

**REPORT OF THE
VIRGINIA STATE CRIME COMMISSION
TO
THE GOVERNOR
AND
THE GENERAL ASSEMBLY
OF VIRGINIA
ON
SPECIAL STUDY UNIT CONSIDERING
STATE INVESTIGATIVE CAPABILITIES**



HOUSE DOCUMENT NO. 38

**COMMONWEALTH OF VIRGINIA
Department of Purchases and Supply
Richmond
1975**

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REPORT
OF THE
VIRGINIA STATE CRIME COMMISSION
TO: THE HONORABLE MILLS E. GODWIN, JR.
GOVERNOR OF VIRGINIA
AND
THE GENERAL ASSEMBLY OF VIRGINIA

Pursuant to House Bill No. 335, 1974, Session, the sub-
committee of the State Crime Commission, as listed below, offers
the following report on the Special Study Unit Considering State
Investigative Capabilities.

This report is also included with other information as a
part of the Annual Report of the State Crime Commission.

Respectfully submitted,


Stanley C. Walker,
Chairman

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Erwin S. Solomon, Vice Chairman

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George M. Warren, Jr.

STAFF

Lewis W. Hurst, Executive Director

STUDY GROUP

George S. Aldhizer, II

Colgate W. Darden, Jr.

William L. Durrer

Richard N. Harris

Earl H. Henley

Julian F. Hirst

John Kent

Andrew P. Miller

Theodore V. Morrison, Jr.

E. Carter Nettles, Jr.

William N. Paxton, Jr.

A. L. Philpott

Frank I. Richardson, Jr.

Willard M. Robinson, Jr.

Erwin S. Solomon

Stanley C. Walker

George M. Warren, Jr.

Wayne A. Whitham

LD1727

HOUSE BILL NO. 335

Offered January 30, 1974

A BILL to amend and reenact § 52-1 of the Code of Virginia; and to further amend the Code of Virginia by adding a section numbered 52-8.1, the amended and added sections relating to the creation of a Division of Investigation within the Department of State Police; its powers and duties.

Patron—Mr. Philpott.

Referred to the Committee on Militia and Police

Be it enacted by the General Assembly of Virginia:

1. That § 52-1 of the Code of Virginia is amended and reenacted and that the Code of Virginia is further amended by adding a section numbered 52-8.1 as follows:

§ 52-1. Establishment of Department headed by Superintendent.—There is hereby established as a separate department, a Department of State Police headed by the Superintendent of State Police. *There shall be established within the Department of State Police, in addition to any other divisions that may be established by statute or otherwise, a Division of Investigation.*

§ 52-8.1. Powers and duties of Division of Investigation.—*In addition to any other powers and duties which may be provided by statute or otherwise, the Division of Investigation shall conduct an investigation into any matter referred to it by the Governor. The Division shall also, when directed by the Superintendent of State Police or when requested by any sheriff, chief of police, Commonwealth's attorney or grand jury, conduct an investigation into the subject matter so directed or requested, to determine whether any criminal violations have occurred, are occurring or are about to occur.*

SPECIAL STUDY UNIT CONSIDERING STATE INVESTIGATIVE CAPABILITIES

Because of the growing incidence of crime of a complex nature, the Crime Commission named a Special Study Unit in the summer of 1973 to consider state law enforcement investigative capabilities and to examine the feasibility of establishing a State Division of Investigation in Virginia. It would be charged with the responsibility for making investigations of serious crimes and criminal cases involving such areas as organized crime and corruption of public officials.

The need for such a Division of Investigation had been sounded by local law enforcement agencies who were confronted by an increasing number of cases involving complex criminal activity.

The Special Study Unit was co-chaired by former Governor Colgate W. Darden, Jr. of Norfolk and Delegate A. L. Philpott of Bassett and included Senator George S. Aldhizer, II, member, Crime Commission, Harrisonburg; Colonel William L. Durrer, then Chief of Police in Fairfax County; Richard N. Harris, Executive Director, Division of Justice and Crime Prevention, Richmond; Earl H. Henley, Chairman, Board of Goochland County Supervisors, Manakin-Sabot; Julian F. Hirst, Executive Director, Virginia Municipal League, Richmond; Sheriff John Kent, Augusta County; Attorney General Andrew P. Miller, member, Crime Commission, Richmond; Delegate Theodore V. Morrison, Jr., member, Crime Commission, Newport News; E. Carter Nettles, Jr., Commonwealth's Attorney, Sussex County, Wakefield; William N. Paxton, Jr., member, Crime Commission, Richmond; Judge Frank I. Richardson, Jr., Martinsville; Willard M. Robinson, Jr., Commonwealth's Attorney, Newport News; Erwin S. Solomon, Commonwealth's Attorney and vice-chairman, Crime Commission, Hot Springs; Senator Stanley C. Walker, Chairman, Crime Commission, Norfolk; Senator George M. Warren, Jr., member, Crime Commission, Bristol; and

Wayne A. Whitham, Secretary of Transportation and Public Safety, Richmond.

The Unit interviewed both North Carolina and Georgia Bureau directors regarding the organization and capabilities of their respective state investigative units, and also held two regional meetings where sheriffs, chiefs of police and Commonwealth's Attorneys discussed their views regarding the State Investigative Bureau proposal. Related statements were received from the Association of Chiefs of Police, the Sheriffs' Association, and the Commonwealth's Attorneys Association. Lengthy discussions were held with Virginia State Police Superintendent Harold W. Burgess regarding the investigative capabilities of his department.

The Special Study Unit was of the opinion that a dire need existed for the establishment of a State Division of Investigation, which would have several functions. Foremost of these functions would be the coordination of criminal investigations on a statewide basis, such as burglary and robbery rings operating in multiple localities and the capability of investigating organized crime on a statewide basis.

The Unit reported that the Division should employ individuals who are trained specialists in conducting particular types of investigations such as robberies, burglaries, arson, homicides, forgeries, and the numbers rackets. Members should be spread throughout the state so that they would be immediately available on call to assist in any political subdivision, though certain specialists might be available only from Richmond or certain specified locations.

Division capabilities should be available immediately upon request of the chief law enforcement officer of a political subdivision, the Commonwealth's Attorney, the Governor or a duly constituted grand jury. The Division's purpose would be to assist and not supplant local law enforcement.

Toward this end, the following recommendations were made by the Special Study Unit to the Crime Commission:

1. That a State Division of Investigation be established to cooperate with local law enforcement officials in the evaluation and solution of major crimes across the state.

2. That such a Division be located within the Virginia Department of State Police as one of two separate administrative divisions that should be organized within that Department - a Uniformed Division to handle matters principally relating to highway patrol and an investigative division to provide increased investigative capabilities needed to protect the citizens of Virginia. It was recommended that there be a separate head of each division with each having report responsibility to and supervision by the Superintendent of State Police.

3. That a career ladder be established within the investigative division to provide for promotions.

4. That personnel employed by the investigative division receive advanced and specialized training to establish the necessary investigative capabilities meeting the needs of the people of this Commonwealth.

5. That the members of the investigative division be drawn not only from the ranks of the Uniformed Division, but from other such sources as the Superintendent may find appropriate. The Special Study Unit stated that they did not feel membership in the Uniformed Division should be a prerequisite to employment in the Investigative Division.

Legislation was passed during the 1974 Session creating the Investigative Division. (It began operation July 1, 1974.) The statute provides that the Division conduct investigations into any matter referred to it by the Governor or by any sheriff, chief of police, commonwealth's attorney or grand jury.

The Commission has subsequently met with Colonel Burgess to discuss the organization of the Investigative Division which at present has a total of 123 members. The State Police report that there were 1,390 criminal investigations started by the Division during the period of July 1, 1974, through October 25, 1974. Of those 1,390 cases, 798 were completed and 592 were still pending as of October 25, 1974.

EVALUATION:

Under the date of December 20, 1974, the Crime Commission received from the Department of State Police a special report covering the activities of the investigative unit since its formation. A special committee evaluated the report

and concluded that there are clear indications that troopers were transferred into the investigative division and that a sufficient amount of outside expertise was not employed to give the investigative unit the capabilities the Task Force intended that it should have. Consequently there is a clear-cut deficiency in what the unit is actually doing and what the Task Force's recommendations originally proposed.

The Crime Commission intends to request that Superintendent of State Police endeavor to produce changes that would bring the unit into operation as initially intended.

