and helping them to understand that change.

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1. Estimated occurrence of rape per minute is found in the Uniform Crime Report 1974 Crime Clocks Section, Chart 1, p 9. Statistics of estimated time of crime - Uniform Crime Report. Victim age range taken from State Police Statistics and Annual Police Department Reports 1974.

LAW ENFORCEMENT LIABILITY INSURANCE

Pursuant to House Joint Resolution 124, passed by the 1974 General Assembly, the Crime Commission undertook a study of methods of insuring or indemnifying law enforcement officers against civil suits resulting from acts done in the performance of their duties.

The number of liability awards in civil liability cases and the amounts of settlements made to plaintiffs are continually increasing. According to a nationwide survey sample by the International Association of Chiefs of Police, the total number of suits filed against police during the period from 1967 to 1971 increased over 100%.

Several settlements have reached the seven-figure range, including \$3,000,000 awarded a New York City man. In Virginia there are currently several suits pending for \$1,000,000.

The job of a law enforcement officer is a unique one. Tremendous demands are made on police; many times officers must act without regard for their own personal safety and make fast judgments without benefit of time to evaluate or study the circumstances which require action. Understandably, police are increasingly hesitant to act in a tense situation when they can be held personally liable for any negligent act which may occur in the performance of their duty.

The Commission found 50% of the police departments and 60% of the sheriffs' departments in the state to have some type of civil liability insurance coverage. We found police professional liability policies readily available and at a reasonable cost. Based upon a study of current policies, and talking with insurance representatives, we have found that coverage is available at a rate of approximately \$20 - \$65 per person per year; individual police professional liability policy for high hazard enforcement officers, which is not an endorsement to a general

liability policy, and which is comprehensive in coverage and has high limits of liability would cost approximately \$55 - \$65 per year per officer.

The Crime Commission feels that there is a need in Virginia to insure or indemnify law enforcement officers against civil suits. We recommend that local jurisdictions assume this responsibility. The Commission does not believe it would be feasible for the state to purchase insurance coverage for all law enforcement officers, nor to develop one policy which localities could buy into because of problems with different levels of coverage and individual items necessary to fit local needs. The State Police provide for their officers liability insurance coverage. Of the seven state agencies which have limited law enforcement responsibility, five carry liability insurance and two carry a surety bond. The state, through the Compensation Board, will pay two-thirds of the cost of liability insurance coverage for sheriffs and deputy sheriffs.

The Commission recommends that local jurisdictions insure or indemnify their law enforcement personnel against all loss so long as the act which brought about the suit was within the scope of their law enforcement duties, with the following specific exceptions:

1. A loss incurred as a result of a criminal act
2. Activities of the individual not carried on in his professional capacity as a law enforcement person
3. For any loss based upon or attributable to a person gaining in fact any personal profit or advantage to which they are not legally entitled
4. If a judgment or final adjudication of any action brought against the individual shall be based on a determination that acts of fraud or dishonesty were permitted by the personnel
5. For any liability assumed by the individual under any written contract or agreement

6. For punitive damages

Law enforcement personnel should be defended against or reimbursed for expenses in defending themselves against the accusation of a criminal act; however, once it is determined that a criminal act was committed, then all future obligation to that individual should cease.

Localities can provide protection to law enforcement in a number of ways. Some options are listed below:

1. An individual subdivision could self-insure their commitment and pay any legal defense charges or awards made against the law enforcement personnel out of a general fund or an appropriation. Some municipalities perhaps would provide this defense from their internal legal staff and then pay judgments out of a general fund if a judgment were rendered.
2. The individual municipality could purchase insurance through various contracts which are currently available in amounts which they deem appropriate to their needs.
3. Another form of insurance can be obtained by an individual municipality's adding their employees as additional insureds to their comprehensive general liability contract. This will afford the same protection to the individual as it affords to the municipality. Insurance companies will generally charge 5% - 15% of the cost of the municipality's insurance program for adding employees to their contract as additional insureds. However, it should be pointed out that adding employees as additional insureds to a general liability contract is a stop-gap measure. It is better than no coverage at all, but it does not replace professional liability insurance. A professional liability insurance contract is significantly broader in coverage than an endorsement would be.

4. Municipalities, depending upon their size, might consider purchasing an insurance program and use deductibles somewhere in the range of \$25,000 to \$100,000. This would decrease the cost of the insurance program. As an example, a municipality, depending upon its financial capabilities, might choose a \$50,000 deductible to an insurance policy. The municipality would then pay the first \$50,000 of any defense or judgment costs incurred in any one year and it would be insured to pay any loss above \$50,000 up to a limit of say \$1,000,000. There are many combinations available to suit individual needs.

The approaches mentioned above should pay for the cost of legal defense and judgments rendered against individuals as a result of damages which they caused others as a result of their committing a negligent act in the following manner: bodily injury; false arrest; imprisonment and detention; assault and battery; malicious prosecution; false, erroneous or improper service of process; wrongful eviction; wrongful entry; libel, slander; defamation of character; humiliation; invasion of privacy; deprivation of civil rights; violation of property rights.

A detailed report was made by the Commission in December, 1975, which included information on civil liability cases in Virginia as well as throughout the country, a comparison of current laws on liability coverage, the insurance coverage Virginia law enforcement carries, available insurance coverage and the cost of such insurance.

HOLLOWPOINT AMMUNITION

Lacking sufficient information to act on a bill introduced by Senator Douglas Wilder to ban use of hollowpoint ammunition, the Senate Courts of Justice Committee requested the Virginia State Crime Commission to do a study and provide them with material.

This report contains information gathered from a public hearing held in Richmond; from tests conducted by experts in ballistics; from articles in periodicals, books and newspapers; from correspondence with numerous police departments across the country; and from a survey conducted by the Virginia Association of Chiefs of Police. There are three sections in this report dealing with: (1) the problems encountered by the police in their use of the standard police handgun and ammunition, (2) the known facts and opinions on the use of hollowpoint ammunition and, (3) some alternatives to the use of this ammunition.

Section I

Police Dissatisfaction with Standard .38 Caliber Ammunition

According to the F.B.I. Uniform Crime Report, in 1974 a total of 132 local, county, state, and federal law enforcement officers were killed due to felonious criminal action in the United States and Puerto Rico. During the ten-year period, 1965-1974, 947 officers were killed. Specifically there were 53 officers killed in 1965; 57 in 1966; 76 in 1967; 64 in 1968; 86 in 1969; 100 in 1970; 129 in 1971; 116 in 1972; 134 in 1973; and 132 in 1974.

There were more law enforcement officers killed attempting arrests than in any other police activity in 1974. In connection with robbery offenses, 25 officers were slain by persons encountered during the commission of a robbery or during the pursuit of robbery suspects. Eight officers were killed at the scene of burglaries or while pursuing burglary suspects.

Nine officers were killed in ambush situations. Twenty-nine officers were slain in response to disturbance calls which include family quarrels, man with gun, bar fights, etc. Twelve officers were killed while investigating suspicious persons or circumstances. Eleven officers were slain while making traffic stops, and ten officers were killed while transporting or otherwise engaged in custody of prisoners.

Fifty-four of the officers killed in 1974 utilized their service firearms while in contact with their assailants. Thirty-four of these officers discharged their service firearms while attempting to protect themselves. Fifty-five percent (or 71) of the officers killed by firearms were within five feet of their assailants. Ninety-nine of the 128 officers slain by firearms were within ten feet of their assailants. Ninety-seven percent of the officers killed in 1974 were slain with firearms. Eleven officers were slain with their own firearms. During 1974, 29,511 assaults on police were reported; the greatest number occurring when responding to disturbance calls. Firearms were used in 7 percent of the assaults.

Apparently alarmed by the sharp increase in deaths of police officers, law enforcement agencies are claiming that their standard .38 caliber bullets are to blame. They say that their .38 ammunition frequently does not provide stopping power when it is required. Numerous instances are recounted of wounded assailants wounding or killing police officers and civilians after they have been shot, often repeatedly, by the police.

In the early 1960's, many police organizations began to complain about the .38 Special cartridge. Handguns, chambered for the .38 Special cartridge, are used by the majority of police forces in this country. The traditional round for a .38 Special revolver has been an all-lead, 158 grain, round-nose bullet, travelling at velocities from 700 to 850 feet per second. This round has remained basically unchanged since its introduction in the

early part of the 20th century. The .38 Special was adopted by police organizations because of its mild recoil, accuracy in target shooting, economy in reloading, and availability. There is no evidence the effectiveness of the round was ever considered.¹

Police have serious reservations that the standard .38 revolver and ammunition would be effective against a suspect armed with another type of weapon. They doubt that this weapon would stop a suspect immediately from what he was attempting to do. This can have a psychological effect on an officer. The role intended for a police handgun is that of a defensive weapon, primarily carried by officers for self-protection or protection of others. It is not an offensive weapon. The police feel they should be provided with an effective defense. They say the .38 Special does not meet the need.

Section II

Hollowpoint Ammunition

In response to the feeling that the traditional .38 caliber police round is ineffective, many law enforcement agencies are adopting hollowpoint ammunition - commonly referred to as dumdum bullets.

About 1897, the British found that fully jacketed bullets failed to stop the charges of fanatical tribesmen on the Indian frontier. As a result, a modified rifle bullet was manufactured at the British arsenal at Dumdum, India. This new bullet, referred to as the dumdum, obtained expansion by leaving the lead core exposed at the tip and weakening (by making thin) the casing around the shoulder of the bullet. Improvised forms of expanding bullets were used in India and the Sudan by filing down the point and making longitudinal slits in the envelope. All such forms of bullets, which were not fully encased with a hard jacket, were described colloquially, and even in diplomatic correspondence, as dumdum bullets.²

Opponents of the use of hollowpoint ammunition often cite international treaties and agreements banning the use of dum dum bullets. The commonly referred to "Geneva Conference" actually had nothing to do with dum dum or expanding bullets. However, the Hague Conference of 1899 stated:

The contracting parties agree to abstain from the use of bullets which expand or flatten easily in the human body, such as bullets with a hard envelope which does not entirely cover the core, or is pierced with incisions.³

The U. S. did not sign this declaration. Jordon Paust, Associate Professor of International Law at the University of Houston stated at a public hearing in Richmond that the U. S. did not sign that declaration because it did not get the draft it wanted. Had the U. S. gotten its way, the declaration would have been tougher.

It has been pointed out that practically all bullets used by police today could be classified as dum dum since they have no full hard metal jacket incasing their lead core. The only exception would be the armor-piercing shell, which has limited use.

What police agencies desire is a pistol cartridge that will stop a person "dead in his tracks". It is doubtful there will ever be such a cartridge. This is because stopping an individual depends not only on the stopping power of the bullet, but also on the organs injured and the physiological make-up of the person shot.

In scientific terms, the stopping power of a bullet is the amount of kinetic energy the impacting bullet transfers to the target. It is desirable that the bullet give up all its energy in the tissue, coming to rest within the target. It is more desirable that the kinetic energy given up be lost in vital organs, rather than the soft tissue, muscle, and skin behind these organs.

When a bullet strikes tissue, it produces two types of injuries. First are the visible anatomical injuries; second are the physiological injuries, which impair the function of the organ. As a bullet moves through tissue, it creates not only a permanent wound track, but also a temporary cavity. The size of this temporary cavity is directly related to the amount of kinetic energy lost in the tissue. A hollowpoint bullet may lose in vital organs up to four times the kinetic energy lost by the traditional round-nose lead bullet. Therefore, the temporary cavity produced by the hollowpoint bullet will be greater in size than that due to a solid bullet. The temporary cavity lasts only five to ten milliseconds before the tissue springs back into position, due to the tissue's inherent elasticity and resiliency. This explains the finding that in .38 Special, hollowpoint bullet wounds, the physical appearance and extent of the wounds are basically the same as those produced by the round-nose lead bullet.⁴

As a hollowpoint bullet travels through the tissue, it theoretically expands, creating greater resistance to its course, decelerating more rapidly and losing more kinetic energy. It is not, however, only the mushrooming action of the hollowpoint bullet that causes the greater loss of kinetic energy. The amount of kinetic energy possessed by any bullet is directly proportional to its weight and to the square of its velocity. Hollowpoint bullets, while generally lighter than the solid lead bullets are loaded to considerably higher velocities. Because of this, the hollowpoint bullets possess greater kinetic energy. In turn, when they travel through tissue, they lose more kinetic energy. The hollowpoint bullets are said to be more effective not only because they expand, but because of their increased velocity. But a number of the common hollowpoint bullets do not expand in the body.⁵

Whether using either a hollowpoint or a solid lead bullet, to inflict

a mortal injury one must still strike a vital organ. Hollowpoint bullets, in comparison to traditional solid lead bullets, theoretically have a greater ability to kill by virtue of greater physiological injury to an organ. An individual struck through the heart with a solid, round-nose bullet is just as likely to die as an individual shot through the heart with a hollowpoint bullet. In a case of a gunshot wound of the lung, theoretically the hollowpoint would more likely cause death.⁶

When police officers talk of the impact of a bullet in a human target, they speak in terms of hydrostatic shock. This is the shock created by a projectile striking a body of static water. The faster the projectile, the greater the shock. The body is composed mostly of liquids and it behaves accordingly when struck by bullets of different velocities.⁷

A deputy coroner in Colorado, Charles G. Wilber, writing in the Police Weapons Center Bulletin states that it is the hydrostatic shock wave which passes from the high velocity missile in tissue throughout the body which causes the stopping action of a bullet. The shock wave in exerting its action on living tissue causes blood vessels to rupture resulting in widespread bleeding; nerves which supply various parts of the body are also destroyed by the shock or pressure wave which passes from the bullet outward through the tissue. If the velocity of the bullet is high enough bones in the vicinity of the wound can be broken without any physical contact between the bone and the bullet.

Wilber further states that the low velocity missile pushes blood vessels ahead stretching them slightly before penetration; little formation of a temporary cavity occurs. The high velocity missile cuts the arterial wall at impact; the explosive effect of the temporary cavity crushes the ends of the artery against the cavity walls. Severity of arterial damage is proportional to the velocity of the wounding missile.

Results of tests conducted in November, 1974, by the Richmond Bureau

of Police indicated that the hollowpoint round had good stability, consistent penetration patterns and expended all of its energy in the mass into which it was shot. There was no fragmentation in a gelatin mass and the hollowpoint did not exceed 9½ inches penetration on any shot into the mass. However, in a human body, fragmentation of a bullet would occur because of the presence of bones. The hollowpoint bullet was tested along with the semi-wadcutter and the round-nose lead bullets. The tests also found that the hollowpoint bullet has little or no ricochet danger potential.

The next safest round was found to be the round-nose bullet. It had severe stability problems, but did not leave the target substance. The semi-wadcutter round was said to be the most dangerous round tested. It slowed up very little in passing through the gelatin mass. This round had the same stability problem as the round-nose bullet and could continue through an assailant and still have sufficient energy to kill or seriously injure an innocent bystander. The semi-wadcutter, as well as the round-nose, had severe ricochet potential.

The test results were said to show that the hollowpoint bullet has sufficient force to cause a stunning impact on an assailant. The semi-wadcutter and round-nose bullets showed little or no stunning impact. The tests also indicated that all three tested cartridges have killing potential when fired through a paneled door. The round-nose and semi-wadcutter bullets were found to have killing potential after they have passed through wood similar to that found on most homes using weatherboard siding. The hollowpoint did not possess this killing potential. The round-nose and semi-wadcutter rounds had sufficient energy after initial impact to either penetrate metal doors or wooden doors and simulated flesh. The hollowpoint round did not have sufficient energy after striking an object to penetrate metal or flesh.

Following these tests and a report submitted to the Richmond City Manager, it was decided that the Richmond police would be allowed to carry hollowpoint ammunition. In a letter to the city council, the city manager explained that his decision was based on the test results showing greater stopping power

and reduced ricochet potential; the nature of weapons often faced by police; the reasonable and proper rules and regulations governing the use of police weapons; the infrequent use of firearms by police and the availability of hollowpoint ammunition on the commercial market. He did admit, however, that there was greater damage to tissue and a more severe wound.

An evaluation of police handgun ammunition was made for the National Institute of Law Enforcement and Criminal Justice in August, 1975, to provide state and local law enforcement agencies with some basic factual information. Three effects of bullets were studied: their relative incapacitation potential for human targets, their ricochet behavior and their material penetration characteristics.

It was assumed that the bullet producing the largest temporary cavity in human tissue at the proper depth of penetration would have the greatest stopping power. The following is a ranking in order of decreasing relative incapacitation index (stopping power) found in the evaluation:

1. lead hollowpoint
2. jacketed hollowpoint
3. semi-wadcutter
4. wadcutter
5. jacketed soft point
6. lead round nose
7. full metal jacketed

With the exception of the Glaser Safety Slug, all handgun bullets studied pose a serious ricochet hazard to bystanders. The report stated that there is significant need for research to determine the minimum relative incapacitation index needed to reliably produce the required degree of incapacitation or effectiveness.

At the present time, a relative incapacitation index (RI index) of approximately 10 appears to be the lowest index which should be considered.

Probably, the selection of a cartridge whose RI index is between 20 and 25 represents the upper limit required for reasonable reliability. (See Table I.) The position on the RI index scale is primarily due to the size and shape of the temporary cavity formed in a gelatin block.

Although only a summary, that report was the most comprehensive and of greatest value to law enforcement agencies of all reports and information reviewed. A full report with a standard for police handgun ammunition is to be published soon.

The majority of information reviewed agreed on the basic properties of the hollowpoint bullet such as a decreased ricochet potential and ability to lose all its energy in a target. Most information also spoke of the larger temporary cavity formed in a human body. What the disagreement centered on was severity of the wound. Critics of hollowpoint bullets point out the unnecessary massive wounding potential while proponents say it is hard to distinguish between wounds made by the hollowpoint and the traditional round-nosebullet. It would seem logical to assume that the hollowpoint causes massive wounding and bleeding due to the greatly enlarged temporary cavity it makes. In speaking with the Chief Medical Examiner of Virginia this assumption was found to be valid. The argument would then rest on whether this wounding is necessary or whether it constitutes cruel and unusual punishment.

At a public hearing in Richmond on December 11, 1975, a majority of the speakers were against banning the use of hollowpoint ammunition by the police. Most cited greater stopping power and decreased ricochet potential. Through another officer's statement, the president of the Virginia Association of Chiefs of Police, Chief David Hooper, stated his opposition to banning hollowpoint ammunition. However, John Newhart, president of the Virginia State Sheriffs' Association, felt the decision should be left up to the localities.

Advocating the ban on hollowpoint ammunition was Professor Paust of the University of Houston. As associate professor of international law, Professor Paust cited several treaties which forbid unnecessary force or wounding, saying these treaties supercede any other laws. He pointed out that Los Angeles and Washington, D.C. banned the use of hollowpoint bullets and New York City will not use them because of inaccuracy caused by muzzle flash and heavier recoil. Professor Paust also cited the Ninth Amendment's prohibition of cruel and unusual punishment. He pointed out that 75 percent of police officers shot are hit before they have a chance to draw their weapons. He suggested as an alternative to using hollowpoint ammunition that police wear bulletproof vests. They are currently used by Los Angeles and Houston police and cost less than \$50 and weigh less than four and a half pounds. He said the vests have saved several officers in Los Angeles. It was later pointed out that it is not mandatory that vests be worn in Los Angeles.

According to the results of a survey conducted by the Virginia Association of Chiefs of Police in August, 1975, of the 63 members answering the survey, 31 departments stated that they use hollowpoint ammunition. Also, 31 departments said they do not use such ammunition and one department stated that it depends. Fourteen departments favored legislation prohibiting use of hollowpoint ammunition while 47 objected. The membership of this association includes all city departments in the state but few county departments.

Making a spot check of several departments, it was found that both Richmond and Roanoke police use hollowpoint ammunition at this time. It has been in use by Roanoke for over two years. Richmond has used hollowpoint ammunition since February, 1975. Norfolk, Fairfax City and County are not authorized to use hollowpoint ammunition.

Section III

Alternatives

There may be adequate alternatives to the increasing use of hollow-point bullets; adequate in terms of society's assumed concern to limit the wounding of human beings to that minimum degree of severity required by adequate law enforcement procedures and to prevent accidental wounding of bystanders by ricocheting bullets. Examples of alternatives are the standard .45 caliber bullet or other bullets of greater than .38 caliber. The .41 caliber, which is claimed to have two and a half times the stopping power of the standard .38 caliber police bullet, is perhaps more acceptable to law enforcement agencies because it is a revolver.

Larger caliber round-nose bullets with jacketing and with velocities less than 1,000 feet per second apparently produce less damaging wounds than high velocity hollowpoint bullets while having equivalent stopping power. Also, these bullets apparently are as unlikely to penetrate bodies completely and strike bystanders.

Drawbacks to the alternative of using larger caliber weapons include the cost of converting from one type of pistol to another. Also, the larger caliber weapons are heavier, often make louder noise, may require more training to acquire operating effectiveness, and are often difficult to handle by people with small hands. Another reason it may be useful to use ordinary non-expanding bullets for police work is that ballistic analysis of bullets is possible only if bullets remain largely intact and in shape after they hit their targets.

The U.S. military solved its problem of obtaining more stopping power for handguns by developing the .45 caliber semiautomatic pistol. It fires comparatively large, round-nosed slugs that have tremendous knock-down and incapacitating force. They tend to penetrate as .38 slugs do

and thus produce less serious wounds than hollowpoints. Military police use .45 caliber pistols. Civilian police generally dislike them, saying they are heavy and comparatively hard to shoot.⁸

It is cheaper merely to buy new hollowpoint ammunition than to purchase new guns, police argue. But, critics say, police fail to acknowledge the distinction that many medical investigators make between a hollowpoint's stopping power and its ability to produce more severe wounds.

Another alternative to hollowpoint ammunition would be bulletproof vests. The more recently developed ballistic vests seem to offer reasonable protection, particularly against the cheap weapons and aging ammunition sometimes used to shoot at police officers. It is safe to say, however, that most officers will not wear such vests, especially in the summertime. Even so, the vests should save enough police lives to more than offset the costs. The wearing of the vests could be made mandatory by the department, thus assuring their use.

Other alternatives to the use of hollowpoint ammunition include the .357 and .44 Magnum and the .45 caliber. There are also non-lethal weapons that have been developed for police use. These include a gas gun caliber .31 using tear gas; the bean bag stun gun used by prison guards; and the electronic stun gun producing a 50,000 volt shock. There is a caution, however, against using these weapons against firearms.

A ballistic clipboard may be useful to police engaged in traffic patrol. The clipboard measures 12" X 18", is 3/8" thick and weighs 3 1/2 pounds. The plastic can stop bullets from most handgun cartridges encountered in the hands of suspects.

Each department must decide if the problem is serious enough to make a change. A bullet is needed that the average police officer can shoot

without severe recoil. It should strike its target with full energy potential and yet not penetrate beyond that target. In the event the bullet misses its target the velocity should decelerate rapidly to reduce its flight distance. The bullet should also be acceptable in the light of public relations.

The police may save the community money by choosing hollowpoints but may find themselves under seize by the public and the media. It also would appear that lawsuits would be inevitable with use of hollowpoint ammunition.

Professor Allen Bristow, Director of the Police Marksmanship Instructors Institute, feels that hollowpoint bullets can only be accepted as an interim remedy while implementing a better solution.

TABLE 1

Performance of Commercially Available Handgun Ammunition

BULLET ID NO.	CALIBER	WEIGHT (grains)	BULLET TYPE	MANUFACTURER	BARREL LENGTH (in)	VELOCITY		RI INDEX
						NOMINAL*	MEASURED (fps) (mps)	
1	.44 MAG	200	JHP	SPEER	4.00	1675	1277 389	54.9
2	9MM	96	SAFETY SLUG	DEADEYE ASSOC	4.00	1365	1839 560	54.5
3	.41 MAG	210	JSP	REMINGTON	4.00	1500	1260 384	51.9
4	.357 MAG	96	SAFETY SLUG	DEADEYE ASSOC	4.00	1120	1725 525	50.0
5	.44 MAG	240	SWC	WINCH-WESTERN	4.00	1470	1330 405	50.0
6	.44 MAG	240	SWC	BROWNING	4.00	1470	1311 399	49.8
7	.44 MAG	240	SWC	REMINGTON	4.00	1470	1286 391	48.9
8	.44 MAG	240	JHP	BROWNING	4.00	1330	1257 383	47.9
9	.44 MAG	240	JHP	REMINGTON	4.00	1470	1229 374	46.7
10	.357 MAG	96	SAFETY SLUG	DEADEYE ASSOC	2.75	1120	1615 492	46.0
11	.44 MAG	240	JSP	SPEER	4.00	1650	1203 366	45.7
12	.357 MAG	125	JHP	SPEER	4.00	1900	1301 396	44.4
13	.357 MAG	140	JHP	SPEER	4.00	1780	1221 372	44.4
14	.357 MAG	125	JHP	REMINGTON	4.00	1675	1366 416	42.5
15	.38 SPEC	96	SAFETY SLUG	DEADEYE ASSOC	4.00	1800	1585 483	41.8
16	.44 MAG	180	JSP	SUPER VEL	4.00	1995	1495 455	41.6
17	9MM	115	JHP	REMINGTON	4.00	1160	1192 363	38.0
18	.38 SPEC	96	SAFETY SLUG	DEADEYE ASSOC	2.00	1800	1496 455	37.5
19	.357 MAG	125	JHP	REMINGTON	2.75	1675	1173 357	37.1
20	.357 MAG	140	JHP	SPEER	2.75	1780	1125 342	34.4
21	.357 MAG	110	JHP	SPEER	4.00	1700	1246 379	33.4
22	.357 MAG	125	JHP	SPEER	2.75	1900	1161 353	30.6
23	.357 MAG	158	JSP	SPEER	4.00	1625	1156 352	28.0
24	.38 SPEC	95	JHP (+P)	REMINGTON	4.00	985	1187 361	28.0
25	9MM	100	JHP	SPEER	4.00	1315	1188 362	27.9
26	.38 SPEC	125	JHP	REMINGTON	4.00	1160	1108 337	25.5
27	.38 SPEC	110	JHP	SUPER VEL	4.00	1370	1159 353	25.1
28	.38 SPEC	110	JHP	SUPER VEL	2.00	1370	1148 349	24.8
29	.357 MAG	110	JHP	SMITH+WESSON	4.00	1800	1226 373	24.0
30	.357 MAG	110	JHP	SPEER	2.75	1700	1178 359	23.3

TABLE 1 (CONTINUED)

Performance of Commercially Available Handgun Ammunition

BULLET ID NO.	CALIBER	WEIGHT (grains)	BULLET TYPE	MANUFACTURER	BARREL LENGTH (in)	VELOCITY		RI INDEX
						NOMINAL*	MEASURED	
						(fps)	(fps)	(mps)
31	.38 SPEC	125	JSP (+P)	SPEER	4.00	1425	1047	319
32	.357 MAG	125	JHP	SMITH+WESSON	4.00	1775	1227	373
33	.357 MAG	158	JSP (HI-VEL)	FEDERAL	4.00	1550	1255	382
34	.45 AUTO	185	JHP	REMINGTON	5.00	950	895	272
35	.357 MAG	110	JHP	WESTERN SUP-X	4.00	1500	1309	398
36	.357 MAG	110	JHP	WESTERN SUP-X	2.75	1500	1258	383
37	.38 SPEC	125	JHP (+P)	SPEER	4.00	1425	1006	306
38	.38 SPEC	90	MP	KTW	4.00	1030	922	281
39	.38 SPEC	110	JSP	SUPER VEL	4.00	1370	1202	366
40	.38 SPEC	110	JHP (LOT-Q4070)	WINCH-WESTERN	4.00	####	1106	337
41	.357 MAG	158	JSP (HI-VEL)	FEDERAL	2.75	1550	1195	364
42	.38 SPEC	140	JHP (+P)	SPEER	4.00	1200	978	298
43	.38 SPEC	140	JHP (+P)	SPEER	2.00	1200	897	273
44	.38 SPEC	158	LHP	WINCH-WESTERN	4.00	855	915	278
45	.357 MAG	125	JHP	SMITH+WESSON	2.75	1775	1188	362
46	.357 MAG	158	JSP	SPEER	2.75	1625	1030	313
47	.357 MAG	158	JSP	SMITH+WESSON	4.00	1500	1168	356
48	.357 MAG	158	JSP	SMITH+WESSON	2.75	1500	1091	332
49	9MM	115	JHP	SMITH+WESSON	4.00	1145	1193	363
50	.357 MAG	158	LRN (LUBALOY)	WESTERN SUP-X	4.00	1410	1230	374
51	.38 SPEC	125	JSP	3-D	4.00	1085	1091	332
52	.38 SPEC	90	MP	KTW	2.00	1030	734	223
53	.38 SPEC	125	JHP (+P)	SPEER	2.00	1425	931	283
54	9MM	100	FJ (FMC)	SMITH+WESSON	4.00	1250	1341	408
55	.45 AUTO	185	WC (TARGETMASTER)	REMINGTON	5.00	775	821	250
56	.38 SPEC	125	JSP	SMITH+WESSON	4.00	1350	1064	324
57	.357 MAG	158	JHP	SMITH+WESSON	4.00	1050	1116	340
58	.357 MAG	158	LRN (LUBALOY)	WESTERN SUP-X	2.75	1410	1169	356
59	.38 SPEC	158	SWC	WINCHESTER	4.00	855	924	281
60	.38 SPEC	95	JHP (+P)	REMINGTON	2.00	985	1019	310

TABLE 1 (CONTINUED)

Performance of Commercially Available Handgun Ammunition

BULLET ID NO.	CALIBER	WEIGHT (grains)	BULLET TYPE	MANUFACTURER	BARREL LENGTH (in)	VELOCITY		RI INDEX	
						NOMINAL*	MEASURED		
						(fps)	(fps)	(mps)	
61	.38 SPEC	110	JHP (LOT-Q4070)	WINCH-WESTERN	2.00	####	956	291	14.0
62	.38 SPEC	110	JSP	SUPER VEL	2.00	1370	1076	327	14.0
63	.357 MAG	110	JHP	SMITH+WESSON	2.75	1800	1044	318	13.9
64	9MM	124	FJ (FMC)	REMINGTON	4.00	1120	1084	330	13.8
65	.41 MAG	210	SWC	REMINGTON	4.00	1050	944	287	13.7
66	.38 SPEC	125	JSP (+P)	SPEER	2.00	1425	983	299	13.2
67	.38 SPEC	158	JHP	SMITH+WESSON	4.00	1050	1047	319	13.0
68	.38 SPEC	90	JSP (HEMI)	SMITH+WESSON	4.00	1350	1158	352	12.4
69	.38 SPEC	110	JHP	SMITH+WESSON	4.00	1380	1014	309	12.4
70	.38 SPEC	148	WC	REMINGTON	4.00	770	741	225	12.4
71	.38 SPEC	148	WC	BROWNING	4.00	770	731	222	12.3
72	.38 SPEC	148	WC	FEDERAL	4.00	770	737	224	12.3
73	.38 SPEC	148	WC	SMITH+WESSON	4.00	800	726	221	12.3
74	.38 SPEC	148	WC	REMINGTON	2.00	770	700	213	12.2
75	.38 SPEC	148	WC	FEDERAL	2.00	770	674	205	12.1
76	.38 SPEC	148	WC	SMITH+WESSON	2.00	800	662	201	12.1
77	.38 SPEC	148	WC	SPEER	4.00	825	679	206	12.1
78	.38 SPEC	148	WC (CLEAN CUTTING)	WESTERN	4.00	770	696	212	12.1
79	9MM	115	JSP (POWER POINT)	WESTERN SUP-X	4.00	1160	1272	387	12.0
80	.38 SPEC	148	WC	SPEER	2.00	825	652	198	12.0
81	.38 SPEC	148	WC	BROWNING	2.00	770	618	188	11.9
82	.38 SPEC	148	WC (CLEAN CUTTING)	WESTERN	2.00	770	618	188	11.9
83	.38 SPEC	90	JSP	SMITH+WESSON	4.00	1350	1118	340	11.8
84	.357 MAG	158	JHP	SMITH+WESSON	2.75	1050	982	299	11.1
85	.38 SPEC	158	LHP	WINCH-WESTERN	2.00	855	805	245	11.0
86	.38 SPEC	158	SWC	FEDERAL	4.00	855	823	250	10.9
87	.38 SPEC	158	SWC	SMITH+WESSON	4.00	850	1006	306	10.8
88	.38 SPEC	158	JHP	SMITH+WESSON	2.00	1050	950	289	10.6
89	.38 SPEC	110	JHP	SPEER	4.00	1245	857	261	10.5
90	9MM	115	FJ (FMC)	SMITH+WESSON	4.00	1145	1192	363	10.3

TABLE 1 (CONTINUED)

Performance of Commercially Available Handgun Ammunition

BULLET ID NO.	CALIBER	WEIGHT (grains)	BULLET TYPE	MANUFACTURER	BARREL LENGTH (in)	VELOCITY			RI INDEX
						NOMINAL*	MEASURED		
						(fps)	(fps)	(mps)	
91	.357 MAG	158	SWC	REMINGTON	4.00	1410	1088	331	10.2
92	.38 SPEC	125	JSP	3-D	2.00	1085	957	291	10.1
93	9MM	125	JSP	SPEER	4.00	1120	1058	322	9.9
94	9MM	115	FJ(FMC)	WINCHESTER	4.00	1140	1126	343	9.7
95	.45 AUTO	185	WC	FEDERAL	5.00	775	751	228	9.7
96	.38 SPEC	125	JHP	SMITH+WESSON	2.00	1350	899	274	9.6
97	.357 MAG	158	SWC	REMINGTON	2.75	1410	958	291	9.3
98	9MM	115	FJ(FMC)	BROWNING	4.00	1140	1067	325	9.2
99	.38 SPEC	158	LRN(+P)	FEDERAL	4.00	1090	999	304	9.0
100	.38 SPEC	125	JHP	SMITH+WESSON	4.00	1350	1002	305	8.9
101	.38 SPEC	158	SWC	FEDERAL	2.00	855	796	242	8.5
102	.38 SPEC	158	SWC	SPEER	4.00	975	803	244	8.5
103	.38 SPEC	158	LRN(+P)	FEDERAL	2.00	1090	947	288	8.2
104	.38 SPEC	158	SWC	WINCHESTER	2.00	855	779	237	8.2
105	.38 SPEC	158	LRN	WINCHESTER	4.00	855	919	280	8.0
106	.38 SPEC	110	JHP	SPEER	2.00	1245	789	240	7.7
107	.38 SPEC	90	JSP (HEMI)	SMITH+WESSON	2.00	1350	1053	320	7.2
108	.38 SPEC	125	JHP	REMINGTON	2.00	1160	911	277	7.0
109	.38 SPEC	110	JHP	SMITH+WESSON	2.00	1380	888	270	6.8
110	.45 AUTO	230	FJ	REMINGTON	5.00	855	839	255	6.7
111	.45 LC	255	LRN	WINCH-WESTERN	7.50	860	821	250	6.6
112	.38 SPEC	90	JSP	SMITH+WESSON	2.00	1350	975	297	6.5
113	.45 AUTO	230	FJ	WINCH-WESTERN	5.00	850	740	225	6.5
114	.44 SPEC	246	LRN	REMINGTON	3.00	755	640	195	6.3
115	.38 SPEC	125	JHP	SMITH+WESSON	4.00	1350	900	274	5.9
116	.38 SPEC	158	SWC	SPEER	2.00	975	640	195	5.7
117	.38 SPEC	125	JSP	SMITH+WESSON	2.00	1350	896	273	5.6
118	.38 SPEC	158	LRN	FEDERAL	4.00	855	795	242	5.0
119	.38 SPEC	158	LRN	WINCHESTER	2.00	855	780	237	4.6
120	.38 SPEC	158	LRN	REMINGTON	4.00	855	749	228	4.5

CONTINUED

1 OF 2

TABLE 1 (CONTINUED)

Performance of Commercially Available Handgun Ammunition

BULLET ID NO.	CALIBER	WEIGHT (grains)	BULLET TYPE	MANUFACTURER	BARREL LENGTH (ins)	VELOCITY		RI INDEX
						NOMINAL*	MEASURED	
						(fps)	(fps) (mps)	
121	.38 SPEC	158	LRN	SPEER	4.00	975	749 228	4.5
122	.38 SPEC	200	LRN	REMINGTON	4.00	730	647 197	4.5
123	.38 SPEC	200	LRN	SPEER	4.00	850	710 216	4.5
124	.38 SPEC	158	LRN	REMINGTON	2.00	855	694 211	4.4
125	.38 SPEC	158	LRN	SPEER	2.00	975	635 193	4.4
126	.38 SPEC	158	LRN	SMITH+WESSON	4.00	910	708 215	4.4
127	.38 SPEC	158	LRN	FEDERAL	2.00	855	632 192	4.2
128	.38 SPEC	200	LRN(LUBALOY)	WESTERN SUP-X	4.00	730	626 190	4.2
129	.38 SPEC	200	LRN	SPEER	2.00	850	598 182	4.1
130	.38 SPEC	200	LRN(LUBALOY)	WESTERN SUP-X	2.00	730	592 180	4.1
131	.38 SPEC	158	SWC	SMITH+WESSON	4.00	1060	875 266	4.0
132	.38 SPEC	158	SWC	SMITH+WESSON	2.00	850	870 265	4.0
133	.38 SPEC	200	LRN	REMINGTON	2.00	730	593 180	4.0
134	380 AUTO	95	FJ	WESTERN SUP-X	3.86	955	948 288	4.0
135	.38 SPEC	158	LRN	SMITH+WESSON	2.00	910	626 190	3.5
136	.38 SPEC	125	JHP	SMITH+WESSON	2.00	1350	716 218	3.0
137	.38 SPEC	158	JSP	SMITH+WESSON	4.00	1050	828 252	2.9
138	.38 SPEC	158	SWC	SMITH+WESSON	2.00	1060	678 206	2.5
139	.22 CAL	37	LHP	WINCH-WESTERN	2.00	1365	872 265	2.3
140	.38 SPEC	158	JSP	SMITH+WESSON	2.00	1050	730 222	2.0
141	.38 SPEC	64	SHORT STOP	MBA	4.00	####	738 224	0.9
142	.38 SPEC	64	SHORT STOP	MBA	2.00	####	671 204	0.4

* - Advertized Velocity

- Velocity not available

Footnotes

- ¹Vincent J. M. DiMaio, M.D., "Hollowpoint Pistol Ammunition: Myths and Facts", The Forensic Science Gazette, Vol. 5, No. 4, September 1974, page 1.
- ²Irvin K. Owen, "What About Dumdums?", F.B.I. Law Enforcement Bulletin, April 1975, page 3.
- ³Ibid., page 4.
- ⁴DiMaio, page 2.
- ⁵DiMaio, page 2.
- ⁶DiMaio, page 2.
- ⁷Allen Bristow, The Search for An Effective Police Handgun, Charles C. Thomas, Publisher, Springfield, Illinois, 1973, page 91.
- ⁸August Gribbin, "Dumdums: Humane?", The National Observer, June 14, 1975.

FORENSIC SCIENCE ACADEMY

During the 1974 Session, through House Joint Resolution 132, the General Assembly directed the Crime Commission, in cooperation with the Division of Consolidated Laboratory Services, to study the advisability and feasibility of establishing a Forensic Science Academy in Virginia to train law enforcement. The Commission, in conjunction with the Division, was directed to determine the need for such an academy and, if the need were found, was authorized to proceed with the establishment of the Academy.

The subcommittee conducting the study of the Academy was Delegate Theodore V. Morrison, Jr., chairman, Senator George S. Aldhizer, II, Delegate Claude W. Anderson, William N. Paxton, and the Reverend George F. Ricketts.

The purpose of such an Academy is to give law enforcement officers the necessary training to enable them to fully utilize the expertise of the state's laboratory system. The Academy would train law enforcement personnel to properly collect, identify, and preserve items of physical evidence at crime scenes for laboratory examination.

During the initial stages of the study, we found training in this field to be practically nonexistent. Law enforcement across the state supported the idea of a Forensic Science Academy with enthusiasm.

The staff of the Bureau of Forensic Science developed a detailed course curriculum and planned a pilot Academy course. Funding was obtained through a grant from the Council on Criminal Justice. The Academy was set up as a 12-week intensive training program for a very limited number of students. All law enforcement agencies across the state were invited to nominate candidates from their departments to participate in the program. Ten officers were chosen and the course was held September 15 - December 9, 1974, in Richmond at the Forensic Science Laboratory.

Because of the overwhelming success of the pilot course and the interest it generated with law enforcement throughout the state, the Crime Commission successfully sponsored legislation during the 1975 Session of the General Assembly which established the Academy by law on a permanent basis. Since that time two additional Academy classes have been held, March 10 - June 2, 1975 and August 25 - November 17, 1975. At least two more are planned for 1976; they will be held January 5 - March 29, 1976 and April 5 - June 28, 1976. In the future it is planned that three or four Academy classes will be held each year to train 30 - 40 law enforcement officers annually whose expertise will be in the collection and preservation of evidence.

For each Academy session, 10 highly qualified police officers are selected through a series of selection processes including written examinations and interviews.

The 12-week program consists of classroom, mock crime scene and laboratory training. In addition, each student must complete a detailed project to the staff for grading.

Academy students are trained in more than fifty separate areas of evidence recognition, collection, preservation and submission. The primary subjects studied during the Academy training are: crime scene photography; crime scene sketch; fingerprints; death cases and medical/legal aspects; toxicology; radiation dangers; specific crime evidence problems; drugs; blood and body secretions; firearms and toolmark identifications; footwear and tire impressions/casting; document examination; glass examination; trace evidence; explosive devices and bomb scene search; locks, safes and burglary techniques; soils, minerals and building materials. In the past, each class has visited a large metropolitan police department such as New York and Chicago for observation of their crime scene search specialists

in operation.

This program is unique in that no other states have yet developed such an intensive, in-depth training program. Many states follow the procedure of training a large number of law enforcement officers in this field in a short period of time, such as a one or two-day session. The philosophy behind the Virginia Academy is to train a limited number of officers intensively; these highly trained officers can then train others in their departments and localities.

The Virginia Forensic Science Academy has received recognition from the Law Enforcement Assistance Administration, the Federal Bureau of Investigation and the U. S. Department of Justice. Law enforcement agencies from other states as well as agencies on the federal level have expressed interest in the academy program.

Law enforcement throughout the state enthusiastically support the program. Several departments in which one officer has already been trained in the Academy, are requesting that additional officers be trained. All phases of law enforcement in the state have participated in the Academy; there have been students from sheriffs' departments, city and town police departments, the State Police, and from state agencies which have law enforcement responsibilities.

Those officers who have been trained in the Academy are valuable assets to their community as well as their own departments; on occasions those officers have assisted departments in nearby jurisdictions when a particularly complex crime scene has been discovered.

The Crime Commission commends the Forensic laboratory for its outstanding accomplishments during its three and one-half years of operation. It has rapidly become one of the best staffed and equipped crime laboratories in the

nation. It offers a full range of services to law enforcement through progressive scientific techniques. The Commission is proud to have had a part in the establishment of the Virginia Forensic Science Academy. In the one and a half years since its inception, the Academy has developed into a unique, innovative training program which is contributing greatly toward the expansion of Virginia's law enforcement capabilities.

FINANCIAL ASSISTANCE TO MANDATORILY RELEASED INMATES

Virginia released approximately 2,058 inmates from prison during fiscal year 1974-75; 868 of these persons were mandatorily released or discharged upon expiration of their sentences. Because mandatorily released inmates are not paroled, they leave the correctional system unsupervised. They also comprise the largest number of inmates who return to prison upon conviction for additional crimes.

The General Assembly in 1974 directed the Commission to complete a study of the feasibility and advisability of providing financial assistance to mandatorily released inmates for a limited period of time or until employment was secured. Commission members and staff worked in cooperation with staff of the Virginia Employment Commission, the Department of Corrections, and the Virginia Parole Board. Similar programs providing direct financial assistance to inmates in other states were examined and a preliminary report was published in the Commission's 1974 Annual Report. The study was continued in 1975.

It was originally proposed that mandatory releasees be provided unemployment compensation (Unemployment Compensation Act, Title 60.1 of the Virginia Code) until they were able to obtain jobs. As explained in the preliminary report, it was determined that while the Act does not disqualify those who have been confined in penal institutions, under the law, the compensation is based on the individual's previous earnings during a specified period of time. Due to their length of confinement, therefore, most mandatorily released inmates would not be eligible for benefits.

Department of Corrections' records indicate that 402 felons recidivated into the Virginia correctional system in 1974-75. Two hundred and twenty-five of these individuals had been mandatorily released in comparison to

the 95 individuals who had been on parole and the 82 who had been discharged from parole.

As previously determined, mandatorily released inmates currently receive up to \$20, a suit of clothes, and transportation to their home communities or to the state line. A check made recently with the Department of Corrections indicates that this assistance continues to be provided upon release. During 1975, two new methods of assistance to mandatorily released inmates were developed.

First, the legislature amended Virginia Code Section 53-250.3 to allow parole officers to render assistance to mandatorily released inmates in "finding a place to live, finding employment, or in otherwise becoming adjusted to the community." Commission staff contacted a number of district parole offices and found that few mandatory releasees appear to have taken advantage of the new assistance. Some parole officers have suggested that this is because the inmates are not aware of its availability while others have said that the inmates do not seek such aid.

In March, 1975, a "prerelease program" was established at the Tidewater Correctional Unit #22 in Chesapeake. Both mandatorily released inmates and parolees awaiting discharge or approval of their parole plans are sent from correctional facilities across the state three months prior to their expected release date. If, as they progress through the program their institutional record remains favorable, the inmates are released thirty days in advance.

There are conflicting reports as to the success of this effort. At the time of establishment, the program was described as one providing inmates with the opportunity to learn various re-entry skills and to

hear from outside speakers such as business persons concerning job availability, etc. While communication has been established with various Tidewater community service agencies on an on-call basis, no outside speakers have yet spoken to the inmates. Indeed it appears as though no formalized prerelease program exists at the present time.

One of the problems encountered in setting up such a program is that the unit has a dual designation, that of both a prerelease and "roadwork" facility providing manpower services to the Department of Highways. No other prerelease unit in the system is required to fill a quota of men for road work. Superintendent Wayne Rogers and Counselor James Biggs say that it is difficult for the inmates to prepare for release and complete job assignments at the same time. Rogers says that work on the road causes a morale problem among those inmates who were trustees at other units and allowed to go shopping in the community and to wear their own clothes.

The superintendent says that in some cases the inmates were told they were being transferred to Unit 22 to participate in intensive counseling sessions and to learn how to re-orient themselves into community life. "When they arrive at this unit," says Superintendent Rogers, "they receive the regular prison blues and are told of their road work assignments."

This appears to be incongruent with an Adult Services Division official's description of the unit as "unique within the southern region of the Bureau of Correctional Units offering various programs designed to provide opportunities through which the inmate can prepare for release."

Another difficulty with the program is that inmates whose home communities to which they will be released are great distances from Tidewater are sent to Unit 22. "If a company representative from Tidewater comes

to the unit to find the type man he is seeking for employment only to be told that upon release the inmate will be returning to his home in Alexandria, the effort will have been of little benefit either to the inmate or to the employer," says the superintendent.

Officials in the Division of Adult Services state that "classes are held to instruct inmates on how to fill out job applications, find jobs via newspaper ads and show them the advantages and disadvantages of placement agencies." Counselor Biggs, in an interview with Commission staff, said that while he provides such services to inmates on an individual basis, there are no classes for such instruction at the present time. Superintendent Rogers and Biggs have been anticipating approval for funds from the Rehabilitative School Authority to employ two teachers and to buy basic equipment needed to conduct the prerelease program. Unfortunately, due to lack of communication, such a proposed grant has not been submitted, according to Dr. Charles Price, superintendent of the Rehabilitative School Authority. Biggs is now in touch with Dr. Price concerning the possibility of applying for funds for this purpose. Biggs has been able to establish contacts in many outside agencies such as Aid-Sir and Rubicon in Richmond, the After-Care Program in Norfolk, the United States Marine Corps Recruiting Station in Norfolk, the DVR Program in Norfolk, the mental health program in Norfolk and local churches and educational institutions.

Biggs has also worked with Joseph Garrett, the former unit counselor and now a probation and parole officer in Newport News, in trying to set up lines of communication between the unit and the probation and

parole system. The Commission staff was told that there were currently 15 probation and parole officers volunteering time to help with the pre-release program at Unit 22. Superintendent Rogers said that there were no probation and parole officers at the present time other than when contacted to make a visit at the unit.

Department of Corrections officials are scheduled to appear before the Crime Commission in the coming weeks to discuss a new program for mandatorily released inmates. It is expected that the department will propose that the Code of Virginia (Section 53-37 - Authority of Director to fix day of discharge of prisoner) be amended to allow the department director to conditionally release mandatory dischargees six months in advance of their release date under supervision of the Division of Probation and Parole Services. Details on the proposed plan are now being discussed with the Virginia Parole Board.

CRIMINAL JUSTICE INFORMATION SYSTEM

In its annual report of 1974, the Crime Commission addressed the Criminal Justice Information System. It traced the background which led to adoption by the 1974 General Assembly of Senate Joint Resolution 63, directing the Crime Commission to establish the Comprehensive Criminal Justice Information System Task Force. The Commission, through its task force, was to "make a full and complete study of all matters relating to the exchange, collection, storage, security, privacy, and use of information in the Virginia Criminal Justice System," and to "make recommendations as to the development and implementation of an expanded and integrated system for the collection, storage, and exchange of law enforcement and criminal justice information."

The report noted the status of potential and actual information system developments by the Department of Corrections, the committee on District Courts, and the Department of State Police which the task force took into its consideration. Extracts follow:

As of January, 1975, data will be available to law enforcement agencies through the Computerized Criminal History (CCH) system of the Virginia Criminal Information Network (VCIN). By augmenting the CCH record with additional data elements from courts and corrections, the record would be useful to all areas of criminal justice, and the rapid retrieval of comprehensive criminal history information from a central source could be effected.

The possible expansion of the VCIN law enforcement system into a comprehensive Criminal Justice Information System (CJIS) that would serve all criminal justice agencies raised the issues of jurisdictional responsibility, system security and individual privacy.

The report also reviewed the status of possible federal legislation which might affect privacy and security of information in a CJIS.

Finally, it set forth the recommendations of the task force:

1. The Commonwealth should pursue the development of a comprehensive criminal justice information system.

2. An "umbrella" criminal justice commission should be established to insure that the development and operation of a comprehensive criminal justice information system include proper user management control and to regulate other criminal justice services such as law enforcement training and standards, polygraph examiners, and the private security industry. (This recommendation would be addressed to the Crime Commission for further action.)

3. The Virginia Privacy Board proposed by the VALC's Computer Security and Privacy Bill should set policy for the security and privacy of a criminal justice information system, avoiding duplication. The Board would be composed of eleven (11) members and four (4) of these members would represent the criminal justice community.

Several bills relating to the recommendations of the task force were introduced, but not acted upon during the 1975 session.

Since that time, developments have taken place affecting information systems of the criminal justice system.

The Department of State Police has received federal and state funding for (1) further development of the now operational Computerized Criminal History (CCH) system, and (2) expansion of that system to incorporate additional information regarding the principal transactions occurring while an offender is under supervision of the Department of Corrections.

The CCH system utilizes the information reported to the Central Criminal Records Exchange (CCRE) by law enforcement agencies and clerks of court under the provisions of section 19.2-390 of the Code.

The expansion of the CCH system to incorporate corrections input will provide statistics describing what the criminal justice system as a whole does with all classes of offenders. The expanded system is termed an Offender-Based Transaction Statistics (OBTS) system. Such a system will permit evaluation of the functioning of the criminal justice system as a system.

The Department of Corrections has received federal and state funds for the development of a system in coordination with the Department of State Police which will be separate but closely integrated with the OBTS system in the same computer facility. This system will contain all operational information needed by the Department of Corrections about each person under its supervision. The system will also have statistical value. It is termed an Offender-Based State Corrections Information System (OBSCIS).

In effect, the CCH, OBTS, and OBSCIS systems constitute a comprehensive state-wide CJIS. The system will make more efficient use of information already required to be reported to the CCRE by the Code of Virginia and that to be reported by the Department of Corrections. To coordinate these systems the Governor has appointed an Ad Hoc group, the Management Review Board.

A District Court Uniform Docketing and Caseload System has been developed and installed in all District Courts by the office of the executive secretary of the Supreme Court of Virginia. Federal funding is being sought for installation of this system in all Circuit Courts.

Federal funding is being sought for development of a Department of Corrections management information system which would assist the department in management of its resources.

PRIVACY AND SECURITY

In May of 1975, the U.S. Department of Justice and the Law Enforcement Assistance Administration (LEAA) implemented section 524 (b) of the Safe Streets Act of 1973 by issuing regulations governing the collection, storage, dissemination and use of criminal history record information. These regulations directly apply to approximately 35 criminal justice agencies in the state including nearly all large police departments. In addition, the Department of State Police, the Department of Corrections, the Supreme

Court of Virginia and all District Courts are similarly affected. As a consequence, one set of agencies is under a single set of rules (the new regulations), the Department of State Police is under three conflicting sets of rules (the regulations, National Crime Information Center rules, and the Code of Virginia), while many agencies are under no set of rules regarding the handling of criminal history records since the provisions of the Code apply only to the Central Criminal Records Exchange.

When exchanging criminal history record information with agencies not directly covered by the regulations, agencies directly affected by the new regulations must insure under severe penalties that any further dissemination of the information conforms to the limitations on dissemination imposed by the regulations. Without legislation which would impose these dissemination limitations upon all agencies, the only means for insuring that further dissemination is in accordance with the regulations is the execution of a user's contract between each pair of agencies exchanging such information and the careful logging of each specific exchange thereafter. In the event of the misuse of a given record by an agency which had executed a user's contract, the agency directly covered by the regulations would have the burden of providing that it had taken all reasonable measures to insure proper use of the information. The use of criminal history record information is vital to every step of the criminal justice process. Further, each transaction occurring in that process adds to an individual's criminal history record. For these reasons a restrictive, awkward mechanism such as a user's agreement could have untold effect on the criminal justice process. The need for such a mechanism can be removed by legislation which places identical limitations on dissemination

upon all agencies within the Commonwealth.

In addition to limitations and restrictions on the dissemination of criminal history record information, the federal regulations contain certain requirements. These include complete, accurate, and prompt disposition reporting, security of information, a state audit of compliance with procedures stemming from the regulations, the individual's right of access to criminal history record information maintained about him for purposes of determining its accuracy and completeness, and an appeal mechanism in the event challenged information is not corrected.

The Crime Commission sees the need of further development of a state CJIS to make improved use of criminal history record information, including correctional input to the record, and because of the need to make uniform application of regulations governing the collection, storage, dissemination, and use of this information by the criminal justice system.

The Crime Commission bases its conclusions on the report of the findings of the task force and through work with the Management Review Board, endorses the system. The Commission believes that the administration and the legislature will, however, have to give full consideration to the manner in which the system will be operated.

DEADBOLT LOCKS

With the growing concern over the increasing rate of residential burglaries and the ease with which entry into a residence may be gained, the 1975 General Assembly directed the Crime Commission to conduct a study as to the feasibility of requiring landlords at their own expense to provide deadbolt locks and peepholes on apartment doors (SJR 160).

A deadbolt lock as defined by the Law Enforcement Standards Laboratory is a lock bolt which does not have a spring action as opposed to a latch bolt, which does. The bolt must be actuated by a key and/or a knob and becomes locked against return by end pressure when projected.

The peephole is a security device installed at eye-level in a door which allows a resident to view at a wide angle the outside entry area while maintaining the security of the locking hardware.

A deadbolt lock is generally considered by law enforcement and security professionals as the most effective locking device on the market for residential security. Several studies of locking devices and target hardening, such as the Alexandria Burglary Prevention Experiment, have shown the deadbolt lock to be a successful deterrent against intrusion. Although the lock will succumb to prolonged attack, a well constructed and properly installed deadbolt will resist and frustrate loiding and jimmying attacks most often used by the average intruder (The LESL defines loiding as pushing the bolt of a lock back out of the strike by a credit card.).

Although there are many different varieties of the lock, the deadbolt has two main construction categories: the single cylinder and double cylinder. The single cylinder deadbolt requires the use of a key for locking and unlocking on the outside but only the use of a thumb latch from the inside. The single cylinder deadbolt is not recommended for doors having glass within 40 inches of the thumb latch since the lock may be defeated by breaking the glass

and turning the latch. The double cylinder deadbolt requires the use of a key for locking and unlocking from both inside and outside. This lock is generally considered preferable to the single cylinder although it has been criticized as potentially hazardous for emergency exits.

Despite the fact that the deadbolt lock is considered the most effective hardening device for residential security, many varieties of the lock are poorly constructed and will offer little resistance to attack. Lock models made from soft metals, with exposed installation bolts, with a throw of less than one inch, or without a free-wheeling cylinder guard may be defeated in less than 5 seconds. In order to insure effective security against intrusion the deadbolt lock should be constructed of case-hardened steel, have a throw of at least one inch and contain a solid cylinder guard that freewheels. According to a survey of locksmiths in the Richmond, Roanoke, Tidewater, and northern Virginia areas, deadbolt locks meeting these specifications can be bought by the individual purchaser for \$16 - \$37. Installation charges of up to \$30 and service charges up to \$20 may also have to be paid by the individual purchaser. These costs are considerably lower for locks installed during construction or purchased in larger quantities.

It must be taken into consideration also that the use of a deadbolt lock will not provide effective security if the door into which it is installed offers inferior security. Lawrence K. Eliason, Program Manager, Security Systems of the Law Enforcement Standards Laboratory, writes

Our studies of forcible entry have clearly demonstrated that simply specifying the use of deadbolt does not insure the security of a door. The best deadbolt available is worthless if the door, strike, and jamb do not resist attack All too frequently, the strike plate is not designed in a manner which allows it to withstand the force that a bolt exerts upon it when a door is impacted. Similarly, the jamb and its surrounding wall may not be sufficiently rigid to prevent the door assembly from being spread by the use of a jimmying, crowbar, or jack. . . Of course, the door too must withstand attack without permitting the deadbolt to be broken out of it.

Many hollow-core doors popular in apartment construction will not withstand the weight or force of the better made deadbolts. In order to insure adequate protection against intrusion minimum standards should be established for door assemblies corresponding to lock requirements.

Recognizing the rising residential burglary rate and the increased security afforded by deadbolt locks the Virginia state building code requires that any residence constructed after January 15, 1976 be equipped with deadbolt locks for all exterior swinging doors. Specifications stipulate that such doors

be equipped with a horizontal bolt dead lock, or a dead bolt with not less than five-eighths inch (5/8") throw, and the lock on these exterior doors shall be capable of being locked or unlocked by key from the outside and by turn-knob from the inside.

The building code further requires that comparable locks be provided for exterior sliding glass doors and windows latches for windows less than 10 feet from ground level. In addition to the building code requirements, Arlington County has adopted an ordinance requiring by law that landlords provide deadbolt locks on all apartment doors regardless of the date of construction.

For residential tenants not affected by the building code revisions or by ordinance, the 1974 Landlord and Tenant Act permits the installation, at cost to the tenant, of burglary prevention devices such as deadbolt locks provided they do not damage the apartment and keys and instructions for the devices are left on file with the landlord. Until passage of this act tenants were not allowed to install additional locking hardware without the prior approval of the landlord.

During a public hearing conducted by the Commission and in letters submitted to the Commission, realtors cited the Landlord and Tenant Act provisions as adequately covering the matter of deadbolt locks. Since the act allows tenants to install the devices if they desire, the realtors felt forced compliance unfairly put the financial burden on the landlords. In addition they cited lack of requests by tenants for the locking hardware and implementation of other security measures such as better lighting and parking lot security as more urgent and more popular with tenants.

Because of the state building code provisions regarding deadbolt locks effective in January 1976 and the Landlord and Tenant Act provisions regarding the installation of burglary prevention devices by tenants, the Commission feels a statewide regulation requiring landlords to provide deadbolt locks at their expense on all apartment doors is unnecessary. The Commission does, however, recommend that localities, particularly in the heavily populated areas of the state, consider the adoption of such a measure as a local ordinance as it is an effective method of security residences against burglary.

A more extensive report is being prepared by the Commission for release at a later date.

A P P E N D I X

A RUNDOWN ON INMATES IN ADULT CORRECTIONAL FACILITIES ON DECEMBER 24, 1975:

MISDEMEANANTS

	UNDER 25	25 AND OVER	AGE UNKNOWN	TOTAL
VIOLENT	44	42	114	200
NONVIOLENT	189	209	9	407
TOTAL	233	251	123	607

FELONS WITH NO PREVIOUS SENTENCE SERVED AS FELON OR MISDEMEANANT

	UNDER 25	25 AND OVER	AGE UNKNOWN	TOTAL
VIOLENT	567	472	7	1,046
NONVIOLENT	489	240	1	730
TOTAL	1,056	712	8	1,776

FELONS WHO HAD PREVIOUS MISDEMEANOR SENTENCE SERVED

	UNDER 25	25 AND OVER	AGE UNKNOWN	TOTAL
VIOLENT	172	550	1	723
NONVIOLENT	124	182	0	306
TOTAL	296	732	1	1,029

FELONS WHO HAD PREVIOUS FELONY SERVED

	UNDER 25	25 AND OVER	AGE UNKNOWN	TOTAL
VIOLENT	84	756	2	842
NONVIOLENT	110	545	1	656
TOTAL	194	1,301	3	1,498

FELONS WHOSE PREVIOUS RECORD IS UNKNOWN

	UNDER 25	25 AND OVER	AGE UNKNOWN	TOTAL
VIOLENT	349	285	38	672
NONVIOLENT	331	218	16	565
TOTAL	680	503	54	1,237

TOTAL FELONS

	UNDER 25	25 AND OVER	AGE UNKNOWN	TOTAL
VIOLENT	1,172	2,063	48	3,283
NONVIOLENT	1,054	1,185	18	2,257
TOTAL	2,226	3,248	66	5,540

TOTAL FELONS AND MISDEMEANANTS IN THE SYSTEM

	UNDER 25	25 AND OVER	AGE UNKNOWN	TOTAL
VIOLENT	1,216	2,105	162	3,483
NONVIOLENT	1,243	1,394	27	2,664
TOTAL	2,459	3,499	189	6,147

Violent crimes include homicide, kidnap, sex assault, robbery, assault, arson, extort, damage property, sex offense, obscenity, obstructing police, bribery, weapon offense, public peace, and crimes against persons.

Nonviolent crimes include burglary, larceny, vehicle, forgery, fraud, embezzle, stolen property, dangerous drugs, family offense, commercial sex, liquor, drunkenness, escape, obstructing justice, traffic offense, invasion of privacy and public order crimes.

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