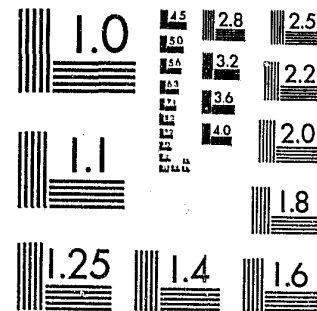


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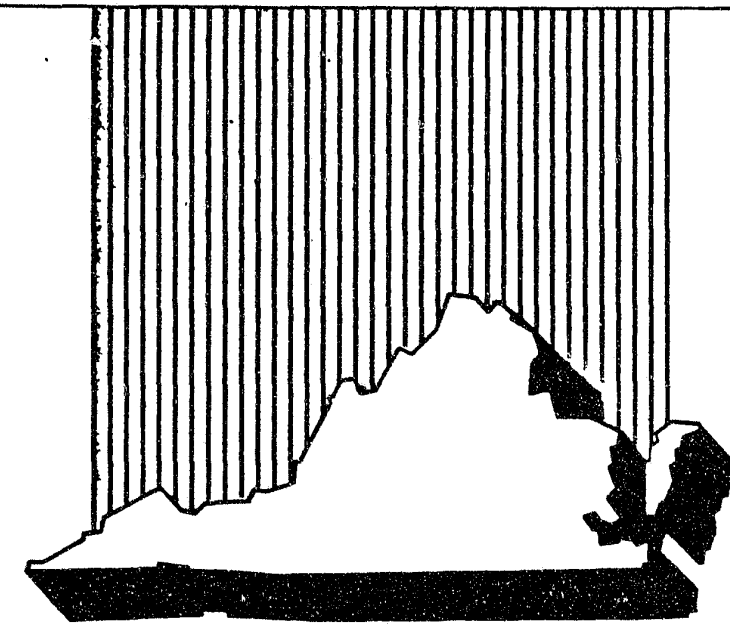
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10/4/85

STRENGTHENING CRIMINAL JUSTICE IN VIRGINIA



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A REPORT TO THE GOVERNOR AND GENERAL ASSEMBLY OF VIRGINIA
COMMONWEALTH OF VIRGINIA • CRIMINAL JUSTICE SERVICES BOARD • DECEMBER, 1983

INTRODUCTION

Crime affects all Virginians. "It degrades the victim and offender alike. It challenges us to extend the protection of the law to the helpless and the voiceless and to verify the integrity of our institutions of justice. It forces us to resolve the violence in our society in a way that reaffirms rather than corrodes fundamental principles of fairness, civility and responsibility of citizens for their own government."

The Criminal Justice Services Board, established on July 1, 1982, under the provisions of the Code of Virginia, Section 9-168, sought to make a definitive statement regarding its views toward crime and justice in Virginia, the problems, concerns and areas of greatest need. The Board is required under the Code to annually report to the Governor and General Assembly on its activities and "make such other reports as it deems advisable." This report falls into the latter category.

This report deals only with the major problem areas as seen by the Board members. Each problem is highlighted by an issue statement, an explanation of the issue, and recommendations on how to address the issue. The report is divided into eight chapters: victims of crime; law enforcement; prosecution; courts; local corrections; state corrections; juvenile justice; and information systems. Each chapter is subdivided into issues that were derived from the input of citizens and professionals associated with various statewide criminal justice and governmental associations. The concerns of local as well as state criminal justice officials were considered in the issue development as well as recommendation phases of this report.

The Board recognizes that there may be many issues of criminal justice concern not addressed. In any such report there is no method to assure universal coverage of the entire spectrum of criminal justice. However, there was never any attempt to cover the entire universe of issues. The Board's intent was to only address those areas which, in its opinion, were the most important. By this presentation, the Board hopes to communicate to the Governor and the General Assembly the issues that it believes should be given serious consideration either for additional resources, legislation, regulation or simple understanding.

The Board wishes to express its thanks to all who participated in the development of this report. This report could not have been completed without the cooperation and support of such organizations as the Virginia State Sheriffs' Association, the Virginia Association of Chiefs of Police, the Virginia Association of Commonwealth's Attorneys, the Criminal Justice Systems Group, the Juvenile Justice and Delinquency Prevention Advisory Council, as well as the criminal justice agencies of state government.

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I. THE VICTIM OF CRIME

TREATMENT OF VICTIMS AND WITNESSES

ISSUE: The victim of crime in this country has historically been the "forgotten" participant in the criminal justice system. The criminal justice system, in its efforts to reduce an ever-escalating crime rate, has focused its resources on the apprehension, prosecution and rehabilitation of the offender, often ignoring the very person it was designed to protect.

EXPLANATION OF ISSUE: The crime victim and the crime witness often have to endure serious emotional trauma and financial hardship. Yet they have, in the past, been left alone to cope with their personal fears, with a criminal justice system they do not understand and which has treated them with indifference.

This was true until the mid-sixties when events were stimulating new interest in the plight of the victim. As federal courts began to require more attention to the rights of the offender and prisoners, there was a public outcry for the forgotten rights of the victim.

In applying and interpreting the vital guarantees that protect all citizens, the criminal justice system has lost an essential balance. The victims of crime have been transformed into a group burdened by a system which was designed to protect them.

The solution to this problem is for the General Assembly to set forth statutory objectives for law enforcement agencies, Commonwealth's Attorneys and the courts that insure the fair treatment of crime victims and witnesses in the criminal justice system. These objectives are not primarily aimed at reducing financial hardships, though some components will have this effect. The overriding purpose is to set forth the basic levels of treatment expected by the Commonwealth for the victims of crime and witnesses in the criminal justice system.

RECOMMENDATION: The Criminal Justice Service Board recommends that the General Assembly enact legislation setting forth the basic goals and objectives of Virginia in assuring that victims of crime and witnesses to crime are given all reasonable consideration, respect and protection possible.

MANDATING THE VICTIM IMPACT STATEMENT IN CERTAIN CASES

ISSUE: Legislation adopted in 1983 provides for the inclusion of a Victim Impact Statement with every presentence investigation but does not mandate its inclusion in any specific case.

EXPLANATION OF ISSUE: While presentence investigations have provided significant insight into the background of the offender, little information has been provided to the court regarding the effect of the crime on the victim and his/her family in terms of emotional, psychological or financial impact. Furthermore, in serious misdemeanor cases, the court does not even have the option of requesting a Victim Impact Statement to assist it in determining the appropriate sentence.

Current statutory language does not mandate the inclusion of a Victim Impact Statement in the presentence investigation but leaves it to the discretion of the court or, if not ordered by the court, to the discretion of the Commonwealth's Attorney. While a Victim Impact Statement may not be required in all cases in which there was economic loss or psychological injury, a statement should be required in those cases where significant physical injury or death was the result. Similarly, while a Victim Impact Statement is not required in all misdemeanor cases, the court should have the authority to request a statement if it so desires.

RECOMMENDATION: The Criminal Justice Services Board recommends that the General Assembly enact legislation mandating the preparation of a Victim Impact Statement in those felony cases where there is physical injury or death and make provisions for allowing the court to request a statement in appropriate misdemeanor cases.

FUNDS TO ESTABLISH VICTIM-WITNESS ASSISTANCE PROGRAMS

ISSUE: When the Law Enforcement Assistance Administration was in existence, federal funding served as "seed" money to establish local victim-witness assistance programs. A source of state funds to continue these efforts is not currently available.

EXPLANATION OF ISSUE: Virginia's first victim-witness assistance program was established in Portsmouth in 1976. As in most states, the first victim-witness assistance programs in Virginia began with federal money and now are funded locally. The purpose of these programs is to increase witness cooperation, save time for criminal justice system personnel and to reduce the trauma of crime on the victim and his/her family.

When the Law Enforcement Assistance Administration (LEAA) was in existence, federal funding served the purpose of providing seed monies to establish new local programs. In the absence of "seed" funds, however, localities are hard pressed to initiate any kind of new program, no matter how cost-effective it may be. The track record for federal assistance, nevertheless, demonstrates that, once the initial funding is provided, local governments tend to be far more willing to assume the costs for maintaining a program. This problem has been intensified even further by the fact that the Commonwealth does not have new general fund revenue to provide such funding to establish victim-witness programs.

The General Assembly, in 1975, established the Criminal Injuries Compensation Fund to provide financial assistance to the victims of violent crime. Revenue for the fund is provided by a fee which is assessed in criminal convictions. A small increase in this fee would generate enough additional revenue to further expand services to the victims of crime and witnesses to crime.

RECOMMENDATION: The Criminal Justice Services Board recommends that the General Assembly enact legislation establishing a state grant program using funds derived from an increase in the Criminal Injuries Compensation Fund fee to assist localities in developing victim-witness assistance programs.

II. LAW ENFORCEMENT

TRAINING FOR LAW ENFORCEMENT INSTRUCTORS

ISSUE: Effective July 1984, instructors teaching in criminal justice academies will be required to meet minimum standards established by the Criminal Justice Services Board prior to performing any instruction. There are no provisions however for providing these persons with training in a manner which will insure a uniform level of instructor competency throughout the Commonwealth.

EXPLANATION OF ISSUE: Controlled, uniform training of law enforcement instructors is essential to assure that recruit and in-service officers receive quality training. This is especially true of skills training in the areas of firearms instruction, defensive tactics instruction, and driver training instruction. Physical plant requirements to carry on such instruction also must be met, as currently officers have to travel great distances at considerable expense in order to obtain this type of training. Although many of these persons provide instruction at state-supported regional academies at no cost, they are not reimbursed for expenses incurred during their own training that is necessary in order to maintain a basic competency level.

RECOMMENDATION: The Criminal Justice Services Board recommends that the Governor direct the Department of Criminal Justice Services to study the feasibility of establishing a state-supported, centrally located training center capable of training all law enforcement instructors. Such a center would include classrooms, firing ranges, obstacle course, driving range (skid pan) and other such facilities necessary to accomplish the required training. The Department should complete its work and present its findings to the Governor and General Assembly by September, 1984.

MANDATORY TRAINING FOR DEPUTY SHERIFFS ENGAGED IN THE SERVICE OF PROCESS

ISSUE: Deputy sheriffs whose primary responsibility is the execution of civil process are not statutorily required to receive any training even though they have full arrest authority.

EXPLANATION OF ISSUE: The Code of Virginia currently requires basic training for sheriffs' deputies whose principal functions are either law enforcement, jail or court security. This statutory requirement has addressed all functions that a deputy sheriff may perform except that of service of process in civil justice matters. The result is that many deputies now functioning in this capacity are armed, wear uniforms, drive marked vehicles, and may make arrests without the benefit of any basic or in-service training. While many sheriffs' departments are sending these personnel to basic law enforcement training in order to reduce their vulnerability to vicarious liability legal action, many others do not. The question of whether or not the Commonwealth could be held civilly liable for failing to require training of these personnel is also an issue that may arise. In addition, basic law enforcement school does not meet all of the training needs of a deputy sheriff working in the area of civil justice. Many activities performed by these deputies, such as levies and evictions, require a high degree of expertise and involve considerable danger for which the deputy may be totally unprepared because of lack of training.

RECOMMENDATION: The Criminal Justice Services Board recommends that the General Assembly enact legislation mandating minimum training standards for deputy sheriffs whose principal function is as an officer of the court in civil justice matters.

ESTABLISHMENT OF A PERMANENT FUNDING SOURCE FOR TRAINING

ISSUE: The state currently provides sixty percent of the funding support for seven regional criminal justice training academies. Funds for this purpose are appropriated by the General Assembly from the general fund as a portion of the Department of Criminal Justice Services' budget. No permanent, consistent source of funding exists that will provide adequate and guaranteed support for law enforcement and criminal justice training.

EXPLANATION OF ISSUE: The practice of funding the regional criminal justice training academies from the state's general fund has resulted in law enforcement and criminal justice agencies having to compete biennially with other interests in order to receive adequate training funds. Despite increased costs, the funds provided by the General Assembly for training have remained relatively static. This has forced localities to bear a greater burden of the cost of training and, in fact, the amount of funding provided by the State no longer constitutes sixty percent of the true costs of operating the regional training academies. An examination of the situation nationally indicates that several states provide funding for advanced or specialized training in addition to the funding provided to operate regional academies. Training courses using these funds are coordinated and approved by state training agencies in order to assure quality instruction and avoid duplication of effort.

RECOMMENDATION: The Criminal Justice Services Board recommends that the General Assembly enact legislation that establishes a permanent and consistent source of funding for law enforcement and criminal justice training. The funds generated from this source should, at a minimum, be of sufficient amount to provide seventy-five percent of the true costs of operating the regional criminal justice training academies with the remaining twenty-five percent to be provided by the participating localities.

STUDY COMMITTEE ON LAW ENFORCEMENT SALARIES

ISSUE: Pay and benefit packages for law enforcement officers in Virginia differ greatly from locality to locality, between local and state officers, and between local, state and federal officers. This fact has created a problem for many departments in recruiting and retaining qualified personnel, particularly minority employees.

EXPLANATION OF ISSUE: The amount of compensation law enforcement officers receive, the extent of fringe benefits or indirect compensation and the conditions of employment affect the quality of personnel who are attracted to local and state law enforcement agencies. The amounts differ between sheriffs' departments and town and city police departments, and between the State Police and local officers, all of whom usually work side-by-side on a daily basis. Neither state nor local law enforcement agencies can generally match the benefits and salaries afforded federal officers and corporate security staffs.

All law enforcement officers in Virginia must meet minimum entry qualifications and training requirements set forth in the Code of Virginia. The basic training portion of the requirements are performance-based to insure that a law enforcement officer possesses all the skills necessary to perform his or her duties. It is this basic training and the similar duties performed by all law enforcement officers that has sparked the call for some minimum standard for law enforcement salary and benefit packages. The effort of state and local agencies to attract and retain minority employees is more critical, given the extensive recruitment efforts at the federal level and the private sector. Qualified candidates are drawn to the greater salaries and benefits available to them by the latter two employer groups.

The 1982 General Assembly authorized two studies of public safety employees. The first (HJR-117) concerned the job status of public safety employees while the second (HJR-79) concerned the inclusion of personnel in the State Police Officers Retirement System. Neither Joint Subcommittee completed its work and so another Resolution (HJR-56) was introduced in the 1983 Session to combine and continue the activities of these two Joint Subcommittees. This resolution failed and all Subcommittee work ceased.

RECOMMENDATION: The Criminal Justice Services Board recommends that the General Assembly establish a Joint Subcommittee, composed of legislative members and representatives of the Virginia State Sheriffs' Association and Virginia Association of Chiefs of Police, to study the issue of pay and benefits for law enforcement personnel in Virginia. The Joint Subcommittee should complete its work and present its findings to the General Assembly by December, 1984.

STUDY COMMITTEE ON SHERIFFS' LAW ENFORCEMENT MANPOWER

ISSUE: State funding for law enforcement manpower in Sheriffs' Departments is based on a population ratio of one deputy for every two thousand population. This method of allocation does not address actual workload and has contributed to significant understaffing in most counties.

EXPLANATION OF ISSUE: Section 14.1-70, Code of Virginia, provides that the State Compensation Board, which determines the amount of State funding for each constitutional officer, will fund no less than one deputy per two thousand population in counties without a police department. Generally, the Compensation Board includes the chief deputy and investigators in this figure. The Sheriff, in the absence of locally funded positions, is therefore forced to decide between creating full-time investigators on his staff or keeping his patrol strength at maximum levels.

Many years ago, modern law enforcement agencies abandoned population ratios as a means for allocating manpower. Research has proven that allocation is best made on the basis of workload activity that includes calls-for-service, reported crime, arrest and summons totals, and reportable motor vehicle accidents investigated. There have been several efforts in the past to develop an equitable means for determining Sheriffs' law enforcement manpower requirements; however, these efforts have not met with universal acceptance.

RECOMMENDATION: The Criminal Justice Services Board recommends that the General Assembly establish a Joint Subcommittee, composed of legislative members and representatives of the State Compensation Board and the Virginia State Sheriffs' Association, to study the issue of manpower allocation and develop a mutually agreeable formula that adequately addresses the law enforcement needs of the Commonwealth's counties.

STANDARD PROCEDURES FOR CIVIL EXECUTIONS, LEVIES, LIENS AND SALES BY SHERIFFS' DEPARTMENTS

ISSUE: These actions, although civil in nature, involve the placing of liens or levies upon property (real or personal), recovery or seizure of the property and the subsequent sale of the property in order to satisfy a legal claim for some debt or duty owed. The procedures for carrying out these actions differ from jurisdiction to jurisdiction creating a problem for sheriffs and citizens alike.

EXPLANATION OF ISSUE: The Code of Virginia mandates certain procedures to be followed by the sheriff when carrying out a court order to recover property in a civil action. A major problem, however, is the interpretation of the procedures. An example is certain Code sections which require service of notice "upon" the defendant. In some jurisdictions this is interpreted to mean personal service of the notice while in others it is interpreted to mean any of the three (3) forms of legal service (personal, posting, mail). This problem of interpretation is compounded further by statutory language that is both permissive and mandatory as well as lacking in substantive definitions.

These factors have inhibited the development of standardized training for sheriffs' personnel engaged in these activities and cause confusion among plaintiffs, defendants, and judges as well as sheriffs when actions cross jurisdictional boundaries. These problems have grown more acute in recent years and are now affecting the allocation of manpower resources in many sheriffs' departments.

RECOMMENDATION: The Criminal Justice Services Board recommends that the Supreme Court direct the Executive Secretary of the Supreme Court to develop, in conjunction with the Judicial Conference, the Committee on District Courts, the Attorney General and the Virginia State Sheriffs' Association, a manual containing standard procedures to guide judges, clerks, and sheriffs in carrying out the statutory mandates for executions, levies, liens and sales.

III. PROSECUTION

TRAINING FOR COMMONWEALTH'S ATTORNEYS AND ASSISTANTS

ISSUE: A high proportion of lawyers who become Commonwealth's Attorneys or assistants have little or no prior experience in the criminal process or in the administration of a prosecutor's office. The need for training programs in this area has long been neglected. It is also clear that existing training programs do not meet the needs for prosecutor training.

EXPLANATION OF ISSUE: In Virginia, Assistant Commonwealth's Attorneys typically learn by doing. In some of the larger offices there is a routine progression of training or assignments providing a period of adjustment and learning. In smaller offices, training is usually of the trial and error variety. Whatever continued or in-service training an assistant receives in addition to his experiences on the job is usually limited to discussions with senior assistants or the Commonwealth's Attorney. In a few offices, seminars or lectures are regularly held to discuss elements of trial tactics or office policies. In even fewer offices, written policies and manuals are available for guidance and instruction. There is currently no mandate for the regular training of either the Commonwealth's Attorney or his assistants. In fact, the State of Virginia requires only that a person be licensed to practice law in order to serve as the State's prosecutorial representative. The Commonwealth has set forth minimum qualification standards and periodic training requirements for both law enforcement and corrections personnel but has neglected this important link which sits in the center of the criminal justice system.

Compounding these issues is the current economic situation confronting the state budget which, through the State Compensation Board allocations for local constitutional officers, has had an impact on Commonwealth's Attorneys' budgets. This impact is most specifically apparent in the development and strengthening of training programs. Training funds available through the Compensation Board and the Commonwealth's Attorneys Services and Training Council have only provided training for a limited number of Commonwealth's Attorneys and their assistants. It is anticipated that training funds available in the coming biennium will continue to be in similar amounts thus severely restricting the type and quality of training to be provided.

These issues, in conjunction with the increased training for defense attorneys provided by the state and local Bars and the substantial changes in law and administrative policies all point toward the need to have prosecutors keep pace through timely and relevant training.

RECOMMENDATIONS: The Criminal Justice Services Board recommends that:

(1) The General Assembly enact legislation enabling the Commonwealth's Attorneys Services and Training Council to establish minimum training standards for Assistant Commonwealth's Attorneys.

(2) The Governor direct the Commonwealth's Attorneys Services and Training Council to encourage and provide newly appointed or elected Commonwealth's Attorneys with primary training in the criminal process and in the administration of a prosecutor's office within six months of taking office.

ESTABLISHMENT OF A COMMONWEALTH'S ATTORNEYS TRAINING INSTITUTE

ISSUE: One of the causes of the inadequate supply of qualified criminal prosecutors has been the content of formal legal education. There is no single entity or institution in the Commonwealth where a Commonwealth's Attorney or assistant can receive the training required to obtain and maintain competency in criminal prosecution.

EXPLANATION OF ISSUE: Until recent years, most law schools offered only the basic, minimal courses in criminal law, with perhaps an advanced course in some aspects of criminal procedure. It is recognized by both practitioners and legal scholars that the traditional law school course offerings are not adequate in addressing the important issues in the administration of criminal law and certainly are inadequate as a foundation for criminal prosecution. In response to this issue, many law schools have instituted courses in criminal procedure, post-conviction remedies, criminal evidence, trial practice and sentencing and corrections.

While these changes in curriculum are an excellent starting point, there is a need for specialized training for prosecutors and assistants in such areas as office management, court administration and the administration of criminal justice. Primary orientation courses are needed to familiarize the new assistant with office structure, procedures and policies, the local court system and the operation of police and correctional agencies.

In-service and specialized training are also needed to keep prosecutors and their assistants abreast of recent changes in the law, its application, procedures, etc. This training should focus on such subjects as the law of search and seizure, confessions, substantive criminal law, forensic procedures, trial strategies, and financial management in this era of ever shrinking budgets. To meet these needs, an institute for the training of Commonwealth's Attorneys and their Assistants should be established. Such an institute should utilize the existing facilities and staff and should develop outreach capabilities through the existing Regional Criminal Justice Training Academies in order to deliver training in the most cost-effective manner.

RECOMMENDATION: The Criminal Justice Services Board recommends that the General Assembly enact legislation enabling the Commonwealth's Attorneys Services and Training Council to establish a Commonwealth's Attorneys' Training Institute. The Institute would be responsible for providing primary, in-service and specialized training for newly appointed or elected Commonwealth's Attorneys and their assistants.

CAREER DEVELOPMENT FOR ASSISTANT COMMONWEALTH'S ATTORNEYS

ISSUE: Virginia currently does not have a comprehensive scheme for the employment and career development of Assistant Commonwealth's Attorneys. Employment of assistants is dependent upon the discretion of the Commonwealth's Attorney, the governing body of the locality, and the State Compensation Board. This has created a problem for many localities in the recruitment and retention of qualified personnel.

EXPLANATION OF ISSUE: The Code of Virginia currently provides that, with the approval of the State Compensation Board, each city or county's governing body may authorize the hiring of such Assistant Commonwealth's Attorneys as are required. The assistants are then appointed by the Commonwealth's Attorney to serve with him during his term of office. The salaries of Assistant Commonwealth's Attorneys are also set by the Compensation Board in accordance with §14.1-53 of the Code. The Board's discretion in the setting of the assistant's salary is restricted solely by the requirement that the salary figure not exceed ninety percent of that of the Commonwealth's Attorney. While Commonwealth's Attorneys do have input in deciding the salary levels of the assistants, the final decision as to salaries is dependent upon the actual appropriation of funds by the governing body of the locality and by the General Assembly to the Compensation Board.

This situation contributes significantly to rapid personnel turnover and has resulted in a general lack of prosecutorial experience statewide among Assistant Commonwealth's Attorneys. A recent survey by the Department of Criminal Justice Services indicated that the average length of experience of all Assistant Commonwealth's Attorneys is currently less than forty-eight months. This also means that in many jurisdictions the Commonwealth's Attorney must spend a great deal of time on the continual training of new assistants, leaving less time for more important responsibilities.

RECOMMENDATION: The Criminal Justice Services Board recommends that the Governor direct the Commonwealth's Attorneys Services and Training Council to develop a model career development program for prosecutors within the Commonwealth which can be used by localities. The purpose of such a program would be to assist localities in designing attractive career paths in order to retain qualified personnel.

IV. C O U R T S

DEVELOPMENT OF ALTERNATIVES TO COURT INVOLVEMENT IN CERTAIN CASES

ISSUE: The courts are not the appropriate forum for the handling of certain types of cases. In recent years the volume of such cases has increased significantly, resulting in increased judicial workloads and additional costs for the citizens of the Commonwealth.

EXPLANATION OF ISSUE: In recent years there has been increasing controversy in Virginia as to whether or not the court system is the most appropriate forum for handling certain types of cases and/or disputes. The following areas have been specifically identified as problem areas:

1. Drunks in public
2. Domestic problems/support/custody
3. CHINS (Children In Need of Services) or Status Offenders

Noting that the court system has "simply become a revolving door" for drunk-in-public cases, respondents in a recent survey of judges called for the removal of such cases from the jurisdiction of the courts as well as additional funding for detoxification or other community facilities to house such individuals in lieu of placing them in jails. The need to develop dispute resolution and arbitration services to which courts could refer parties in domestic and custody cases was also identified by judges. Problems relating to court handling of cases involving Children in Need of Services (CHINS) was a significant concern expressed by juvenile court judges in this survey. The judges were divided on how to address the issue - most recommended that status offenders be removed from the court's jurisdiction entirely while others advocated changes in the statutes to allow for more restrictive dispositions in CHINS cases.

RECOMMENDATIONS: The Criminal Justice Services Board recommends that:

- (1) The General Assembly provide additional funding for the expansion of the public inebriate center (PIC) system and that current statutes on drunkenness be retained.
- (2) The Governor direct the Department of Corrections to increase training for juvenile court intake officers in dispute resolution in lieu of bringing such cases before the court.
- (3) The current study by the Office of the Executive Secretary of the Supreme Court, to explore the viability and financial impact of establishing custody and dispute mediation programs to serve juvenile and domestic relations courts and circuit courts, be completed and that its findings be reviewed by the General Assembly for appropriate action.
- (4) The General Assembly establish a joint subcommittee of the Courts of Justice Committees of the Senate and House Delegates to examine the feasibility and advisability of removing the jurisdiction of the Juvenile and Domestic Relations District Court in CHINS cases.

COMPLETION OF FAMILY COURT STUDY

ISSUE: There have long been operational and legal problems resulting from the overlapping jurisdiction of the juvenile and domestic relations general district courts and the circuit courts in domestic relations matters.

EXPLANATION OF ISSUE: A longstanding issue in Virginia has been the need perceived by many in the criminal justice system to create a family court system. Proponents of such a system urge that it would solve many of the current jurisdictional conflicts that occur when cases involving families are split between two courts. This effect, sometimes known as the "yo-yo effect," is the situation which occurs when family matters "bounce" from the Juvenile and Domestic Relations Court up to the Circuit Court, which has concurrent and/or appellate jurisdiction in those matters, and then back down to the Juvenile and Domestic Relations Court, and so forth. There has also been a suggestion that the right to a trial de novo in certain family matters upon appeal to the Circuit Court be eliminated. Under the proposed system, the Juvenile and Domestic Relations Court would hear such matters in a hearing of record, and review by the Circuit Court would be restricted to matters of law. It has been suggested that such a system would reduce the caseload and time demands on both courts by limiting the number of full evidentiary hearings in those matters. A study is currently being conducted by the "Family Court Study Committee" under the auspices of the Office of the Executive Secretary of the Virginia Supreme Court to determine the feasibility, cost and advisability of such proposals.

RECOMMENDATION: The Criminal Justice Services Board recommends that the Family Court Study Committee complete its work and that the findings of the study be presented to the Criminal Justice Services Board.

IMPROVING THE SYSTEM OF INDIGENT DEFENSE

ISSUE: The cost of providing court-appointed counsel for those unable to afford it has risen sharply in recent years. In 1982, it was in excess of \$8 million. There is also concern about the consistency of quality of the defense services provided and a desire to develop uniform criteria for determining indigency.

EXPLANATION OF ISSUE: During the past several years, the General Assembly has been increasingly concerned about the quality and cost to Virginia of providing indigent defense services. Expenditures in this area comprise about 65% of the total criminal fund expenditures and have risen substantially in recent years, totalling more than \$8 million in fiscal year 1982.

In response to the rising cost of providing these constitutionally mandated services, the General Assembly established the Public Defender Commission along with four pilot offices in various localities of the state. While it appears that these offices have well served their communities, the system has not been expanded beyond the original four sites.

The 1983 General Assembly took additional steps in an effort to address the problem of rising costs of court-appointed counsel. Fiscal issues were addressed in the Appropriations Act: first, a four percent across-the-board decrease in the allowable compensation for court-appointed counsel was effected; second, a provision was added that court-appointed counsel may be compensated for only one charge where a single defendant is charged with multiple violations of a single Code section.

The 1983 Assembly's second effort to respond to cost containment needs was to establish a Joint Subcommittee to study the feasibility of implementing statewide indigency standards. This Subcommittee is to make findings and recommendations to the 1984 Session.

Still unanswered is the question whether the use of a public defender system is more cost effective than the use of court-appointed counsel. Some research has been done in an effort to answer this question, and studies have been done to compare the quality of services provided under each system. Many questions, however, remain unanswered.

RECOMMENDATIONS: The Criminal Justice Services Board recommends that:

(1) The General Assembly consider the feasibility and cost effectiveness of establishing a fifth pilot public defender office. Funds for this office have been identified in the Governor's proposed budget for the 1984-86 biennium.

(2) The General Assembly review the findings and recommendations of the Joint Subcommittee to Study Indigency Standards and implement the recommendations through appropriate legislation.

(3) The General Assembly establish a Joint Subcommittee to study present court practices in Virginia relating to appointment of counsel for indigents. The study should examine issues such as judicial practices for selecting counsel; determining compensation levels and verification of attorney compensation claims; service levels (how many clients are provided court-appointed attorneys); and the adequacy (quality) of legal services provided.

DEVELOPMENT OF BAIL RISK GUIDELINES

ISSUE: Judicial officers presently have no objective and measurable criteria to assist them in determining risk when making bail decisions.

EXPLANATION OF ISSUE: Under Virginia law an accused person who is held in custody pending trial or hearing has a right to be admitted to bail by a judicial officer unless the judicial officer finds that there is probable cause to believe:

- (1) That he will not appear for trial or hearing; or
- (2) That his liberty will constitute an unreasonable danger to himself or to the public. If the judicial officer determines that the accused should be admitted to bail, he shall set it in an amount reasonably calculated to insure the presence of the accused.

While the Code of Virginia does set forth a list of factors to be considered when making bail decisions, no means has been developed by which judicial officers can use these factors to make objective and systematic bail decisions. As a result, bail setting amounts, conditions, and practices vary widely across the Commonwealth. The development of an objective system for setting bail would improve both the administration of justice and public confidence in criminal justice procedures. The Secretary of Public Safety has formed a Task Force composed of judicial personnel to examine this issue and to develop objective risk determination criteria which can be used to assist judicial officials in bail decisions.

RECOMMENDATIONS: The Criminal Justice Services Board recommends that:

- (1) The Task Force complete its work by developing a risk assessment instrument that sets forth objective measurable criteria to be considered in making bail decisions.
- (2) That the Supreme Court examine the Task Force recommendations for implementation.

V. LOCAL CORRECTIONS

IMPROVING THE PUBLIC IMAGE AND SALARIES OF LOCAL CORRECTIONS PERSONNEL

ISSUE: Sheriffs' departments experience continual difficulty in attracting and retaining competent correctional staff due to inadequate state minimum salaries, disparities in local pay supplements and public perception about the role of jail officers.

EXPLANATION OF ISSUE: A major problem is the lack of general awareness by citizens and many government officials concerning the daily duties required of jail staff, the conditions under which they must function, and the situations they face daily. This problem was highlighted as a result of the development by the Department of Corrections of Minimum Standards for Local Jails and Lockups. Following these standards the Department, in conjunction with, and with the cooperation of many sheriffs, developed Model Policies and Procedures for Local Jails, Jail Farms and Lockups. During these efforts, the complexities of correctional operations and the tremendous responsibilities and potential liabilities of jail management began to emerge.

The skills required to identify minimum duty posts, develop a facility shift relief factor, maintain staffing for critical minimum control and interact with inmates in program operations have elevated the role of the jail officer from turnkey to correctional professional.

Unfortunately, many in control of financing for local jails still tend to view jail management as it was sixty to seventy-five years ago when a lockup was all that was necessary. The result is that staffing may be inadequate, state minimum salaries are below standards necessary to attract competent employees, local salary supplements discriminate against deputies working as jail officers and work environments are not conducive to retaining trained staff.

RECOMMENDATIONS: The Criminal Justice Services Board recommends that:

(1) The General Assembly enact legislation so that a generic definition for deputy sheriff is used in the Code regardless of job function within a sheriff's department. This would result in statutory recognition that deputy sheriffs, in reality, perform multiple functions; simplified pay and classification procedures for the State Compensation Board; and improved public perception concerning the role of deputy sheriffs.

(2) The Governor direct the Department of Criminal Justice Services to conduct a job task analysis for local jail officers in conjunction with national organizations such as the National Institute of Corrections and the American Corrections Association. The job task analysis should identify:

- (a) minimum employment qualifications;
- (b) minimum basic training requirements; and
- (c) minimum in-service training requirements.

(3) The Virginia State Sheriffs' Association develop a technical assistance team comprised of select sheriffs, members of the Department of Corrections and the Department of Criminal Justice Services, and national organizations. The team should be available to assist sheriffs in developing and implementing standard operating procedures for jails in the areas of contingency planning, riot control, hostage negotiations, weapons, key and chemical substance control and emergency and fire safety regulations.

SPECIALIZED TRAINING FOR LOCAL CORRECTIONS SUPERVISORY PERSONNEL

ISSUE: While basic and in-service training for local correctional officers, which is mandated by law, has been available for many years, there is a need for specialized management training for supervisory staff on a continuing basis.

EXPLANATION OF ISSUE: Supervisory training specific to the needs of local correctional sergeants, lieutenants and captains is generally not available on a continuing basis. Specialized workshops and training sessions in management are either made available only to sheriffs and chief jailors, are available infrequently, or are available only to a small number of select participants through a myriad of public and private providers, some of whom are federally subsidized. The National Sheriffs' Association, which holds training sessions at the FBI Academy at Quantico, and the National Institute of Corrections Jail Center at Boulder, Colorado, specialize in correctional training programs and are examples of these low cost or nominal cost training options.

There is a need to provide management training for local correctional line supervisors in Virginia on a continuing basis. Joint training sessions with law enforcement officers may be both economically and functionally feasible and may also assist in breaking down the perception by the law enforcement community that corrections is a less important and demanding profession.

RECOMMENDATION: The Criminal Justice Services Board recommends that the Governor direct the Department of Criminal Justice Services to develop a management training institute for all line supervisory corrections and law enforcement staff. In addition, the department should develop and update, in conjunction with the Virginia State Sheriffs' Association, a resource list of training which is available free or at a nominal cost.

VI. STATE CORRECTIONS

IMPROVING THE RETENTION OF STATE CORRECTIONAL STAFF

ISSUE: Current economic conditions have made state corrections a more attractive career option; however, the Department of Corrections continues to experience difficulty in retaining competent correctional officer staff and, within the recent past, probation and parole officers.

EXPLANATION OF ISSUE: While the recession has lessened the magnitude of the retention problem, there remains concern that should the economy again become competitive, the problem will return to its previous dimensions. The turnover rate for corrections' officers in particular continues to be high (20%) in comparison to other Department of Corrections' staff (10-12%). Several job-related factors contribute to this problem, including the clientele, the strict discipline necessary in security work, shift work, overtime, and low pay for a high stress job in relationship to heavy industry in the area. Probation officers also have a greater than average turnover rate because of low pay in comparison to the responsibility of the work and because the position has little opportunity for upward mobility. Limitations due to state personnel classification and pay structures, in which performance increases and salary regrades have been frozen, combined with competition from the federal and private sector, have also contributed to the problem. The real value of salary levels is considered low for Richmond (East Central) because of competition from business and industry and in the Southeastern (Tidewater) area with additional competition coming from military installations. Only the Northern Virginia area is allowed a pay differential while real salary value is considered generally high in Southwest Virginia.

All of these factors are difficult to correct and result in increased costs for the Department, since recruitment, selection, equipping and training of correctional officers is an expensive process. Despite all of these problems, the Department, through its continuous recruitment process, has been able to maintain its employment level at 97% to 98% of authorized strength.

The 1982 General Assembly authorized two studies to be made of public safety employees. Neither Subcommittee completed its study and a resolution to continue the studies was introduced in 1983. This resolution failed and all Subcommittee work ceased.

RECOMMENDATIONS: The Criminal Justice Services Board recommends that the Governor direct the Department of Corrections to develop an issue paper for the Secretary of Public Safety analyzing the retention problem for security staff and offering recommendations to address those problems in the area of compensation, benefits, incentives and career development.

EXPANSION OF COMMUNITY-BASED CORRECTIONS PROGRAMS AND SERVICES

ISSUE: There is a need to continue the development of alternatives to incarceration and to expand community supervision services for adult offenders.

EXPLANATION OF ISSUE: In Governor Robb's Guidance Package for 1984-86, the two top priorities for Corrections were: (1) Expand community service and restitution programs at the local level to divert selected non-violent offenders from our prisons to alternative forms of confinement that provide intensive supervision, and (2) Implement effective pre- and post-release services that prevent convicts from returning to criminal activity. During the past three years, the Department of Corrections has actively worked in these areas to the extent personnel and resources would allow. Specifically, the Community Diversion Incentive Program has grown each year in its efforts to assist localities develop and implement local diversion programs. A total of 22 localities participated at the beginning of FY 1984, with a cumulative total of 373 diversions at the end of FY 1983. In the area of pre- and post release services, the Department has written an Overview of the Parole Release Process in Virginia in February, 1982, and completed a Task Force Study on Pre-Release Programs for Adult Offenders in March, 1982. Also in 1982, the General Assembly provided initial funding which enabled private, non-profit agencies to provide inmate pre- and post-release services. As early as December, 1981, the Department issued Adult Institutional Services Guideline Number 842 on Pre-Release Programming. During the 1983 General Assembly session, the Department supported legislation that established a Purchase of Services Fund for Probation and Parole Officers which was implemented on July 1, 1983 on a pilot basis. The extent to which the Department's efforts in these important areas can grow and impact positively on the criminal justice system is directly related to the continued funding support they receive.

RECOMMENDATIONS: The Criminal Justice Services Board recommends that:

- (1) The Governor direct the Department of Corrections to develop a master plan for adult diversion and alternative services that will provide more resources for these services and a better balance between improved facilities and probation, parole and alternative services.
- (2) The Governor direct the Department of Corrections to continue its efforts in developing a linkage between institutional services and probation and parole services to facilitate post-release services.
- (3) The General Assembly continue to provide fiscal support to the Department of Corrections for the planning and implementation of diversion and alternative services that will provide more local resources for selected non-violent offenders while also providing a strong system of institutional and probation and parole services.

DEVELOPMENT OF CONSISTENT JUVENILE DIVERSION STRATEGIES

ISSUE: Inconsistent diversion strategies and practices throughout the state result in the inappropriate processing of youths through the juvenile justice system.

EXPLANATION OF ISSUE: Problems exist in juvenile diversion programs, resulting in widely different handling of juveniles by the juvenile justice system. This differential handling results, sometimes inappropriately, in more youths coming to the attention of the court and in increased system costs. Community-based alternative programs should serve as resources for all human service providers but, because of inadequate and non-uniform training, youths are often processed through the justice system simply because of a lack of knowledge about available alternatives. Some localities, particularly rural ones, do not have enough alternatives available to them. This often results in youths being processed through the justice system as "the lesser of two evils." There are often delays in placing youths, particularly into residential facilities, due to lack of available space, time-consuming application processes, and/or failure to meet technical eligibility requirements. Sometimes youths are "misplaced" due to a lack of adequate screening and diagnosis. There is only a limited capability for statewide tracking of youths placed in community-based programs thereby making client impact evaluation difficult.

RECOMMENDATIONS: The Criminal Justice Services Board recommends that:

- (1) The General Assembly enact legislation that provides consistent risk assessment techniques or specific criteria for custody.
- (2) The General Assembly provide fiscal support for the efforts by the Department of Corrections to enhance juvenile justice information systems capability.

REDUCING THE NUMBER OF JUVENILES HELD IN SECURE DETENTION

ISSUE: Due to a variety of reasons, some youths who could be placed in non-secure detention programs are inappropriately placed in secure detention facilities.

EXPLANATION OF ISSUE: For juveniles who require court processing, the intake officer has the primary responsibility to decide who will supervise the child prior to the court hearings. Whenever possible, the goal is to release the child to his/her parent or guardian. If this is not feasible, then a non-secure detention program is the option of choice. It is, however, sometimes necessary to securely detain some children, either to ensure their presence at the court proceedings or to protect the public. Unfortunately, the goal of minimizing the numbers of youths being placed in secure detention is not always being realized. Several specific reasons for this are: inadequate and/or conflicting transportation services to the nearest less restrictive alternative; a lack of adequate less restrictive alternatives; lack of a consistent risk assessment mechanism; a lack of knowledge on the part of the intake officer or magistrate of available alternatives; a lack of space in less restrictive alternatives.

RECOMMENDATIONS: The Criminal Justice Services Board recommends that:

- (1) The Supreme Court direct the Office of the Executive Secretary, and the Governor direct the Department of Criminal Justice Services and the Department of Corrections, to develop a training program for those persons charged with making juvenile detention decisions in the use of least restrictive alternatives, risk assessment measures, Code provisions, and pre-dispositional alternatives.
- (2) The agencies listed above should cooperate in the identification of transportation mechanisms to facilitate the movement of juveniles to the nearest less restrictive alternative and establishment of a consistent risk assessment mechanism.

REDUCING THE NUMBER OF JUVENILES HELD IN ADULT JAILS

ISSUE: Criteria for determining which juveniles should be confined in local jails vary by locality, sometimes resulting in the inappropriate detention of youths in local adult jails.

EXPLANATION OF ISSUE: A child 15-17 years of age, inclusive, may be confined in jail pre- or post-dispositionally. Changes in state laws in recent years have limited the population eligible for jail and specified the conditions under which they may be lawfully held. In contrast to juvenile detention centers, jails are designed to confine adult inmates, have limited rehabilitative programs and services, and do not have staff specially trained to deal with the particular problems of adolescents. Other problems such as adolescent suicide and abuse are also well documented in these facilities. A child may be detained in jail only by order of an intake officer, judge, clerk, or magistrate. However, the reasons and criteria guiding the decisions in such cases vary by the individual involved, local jurisdiction policy, and availability of resources. Juveniles may also be sentenced by the court to a jail term up to twelve months as a disposition for a delinquent offense which would be a felony if committed by an adult. Again, the criteria for such placements may vary based on similar factors or an intent to impose punishment.

RECOMMENDATIONS: The Criminal Justice Services Board recommends that:

- (1) The General Assembly enact legislation to make more objective and consistent the criteria for jail and secure custody confinement of juveniles.
- (2) The General Assembly provide funding and program development services through the Department of Corrections and the Department of Criminal Justice Services to assist localities in the identification of transportation mechanisms and development of alternative placement programs.

EVALUATION OF LEARNING CENTER PROGRAMS AND LENGTH-OF-STAY GUIDELINES

ISSUE: Learning center programs are not oriented to the reintegration of juveniles into the community and lengths of stay for children committed are frequently lengthened unnecessarily.

EXPLANATION OF ISSUE: Upon commitment to the State Department of Corrections, a youth is transferred to the Reception and Diagnostic Center for screening, testing, diagnosis, and placement. Depending upon the outcome of this process, a youth could be transferred to one of seven state-operated learning centers. The learning centers provide medium to secure indeterminate confinement for youths needing highly structured placements and constant supervision while they receive necessary diagnostic and treatment services. The average length of stay at the learning centers is six to nine months. This is, at times, unnecessarily long, often due to "red tape" in placement procedures. Only generic training is offered to aftercare staff, and there is no training consistently available which deals specifically with the reintegration of juvenile offenders in the community. This problem is compounded in suburban and rural areas, where probation officers often perform aftercare functions in addition to their regular duties.

RECOMMENDATION: The Criminal Justice Services Board recommends that:

- (1) The Governor direct the Department of Corrections to continue emphasizing the development of a continuum of services for youths in community and learning center placements.
- (2) The Governor direct the Department of Corrections to continue to insure that staff training and learning center programs' evaluation remain a priority.
- (3) The General Assembly provide adequate fiscal support to the Department of Corrections in meeting these objectives.

TRAINING FOR JUVENILE INSTITUTION STAFF

ISSUE: Training for secure custody staff in detention homes, jails and learning centers is currently limited to basic skills.

EXPLANATION OF ISSUE: Institutional staff are increasingly confronting serious aggressive behavior from children in placement. Jails are particularly unprepared to deal with these problems, since juveniles represent the minority of the facility population. With recent or potential changes in the state law, detention homes and learning centers may be handling aggressive youths who formerly would have been placed in jails. The primary training resources for staff of these facilities are the Department of Corrections Academy and annual conferences by the Virginia Juvenile Officers Association. Conflicts in work scheduling at these facilities often inhibit attendance at available training sessions; and opportunities for attendance also vary based on availability of sessions. Emphasis of most programs is on basic skills rather than advanced, in-service training and consistent service delivery statewide.

RECOMMENDATION: The Criminal Justice Services Board recommends that the Governor direct the Department of Corrections to insure that training for juvenile institution staff remains a priority in the development of youth programs and that technical assistance is requested from other agencies as appropriate in developing and implementing such training.

STATE COORDINATION OF JUVENILE SERVICES

ISSUE: The lack of a comprehensive coordination mechanism at the state level for the resolution of conflicts in legislation, policy, procedure, and practice impedes the delivery of juvenile services at the local level.

EXPLANATION OF ISSUE: One of the major factors hindering the provision of services is the lack of a state-level mechanism to coordinate the activities of the various operating agencies at the local level. Each service delivery agency is responsible for carrying out a unique and necessary mission. However, these missions often conflict, overlap, or fail to serve a population in need. This results in some youths receiving duplicate or unnecessary services, and others receiving no services at all.

RECOMMENDATION: The Criminal Justice Services Board recommends that the Governor direct the existing Interagency Coordinating Council made up of representatives from all human services agencies under the Secretary of Human Resources be expanded by adding related agencies under the Secretaries of Education and Public Safety. The role of this expanded Human Services Agency Coordinating Council would be to review conflicts in policy, develop corrective strategies, receive systematic input from local service providers, conduct joint projects, and encourage interagency cooperation. The goals of the Council would include improving cost effectiveness through better service integration; reduction or elimination of duplicate or unnecessary services and implementation of services in areas not currently benefiting from those available.

DEVELOPMENT OF INTERAGENCY EVALUATION PLAN

ISSUE: There is no formalized system for evaluating juvenile delinquency prevention programs to determine their effect on reducing the incidence of delinquent behavior.

EXPLANATION OF ISSUE: A wide variety of public and private agencies operate programs which can help to reduce the incidence of delinquent behavior. The public agencies include the Department of Corrections, the Department of Criminal Justice Services, the Department of Education, the Department of Mental Health/Mental Retardation, the Department of Social Services and others. Most agencies have in place a system for evaluating the performance of these projects. However, most systems do not assess long-term impact on rates of delinquency or even long-term effectiveness on individuals served by the programs. In addition, since each agency establishes guidelines, rules and regulations independently of other agencies, very seldom is there comparability of results. Refunding decisions are being made which affect the continuity of these programs but often without "solid" evidence of their performance.

RECOMMENDATION: The Criminal Justice Services Board recommends that the Governor direct the Human Services Agency Coordinating Council to promote the development of an interagency evaluation plan which would ensure that long-term program effectiveness can be measured and that various program designs can be directly compared for relative effectiveness. The above-referenced council should recommend permanent funding support for programs of proven effectiveness. This will result in savings and improved quality of services.

DEVELOPMENT OF TRAINING STANDARDS AND RESOURCES

ISSUE: The lack of applicable training standards in direct service programs makes quality of care difficult to monitor. The problem is compounded by the lack of a statewide network capable of addressing multi-faceted training needs of delinquency prevention personnel.

EXPLANATION OF ISSUE: While Offices on Youth in general are receiving a considerable amount of training, direct service personnel in prevention programs do not have a formalized training plan or program. Unlike the other youth services areas, there are no standards governing training requirements other than what may be required by the administering agency. The lack of a coordinated training effort presents serious problems in assuring quality of services across the state. An example would be teachers in an alternative education classroom being required to complete whatever training is offered to the total school teaching staff. This type of training is frequently general in nature and not directly applicable to the alternative education classroom. As with many other programs facing cutbacks today, much of the training which has benefited prevention programs in the past has been funded through federal dollars, which will diminish or disappear in the future.

RECOMMENDATION: The Criminal Justice Services Board recommends that the Governor direct the Human Services Coordinating Council to advise, upon request, human service agencies in the improved use of training resources, establishment of training standards, development of interagency training plans, identification of local training needs and in the evaluation of quality of care issues.

EXPANSION OF LOCAL OFFICES ON YOUTH

ISSUE: The lack of a statewide system of local Offices on Youth has resulted in a fragmented approach to the delivery of youth services in many localities.

EXPLANATION OF ISSUE: Through the Youth Development and Delinquency Prevention Act of 1979, the Virginia Department of Corrections provides 75% funding for twenty-one (21) local Offices on Youth. These offices are empowered to coordinate youth services agencies to better and more efficiently deliver services through comprehensive planning, research, evaluation, training and technical assistance activities. In addition, these offices serve to educate the public about the severity of youth problems. Many Offices on Youth also develop and operate needed programs at the local level.

Problems exist, however. Many major population centers such as Virginia Beach, Chesapeake, Portsmouth, Hampton and Fairfax County do not have Offices on Youth. Many rural areas are also unserved. Fiscal constraints have affected the ability of many existing offices to hire and retain qualified staff thereby resulting in reduced service levels.

RECOMMENDATION: The Criminal Justice Services Board recommends that the General Assembly provide a sufficient amount of funding for Offices on Youth to maintain current service levels and to provide services to those areas which seek to establish Offices on Youth.

VIII. CRIMINAL JUSTICE INFORMATION SYSTEMS

ESTABLISHMENT OF PERMANENT CRIMINAL JUSTICE INFORMATION
SYSTEMS (CJIS) COMMITTEE

ISSUE: There is no single entity which coordinates the development of both state and local criminal justice information systems, even though the Code of Virginia includes provision for the establishment of such an entity under the auspices of the Criminal Justice Services Board.

EXPLANATION OF ISSUE: The Code of Virginia, § 9-185, specifies that the Criminal Justice Services Board "shall provide for the coordination of the operation of a statewide comprehensive criminal justice information system for the exchange of criminal history record information among the criminal justice agencies of the state and its political subdivisions." The Board's exercise of this mandate would provide state and local criminal justice agencies and data processing departments which provide computer support to criminal justice agencies with a single coordinating body which could determine objectives, requirements, and priorities for criminal justice information systems development and operation. This could result in a more cost effective use of both state and local resources by ensuring that systems designs are compatible and that state and local systems complement, not duplicate each other.

RECOMMENDATION: The Criminal Justice Services Board recommends that a permanent Criminal Justice Information Systems Committee be established. This could be accomplished either by the Chairman establishing a permanent committee, comprised of an appropriate number of representative Criminal Justice Services Board members, to coordinate criminal justice systems development and operation, or by the addition of local representatives to the Secretary of Public Safety's existing Criminal Justice Information Systems Steering Committee. The Committee should have the responsibility to:

- (1) Coordinate the development of a compatible state and local criminal justice information system;
- (2) Resolve major differences in state criminal justice information systems which currently exist;
- (3) Identify important areas and needs for interagency cooperation for the deployment of fiscal and technical resources; and
- (4) Establish subcommittee working groups composed of state and local personnel with the expertise to accomplish specific objectives.

IMPROVED COORDINATION OF STATE AND LOCAL SYSTEMS OPERATIONS

ISSUE: Local criminal justice agencies and municipal data processing departments which provide information systems support to criminal justice agencies need to be informed of requirements for statistical reporting and interfacing with state-operated systems.

EXPLANATION OF ISSUE: Local criminal justice practitioners and data processing specialists responsible for criminal justice information systems need adequate notice in order to modify locally-operated systems to comply with state-mandated requirements. In those instances in which localities receive insufficient notice of changes in state data systems or reporting requirements, this lack of notification can result in localities having to make unplanned revisions to their criminal justice information systems, often requiring reallocation of staff and computer resources. Insufficient notification of impending, or already implemented, modifications to state systems increases the tendency for localities to consider the Commonwealth to be imperious and disorganized in its approach to criminal justice information systems. This problem could seem particularly vexing to operators of local criminal justice information systems, since state systems are dependent on localities' input of significant quantities of required data. The Department of Criminal Justice Services has begun addressing this need by sponsoring the Virginia Criminal Justice Systems Group, a statewide network of criminal justice practitioners and municipal data processing specialists involved with criminal justice computer systems. The Systems Group was organized to promote communication among, and experience sharing by, localities that are operating, implementing, or planning criminal justice information systems.

RECOMMENDATIONS: The Criminal Justice Services Board recommends:

- (1) That the proposed Criminal Justice Information Systems (CJIS) Committee coordinate the involvement of localities through the Criminal Justice Systems Group in development of state-operated criminal justice information systems that interface with or have an effect on local systems.
- (2) That the proposed CJIS Committee establish a means for local criminal justice information systems' representatives to review the Commonwealth's systems development and modification endeavors to ensure that state and local systems are compatible.
- (3) That the proposed CJIS Committee undertake development of a Criminal Justice Data Dictionary which would contain uniform and unambiguous terminology describing criminal justice data elements. The nomenclature used in this data dictionary would be recommended for statewide usage.

IMPROVING STATE CRIMINAL JUSTICE INFORMATION SYSTEMS

ISSUE: As facilities, programs, services and personnel continue to expand, State criminal justice agencies will need more timely and accurate data for management, planning, research and evaluation purposes.

EXPLANATION OF ISSUE: State criminal justice agencies are increasing their automation of information systems which were previously maintained manually. This expansion of computerized information services has resulted in improved availability of data for both administrative and operational purposes. For example, prior to early 1978, the Department of Corrections maintained offender information manually, which made information retrieval either for management purposes or for development of annual reports an awkward and time-consuming task. In April of that year, the Department implemented Offender-Based State Correctional Information System (OBSCIS), and by 1980 the Department began producing information, on demand, for program budget planning, legislative proposal development and offender management purposes.

The Department, however, has a need to continue and expand computerized data services. The current distributive systems development plan proposed by the Department envisions the placement of mini computers in major institutions with access terminals being placed in adult and juvenile regional offices, field units, and probation and parole offices.

Another example of the benefits from computerization of criminal justice information systems is the Offender-Based Transaction Statistics system being developed by the Department of Criminal Justice Services. Implementation of this system will result in the compilation, maintenance and generation of data which will provide researchers with detailed descriptions of case processing practices, planners with statistics on which jail population projections can be based, and legislators with information to support legislative proposals.

Other State criminal justice agencies, including the Department of State Police and the Supreme Court of Virginia also have need for improved data availability for management, planning, research, evaluation, and operational purposes. Additional information needs in the future will include intra-agency demands for program specific information, requests from grant and contract supported programs, and demands for planning data from the Secretary of Public Safety and General Assembly.

RECOMMENDATION: The Criminal Justice Services Board recommends that the General Assembly support the biennium budget requests of State criminal justice agencies for implementation of expanded computer services, especially where immediate cost benefits can be demonstrated, and when requests are predicated on a sound and reasonable long-term savings analysis resulting in improved program development and management.

TECHNICAL ASSISTANCE FOR INFORMATION SYSTEMS DEVELOPMENT

ISSUE: Local criminal justice agencies do not have adequate resources for conducting information systems requirements analyses.

EXPLANATION OF ISSUE: While an increasing number of local criminal justice agencies need computer support, constraints on government spending have prevented some localities from proceeding with development of automated criminal justice information systems. Limits on hiring and staff training, caused by spending restrictions, have made it difficult for criminal justice agencies to obtain personnel with data processing expertise and for data processing departments to provide adequate support for criminal justice endeavors. Municipalities are frequently reluctant to emphasize criminal justice applications since criminal justice is not considered a revenue producing utilization of data processing resources. This situation could result in criminal justice agencies attempting to automate their information systems without having adequate, objective evaluations of needs and proposed solutions. Installation of a computer system without sufficient processing capability or with inappropriate software can cost a locality thousands of dollars in wasted staff time, contractual fees, and computer equipment.

RECOMMENDATION: The Criminal Justice Services Board recommends that the proposed Criminal Justice Information Systems (CJIS) Committee coordinate technical assistance services to local criminal justice agencies and data processing departments in the analysis, planning, and design of local criminal justice information systems. Technical assistance services should continue to be provided by the Department of Criminal Justice Services, the Department of Management Analysis and Systems Development and other appropriate state and local agencies.

END