

**INTERIM REPORT
OF THE
VIRGINIA STATE CRIME COMMISSION
To
THE GOVERNOR
And
THE GENERAL ASSEMBLY OF VIRGINIA**

COMMONWEALTH OF VIRGINIA
Department of Purchases and Supply
Richmond
1971

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INTERIM REPORT OF THE VIRGINIA STATE CRIME COMMISSION

Richmond, Virginia
January 11, 1971

To: HONORABLE LINWOOD HOLTON, *Governor of Virginia*
and
THE GENERAL ASSEMBLY OF VIRGINIA

I. INTRODUCTION

The Virginia State Crime Commission was created by House Joint Resolution No. 113 of the 1966 Regular Session of the General Assembly and twice continued, once by House Joint Resolution No. 48 of the 1968 Regular Session and again by House Bill No. 764 of the 1970 Regular Session. The 1970 Legislation directed the Commission to conduct specific studies in three specific areas in its continuation of study into the causes of crime and the ways and means to reduce and prevent it, as follows:

(a) The need of creating a separate State department or of establishing within an existing State department a Bureau of Drug Abuse and Narcotics.

(b) The need for the establishment of a central crime laboratory in Virginia and how such a laboratory should be equipped and function, the cost thereof and whether such laboratory should be placed in an existing State department or established as a separate department.

(c) The activities of organized crime in the State.

The Commission was further directed by that Act to report its recommendations regarding the need of creating a separate State agency for drug abuse and narcotics to the 1971 Session of the General Assembly. The purpose of this interim report is to report such recommendations.

The initial study of the need for a drug agency was conducted by a Subcommittee comprised of five Commission members—Senator James W. Davis of Monroe, Chairman; Delegate Claude W. Anderson of Buckingham; Delegate Arthur R. Giesen, Jr. of Staunton, Mr. William N. Paxton, Jr. of Richmond; and Mr. Edwin S. Solomon of Hot Springs. Colonel William R. Durrer, Chief of Police of Fairfax County, and Sheriff John F. Atwood, Sheriff of Prince George County, also served on this Subcommittee.

During this study, the Drug Abuse Subcommittee, or the full Commission, met and conferred with:

1. Several Commonwealth's Attorneys and Chief Law-Enforcement Officers from political subdivisions of the State which had experienced much drug abuse,

2. The Director of the North Carolina State Bureau of Investigation,
3. The Presidents or other officials of all of the 14 four-year State-supported colleges and universities in Virginia.
4. Representatives of the Attorney General's Office,
5. The Executive Director of the Governor's Council on Narcotics and Drug Abuse Control, and
6. The Superintendent and other officials of the Virginia State Police.

II. THE PROBLEM

Although narcotics and drugs have been abused to some extent since long before the founding of this country, only during the past decade has this problem grown to such alarming proportions. Only during recent years has the misuse of drugs been accepted by such a significant part of our society, to include all ages and all segments of that society. The drug abuse problem in Virginia, just as in other states, is now very great. It exists not only in the metropolitan areas, but also in the rural areas, especially in the colleges and universities, the high school and even the junior high schools.

Drug abuse growth began in the metropolitan areas of Richmond, Norfolk and Northern Virginia, but other areas are quickly following the same course. As one Commonwealth's Attorney who addressed the Commission said, "If you think that you don't have a drug abuse problem in your area, you are wrong. If it is not present there now, it is just a matter of time, because the drug problem knows no boundaries."

The experience of Fairfax County during the past few years is typical of the experience of all other suburban areas of Virginia and throughout the entire United States. These patterns are now being repeated in the less densely populated areas. During the year 1967, Fairfax prosecuted 92 cases involving the possession or sale of narcotics or restricted drugs. Two years later, in 1969, it prosecuted more than 670 such cases. The experience of Fairfax County also shows other trends. Not only is drug abuse growing rapidly, but it is involving more juveniles and a greater proportion of stronger drugs. Less than 30 per cent of the 1967 cases there involved juveniles, but in 1969 more than one-half of the prosecutions were against children under the age of 18 years. In 1968 only 10 per cent of the cases involved drugs stronger than marijuana. Almost 25 per cent of the 1969 cases involved such stronger drugs.

All who are familiar with the drug abuse problem, including all law-enforcement officials who met with the Commission or the Subcommittee, recognize that drug abuse is not an exclusive problem of law enforcement. Although there must be an increase in law-enforcement capabilities to meet the increased problem as an increase in crime, there must also be significant increased efforts among other social institutions

to help prevent drug experimentation and to rehabilitate those who become addicted.

III. RECOMMENDATIONS

1. That the Department of State Police is best equipped to deal with the enforcement of narcotics and drug laws and that a separate agency for such enforcement is not needed.

2. That the Department of State Police be responsible for the enforcement of all laws relating to narcotics and drug abuse, the coordination of narcotic and drug investigation activity between the various political subdivisions of the State, and assisting the law enforcement agencies of the various political subdivisions in the enforcement of drug laws whenever requested by such agencies to do so.

3. That an additional \$896,000 be appropriated to the Department of State Police for the fiscal year beginning July 1, 1971 for an additional 48 trooper and 12 investigator positions so that the Department can:

a. more effectively conduct investigations of all reported violations of narcotic and drug laws;

b. more effectively prevent the illegal interstate and intrastate transportation of narcotics and drugs;

c. provide greater assistance to local law enforcement agencies in the enforcement of drug laws whenever the localities require such assistance; and

d. provide a greater degree of training for local law-enforcement officers.

4. That the Governor's Council on Narcotics and Drug Abuse Control be responsible for all drug educational and rehabilitation programs throughout the State, to include:

a. coordinating the resources and capabilities of all State agencies to educate the public on the dangers of narcotics and drug abuse and to treat and rehabilitate drug addicts; and

b. making full use of existing State facilities in the treatment and rehabilitation of drug addicts.

5. That more effective coordination be established between educational institutions and the law-enforcement agencies of the political subdivisions where such institutions are located.

6. That a Commission be established by the 1971 Session of the General Assembly to study the law-enforcement aspects of the present narcotic and drug laws of the State.

7. That the State Board of Education require that education on the dangers of narcotics and drug abuse be given in every elementary and

secondary school in the State, and that such education be required forthwith in the primary grades and as soon as possible in all other grades.

IV. REASONS FOR RECOMMENDATIONS

Since investigations of narcotics and dangerous drug cases are closely related to other crimes, it does not seem practical to establish a separate agency for the enforcement of this single type of crime. A narcotics investigator may also uncover intelligence information concerning organized crime, conspiracy to commit crimes and possible civil disorders. Coordination of this information is essential and can best be handled within the same State agency. The establishment of a separate agency would add another level in an already complex structure of government without adding any real benefits.

The investigative aspect of drug abuse enforcement takes a great deal of time, money, manpower and other resources. Undercover investigators must infiltrate the sectors of society where drug abuse occurs in order to obtain evidence of distributors and sources of illegal drug supply. Large sums of money are needed to make purchases of illegal drugs for examination and evidence and much of this money cannot be recovered. The use of local police officers for undercover investigation, especially in smaller political subdivisions where all such local police officers are well known, is very limited. Even in the larger jurisdictions the effectiveness of an investigator in undercover drug work within that jurisdiction is destroyed after he has exposed himself to testify in court in the prosecution of a case which he has investigated.

By its very nature and organization, the Department of State Police is best able to conduct investigations in drug cases. Its facilities include a State-wide communications system of radio, microwave and teletype, which is essential for coordination and rapid transmittal of information concerning narcotic investigations. Its members are stationed in every county throughout the State, thereby enabling it to effectively assist localities in the enforcement of drug laws. Its undercover investigative personnel can cut across jurisdictional boundaries and large numbers of uniformed personnel are available when raids are to be conducted. Typical of such an operation is a raid which was conducted by the State Police and local law-enforcement officers a few weeks ago simultaneously in four separate jurisdictions: Richmond, Colonial Heights, Petersburg and Prince George County. This was the culmination of several months' investigation and resulted in the arrest of forty-seven persons on fifty-six drug-related charges.

On April 29, 1970 Governor Linwood Holton issued Executive Order No. 5, creating the Governor's Council on Narcotics and Drug Abuse Control. One paragraph of this order provides that "The Superintendent of State Police shall expand the present activities of the Department of

State Police in the enforcement of all laws relating to narcotics and drug abuse.”

Pursuant to this Order, the Department of State Police was authorized to create 6 additional investigator positions for work exclusively in narcotics and drug investigation. An investigator was assigned to each of the six State Police divisions and 25 troopers were taken from routine patrol and used for undercover drug investigations. This program of increased capabilities was immediately implemented. The State Police had a sufficient number of well-trained personnel to transfer into this work, and there was no recruiting and training delay. The effort has been very successful. It has resulted not only in a large increase in the number of narcotic and drug cases investigated by the Department but also a large increase in the number of arrests arising from such investigations.

Even with this effort, however, the present capabilities are not now sufficient to cope with the ever-increasing rate of narcotic and drug abuse cases. *Something must be done immediately to greatly increase these capabilities. The problem exists now and we can not wait until the next biennium.*

The greatest unmet needs from the drug abuse problem today are education and rehabilitation. The youth of our State need to learn about the dangers of narcotics and drug abuse, but most schools do not include this education in their curricula. Thousands of drug addicts throughout the State need treatment and rehabilitation, but there is no existing State-wide program to treat and rehabilitate them. There are many agencies of the State which have a vital concern in the educational and rehabilitation aspects of the drug abuse problem. The efforts and resources of these agencies must be more effectively coordinated in order to educate all citizens of the Commonwealth on the dangers of narcotics and drug abuse and to treat and rehabilitate addicts.

The Governor’s Council on Narcotics and Drug Abuse Control appears to be the ideal body to effect this coordination. It is oriented to deal with drug problems. The heads of all service agencies, whose efforts are to be coordinated, are members, and the Commissioner of Administration is the Chairman.

Programs to treat and rehabilitate drug addicts must extend to all areas of the State. The establishment of such programs without utilizing existing State facilities, will require great amounts of money, manpower and other resources and a great deal of time will be required for implementation. Therefore, treatment and rehabilitation programs should involve the expanded use of State facilities and resources that are available. The following are examples of facilities now available within State agencies:

The Department of Health has more than two thousand professional

public health workers located throughout all areas of the State and a considerable number of new as well as older public health centers.

The Department of Mental Hygiene and Hospitals assists counties and cities in the establishment of local mental health programs throughout the State. Although these programs are administered by local mental health and mental retardation boards, it is felt that their resources can be made available for the treatment and rehabilitation of drug addicts. These resources could be especially effective in providing psychiatric services which are in very short supply throughout the State.

The Department of Vocational Rehabilitation has approximately one hundred and ten vocational rehabilitation counselors throughout the State. These counselors could work with the drug addicts, at an appropriate stage of their rehabilitation program, to assist them in training for gainful employment after they have been rehabilitated.

In addition to economizing the limited resources of the State, the use of these existing facilities would also take advantage of the excellent rapport that now exists between these State agencies and citizens of all areas throughout the State.

Official statistics of the FBI indicate that approximately 52% of all students of colleges and universities in the United States have experimented with, or are now using, narcotics or other dangerous drugs. Police officials from throughout the State have told this Commission that a great amount of drug abuse occurs on our campuses. However, a majority of the presidents and other officials of the State-supported colleges and universities, who met with the Commission, do not seem to feel that this problem is great in their particular institutions. Apparently, much drug use and traffic occurs on the campuses, but this activity is not investigated or policed there as well as it is off campus and, therefore, does not come to the attention of the institutional administrators.

The responsibility for law enforcement on college and university campuses is vested in the law-enforcement agencies of the political subdivisions where the colleges and universities are located, just as in any other area of the State. In order to promote more effective law enforcement on the campuses, a need for more effective coordination between college and university administrators, local Commonwealth's attorneys and local law enforcement officials exists. The results of such coordination can greatly reduce the illegal traffic of narcotics and dangerous drugs on the campus and thus reduce drug experimentation and use there.

Members of the legal profession and law enforcement officials who met with this Commission were very critical of the present State narcotic and drug laws as being too much oriented towards the regulation of the profession of pharmacy and that sufficient provisions are not included to adequately enforce their criminal sanctions. Therefore, this Commission recommends that a Commission, composed of members of

the Courts of Justice Committees of both Houses of the General Assembly, and the Attorney General, conduct a study on the law-enforcement aspects of the narcotic and drug laws of the State and that such commission report its findings and recommendations to the 1972 Session of the General Assembly.

A principal cause of drug abuse today is the fact that our society has become too much "drug oriented." Almost every time one turns on a television set he sees and hears an advertisement of a self-administered drug—drugs to relieve your headaches, drugs to relieve your pains, drugs to put you to sleep, drugs to relieve your tensions and drugs to pep you up—and each claiming to be much stronger than the others. There is no wonder that our youth are very susceptible to drug experimentation.

To counteract this susceptibility, a very intense and extensive educational program in all of the elementary and secondary schools of our Commonwealth must be immediately implemented to teach children about the dangers of these drugs. We cannot begin this education too early in life. We teach basic nutrition and dental care in the primary grades, and there is no reason why the dangers of drug abuse, which can be much more damaging to health than an improper diet or poor dental care, should not be taught just as early.

V. SUMMARY

The drug abuse problem in Virginia, just as in every other state, has grown to enormous proportions in recent years. It is not just a problem of law enforcement, but concerns many disciplines. It has become of great concern to a majority of citizens of this Commonwealth. There is a need to increase the capabilities of many social institutions throughout the State in order to effectively combat this problem. The concern of our citizens may soon be abated, but unless effective measures are now taken by the State, this problem will remain great for many generations.

Respectfully submitted,
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A BILL To appropriate funds to the Department of State Police for the fiscal year beginning July 1, 1971 for the purpose of expanding its activities in the enforcement of all laws relating to narcotics and drug abuse.

Whereas, the narcotic and drug abuse problem has grown to alarming proportions in recent years; and

Whereas, the capabilities of the law-enforcement agencies within the Commonwealth are not sufficient to cope with this ever increasing problem; and

Whereas, the resources and capabilities of the Department of State Police must be immediately greatly increased so that it can:

a. more effectively conduct investigations of all reported violations of narcotic and drug laws;

b. more effectively prevent the illegal interstate and intrastate transportation of narcotics and drugs;

c. provide greater assistance to local law-enforcement agencies in the enforcement of drug laws whenever the localities require such assistance; and

d. provide a greater degree of training for local law-enforcement officers; now, therefore

Be it enacted by the General Assembly of Virginia:

1. In addition to the funds appropriated to the Department of State Police for the current biennium by the 1970 Session of the General Assembly, eight hundred and ninety-six thousand dollars (\$896,000) be appropriated to that Department from the General Fund for the State treasury so that Department can expand its activities in the enforcement of all laws relating to narcotics and drug abuse.

HOUSE JOINT RESOLUTION NO. _____

To create a Commission to study the narcotic and drug laws of the State.

Whereas, the present State narcotic and drug laws are primarily laws to regulate the profession of pharmacy, and the control of narcotics and dangerous drugs is but an adjunct to such laws; and

Whereas, the control of narcotics and dangerous drugs is now of paramount importance to our society; and

Whereas, many members of the legal profession and many law-enforcement officials throughout the Commonwealth have expressed concern on the practicality of provisions to enforce the criminal sanctions enumerated in these laws; now, therefore, be it

Resolved by the House of Delegates, the Senate of Virginia concurring therein, That a Commission be created to study the narcotic and

drug laws of the State. The Commission shall be composed of five members of the Courts of Justice Committee of the House of Delegates, to be appointed by the Speaker of the House of Delegates, three members of the Courts of Justice Committee of the Senate, to be appointed by the President of the Senate, and the Attorney General of Virginia. The Commission shall elect its own Chairman. The members of the Commission shall receive no compensation for their services, but shall be paid their necessary expenses incurred in the performance of their duties.

The Commission shall concern itself primarily with the criminal sanctions enumerated in the narcotic and drug laws, the penalties imposed and all other legal and law-enforcement aspects of these laws. It shall report its findings and recommendations to the Governor and the General Assembly no later than December one, nineteen hundred seventy-one.

For the purpose of carrying out this study, the sum of five thousand dollars is hereby appropriated from the contingent fund of the General Assembly.

HOUSE JOINT RESOLUTION NO. _____

To exhort the State Board of Education to require that education on the dangers of narcotics and drug abuse be given in every elementary and secondary school in the State.

Whereas, the narcotic and drug abuse problem has grown to alarming proportions in recent years; and

Whereas, the present attitude of the public toward self-prescribed medicines and drugs makes children susceptible to drug experimentation; and

Whereas, children of all ages must be taught about the sociological and physiological dangers of narcotics and drug abuse and such training should begin at an early age; now, therefore, be it

Resolved by the House of Delegates, the Senate of Virginia concurring therein, That the State Board of Education be exhorted to require that education on the dangers of narcotics and drug abuse be taught in every elementary and secondary school in the Commonwealth, that such education begin forthwith in the primary grades and as soon as possible in all other grades, and that all teachers in such elementary and secondary schools receive sufficient training to conduct this education.

