

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

**Task Force Study
of Drug Trafficking,
Abuse and Related Crime**

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



SENATE DOCUMENT NO. 11

**COMMONWEALTH OF VIRGINIA
RICHMOND
1991**

MEMBERS OF THE VIRGINIA STATE CRIME COMMISSION

From the Senate of Virginia:

Elmon T. Gray, Chairman
Howard P. Anderson
Elmo G. Cross, Jr.

From the House of Delegates:

Robert B. Ball, Sr., Vice Chairman
V. Thomas Forehand, Jr.
Raymond R. Guest, Jr.
A. L. Philpott
Warren G. Stambaugh
Clifton A. Woodrum

Appointments by the Governor:

Robert C. Bobb
Robert F. Horan, Jr.
George F. Ricketts, Sr.

Attorney General's Office:

H. Lane Kneedler

IN COMMEMORATION:

Of the Honorable Warren G. Stambaugh, 1944-1990, member of the House of Delegates and Virginia State Crime Commission. His insight, wit, and dedication to the work of the Commission will be greatly missed.



COMMONWEALTH of VIRGINIA

VIRGINIA STATE CRIME COMMISSION

General Assembly Building

IN RESPONSE TO
THIS LETTER TELEPHONE
(804) 225-4534

F. L. RUSSELL
EXECUTIVE DIRECTOR

MEMBERS

FROM THE SENATE OF VIRGINIA:
ELMON T. GRAY, CHAIRMAN
HOWARD P. ANDERSON
ELMO G. CROSS, JR.

FROM THE HOUSE OF DELEGATES:
ROBERT B. BALL, SR., VICE CHAIRMAN
V. THOMAS FOREHAND, JR.
RAYMOND R. GUEST, JR.
A. L. PHILPOTT
WARREN G. STAMBAUGH
CLIFTON A. WOODRUM

APPOINTMENTS BY THE GOVERNOR:
ROBERT C. BOBB
ROBERT F. HORAN, JR.
GEORGE F. RICKETTS, SR.

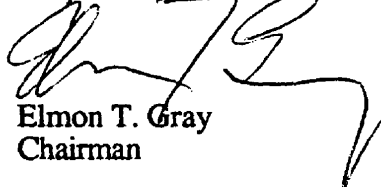
ATTORNEY GENERAL'S OFFICE
H. LANE KNEEDLER

December 11, 1990

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

Senate Joint Resolution 144, adopted by the 1989 General Assembly, directed the Virginia State Crime Commission to conduct a "comprehensive legislative study of combatting drug trafficking, abuse and related crime in Virginia, including needed changes in legislation with a primary focus on law enforcement efforts, consumption reduction and correctional/rehabilitative issues." In addition, Senate Joint Resolution 144 directed the Commission to designate a select Task Force of twenty-one individuals to assist with the study and submit an interim report by December 1, 1989, and a final report and recommendations by December 1, 1990. In fulfilling this directive, a final report of findings and recommendations has been prepared by the Drug Study Task Force of the Virginia State Crime Commission. On November 14, 1990, the Drug Task Force met and approved the final report and requested that the report be printed. On December 11, 1990, the Virginia State Crime Commission adopted the Drug Study Task Force report, approved it for publication and requests that the Governor and General Assembly adopt the recommendations therein. I have the honor of submitting herewith the final report of the Drug Study Task Force.

Respectfully submitted,



Elmon T. Gray
Chairman

ETG/sab

Enclosure

**TWENTY-ONE MEMBER DRUG STUDY TASK FORCE
SJR 144**

Thirteen Members of the Commission:

Senator Elmon T. Gray of Sussex, Chairman
Delegate Robert B. Ball, Sr., of Henrico, Vice Chairman
Senator Howard P. Anderson of Halifax
Mr. Robert C. Bobb of Richmond
Senator Elmo G. Cross, Jr., of Hanover
Delegate V. Thomas Forehand, Jr., of Chesapeake
Delegate Raymond R. Guest, Jr., of Front Royal
The Honorable Robert F. Horan, Jr., of Fairfax
Mr. H. Lane Kneedler, Attorney General's Office
Speaker A. L. Philpott of Henry
Rev. George F. Ricketts, Sr., of Richmond
Delegate Warren G. Stambaugh of Arlington
Delegate Clifton A. Woodrum of Roanoke

Two Legislators Appointed by the Senate:

Senator Edward M. Holland of Arlington
Senator Johnny S. Joannou of Portsmouth

Two Legislators Appointed by the House:

Delegate Thomas M. Jackson, Jr., of Hillsville
Delegate Clinton Miller of Woodstock

Four Citizens Appointed by the Commission:

Col. J. C. Herbert Bryant, Jr., of Sterling
The Honorable W. M. Faulconer of Orange
The Honorable Christopher W. Hutton of Hampton
Chief Richard W. Presgrave of Harrisonburg

Drug Study Task Force Research Staff:

Dana G. Schrad, Staff Attorney
Susan A. Bass, Research Analyst

Virginia State Crime Commission Staff:

Frederick L. Russell, Executive Director
D. Robie Ingram, Staff Attorney
Michael P. Maddox, Assistant Staff Attorney
Sylvia A. Coggins, Executive Assistant
Gina L. Ford, Secretary
Rod Belcher, Intern
Lisa Claiborne, Intern
Dorothy Papciak, Intern

With invaluable assistance from:

B. S. Allsbrook	Virginia State Police
Carl R. Baker	Virginia State Police
Ken Batten	Department of Mental Health, Mental Retardation and Substance Abuse Services
Marla Coleman	Department of Education
Robert E. Colvin	Former Executive Director, Virginia State Crime Commission
Paul Henick	Department of Corrections
Dean Jennings	Department of Criminal Justice Services
James Kouten	Department of Criminal Justice Services
Andrew Molloy	Department of Corrections
Robert B. Northern	Office of the Governor
H. Scott Richeson	Department of Corrections
Carole Roper	Virginia Commonwealth Alliance for Drug Rehabilitation and Education (CADRE)
Hope Seward	Department of Mental Health, Mental Retardation and Substance Abuse Services

Table of Contents

I. Executive Summary	1
II. Authority and Purpose for the Study	10
III. Members Appointed to Serve	11
IV. Study Design	12
V. Overview of Virginia's Drug Problem	14
Mr. Emmett A. Welch, II	
Master of Arts Candidate, Political Science	
University of Richmond	
VI. Activity Reports of the Task Force Subcommittees	
Law Enforcement Subcommittee	19
Speaker A. L. Philpott, Chairman	
Multi-jurisdictional Initiatives	20
Task forces	20
Grand juries	20
Special drug prosecutors	21
Training, Manpower and Equipment	22
Drug identification training	22
Investigative and Undercover training	23
Drug Enforcement Resources and Manpower Survey	23
Surveillance vans	23
Deputy staffing formula	24
Training for public housing directors	25
Constitutional amendment	26
Drug policies	26
Information and Intelligence Sharing	27
Virginia Narcotics Pointer Index System	27
Virginia Criminal Intelligence Center	28
Health data collections systems	28
Drug-Related Crime	29
Joint trials legislation	29
Federal kingpin statute	30
Youth gangs	31
Money laundering	32
Pharmaceutical diversion	34
Corrections/Treatment Subcommittee	36
Delegate Robert B. Ball, Sr., Chairman	
Drugs in Correctional Facilities	37
Drug detection dog program	37
Employee drug testing	39
Security measures	39

Table of Contents, Continued

Treatment and Vocational/Educational Programs in Prisons	39
Commission on Prison and Jail	
Overcrowding Recommendations	39
Substance Abuse Treatment Programs in Community Corrections	44
Programs for parolees	44
Pre-discharge planning strategy	45
Community Service Boards	45
Program availability	46
Working Relationships Between Treatment Providers and Corrections Officials	47
Drug use data	48
State-level interagency planning	48
Education Subcommittee	
Senator Howard P. Anderson, Chairman	49
Existing School and Community Drug Education Programs	50
Surveys	50
Programs in other states	53
Quality of Virginia's Drug Education Programs	54
"I Am Always Special" (IAAS) Curriculum Guide	54
Virginia Youth Survey	54
Funds for Substance Abuse Education Programs	55
State agency funds	55
Office of Youth Risk Prevention	55
Drug Abuse Resistance Education (DARE) funding	55
Community prevention programs	56
Availability of Substance Abuse Education and Prevention Programs	56
DARE expansion	56
Cross-curricula infusion	56
Teacher training	57
Policies and programs for state employees	57
Statewide media campaign	57
Drug-Free Educational Environments	58
Drug-free school zones	58
Substance abuse on college campuses	58
Coordination of Programs	59
CADRE	59
House Joint Resolution 174	59
House Joint Resolution 312	59
House Joint Resolution 161	59
VII. Acknowledgements	61
Appendix A: Senate Joint Resolution 144	A-2
Appendix B: Table of Illicit Drug Use Estimates by State	B-2
Appendix C: Statements by Members	C-2

I. Executive Summary

Background

Senate Joint Resolution 144, adopted by the 1989 General Assembly, directed the Virginia State Crime Commission to conduct a two-year study of drug trafficking, abuse and related crime, and propose recommendations for a drug control strategy for Virginia by December, 1990. Members of the 1989 General Assembly expressed the need for a comprehensive study of all aspects of the drug problem: law enforcement and criminal justice issues, corrections and treatment concerns and development of drug education and prevention programs. Additionally, the 1989 General Assembly indicated that better coordination of all related drug control efforts was required to promote an efficient and effective anti-drug strategy.

SJR 144 called for the State Crime Commission to appoint a 21-member task force to conduct the two-year drug study. The thirteen members of the Crime Commission, four appointees from the General Assembly and four appointees from the criminal justice profession were brought together as the Drug Study Task Force in August, 1989, for an organizational meeting. The 21-member task force was divided into three subcommittees to tackle the major issues of the drug study: the Law Enforcement Subcommittee, chaired by House Speaker A. L. Philpott; the Corrections/Treatment Subcommittee, chaired by Delegate Robert B.

Ball, Sr.; and the Education Subcommittee, chaired by Senator Howard P. Anderson.

The three subcommittees held a series of informational meetings and the full task force conducted public hearings in the fall of 1989 to lay the groundwork of activities for 1989-90 designed to meet the goals of the study. In December, 1989, the full Drug Study Task Force approved the reports and recommendations of the three subcommittees, and published its interim report for the Governor and 1990 General Assembly (Interim Report of the Virginia State Crime Commission Task Force Study of Drug Trafficking, Abuse and Related Crime, Senate Document No. 30, 1990.) The interim report contained the fifteen findings, 48 recommendations and 65 activities proposed by the Task Force in 1989 that served as a road map for directing the work of the Task Force in 1990.

During 1990, the Drug Study Task Force and the Crime Commission staff worked with the Office of the Governor, the Office of the Lieutenant Governor, the Office of the Attorney General, three Secretariats, at least 21 state agencies and several law enforcement, criminal justice, mental health and substance abuse treatment, medical educational, and parent associations to complete the activities as directed in the 1989 interim report. Activity reports and recommendations were presented to the three subcommittees during the summer of 1990, and formed the basis of the 1990 subcommittee reports and recommendations.

The Task Force met in October

and November, 1990, to hear public comments on the subcommittee reports and recommendations, and to receive and review proposed legislation. At the November, 1990 meeting, the 21 members approved the full Task Force report and voted on a slate of legislation for the 1991 General Assembly session. The Virginia State Crime Commission received the final Drug Study Task Force report in December, 1990, and approved it for publication and distribution to Governor L. Douglas Wilder and the 1991 General Assembly.

Summary of 1989 Recommendations

The 1989 interim report of the Drug Study Task Force included the following five legislative bills, one legislative resolution and four state budget amendments:

- Senate Bill 263-Amend the Code of Virginia §18.2-248 to include all Schedule I and II drugs in the enhanced penalty for a second conviction; Passed; Senator Johnny Joannou, chief patron.
- Senate Bill 352-Amend the Code of Virginia §18.2-248 to revoke a driver's license when convicted of drug distribution involving a motor vehicle; Withdrawn; Senator Elmo Cross, chief patron.
- House Bill 382-Amend the Code of Virginia §18.2-255 to extend the penalty for distributing drugs to a minor to persons convicted of involving a minor in drug distribution; Passed; Delegate V. Thomas Forehand, Jr., chief patron.

- House Bill 392-Amend the Code of Virginia §18.2-255.2 to extend the safe school zone law to include areas open to the public within the 1,000 foot zone, and impose enhanced penalties for drug trafficking therein; Passed; Delegate Warren G. Stambaugh, chief patron.
- Senate Bill 264-Amend the Code of Virginia §18.2-256 to allow joinder of drug offense co-conspirators at trial under certain conditions; Carried Over; Senator Johnny Joannou, chief patron.
- Senate Joint Resolution 80 requested the State Board of Education to require state-certified teachers to receive training in substance abuse and drug identification; Adopted; Senator Elmon T. Gray, chief patron.
- Budget Amendment to provide funds to purchase surveillance vans for local law enforcement agencies to use in drug investigations; Approved; Speaker A. L. Philpott, chief patron; \$440,000 in Anti-Drug Abuse Act federal grant funds and matching state funds were directed for this purpose.
- Budget Amendment to provide funds for the Department of Corrections to expand its drug detection dog program with four additional handlers, four trained drug detection dogs and the requisite training and supplies; Approved; Delegate Robert B. Ball, Sr., chief patron; \$163,005 in Anti-Drug Abuse Act federal grant funds and matching state funds were directed for this purpose.

- Budget Amendment to provide funds for the Department of Education Office of Youth Risk Prevention to direct school-based substance abuse education and prevention programs; Approved; Senator Elmon T. Gray, chief patron; \$342,436 in state general funds appropriated in the 1990-92 biennium budget.
- Budget Amendment to provide funds for 48 full-time equivalent deputy sheriff positions to provide Drug Abuse Resistance Education (DARE) in every school district; Failed; Senator Elmon T. Gray, chief patron.

The remaining administrative recommendations and study proposals in the 1989 interim report formed the basis of the work of the Drug Study Task Force subcommittees in 1990.

Summary of 1990 Recommendations

During the 1990 subcommittee meetings, many of the proposals brought to the members included funding requests. The study reports and recommendations presented to the three subcommittees indicated that there are critical needs for additional funding for substance abuse treatment programs, particularly for youth in the criminal justice system. Funding for community-based prevention and intervention programs targeted at high-risk populations is scarce. Additionally, some rural and economically-depressed areas of the Commonwealth were

identified as needing additional funds for all aspects of drug control, including law enforcement, prevention education and treatment and rehabilitation programs.

However, during 1990 the Commonwealth put a halt to spending, as the Office of the Governor ordered state agency budget cuts and froze or rescinded state employee pay raises. The state of Virginia's economy and shortfalls in revenue receipts and projections indicated that spending on new or expanded initiatives would have to be tightly controlled or, in some cases, eliminated. The war on drugs suffered along with education, transportation and highway development, capital construction and state employee salaries. The catch phrase in 1990 for drug control efforts became, "Do the best you can with what you have."

As such, the members of the Drug Study Task Force, fully cognizant of the expressed needs of anti-drug programs, decided against introducing any budget amendments in the 1991 General Assembly session. Also, recognizing that the focus of the General Assembly session would be the state budget, drug-related legislation for 1991 was limited to the following proposals:

- To introduce an Amendment in the Nature of a Substitute to Senate Bill 264, carried over from the 1990 General Assembly session, which proposes an amendment to Code of Virginia §18.2-256; the bill proposes joint trials for co-conspirators in a drug offense who are managers or key operators

of a drug trafficking operation.

- To support in concept an amendment to Code of Virginia §14.1-70 changing the population-based formula for staffing sheriff deputies. (House Bill 691, patroned by Delegate Alson Smith, and Senate Bill 355, patroned by Senator R. J. Holland, are carry-over legislation from the 1990 General Assembly session; these bills amend Code of Virginia §14.1-70 to change the population-based formula for law enforcement sheriff deputies from 1:2000 to 1:1500.)

- To amend Code of Virginia §19.2-215.1 to add perjury to the list of offenses that may be investigated by a multi-jurisdiction grand jury.

- To refer to the Virginia State Crime Commission House Joint Resolution 161 (1990), patroned by Delegate Edward Harris; HJR 161, calls for the Drug Study Task Force to devise a plan for drug-free schools; the carryover resolution calls for the Virginia State Crime Commission to complete the drug-free schools plan as requested in HJR 161 by December, 1991.

The vast majority of recommendations from the second year of the drug study were administrative recommendations to the executive branch, particularly to the Office of the Governor, the Governor's Council on Alcohol and Drug Abuse Problems and several key state agencies in the areas of law enforcement, corrections, treatment and education. Because of the lack of additional

state dollars for new or expanded drug control efforts, many of the recommendations call for state agencies to seek access to federal or independent grant fund resources, or suggest that state agencies with similar or shared anti-drug projects merge efforts as much as possible to conserve and share limited personnel and funding resources.

During the course of the two-year drug study, state agencies began working together and with local agencies on new and continuing drug control initiatives. The Virginia Department of State Police and Department of Corrections worked together to provide the Department of Corrections' drug detection dog handlers with accredited training to expand drug detection efforts in correctional facilities. The Virginia Department of State Police, working with the State Crime Commission, developed a workshop for multi-jurisdictional task force investigators, commanders and coordinators to share problems and ideas; the workshop was so successful that the State Police will continue offering such workshops on a regular basis. The Office of the Governor, Department of Education and Virginia State Crime Commission worked together with the City of Staunton Police Department and Robert E. Lee High School to further develop the PULSAR program for high risk teenagers and make PULSAR training available statewide.

The Virginia State Crime Commission worked with the Office of the Governor to help locate additional funding for the Department of Youth and Family Services to

develop substance abuse treatment programs for youth in the criminal justice system. Representatives from the Department of Corrections, Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of the Governor and Virginia State Crime Commission collaborated on a plan for treatment programs in correctional facilities to qualify the Commonwealth of Virginia to receive additional substance abuse treatment grant funds from the federal Office of Treatment Improvement. The Virginia Parole Board worked with the Department of Corrections and the Department of Mental Health, Mental Retardation and Substance Abuse Services to develop a pre-discharge planning strategy to ensure that, at the time of release, parolees are placed in appropriate education, substance abuse treatment and job training programs.

The 1990 recommendations of the Drug Study Task Force subcommittees, which are documented in the three subcommittee reports, are as follows:

Recommendations of the Law Enforcement Subcommittee:

Recommendation #1: The Virginia State Police should hold a quarterly meeting of task force coordinators, investigators and heads of local participating agencies.

Recommendation #2: The Virginia Narcotics Pointer Index System (VNPI) should be expanded to provide better criminal intelligence resources for local law enforcement.

Recommendation #3: The Virginia State Police should seek funding to provide Virginia Criminal Intelligence Network (VCIN) terminals for each multi-jurisdictional task force.

Recommendation #4: The Virginia State Police should develop a method to cross-check purchase of weapons through the Firearms Transaction Program.

Recommendation #5: The Virginia State Police should study the manpower needs of each multi-jurisdictional task force and report findings and recommendations to the Crime Commission by September 1991.

Recommendation #6: The Virginia State Police should develop a priority evaluation system for task forces.

Recommendation #7: The Virginia State Police should research forfeited vehicle sharing for undercover operations, and report findings and recommendations to the State Crime Commission by September 1991.

Recommendation #8: Legislation should be considered to expand multi-jurisdictional grand jury authority to allow indictment for perjury.

Recommendation #9: The State Crime Commission should encourage localities to provide funding and manpower support to continue those task forces that have been successful and that no longer qualify for federal grant assistance.

Recommendation #10: The Department of Criminal Justice Services should continue to support the multi-jurisdictional task force approach by providing federal grant funds to establish new task forces where needed.

Recommendation #11: The State Crime Commission staff should study funding of assistant Commonwealth's Attorneys and special prosecutors, and report findings and recommendations to the Crime Commission by September 1991.

Recommendation #12: The Department of Criminal Justice Services, the Virginia State Police-Bureau of Criminal Investigation, and the Division of Forensic Science, with input and assistance from the Office of the Attorney General and police and sheriffs' departments, should prepare up-to-date lesson plans, supporting training aids and practical application exercises for undercover officers, contact and supervisory personnel.

Recommendation #13: The Department of Criminal Justice Services, in conjunction with the State Police, should identify and train the necessary instructional staff to be able to provide local law enforcement agencies with advanced undercover training.

Recommendation #14: Under the direction of the State Police, the Department of Criminal Justice Services should conduct a pilot school for law enforcement agencies and multi-jurisdictional task force members

who need immediate undercover training.

Recommendation #15: The Department of Criminal Justice Services should reassess the curriculum and delivery of training after completion of the pilot school and amend the program as needed.

Recommendation #16: State funding for continuation of the law enforcement undercover training programs should be sought by the Department of Criminal Justice Services upon termination of the federal grant.

Recommendation #17: The State Crime Commission should support a change in the deputy staffing formula to address the contemporary law enforcement needs of sheriffs.

Recommendation #18: The State Crime Commission should support the passage of the Constitutional amendment to allow the proceeds from assets seized in drug cases to be returned to state law enforcement. (Note: The Constitutional amendment changing the state asset seizure and forfeiture process was adopted in the November, 1990 statewide general election.)

Recommendation #19: A Virginia Criminal Intelligence Center (VCIC) should be established within the Department of State Police, utilizing funds from the Governor's 1990 Drug Summit budget set-aside and federal grants.

Recommendation #20: The State Crime Commission should continue its efforts toward securing

access to drug-related health data to detect trends in drug usage and assist in law enforcement planning.

Recommendation #21: The State Crime Commission should support joint trials legislation in the 1991 General Assembly session as amended by the law enforcement subcommittee.

Recommendation #22: The State Crime Commission should amend its joint trials bill (SB-264) to allow for persons described as drug kingpins to be tried as co-defendants when appropriate.

Recommendation #23: The Virginia State Police should continue to study the problem of gang violence, and report findings and recommendations the Crime Commission by September, 1991.

Recommendation #24: The State Crime Commission should recommend that the Office of the Governor consider the youth gang factor in directing its emergency grant funds to high need communities.

Recommendation #25: The Commission should track the conduct of check cashing businesses for another year for further evidence of money laundering before proposing regulation.

Recommendation #26: The Commission should direct the Virginia State Police, over the next year, to request state-chartered banks to release voluntarily their CTR exemption lists in the course of a money laundering investigation, and report back to the Com-

mission on the success of voluntary compliance.

Recommendation #27: The State Crime Commission recommends that pharmaceutical diversion should be studied by the Commission staff, Department of Health Professions and Virginia State Police, and findings and recommendations be reported to the Crime Commission by September, 1991.

Recommendations of the Corrections/Treatment Subcommittee:

Recommendation #1: The Department of Corrections should evaluate its drug dog detection program on a regular basis to ensure that training is current and that appropriate services are being provided within the Department and to local law enforcement agencies as requested.

Recommendation #2: The Virginia State Police should apply for any eligible federal grant funds for 1991-92 to continue the drug dog training program, and continue to provide training as requested to the Department of Corrections.

Recommendation #3: The Department of Corrections should ensure that its employee drug policy is consistent with the employee drug policy for other state agencies, and ensure that its employee drug testing program has the approval of the Attorney General.

Recommendation #4: The Department of Corrections should seek grant funds to initiate a pas-

sive alert narcotics detector canine program, approved by the Office of the Attorney General, on a pilot basis at a selected corrections facility to monitor the visitor population. The passive alert narcotics canine program uses canines trained to alert upon detecting contraband drugs without attacking or confronting the visitor.

Recommendation #5: The Department of Corrections should, within its budget or with grant funds, improve visiting facilities to relieve crowding and improve supervision by the staff.

Recommendation #6: The Department of Corrections should enhance its recruitment of female officers at corrections field units to ensure consistency in searches of female visitors.

Recommendation #7: The interagency task force of the Secretaries of Public Safety and Health and Human Resources should be continued to ensure coordination of planning and expenditures on drug treatment programs for offenders.

Recommendation #8: The Department of Corrections should seek grant funds and utilize existing staff resources to implement basic treatment programs at each adult correctional facility. Establishment of core treatment programs at each facility such as substance abuse, sex offender, anger management, and self improvement programs would be ideal.

Recommendation #9: Current efforts to increase vocational program space at the major adult correctional facilities and field units should be continued.

Recommendation #10: The Department of Correctional Education should submit via automation a list of available vocational and apprenticeship program space to the classification committee for their use in assigning offenders to the facilities.

Recommendation #11: The Department of Correctional Education should prioritize its use of staff and resources to allow for comprehensive vocational assessment at the reception centers or major institutions offering vocational programs.

Recommendation #12: The Departments of Correctional Education and the Department of Corrections should continue to work together to ensure appropriate placement in treatment and education programs that meet the needs of each adult offender committed to a correctional facility operated by the Department of Corrections.

Recommendation #13: The Department of Corrections should continue to access federal grant funds to upgrade substance abuse services for inmates and employees by:

Expanding foundational substance abuse curriculum in existing courses including:

- Basic Skills for Adult Probation and Parole Officers

- Basic Skills for Community Diversion Incentive program case managers
- In-service training for supervisors and managers.

Providing specialized training for new counselors relative to certification in substance abuse treatment.

Providing on-going special issue seminars regarding substance abuse recognition and intervention (treatment) methodologies.

Recommendation #14: The Department of Youth and Family Services should continue to access available federal grant funds for development of its substance abuse education, treatment and staff training programs.

Recommendation #15: The Department of Youth and Family Services (DYFS) should continue to work in cooperation with the Department of Mental Health, Mental Retardation and Substance Abuse Services to develop a state substance abuse work plan that addresses the identification of service and treatment needs of the juvenile offender population, the development of services at DYFS facilities, and the monitoring and evaluation of substance abuse treatment services as provided at DYFS facilities.

Recommendation #16: The Department of Corrections should increase the use of on-site drug screening devices that are more cost-effective to detect the use of more prevalent drugs, such as cocaine and marijuana.

Recommendation #17: The Virginia Parole Board should increase the use of interim sanctions when parolees test positive for drug use to deter parolees from using illegal drugs, and increase placements in treatment programs, to prevent re-incarceration for lesser violations of parole.

Recommendation #18: The pre-discharge planning strategy as developed will be utilized in combination with the newly-developed Parole Guidelines to assess their suitability and effectiveness in preparing parolees for release to community treatment programs.

Recommendation #19: Jail administrations and other segments of the criminal justice system should participate in the inter-agency strategy development and the Department of Mental Health, Mental Retardation and Substance Abuse Services comprehensive planning process that involves the Community Services Boards and the organizations and citizens of the service area in program planning and budget development.

Recommendation #20: Pilot projects should be established in one or more localities in which expanded and/or new, comprehensive and coordinated services are targeted for offenders within each component of the criminal justice and treatment systems. These projects should be supported with appropriate grant funds.

Recommendation #21: Inter-agency cooperation is essential to ensure that availability of services is improved and expanded to

meet the needs of all offenders (prisons, jails, community). Agencies should pursue cooperative grant requests in order to develop new sources of funding, and well as to provide new treatment initiatives.

Recommendation #22: Cross - training should be provided for both criminal justice and substance abuse treatment staff. This training should promote maximum and efficient utilization of available resources, increased understanding and familiarity of each service system and encourage the cooperative development of new services. The Department of Corrections and the Department of Mental Health, Mental Retardation and Substance Abuse Services should explore possible funding resources, particularly grants, to design and implement cross-training programs.

Recommendation #23: Collaborative and ongoing interagency planning should continue within the context of the Interagency Planning Group which is assisting the Governor's Council on Alcohol and Drug Abuse Problems to develop the Governor's drug control strategy.

Recommendation #24: Written memoranda of understanding between the Departments of Corrections and Mental Health, Mental Retardation and Substance Abuse Services that detail working relationships should be finalized.

Recommendation #25: Local memoranda of understanding should be established between jail administrators and Community Services Board directors.

Recommendation #26: Cooperative grant applications should be pursued and coordination of services between correctional facilities and treatment service agencies should continue.

Recommendation #27: Cross-training between the staff of the Departments of Corrections and Mental Health, Mental Retardation and Substance Abuse Services is essential, and should be jointly developed by the two agencies.

Recommendation #28: The Crime Commission should continue to work with the Governor's Council on Alcohol and Drug Abuse Problems and the Governor's Drug Policy Office to pursue a comprehensive and coordinated approach to drug-related law enforcement, treatment and education programming and budgeting in Virginia.

Recommendations of the Education Subcommittee:

Recommendation #1: The Department of Education distributes Drug-Free Schools and Communities Act federal funds to local school divisions and helps them find additional sources of funding. The Department also provides technical assistance to school divisions in developing programs and training projects. The Department should evaluate at regular intervals the effectiveness of local education agencies' substance abuse prevention programs/ activities and survey the service needs of localities, and report to the General Assembly and Governor.

Recommendation #2: The Office of Prevention, Promotion and Library Services of the Department of Mental Health, Mental Retardation and Substance Abuse Services should ensure that it has adequate personnel to offer technical assistance and training in grants preparation to communities. Without such assistance, communities with great need may be unable to receive the funds to combat these problems.

Recommendation #3: The Department of Education report from its comparison study of the prevention programs in several other states should be made available to the Governor's Council on Alcohol and Drug Abuse Problems for use in the development of the Governor's statewide drug abuse prevention strategy.

Recommendation #4: The Department of Education report should be updated to include information available in the 1989 National Assessment Evaluation when that Report is released.

Recommendation #5: The Office of Prevention, Promotion, and Library Services should improve its ability through adequate staffing to offer services in the following areas:

- a. Direct substance abuse prevention programming in localities.
- b. Assist localities in developing quality and research-based substance abuse prevention programming that is community-based and directly responds to assessed local needs.

- c. Train local service providers.
- d. Direct and fund local substance abuse prevention programs for high-risk youth.
- e. Provide program evaluation and research.

Recommendation #6: The Office of Prevention, Promotion, and Library Services should review regularly the community prevention programs in other states, and expand Virginia's programs as funding and staffing levels permit.

Recommendation #7: Classroom teachers and other school personnel should receive ongoing training related to the concepts and implementation of the alcohol and other drugs curriculum guide, IAAS ("I Am Always Special"). This training will compensate for personnel attrition, as well as new research data.

Recommendation #8: The implementation of the IAAS curriculum should be evaluated regularly to identify changing needs of student and teachers and ensure applicability to the classroom.

Recommendation #9: The IAAS curriculum should be revised annually to reflect the most current information on drugs and substance abuse.

Recommendation #10: The Department of Mental Health, Mental Retardation and Substance Abuse Services should make grant writing technical assistance to localities a top priority.

Recommendation #11: The Office of the Governor should expend the necessary grant funds to expand the Virginia Youth Survey to include sixth grade, implement the survey on a biennial basis and make the data available to local school divisions.

Recommendation #12: The Department of Education should ensure that departmental reorganization does not diminish the present efforts of the Office of Youth Risk Prevention, or prevent the School/Community Team Trainings from being conducted as planned.

Recommendation #13: The Virginia State Police should include the cost of the DARE state training program and supplies in its 1992-94 biennium budget in order to institutionalize the DARE program in Virginia.

Recommendation #14: The Department of Mental Health, Mental Retardation and Substance Abuse Services should distribute its funding resources manual to Community Services Boards, community leaders, and local CADRE groups to help communities locate and apply for grants to fund local prevention programs.

Recommendation #15: The Department of Mental Health, Mental Retardation and Substance Abuse Services should encourage communities and neighborhoods to develop a planning body to assist in preparing grant applications for the community. Appropriate members of a planning body should include, but not be limited to, public agency service plan-

ners, human service providers, residents of targeted neighborhoods, business representatives and service organizations.

Recommendation #16: The Governor's Council on Alcohol and Drug Abuse Problems should conduct an evaluation of the middle school DARE program as implemented in Virginia, funded by the 1990 Governor's Drug Summit budget set-aside, and report to the Governor and General Assembly for the benefit of local school divisions, the Department of Education and the Virginia State Police.

Recommendation #17: The Department of Education should take the following steps to design a model for cross-curricula infusion of substance abuse education:

- a. Develop a task force to recommend criteria and strategies for cross-curricula infusion of alcohol and other drug curriculum. Task force members will represent the following: elementary and secondary supervisors from subject area disciplines, i.e., English, social studies, science, math, and vocational education; elementary and secondary classroom teachers and administrators; and prevention specialists in drug education.
- b. Develop and provide subject area learning packets (K-5, 6-8, 9-12) that teach drug-specific information, skills, attitudes, and social competencies that will enable students to choose and practice a drug-free lifestyle.

c. Coordinate regional conferences to train classroom teachers in strategies for effective cross-curricula infusion and implementation, using the learning packets.

d. Provide follow-up technical assistance to school divisions through in-service workshops and consultation services that also will serve as a basis for on going evaluation of program effectiveness.

Recommendation #18: The Department of Education should provide substance abuse education and school law training to teachers through the re-certification process in local and regional workshops, utilizing the telecommunication and other resources of the community colleges whenever feasible.

Recommendation #19: The Virginia State Crime Commission should continue to work with the Governor and Lieutenant Governor to improve substance abuse education and treatment resources for state employees, and to provide workplace policy and program direction to private industry.

Recommendation #20: The Governor should consider offering legislation to amend the Code of Virginia § 37.1-207 to ensure that the Governor's Council on Alcohol and Drug Abuse Problems is authorized to solicit funds for a drug education media campaign.

Recommendation #21: State and local law enforcement agencies should vigorously enforce Virginia's drug-free school zone law to deter drug trafficking directed at youth.

Recommendation #22: The Governor's Council on Alcohol and Drug Abuse Problems should provide an annual report of its findings and recommendations to assist the Governor and General Assembly in setting state agencies' budgets for substance abuse reduction programs.

Recommendation #23: The State Crime Commission should continue to monitor the work of the HJR 174 School Drop Out Subcommittee, and make efforts to coordinate initiatives related to substance abuse reduction whenever possible.

Recommendation #24: The State Crime Commission should continue to monitor the work of the HJR 312 Joint Subcommittee, and make efforts to coordinate initiatives related to substance abuse reduction and crime prevention whenever possible.

Recommendation #25: The State Crime Commission should continue to work with Delegate Harris, the HJR 312 Joint Subcommittee, the Department of Education Task Force and the Office of Youth Risk Prevention to meet the objectives of HJR 161. The plan should be published as a joint legislative document that includes recommendations, policies and guidelines for drug-free schools.

Recommendation #26: The State Crime Commission should consider legislation to continue the work of House Joint Resolution 161 to be completed and presented to the General Assembly and the Governor in January, 1992.

Conclusion

The work of the Virginia State Crime Commission two-year Task Force Study of Drug Trafficking, Abuse and Related Crime is concluded in this report. However, some drug study-related activities will be carried on in 1991-92 by a special subcommittee of the Virginia State Crime Commission. This subcommittee will be responsible for the following activities:

- Continue the carry-over work of House Joint Resolution 161 (1990) to develop a plan for drug-free schools.
- Continue the study of pharmaceutical drug diversion with the Virginia State Police and Department of Health Professions.
- Receive follow-up studies from the Virginia State Police on the manpower needs of the multi-jurisdictional task forces, the use of forfeited vehicles in law enforcement undercover operations, the problem of gang violence and efforts to gain access to cash transaction report (CTR) exemption lists to conduct money laundering investigations.
- Continue to work with the Office of the Governor and the Governor's Council on Alcohol and Drug Abuse Problems, the Office of the Lieutenant Governor, the Office of the Attorney General, the General Assembly and state agencies and associations in drug control-related efforts.

The work of this Crime Commission subcommittee on carry-over drug study-related activities will be reported to the Governor and General Assembly in December, 1991.

II. Authority and Purpose for the Study

Senate Joint Resolution 144, whose chief patron was Senator Elmon T. Gray, was adopted by the 1989 General Assembly and directs the Virginia State Crime Commission, with the assistance of the Governor's Council on Alcohol and Drug Abuse Problems and the Office of the Attorney General, to conduct a comprehensive study of combatting drug trafficking, abuse and related crime.

The legislative-based Commission's charge is to develop a statewide comprehensive coordinated strategy and agenda, in cooperation with the executive and judicial branches of government, to address the drug trafficking and drug-related crime problem. In this context, the study has developed legislative and other proposals with its focus on law enforcement efforts, consumption reduction and correctional treatment issues.

SJR 144 resolves that "the Crime Commission shall designate a select Task Force of twenty-one individuals to assist with the study, and such Task Force shall report directly to the Commission. This Task Force will consist of all thirteen members of the Crime Commission and eight other members as follows: two members of the House of Delegates appointed by the Speaker, two members of the Senate appointed by the Senate Privileges and Elections Committee and four individuals from criminal justice fields, business or community leaders or other individuals as the Commission may so select."

To strengthen Virginia's criminal justice system, the General Assembly created the Virginia State Crime Commission in 1966. The primary purpose and legislative mandate of the Commission is to study, report, and make recommendations to the Governor and the General Assembly on all areas of public safety and protection. The Commission develops legislation and assists in coordinating proposals of various agencies and organizations as to legislation affecting crime, crime prevention and control and criminal procedures.

In meeting its responsibility, the Crime Commission acts as a sounding board for agencies, organizations and individuals in the Commonwealth to report legislative concerns regarding criminal justice to the General Assembly and serves as a locus for analyzing and dealing with the multitude of difficult and diverse issues in our criminal justice system. The Commission also regularly develops and evaluates law and administrative procedures which affect judges, prosecutors, law enforcement officials, jails and prisons, forensic laboratories, community diversion programs, crime prevention programs, probation and parole, criminal procedure and evidence, victims and witnesses of crime and private security.

§9-125 of the Code of Virginia establishes and directs the Virginia State Crime Commission "to study, report and make recommendations on all areas of public safety and protection." §9-127 of the Code of Virginia provides that "the Commission shall have duty and power to make such studies and gather information in order to accomplish its purposes, as set forth in §9-125, and to formulate its recommendations to the Governor and the General Assembly." §9-134 of the Code of Virginia authorizes the Commission to "conduct private and public hearings, and to designate a member of the Commission to preside over such hearings." The Virginia State Crime Commission, in fulfilling its legislative mandate, undertook the Drug Task Force Study as directed by Senate Joint Resolution 144.

III. Members Appointed to Serve

During the August 1, 1989 meeting of the Virginia State Crime Commission, its Chairman, Senator Elmon T. Gray of Sussex, introduced the twenty-one member Drug Study Task Force and selected the chairmen for the three study subcommittees.

Speaker A. L. Philpott of Bassett was selected to serve as chairman of the Law Enforcement Subcommittee. Members of the Drug Study Task Force who serve on the Law Enforcement Subcommittee are:

Speaker A. L. Philpott of Bassett, Chairman
Col. J. C. Herbert Bryant, Jr., of Sterling
Sheriff W. M. Faulconer of Orange
Mr. Robert F. Horan, Jr., of Fairfax
Senator Johnny S. Joannou of Portsmouth
Mr. H. Lane Kneedler of Richmond
Delegate Warren G. Stambaugh of Arlington

Delegate Robert B. Ball, Sr., of Henrico was selected to serve as chairman of the Corrections/Treatment Subcommittee. Members of the Drug Study Task Force who serve on the Corrections/Treatment Subcommittee are:

Delegate Robert B. Ball, Sr., of Henrico, Chairman
Senator Elmo G. Cross, Jr., of Hanover
Senator Edward M. Holland of Arlington
Mr. Christopher W. Hutton of Hampton
Delegate Clinton Miller of Woodstock
Rev. George F. Ricketts, Sr., of Richmond
Delegate Clifton A. Woodrum of Roanoke

Senator Howard P. Anderson of Halifax was selected to serve as chairman of the Education Subcommittee. Members of the Drug Study Task Force who serve on the Education Subcommittee are:

Senator Howard P. Anderson of Halifax, Chairman
Mr. Robert C. Bobb of Richmond
Delegate V. Thomas Forehand, Jr., of Chesapeake
Senator Elmon T. Gray of Sussex
Delegate Raymond R. Guest, Jr., of Front Royal
Delegate Thomas M. Jackson of Hillsville
Chief Richard W. Presgrave of Harrisonburg

Drug Task Force Steering Subcommittee:

Senator Elmon T. Gray, Chairman
Speaker A. L. Philpott, Chairman, Law Enforcement Subcommittee
Delegate Robert B. Ball, Sr., Chairman, Corrections/Treatment Subcommittee
Senator Howard P. Anderson, Chairman, Education Subcommittee
Mr. H. Lane Kneedler, Attorney General's Office

IV. Study Design

Pursuant to SJR 144, the Secretary of Public Safety, the Secretary of Health and Human Resources and the Secretary of Education designated the Department of Criminal Justice Services, the Department of Mental Health, Mental Retardation and Substance Abuse Services, and the Department of Education, respectively, to provide staffing support for the Commission staff. Dean Jennings, Ken Batten, and Marla Coleman were designated as the primary contacts within the respective agencies for the study.

During September, 1989, each subcommittee held a unique meeting. During a closed meeting, the Law Enforcement subcommittee received confidential information relating to law enforcement issues from across the Commonwealth. The Corrections/Treatment subcommittee visited Hegira House, a therapeutic community in Roanoke, and heard from substance abuse treatment providers to community-based corrections and rehabilitation programs. The Education subcommittee attended a fifth grade DARE class at G. W. Carver Elementary School in Salem and heard from members of the local PTA. In all, each subcommittee held four public meetings in 1989 to gather information and develop findings, recommendations and activities for 1990.

At its two public hearings and initial meeting, the 21-member Drug Study Task Force heard testimony and received reference materials from representatives of the law enforcement, treatment, corrections, education and citizen communities. The task force met in December 1989 to consider the proposed reports of the three subcommittees, and voted to publish the combined subcommittee reports and supporting documentation in an interim study report. At that time, the Virginia State Crime Commission adopted the Drug Study Task Force report, approved it for publication and requested that the Governor and General Assembly adopt the findings, recommendations and activities therein. The Commission further recommended at its January 16, 1990 meeting, that the requests for study reports by executive branch agencies be introduced to the General Assembly as language in the 1990 Appropriations Act.

During the months of June, July and August, 1990 each subcommittee met separately to receive agency progress reports on the activities set forth in the interim report and to develop recommendations based on their findings. During October and November, 1990, the full task force met to receive the three proposed subcommittee reports and to vote on the recommendations presented in each. At its November 14, 1990 meeting, the task force considered the proposed reports and voted to publish the combined subcommittee reports and supporting materials in a final study report. The Virginia State Crime Commission, at its December 11, 1990 meeting, adopted the Drug Study Task Force final report, approved it for publication and requested that the Governor and General Assembly adopt the findings and recommendations therein.

Meetings

Drug Study Kickoff	August 1, 1989
Education Subcommittee	August 15, 1989
Law Enforcement Subcommittee	August 25, 1989
Corrections/Treatment Subcommittee	August 29, 1989
Full Task Force Public Hearing - Richmond	September 19, 1989
Law Enforcement Subcommittee - Closed	September 20, 1989
Education Subcommittee - Roanoke	September 29, 1989
Corrections/Treatment Subcommittee - Roanoke	September 29, 1989
Full Task Force Public Hearing - Roanoke	September 29, 1989
Education Subcommittee	October 17, 1989
Law Enforcement Subcommittee	October 17, 1989
Corrections/Treatment	October 18, 1989
Law Enforcement Subcommittee	November 14, 1989
Education Subcommittee	November 15, 1989
Corrections/Treatment Subcommittee	November 15, 1989
Law Enforcement Subcommittee	December 19, 1989
Full Drug Task Force	December 19, 1989
Full Drug Task Force	April 17, 1990
Law Enforcement Subcommittee	June 19, 1990
Education Subcommittee	June 20, 1990
Corrections/Treatment Subcommittee	June 21, 1990
Law Enforcement Subcommittee	July 17, 1990
Corrections/Treatment Subcommittee	July 19, 1990
Education Subcommittee	July 20, 1990
Law Enforcement Subcommittee	August 21, 1990
Education Subcommittee	August 22, 1990
Corrections/Treatment Subcommittee	August 23, 1990
Full Drug Task Force	October 17, 1990
Full Drug Task Force	November 14, 1990

V. Overview of Virginia's Drug Problem

Emmett A. Welch, II

Master of Arts Candidate, Political Science

University of Richmond

Introduction

The pervasiveness of the drug problem in the United States cannot be overstated. Substance abuse has a direct impact on families, schools, health care facilities, law enforcement agencies, courts and correctional institutions. The problems created by substance abuse strain national, state and local budgets. In 1989 in Virginia, there were more than 20,000 arrests for the sale, manufacture or possession of illegal drugs. Each year a growing number of "crack babies" are born to mothers addicted to crack cocaine. Drug-related criminal activities include gang violence, robbery and murder, and an increasing percentage of domestic violence is causally connected to substance abuse.

The number of drug abusers in the United States has been estimated at 27.8 million, and the estimated national population of drug trafficking offenders ranges from 2.6 million to 13 million, according to the 1990 Journal of Social, Political and Economic Studies. An effective anti-drug strategy must address all aspects of drug trafficking and drug abuse, giving particular attention to law enforcement, treatment and prevention education programs.

According to the Department of State Police, there were 12,305 arrests in Virginia for the sale, manufacture or possession of narcotics in Virginia in 1978. By 1988, 16,054 drug arrests had been made, an increase of 30.5 percent in ten years. In 1989, the Department of State Police reported that 20,293 drug arrests had been made, an increase of 26.4 percent in just one year. According to the Office of the Chief Medical Examiner in Virginia, cocaine caused about seven deaths per year in the state in the early 1980's; cocaine caused an average of 39 deaths per year from 1987 to June, 1989. The Medical Examiner's Office cites an increase in opiate-related deaths in Virginia from 20 to 50 between 1987 and June, 1989.

Another alarming development is the increase in reported cases of AIDS (Acquired Immune Deficiency Syndrome) in Virginia since the first case was reported in 1982. In 1982, there were six reported cases of AIDS in Virginia; by 1986, that number had risen to 142. According to the Report on Senate Joint Resolution 90 (Senate Document No. 4, 1987), a report on AIDS by the Office of the Secretary of Health and Human Resources, persons who inject drugs such as cocaine or heroin and share needles with another person place themselves at a greatly increased risk of exposure to the deadly virus. The percent of AIDS cases in Virginia that attributed intravenous drug use as the major risk factor nearly doubled between 1987 and 1989, increasing from 7.7 percent to 15.15 percent of all cases.

A state-level drug control strategy that is comprehensive and effective requires the involvement and commitment of the private sector and all levels of national, state and local government. It must encompass prevention education designed for children, teachers, parents and persons convicted of drug offenses. Substance abuse treatment to help overcome addictions and chemical dependencies ideally should be available and affordable for all persons who need and can benefit from such intervention, particularly those persons in the criminal justice system. Law enforcement agencies at all levels should have the necessary tools to thwart drug trafficking and drug-related crimes.

An effective anti-drug program can be viewed as a three-legged table. The three legs of education, treatment and law enforcement must be equally strong to support the table top of a healthy, drug- and crime-free society. In turn, communities and the state must be fully invested and involved in all three interrelated aspects of drug control efforts to have a lasting impact on the drug abuse problem plaguing society today. Finally, Virginia must look beyond its own borders and ensure that the drug control efforts of our neighbors in West Virginia, Maryland, North Carolina, Tennessee and the District of Columbia are compatible with and in support of Virginia's strategy.

Many states, including Virginia, depend in large part on federal grants to fight the war on drugs. While federal assistance is welcome, states cannot expect or plan extensively on federal funds which may become more limited or even non-existent. In the near future, states will need to develop and sponsor more self-reliant programs to conduct drug control initiatives.

Law Enforcement

The primary responsibility of law enforcement in the war on drugs is to cut off the availability of illegal drugs on the "supply side" while education and treatment efforts have a chance to work on the "demand side." Illegal drugs still are readily available and inexpensive through street dealers, creating a serious temptation for addicts who are undergoing treatment or for youth who have not been taught sufficiently about the hazards of drug abuse. Comprehensive drug law enforcement requires federal, state and local agencies to work cooperatively to thwart drug trafficking and drug-related crimes. Additionally, state and local law enforcement authorities must coordinate their efforts with adjacent states. For instance, if a neighboring state has a more stringent drug law enforcement strategy, then Virginia could feel the spill-over effect of drug traffickers that leave the tougher state to re-direct their illegal drug trafficking activities toward a more permissive state.

Virginia already has some of the toughest state anti-drug laws in the country, and law enforcement agencies in the Commonwealth have been successful in cracking drug trafficking organizations. The end result has been loaded criminal court dockets and overcrowded correctional facilities. Law enforcement agencies will need to work even more closely with the courts, prosecutors, corrections and treatment providers to deal more efficiently and effectively with drug offenders.

Treatment

The Virginia Department of Corrections estimates that 70 percent of adults confined in Virginia correctional institutions used illicit drugs prior to incarceration. Reaching and successfully treating the criminal justice population with serious chemical dependency problems could go a long way toward reducing criminal recidivism and substance abuse relapse. Reducing criminal recidivism could have a direct impact on the severe prison and jail crowding problem experienced in the Commonwealth. However, treatment programs in correctional facilities are dependent on physical space, which presently is at a minimum in overcrowded prisons and jails across Virginia. As prison construction, alternatives to incarceration and earlier parole are employed to decrease the corrections population, more space will be available for conducting group therapy sessions and drug abuse assessments that are necessary components of drug treatment programs.

A serious problem is the lack of drug treatment programs designed specifically for young people. The impact of this deficiency is sorely felt by the Department of Youth and Family Services, which is seeking ways to bring youth-oriented drug abuse treatment programs to the state's learning centers and group homes. Drug treatment for youth in correctional facilities who struggle with addiction problems should help these young people break their dependencies on drugs, get their lives back on track and hopefully avoid involvement with the criminal justice systems as adults.

Affordability and availability of treatment are the major issues facing state and local corrections officials today. Additionally, state and federal funds for treatment programs for offenders are limited, which requires treatment providers and corrections officials to work together to provide the most cost-efficient and appropriate treatment to those offenders truly in need of help to battle their addictions.

Education

Drug education programs not only provide instruction about the hazards of drug abuse and how it affects the lives of others, but also assists persons with chemical dependencies to recognize the need for treatment and how to acquire appropriate care. A great number of cocaine abusers do not realize their need for treatment, and still refer to cocaine as a "recreational drug" devoid of serious side effects or addictive qualities. However, recent medical research indicates that prolonged use of cocaine produces a biochemical physical dependency that can physically alter brain tissue.

Children in particular need to know the facts about drug abuse; that using drugs can damage one's health irreversibly, and that possessing or distributing illegal drugs can result in criminal charges. Fortunately, there are many avenues of communication available for reaching children, including the classroom and television. Law enforcement officers, teachers and peer organizations can educate young people about drugs in school-based programs, youth organizations, community recreation and after-school programs and through church and social groups. An effective way to develop anti-drug attitudes and behaviors in children is to teach about alternatives to drug use through training in socialization, stress management and decision-making skills. The inescapable peer pressure to experiment with drugs can be reversed to become anti-drug peer pressure when children are taught to change their attitudes about drugs.

Media campaigns and educational programs that are televised into homes and schools can have a powerful impact on children and their parents. Parents who are drug abusers can learn about the dangers of drug abuse, and how their behaviors teach their children the wrong lessons about using drugs. Additionally, parents need to know how to recognize drug abuse problems in their children, and how to intervene successfully. Parent education also can be facilitated through parent-teacher, social and professional organizations utilizing the resources of state and local governments and law enforcement agencies.

Two appropriate populations for substance abuse education programs are persons in substance abuse treatment programs, and offenders in correctional facilities and community corrections programs. Education programs targeted for these groups need an added emphasis on how to avoid substance abuse relapse. Probation and parole officers need training in drug counseling to assist in educating probationers and parolees.

The Role of Communities

Community involvement and commitment is a vital component in the fight to eliminate drug abuse. Corporations, the media, public and private organization and citizen groups and individuals can work together to sponsor local education and treatment programs in the workplace, in the schools and at community centers. When a community looks the other way, it gives tacit approval to drug abuse, and creates a weak environment that fails to support law enforcement, treatment and education efforts. Local CADRE groups, private business initiatives and leadership by local government and civic leaders can invigorate the efforts of a community to create an atmosphere of wellness and drug abuse intolerance for its citizens.

Virginia's Anti-Drug Efforts

Virginia has been tackling the problems of drug trafficking, abuse and drug-related crime for many years. In the mid-1970's, the Joint Legislative Subcommittee on Alcohol and Drug Abuse produced The Substance Abuse Report, a compendium of articles and works from newspapers and periodicals around the United States. In its 1977 report to the General Assembly, the Subcommittee reported passage of House Joint Resolution 186 that requested the Virginia Department of Education to develop programs for alcohol and drug education workshops for local school divisions. Thirteen years later, the Department of Education reports that, of the 134 school divisions in Virginia, more than 100 indicated a critical need for additional support and assistance from parents, and additional funding for alcohol and other drug prevention programs and activities for youth.

In 1983, the Governor's War on Drugs Task Force began formulating its drug control plans, under the leadership of Governor Charles S. Robb. The task force determined then that its focus should be on children and youth, and recommended that parent and community involvement be encouraged. The task force also recommended training for teachers in the effects of drugs, drug-related violence, the role and availability of treatment, and peer pressure and self respect curricula. Further recommendations included enhanced training for county and municipal law enforcement officers and using the proceeds from forfeitures of drug traffickers' assets for law enforcement purposes and increased controls on the dispensing of prescription drugs.

The potential spread of AIDS related to drug abuse, the concern about the introduction of more dangerous drugs such as "ice" into the drug culture and the prison and jail overcrowding situation in Virginia are just some of the reasons for the increased attention being given to drug control efforts in Virginia. In 1990, not only are the Virginia State Crime Commission and General Assembly determined in their efforts to develop a comprehensive and coordinated drug control strategy for the state, Governor L. Douglas Wilder has made drug control a top priority of his administration.

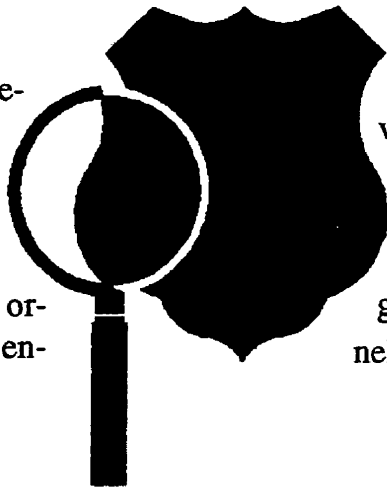
Senate Joint Resolution 144 (1989) directed the Virginia State Crime Commission to develop a legislative drug strategy that was both comprehensive and coordinated all aspects of drug control. Additionally, Governor Wilder has directed the Governor's Council on Alcohol and Drug Abuse Problems, with the assistance of the Governor's Drug Policy Office and key state agencies, to develop a Governor's Drug Strategy. The Crime Commission Drug Study Task Force has worked closely with the Office of the

Governor to ensure that drug control efforts undertaken in 1990 and in the coming years by the General Assembly and the Governor avoid duplication of effort and best utilize state and local resources.

The key to success in winning the war on drugs in Virginia is development of coordinated, efficient and effective strategies that are supported and directed from the highest levels of state government. Leadership from the Offices of the Governor, Lieutenant Governor and Attorney General, as well as the membership of the General Assembly, is critical to ensure that Virginia's limited resources are directed to the most appropriate programs and initiatives. Open communication and a willingness to work hand-in-hand on drug control efforts must continue between the executive and legislative branches of Virginia's government to guarantee that the Commonwealth of Virginia provides a drug-free environment for future generations.

REPORT OF THE LAW ENFORCEMENT SUBCOMMITTEE

Illegal drug trafficking and drug-related crime are among the most difficult and dangerous criminal activities facing law enforcement agencies today. Drug trafficking often resembles highly-developed organized crime and requires law en-



forcement to have sophisticated investigative information, equipment and training. Local, state and federal agencies are joining forces to improve interdiction efforts in Virginia in light of budget and personnel limitations.

The Law Enforcement Subcommittee established four major goals to improve drug law enforcement:

- Goal I.** Encourage local, state and federal agencies to combine efforts through multi-jurisdictional initiatives;
- Goal II.** Provide training, manpower and equipment to law enforcement agencies to expand drug enforcement;
- Goal III.** Improve investigative information and intelligence gathering and sharing among law enforcement agencies; and
- Goal IV.** Study drug-related crime to identify needed legislation.
-
-

Goal I: Encourage local, state, and federal agencies to combine efforts through multi-jurisdictional initiatives.

Activity A: Provide state-level technical support for multi-jurisdictional task forces.

The Virginia State Police, in conjunction with the Crime Commission staff, conducted a working conference for the state's local multi-jurisdictional task forces. The conference was well-received by the participants, and the State Police plan to conduct similar quarterly meetings to provide assistance to the task forces. The Law Enforcement subcommittee approved the quarterly meeting proposal, endorsed the State Police effort to seek funding for additional Virginia Criminal Intelligence Network (VCIN) terminals for the task forces, approved State Police studies of task force manpower needs and cross-checking of firearms purchases, and agreed that the Virginia Narcotics Pointer Index (VNPI) System should be upgraded. Additionally, the Law Enforcement subcommittee approved proposed legislation to exclude defense attorneys from multi-jurisdictional grand jury proceedings and to expand grand jury authority to include indictment for perjury and violation of money laundering statutes.

One of the factors limiting effective drug law enforcement is the jurisdictional limitations placed upon police agencies, whereas drug traffickers operate in many areas within a state and across state and international borders. Another problem encountered is the hesitancy of some law enforcement agencies to share information and cooperate with one another.

Several years ago, to overcome these handicaps, the federal government established multi-jurisdictional task forces in many sections of the country. These task forces, comprised of representatives from local and state law enforcement agencies, allow adjacent cities and counties to work together to investigate and arrest drug offenders.

The multi-jurisdictional task force is one of Virginia law enforcement's most potent strategic offensive weapons in the battle against drug trafficking, use and abuse. Enhanced by a multi-jurisdic-

tional grand jury, it is the most powerful investigative tool Virginia law enforcement has in its arsenal today. By way of these task forces, Virginia law enforcement agencies are uniting in a common effort to combat the public's number one crime problem — drugs.

The Department of State Police, Bureau of Criminal Investigation (BCI) was charged with the responsibility of organizing a meeting of task force representatives. As a result, BCI arranged a workshop, co-hosted by the State Crime Commission, which included representatives from each of the multi-jurisdictional task forces currently operating across the Commonwealth.

At the workshop, all meeting participants were separated into their respective operational groups — Command, Coordinator and Investigator — to address three basic areas:

- Intelligence gathering and information sharing by the task forces
- Identification of drug law violators by task forces
- Investigation and prosecution of drug law violators

As a result of this process, three major areas of concern became apparent.

- Insufficient funding for essential manpower:
Law enforcement officers for investigative staffing
Regional prosecutors available to handle task force cases
- Lack of adequate funding for necessary equipment such as:
Surveillance equipment
Computer technology
Radio communications devices
- Absence of mechanisms to collect, develop and share intelligence such as:
Computer networking database programs
VCIN/VNPI availability
Regularly scheduled regional/state meetings for task force participants

It is critical that the State Police continue to make this effort a top priority. To

accomplish this, it is imperative that the State Police continue their leadership role not only in expanding their efforts to create more multi-jurisdictional task forces in Virginia but also in nurturing, strengthening and supporting existing ones. To attain this goal, the following recommendations were approved by the Law Enforcement subcommittee:

Recommendation #1: The Virginia State Police should hold a quarterly meeting of task force coordinators, investigators and heads of local participating agencies.

Recommendation #2: The Virginia Narcotics Pointer Index System (VNPI) should be expanded to provide better criminal intelligence resources for local law enforcement.

Recommendation #3: The Virginia State Police should seek funding to provide Virginia Criminal Intelligence Network (VCIN) terminals for each multi-jurisdictional task force.

Recommendation #4: The Virginia State Police should develop a method to cross-check purchase of weapons through the Firearms Transaction Program.

Recommendation #5: The Virginia State Police should study the manpower needs of each multi-jurisdictional task force and report findings and recommendations to the State Crime Commission by September, 1991.

Recommendation #6: The Virginia State Police should develop a priority evaluation system for task forces.

Recommendation #7: The Virginia State Police should research forfeited vehicle sharing for undercover operations, and report findings and recommendations to the State Crime Commission by September, 1991.

Recommendation #8: Legislation should be considered to expand multi-jurisdictional grand jury authority to allow indictment for perjury.

Activity B: Provide funding support for maintenance and expansion of multi-jurisdictional task forces.

In 1988, funding was first made available to states through the federal Anti-Drug Abuse Act to establish multi-jurisdictional task forces. In the same year, the Virginia General Assembly authorized 44 additional positions for the Department of State Police to enhance drug law enforcement; however, there was no accompanying appropriation.

In 1988, the Virginia State Police applied to the Department of Criminal Justice Services (DCJS) for a grant to establish ten multi-jurisdictional task forces. The grant was approved in the amount of \$2,431,238. Since then, the grant has been renewed each year. The maximum duration for such grants is four years; funding for the ten State Police multi-jurisdictional task forces, therefore, will terminate effective June 30, 1991.

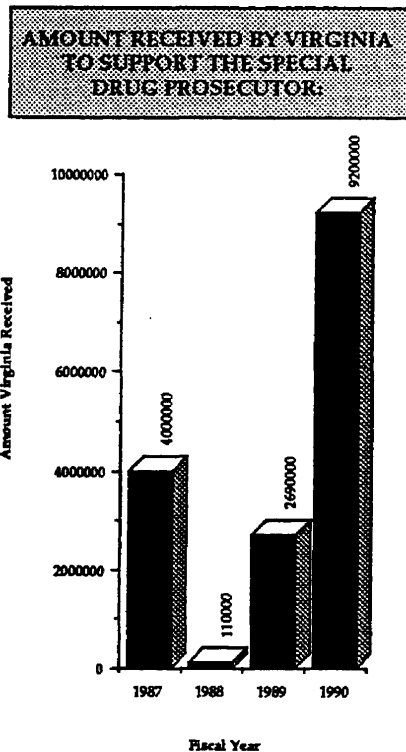
In order to foster cooperation and provide additional services to local jurisdictions, the Virginia State Police have created six additional non-federally funded multi-jurisdictional task forces. The local jurisdictions participating in the task force program do not receive funding for their operation. To address this problem, DCJS, through grants to local jurisdictions, has funded personnel and equipment in ten localities that participate in multi-jurisdictional task forces.

The Virginia State Police also have developed a Memorandum of Understanding (MOU) which extends State Police authority to all members of the multi-jurisdictional task forces. In addition, efforts are being made to establish MOU's with law enforcement agencies of neighboring states to encourage joint efforts.

Considerable progress has been made in Virginia to establish federally funded multi-jurisdictional task forces, grand juries and special prosecutors to litigate cases in more than one jurisdiction. Federal guidelines limit funding for any one program to four years; Virginia's funding eligibility for multi-jurisdictional task forces expires in June, 1991.

Recommendation #9: The State Crime Commission should encourage localities to provide funding and manpower support to continue those task forces that have been successful and that no longer qualify for federal grant assistance.

Recommendation #10: The Department of Criminal Justice Services should continue to support the multi-jurisdictional task force approach by providing federal grant funds to establish new task forces where needed.



Activity C: Seek funding for and support of special multi-jurisdictional drug prosecutors and grand juries.

Federal funds presently support five special drug prosecutors; this funding expires June 30, 1991. The General Assembly appropriated support funds for the five existing special prosecutors. Additionally, the Department of Criminal Justice Services (DCJS) has earmarked federal funds for two new special prosecutors. The Department can use new federal funds for new special prosecutor programs, but the original five have received their maximum four years of federal funding support. At the August meeting, the Law Enforcement subcommittee recommended that the Crime Commission study funding of assistant Commonwealth's Attorneys and special prosecutors.

One of the federal financial aid programs authorized by the federal Anti-Drug Abuse Act is known as the Narcotics Control and System Improvement Program. Each year since the program's inception, Virginia has received a block grant of federal funds which the State, through DCJS, has used to make grants to state agencies and localities.

Among the constraints attached to the grant funds is the requirement that federal dollars may be used to pay a maximum of 75 percent of the cost of any grant-funded project; the remaining 25 percent must be provided in cash by the grant recipient.

- For federal fiscal year (FFY) 1987, Virginia received just over \$4 million
- In FFY 1988, the Commonwealth received \$1.1 million
- In FFY 1989, the amount was \$2.69 million
- For the current year, FFY 1990, the Commonwealth has received \$9.2 million

This program has been the source of the federal funds used to support the regional special drug prosecutors

- DCJS has provided a total of \$886,810 in grant funds to the Commonwealth's Attorneys' Services and Training Council to support five regional special drug prosecutors
- From FFY 1990 funds, DCJS has awarded the Council \$494,000 to continue the five existing special prosecutors and \$186,667 to establish two additional special prosecutors

The General Assembly provides a general fund appropriation each year for use in meeting the match requirement for grants to state agencies; however, localities must provide matching funds from their own resources. Since funding for special prosecutors has been provided through the Commonwealth's Attorneys' Services and Training Council, a state agency, the state has been able to use

general funds to match the federal dollars, thus relieving the participating localities of the need to provide matching funds.

The legislature appropriated state funds to replace the lapsed federal funding for the five prosecutors beginning with the second year of the 1990-1992 biennium; however, preliminary analysis indicates that approximately \$118,000 in additional funds will be needed to maintain the project at its current level. Additionally, DCJS has granted federal funds for two new special prosecutor programs.

Recommendation #11: The State Crime Commission staff should study funding of assistant Commonwealth's Attorneys and special prosecutors, and report findings and recommendations to the Crime Commission by September, 1991.

Goal II: Provide training, manpower and equipment to law enforcement agencies to expand drug enforcement capabilities.

Activity A: Improve drug identification training for local law enforcement officers.

New curricula have been developed by the Departments of Criminal Justice Services (DCJS) and Virginia State Police (VSP) for training through the regional training programs of local law enforcement officers.

With the emphasis that has been placed on drug enforcement in recent years, DCJS has steadily increased training efforts in this area. Initially, performance-based minimum training standards were adopted for entry-level law enforcement officers. Enforcement of narcotics and dangerous drug laws was included in the law enforcement entry-level course work. By 1987, the demand for drug-related training had increased to the point that a part-time drug coordinator position was added to the DCJS Training and Standards staff to develop and coordinate special drug enforcement schools. Utilizing federal grant funds, seven drug-related schools were offered between October 1988 and September 1989. Demand for training increased as a result

of these schools, and a second part-time drug coordinator was added in the summer of 1989. Three additional schools were added to the 1989-90 schedule.

Realizing that drug-related training would continue to expand, a full-time drug program manager position was added to the 1990-91 anti-drug grant. The new drug program manager will be responsible for coordinating the development and implementation of DCJS drug training efforts and reviewing current basic training model lesson plans on narcotics. In addition, a survey will be conducted to solicit recommendations from the academy directors and their instructors on what should be included in entry-level drug enforcement training. The objective will be to look at both the legal and enforcement aspects of drug training and determine if and where additional training may be needed. Once this is ascertained, performance objectives and model lesson plans will be modified accordingly.

In addition, DCJS and VSP have established a mutually supportive effort to enhance drug training efforts. Additional initiatives call for DCJS to develop curricula and lesson plans and to disseminate these to the state's criminal justice academies. VSP will review the developed lesson plans for accuracy and completeness and provide instructors to the academies for lesson plan implementation.

Training in narcotics and dangerous drugs laws was incorporated in the compulsory minimum training standards for entry-level law enforcement officers adopted in 1971. Based on a job task analysis completed in 1981, these standards were revised to reflect performance-based objectives in 1983. These objectives are the basis for current entry-level training. The current training objectives have not been revalidated since adoption in 1983. Current entry-level drug training consists of developing a working knowledge of the laws regarding controlled substances. Additional training is provided in recognition of the general characteristics of various drugs. While entry-level training is performance-based and without time constraints, the average amount of time spent on the topic of narcotics by the various training academies is 7.5

hours. No specific training is provided for entry-level officers in conducting drug investigations.

Additionally, VSP recently conducted an instructor development school. Twenty-five troopers were trained to deliver a variety of drug-related courses. Each trooper has one primary subject area in which he/she would instruct and one secondary topic area. This will ensure that there will always be a backup for each subject. These newly-trained instructors will be made available to all criminal justice training academies to conduct drug training throughout the Commonwealth.

The courses planned for 1990-91 include:

- three Drug Diversion Schools
- three Drug Investigators Courses
- two Supervision/Management of Drug Investigations Schools
- one Substance Abuse Seminar for Campus Police
- one Undercover Officer Training Course
- eight Drug Investigations for Uniformed Officer Schools
- two Drug Investigations for Patrol Officers
- one Middle Management Course
- one Drug Instructors Course

Utilizing the drug program manager position, course objectives and lesson plans will be revised or developed as needed and distributed to all criminal justice training academies. VSP will provide instructors to teach these drug schools for the academies. In addition, another contingent of instructors is being trained to supplement the already existing cadre of instructors. As a result, DCJS will be less dependent on FBI, DEA or expensive contract instructors. The thrust is changing from offering specialized schools through DCJS to supplying lesson plans and instructors to the academies. DCJS will continue to sponsor some drug schools; however, in many cases, the Department plans to supply the lesson plans and instructors necessary for the academies to operate the schools.

Recommendation: None

Activity B: Improve investigative and undercover training.

New curricula have been developed by the Departments of Criminal Justice Services (DCJS) and Virginia State Police (VSP) for training through the regional training programs of local law enforcement officers.

Undercover operations have long been associated with enforcement activities especially in matters concerning vice, corruption, drugs and organized activities commonly associated with these criminal acts. Undercover techniques may be used when open investigations are unable to produce the essential information or evidence necessary to support prosecution, or to reduce investigative time and money. The ability to penetrate an illegal operation and the safety of personnel involved requires detailed planning, a workable selection process, training/orientation, continual monitoring and a strategy for termination.

DCJS has offered various training programs relating to drug recognition and enforcement, including undercover activity, for criminal justice personnel commencing with entry-level law enforcement training and continuing with in-service and specialized courses.

Currently, the Criminal Justice Services Board mandates rules relating to compulsory minimum training standards for undercover investigative officers. These rules are applicable to law enforcement officers who have not satisfactorily completed the standards for law enforcement officers promulgated by the Criminal Justice Services Board and who are by necessity assigned to work as undercover officers. All material presented in this course is included in the basic minimum training for all law enforcement officers. It is not a course directed solely at drug undercover work but is applicable to all types of undercover assignments.

A limited survey of local, state and federal agencies revealed that the training for officers going undercover is not structured classroom training. It is, for the most part, informal training supported by guidelines delivered in a one-on-one session. The areas of concentration in-

clude selection, physical examination, drug testing, psychological testing, operation directives, policy guidelines, and practical and legal applications to drug investigations. The training stresses teamwork and accountability between the undercover officer, the contact or control officer and the supervisor. Training is generally handled by the supervisor or drug commander. Some jurisdictions include the Commonwealth Attorney's office in the training. Undercover personnel are also given various degrees of on-the-job training.

Undercover training lesson plans will be prepared by DCJS, VSP, and the Bureau of Forensic Science (BFS) with input and assistance solicited from the Office of the Attorney General, Commonwealth Attorneys, DEA, FBI, local police and sheriffs' departments and others. This and other related programs are in various stages of completion and are being funded from limited but annually renewable federal anti-drug grants.

The following recommendations are being implemented pursuant to the request of the Drug Study Task Force:

Recommendation #12: The Department of Criminal Justice Services, the Virginia State Police-Bureau of Criminal Investigation, and the Division of Forensic Science, with input and assistance from the Office of the Attorney General and police and sheriffs' departments, should prepare up-to-date lesson plans, supporting training aids and practical application exercises for undercover officers, contact and supervisory personnel.

Recommendation #13: The Department of Criminal Justice Services, in conjunction with the State Police, should identify and train the necessary instructional staff to be able to provide local law enforcement agencies with advanced undercover training.

Recommendation #14: Under the direction of the State Police, the Department of Criminal Justice Services should conduct a pilot school for law enforcement agencies and multi-jurisdictional task force members who need immediate undercover training.

Recommendation #15: The Department of Criminal Justice Services should reassess the curriculum and delivery of training after completion of the pilot school and amend the program as needed.

Recommendation #16: State funding for continuation of the law enforcement undercover training programs should be sought by DCJS upon termination of the federal grant.

Activity C: Equipment resources and needs should be surveyed and equipment needs addressed.

The State Crime Commission contracted with Radford University to survey resources and identify needs for investigative equipment within local law enforcement agencies. All Virginia police departments and sheriff's offices were surveyed; the data support the expenditure of federal funds mandated by the 1990 General Assembly for \$440,000 to purchase surveillance vans for local law enforcement agencies to use in drug investigations.

Pursuant to the recommendation of the State Crime Commission, a grant of federal funds was issued by the Department of Criminal Justice Services (DCJS) to provide 6 specially-equipped surveillance vans. The vans will be purchased by the Virginia State Police and placed in six divisional headquarters for local agencies to borrow for drug investigations. The vans will be maintained and serviced by State Police technicians who will provide assistance to local law enforcement in the use of the vans and the equipment. The Virginia State Police, with the cooperation of the State Sheriffs' Association and Chiefs of Police, devised guidelines for the use of the vans by local agencies.

A federal grant was submitted through DCJS under an anti-drug grant program. The grant requested \$440,000 to purchase eight vans equipped with state police radios and "SIRS" radios and provide for maintenance, liability insurance, and training. The request was subsequently approved for the purchase of six fully equipped vans and three surveillance technicians to support them. According to results from the Drug En-

forcement Resources and Manpower Survey, the large agencies' top three equipment needs are information "buy" money, surveillance vans and tracking devices. The medium agencies' top three needs are night vision equipment, car phones and remote listening devices. The small agencies' top equipment needs are night vision equipment, remote listening devices and body mikes. These findings further support the need for surveillance vans for local law enforcement agencies.

In conclusion, the availability of surveillance vans to local agencies for drug enforcement should prove to be an invaluable tool. These vans, when fully equipped, will provide a self-contained surveillance vehicle which will enable surveillance of a suspect, afford security for undercover officers and serve as an evidence collection unit for audio and visual tapes.

Recommendation: None.

Activity D: Provide sufficient law enforcement sheriff's deputies to carry out drug law enforcement.

The State Crime Commission has developed a proposed staffing formula for sheriff's deputies designed to address the contemporary law enforcement needs of sheriffs. The proposed staffing formula would allow one deputy for every 1500 population, rather than the present formula of one deputy per 2000 population.

The Commission, having heard testimony since 1988 from sheriffs and deputies, determined that many rural and some suburban counties were insufficiently staffed in the law enforcement function. The Virginia State Sheriffs' Association conducted a survey and found virtually all counties with police departments in Virginia had staffing ratios below one to 1500. A preliminary examination of national and regional data from the Bureau of Justice Statistics by Commission staff determined the average ratio for suburban areas was one to 692 and for counties was one to 597.

The Commission's goal was to ensure the safety of citizens of the Commonwealth through reasonable and adequate staffing levels in suburban and rural areas, in which sheriffs provide primary law

enforcement services. This goal has become especially significant in the context of the drug problem and the increasingly violent nature of criminals.

House Bill 691 (Delegate Alson Smith) and Senate Bill 355 (Senator R. J. Holland), introduced in the 1990 Session, proposed to increase the number of law enforcement deputy sheriffs by reducing the ratio from one deputy to 2000 to one deputy per 1500 population. The Commission staff testified before the Senate Finance Committee during 1990 Session in support of SB 355. Both bills were carried over to the 1991 Session.

Senator Elmon Gray and Delegate Robert Ball introduced identical budget bill amendments to provide funding for 48 law enforcement sheriffs' deputies to operate the Drug Abuse Resistance Education (DARE) program in those localities where the sheriff provides law enforcement services. These amendments were not adopted.

Joint Legislative Audit and Review Commission Study of Staffing of Constitutional Officers

During 1989, in its study of the funding and staffing of constitutional officers, including sheriffs, the Joint Legislative Audit and Review Commission (JLARC) examined the workload standards and policies to be used in allocating positions to the constitutional officers; state and local funding participation; and methods of administration.

Specifically addressing sheriffs, JLARC collected and evaluated empirical data on full-time equivalent staff positions by the sheriffs' offices and considered how workload indicators such as population and a number of other variables (e.g., crime ratio, poverty ratio) correlated to the existing staffing levels. For law enforcement work, JLARC found that population was the workload indicator with the strongest relationship to the staff time expended. In the final analysis, JLARC used regression analysis to compare sheriffs' offices staffing and population as a workload indicator to determine which localities were over-staffed (above the line) or understaffed (below the line).

JLARC did not, however, perform a needs assessment for law enforcement staffing. The JLARC staffing formula is a mathematical equity adjustment mechanism to correct the current resource allocation to localities based upon empirical data. A needs assessment would delve deeper and consider how crime rates, land area, poverty, population and other factors affect the number of law enforcement officers needed to meet desired public safety standards.

JLARC made nine recommendations regarding the establishment of a formula-driven, monthly pre-payment funding distribution system for constitutional officers. The essence of these recommendations is encompassed in 1990 Senate Bill 248, introduced by Senator Hunter Andrews. This bill, carried over to the 1991 Session, will be the subject of an interim legislative study by a joint subcommittee of the Senate Finance and House Appropriations Committees. Senate Bill 248 proposes, among other things, to repeal §14.1-70 of the Code of Virginia, which provides for the one to 2000 ratio, and instead direct the State Compensation Board to develop staffing standards for the number and type of personnel for which state aid may be provided. Such standards would be proposed in the Governor's budget and reviewed by the General Assembly each year. SB 248 would provide the Compensation Board with the authority to develop any standard for proposal to the General Assembly.

Should Senate Bill 248 be adopted in its current form by the General Assembly and approved by the Governor, the Crime Commission could develop and recommend a model formula for law enforcement staffing. If SB 248 is not passed, the Commission could develop and recommend a revised staffing formula to be codified in §14.1-70 of the Code.

In conclusion, Virginia's ratio of one law enforcement deputy sheriff for every 2000 county residents, when compared to the national and regional figures provided by the Bureau of Justice Statistics, appears to be inadequate. Testimony from rural and suburban Virginia sheriffs and deputy sheriffs support this preliminary finding. Moreover, the formula has not been changed since 1973, when the

General Assembly statutorily incorporated the recommendations of the Crime Commission to Study the Compensation of Local Constitutional Officers. State Crime Commission staff conducted an exploratory survey to determine if a standardized law enforcement staffing formula had been developed in other states. ALEGISNET search, conversations with representatives of the National Sheriffs' Association, and discussions with legislative personnel from North Carolina, West Virginia, Maryland, Pennsylvania, California, and Connecticut indicated that few states statutorily limit the number of deputies a locality may hire, leaving that decision to the sheriff and the board of supervisors. Crime Commission staff were unable to find any formula driven staffing standard which had been developed based on a needs analysis. Although Virginia is the only state which uses a staffing formula for deputies, a national survey revealed that the average ratio is one to 700, which means the ratio of one to 1500 proposed by the Crime Commission staff would still leave staffing well below the national average.

Recommendation #17: The State Crime Commission should support a change in the deputy staffing formula to address the contemporary law enforcement needs of sheriffs.

Activity E: Address the difficult problem presented to drug law enforcement by low-income housing projects.

The Crime Prevention Center of the Department of Criminal Justice Services (DCJS) has prepared a training package for public housing directors to assist them in identifying drug trafficking problems in their projects and in working cooperatively with local law enforcement in interdiction and prevention efforts.

The Virginia Crime Prevention Center and the Virginia Crime Prevention Association (VCPA) have been cooperating with Virginia public housing officials since June 1988 to increase the crime prevention awareness of public housing officials and personnel and to improve the working relationship between law enforcement and public housing. The interest in public housing crime was stirred when the VCPA held a training session on the issue at its 1988 annual

conference. At that conference, the VCPA also adopted a resolution to examine crime in public housing and to offer crime prevention assistance to those localities with public housing.

Since June, 1988, several other major activities have taken place in this area. First, VCPA contacted the Virginia Association of Housing and Community Development Officials concerning their interest in public housing crime. As a result, a survey of law enforcement and public housing officials on crime and service issues was conducted. In addition, an eight-hour block of instruction on crime prevention was provided by DCJS and VCPA staff at the Virginia Association of Housing and Community Development Officials 1988 annual conference.

Furthermore, a crime prevention technical assistance and training proposal was submitted by the VCPA to the Virginia Department of Housing and Urban Development (HUD) office for public housing authorities in Virginia. However, this proposal is still under consideration by the Virginia HUD office.

In addition, VCPA sent notices to each of the 28 local public housing authorities advising them of the availability of technical assistance and training. A number of public housing authorities across the state responded and have received assistance.

Finally, meetings have been held among DCJS, the Council on Coordinating Prevention, Virginia HUD, VCPA and Hampton City police to discuss DCJS public housing initiatives and the pilot project entitled "Safe Neighborhoods." The success of this project should provide a working model for other communities to adopt in their housing projects. Additionally, this project requires a cooperative effort between law enforcement and housing directors, and is the project mentioned above to which the Office of the Governor has provided federal grant funds.

To fulfill the Crime Commission's recommendation on crime in public housing, the following activities are being managed by the DCJS Crime Prevention Center:

- DCJS has developed new grant guidelines which emphasize anti-crime/drug proposals for public housing.
- The Department has employed a crime analyst to conduct an analysis of crime in 28 public housing authorities and prepare a report of the findings.
- DCJS has contracted with the VCPA to provide on-site crime prevention technical assistance and training. These services are and will continue to be offered to public housing authorities to supplement services offered by the Council on Coordinating Prevention.
- DCJS also entered into a Memorandum of Understanding with Virginia Commonwealth University (VCU) in October, 1989 using the 1988 anti-drug grant as a funding source. This agreement requires VCU to develop comprehensive guidelines for crime control planning, to organize an advisory group to assist in developing the guidelines, and to conduct two training seminars for teams of upper-level local government personnel to introduce them to the guidelines. The guidelines suggest extensive cooperation between public housing and law enforcement officials. Localities will be requested to send upper-management public housing personnel to two crime control planning seminars.

Additionally, the Virginia Council on Coordinating Prevention submitted a grant proposal for 1990 anti-drug funding. The grant proposes to employ a public housing crime prevention specialist to promote crime prevention in public housing. The grant was accepted by DCJS and became effective July 1, 1990. This grant will be utilized in part to employ a public housing crime prevention specialist. The Council will be responsible for organizing a public housing crime prevention advisory committee and conducting a survey of law enforcement and public housing to determine training and technical assistance needs.

The Council will also organize a technical assistance and training network and

provide technical assistance and training upon request to 28 localities with public housing authorities. In addition, the Council will develop and conduct four meetings of the public housing crime prevention advisory committee and two regional training conferences for housing and law enforcement. Furthermore, the Council will develop policy guides for crime prevention in public housing and distribute these guides to all public housing authorities and law enforcement agencies.

Recommendation: None.

Activity F: Promote the passage of the Constitutional amendment to allow drug assets to be seized and forfeited for law enforcement purposes.

Legislation to put the asset seizure issue (Constitutional amendment referendum) on the November, 1990 ballot was successful. The Crime Commission is working closely with the Office of the Governor, the Office of the Attorney General, and the Department of Criminal Justice Services to publicize the amendment and educate voters about its importance. Speeches have been written and distributed to members of the General Assembly, and personal appearances to discuss the amendment are being arranged.

Seizing assets from drug criminals is critical to the war on drugs, and Virginia has been a partner with federal authorities in this effort. The Commonwealth has benefitted from a procedure known as the federal equity sharing program which returns to local and state law enforcement proceeds derived from the forfeiture of cash and property seized from persons violating drug laws. Since 1986, this has amounted to more than \$5.5 million, serving to buy undercover cars, pay overtime for narcotics officers, pay informants, and as the "buy" money for undercover drug transactions. It benefits law enforcement statewide, yet can only be utilized when forfeitures are handled by federal authorities. Thus, the Constitutional amendment is sought to provide for return of assets to law enforcement when a seizure is handled in the state courts.

Recommendation #18: The State Crime Commission should support the passage of the Constitutional amendment to allow the proceeds from assets seized in drug cases to be returned to state law enforcement. (Note: The Constitutional amendment changing the state asset seizure and forfeiture process was adopted in the November, 1990 statewide general election.)

Activity G: Policy development and issue research should be conducted regarding drug policies for law enforcement agencies

The Department of Criminal Justice Services (DCJS) set the priority of developing a model drug testing policy for incorporation in the Virginia model manual of law enforcement policies, rules, and procedures. The policy has been drafted and circulated to several legal and procedural authorities for review and comment. The comments have been received, and DCJS staff is studying them for inclusion in the draft. According to the present plan, DCJS will distribute a policy manual updated package by October, 1990, which will include the model drug testing policy.

All relevant Virginia criminal statutes were considered in the development of the model policy; additionally, the model policy follows the constraints of §2.1-11.6 of the Code of Virginia which details procedural safeguards and guarantees for law enforcement officers. Finally, the policy will have to be adapted or revised by each locality in Virginia in light of applicable town or county personnel policies and hiring standards. The DCJS model policy was completed in draft form in December, 1988, but in view of pending Supreme Court cases (*Skinner v. Railway Labor Executives* and *National Treasury Employees v. Von Raab*), it was decided to withhold its issuance. The current model policy will be issued with a cover statement describing the court cases and their implications.

The development of the model policy was undertaken by a consultant to DCJS, in consultation with department staff. Following the drafting, DCJS analysts circulated the model policy to the Attorney General's Office, the American Civil

Liberties Union, the Division of Consolidated Laboratories, the National Law Enforcement Policy Center, the Office of Workplace Initiatives, U.S. Department of Health and Human Services, the state Department of Personnel and Training, and to a private practice attorney considered an expert in drug testing matters. All contributed comments and criticisms. DCJS analysts also examined other agencies' drug testing policies and current law regarding the same.

The policy recognizes that some citizens as well as law enforcement personnel use drugs, whether legally or illegally. However, the policy states that law enforcement departments will not tolerate employees' use of illegal drugs or the abuse of legally and commercially available drugs. Drug abuse is a medical condition. Consequently, employees should seek medical assistance if they perceive a problem. Similarly, supervisors should know the working habits of their subordinates in order to observe abnormalities in behavior that might indicate substance abuse. Supervisors bear a responsibility to their subordinates to instruct, guide, and counsel them, and to the department to ensure high standards of performance. Whenever possible, the department will help employees involved in drug abuse obtain medical assistance.

According to the model policy, the primary method for ensuring a drug-free workplace shall be the proper performance of duties under proper supervision. As one court has remarked, the department "does not have to rely on across-the-board drug tests . . . Information concerning drug problems can be acquired by physical observation of police officers, citizens' complaints, tips from other law enforcement agencies and other means."

The department, however, must maintain a professional image before the community and shall relieve from law enforcement duties — temporarily or permanently — those afflicted by substance abuse. Law enforcement officers who are drug abusers threaten the community; illegal drug use violates the law. Consequently, employees who experiment with or routinely use illegal drugs have no place in law enforcement. To

maintain the department's credibility and reputation, applicants shall undergo drug testing as part of a pre-employment physical examination. Further, routine scheduled physical examinations shall include drug testing. To protect the officer in cases of motor vehicle accidents causing severe injury or death in which the officer was a driver, or when the officer discharges a firearm causing injury or death, officers shall undergo testing for drugs and alcohol. In cases of suspected or confirmed drug use, the chief shall order an internal investigation. Most important, employees about whom the department has formulated a well-grounded, documented suspicion of illegal drug use (or abuse of legally available ones) shall submit to drug testing. However, including random testing upon reassignment or promotion merely creates an atmosphere of suspicion, poor morale, and decreased productivity. Therefore, the department shall not conduct such tests.

In summary, the purpose of the model policy is to offer guidelines to ensure an employee's drug-free status as a condition of employment, to ensure drug and alcohol tests are ordered for employees based on reasonable suspicion, and to provide procedures for drug/alcohol testing and the handling of cases of suspected drug use within the department.

Recommendation: None.

Goal III: Improve investigative information and intelligence sharing among law enforcement agencies.

Activity A: Improve on present methods for collecting and distributing law enforcement investigative information and intelligence.

The Virginia Narcotics Pointer Index System (VNPI) Advisory Board was revitalized and expanded to include representation by the Virginia State Sheriff's Association, Virginia Association of Chiefs of Police, Department of Criminal Justice Services and Commonwealth's Attorneys. The new Board devised a series of enhancements for the system and is developing ways to publicize the system to spur membership

growth and encourage its use. The Virginia State Police will expand their training efforts to ensure that all members can use the system properly. An additional proposal for a statewide Crime Information Center has been developed with a proposed budget request to better serve local law enforcement agencies' information needs.

The VNPI is an intelligence system designed to "point" or connect law enforcement officers/agencies with similar intelligence information needs so they can combine their known information and apply it to a specific investigation or narcotics organization. The database for this system is developed through member agencies entering their intelligence information into the system. As the database grows, the percentage of connecting officers/agencies also increases.

Modern narcotics traffickers operate through complex multi-jurisdictional, multi-state and multi-national organizations. One of the best tools available to law enforcement in identifying, tracking and investigating drug traffickers is a well-informed and coordinated intelligence community. Criminal intelligence can be used by police officers in conducting their smallest or most complex investigations with efficiency and purpose. A well-informed police community can greatly reduce duplication of enforcement efforts. This, in turn, develops a more efficient and effective use of law enforcement resources.

The Advisory Board convened several times to review national and state criminal intelligence programs presently available to Virginia law enforcement. The Board concluded that there is a sufficient number of existing intelligence programs available, directly or indirectly, to law enforcement agencies. It was further determined that the scope of intelligence information available from existing programs covered state, national and international intelligence.

Slow development of the VNPI database prompted the State Police to survey member agencies to determine problems resulting in its lack of use. Several factors were identified:

- difficulty in obtaining access to the VNPI System
- computer software and/or hardware often not compatible with the VNPI System
- difficulty in maintaining the confidentiality of information during access
- insufficient amount of information in response

Following the review of the State Police survey, the Advisory Board appointed a subcommittee to identify problems with the VNPI system and make recommendations for needed improvements. The stated objective of the subcommittee was to develop enhancements that would allow the VNPI to better serve law enforcement agencies in Virginia. The subcommittee determined that the VNPI was a sound and equitable intelligence system but felt enhancements were needed to allow the system to better serve member law enforcement agencies. After careful consideration, the Board voted to implement the following improvements:

- any entry into the system will also be an inquiry.

This is to alert the entering agency if the same person is already in the system entered by another agency. If the same name, sex and year of birth is not on file, the system will then determine if the same name and sex are on file with a year of birth within the range of six years. The agency which originally entered the record will be notified of the "hit."

- any "hit" in the system will alert the origin of the entry.

When an inquiring agency receives a "hit" on an on-line inquiry, the agency which entered the record will be automatically notified of the "hit."

- there will be a cross-check of indices on entry of name.

When a proper or alias name is entered into VNPI, the system will automatically query the state and national wanted/missing persons files.

- an agency contact person will be established to assist in getting the nec-

essary people together or obtaining available information.

This will reduce the time and effort required by another agency to contact the originating officer of information in the system.

- backup hard files will be established by each member agency.

This is to ensure that a hit on information by one agency will not prove unproductive because the originating officer is not available to answer questions.

- the "soundex" system (which is based on phonetics instead of exact spellings) will replace the exact match method.

This enhancement will change all name inquiries to base the hit criteria on a soundexing method rather than require the name on file to exactly match the inquiry name.

- the ability to modify/change the database will be updated.

The system will allow the entering agency to modify any other fields which currently require the complete record to be canceled and re-entered in order to correct the data.

In addition, the Board will be promoting VNPI system training at all state and regional police academies, special narcotics schools and supervisors' in-service school. The Board approved forwarding quarterly reports to each member agency showing the extent of their participation and agreed to visit those agencies with little or no activity to determine the reason and promote the system. Additionally, the Board voted unanimously to allow membership to federal law enforcement agencies in Virginia. Furthermore, the Board agreed to place additional emphasis on participation through discussion and program presentation at Virginia Sheriff's Association and Virginia Association of Chiefs of Police conferences.

Since the VNPI System was only one of the intelligence systems available to Virginia law enforcement, the Board also investigated other sources of intelligence to inventory intelligence sources and

identify the extent of intelligence accessing available to law enforcement. Also, the Board wanted to determine if a centralized accessing for these programs would be beneficial. The Board found that the various intelligence systems which extend beyond Virginia's borders are very fragmented and create a confusing web of information sources and that Virginia's criminal intelligence information network is underdeveloped and lacks coordination.

As a result, the VNPI Board and the Department of State Police are recommending a system to tap into these databases while centralizing the collection of data within Virginia and increasing the ability to provide accurate and timely intelligence information to other states and localities. The proposal calls for the establishment of a "Virginia Criminal Intelligence Center" (VCIC) within the Department of State Police. The Center will act as the central depository for all criminal intelligence information, support the VNPI, and assist local law enforcement agencies in submitting and accessing intelligence data.

The Crime Commission proposed a budget amendment of just over \$1 million to support a Center that will operate with two analysts on duty for 16 hours per day, seven days per week. Two secretaries and a special agent supervisor would also be required. A second special agent supervisor would coordinate field input of information from existing field personnel.

Since no federal grant or state general funds were available in 1990, Gov. Wilder designated funds from the Governor's 1990 Drug Summit budget set-aside to finance the VCIC from January 1, 1991 through June 30, 1991. At that time, the State Police will seek funding through federal grants to continue the Center.

Recommendation #19: A Virginia Criminal Intelligence Center (VCIC) should be established within the Department of State Police, utilizing funds from the Governor's 1990 Drug Summit budget set-aside and federal grants.

Activity B: Secure better access to drug-related health data to analyze drug use trends for law enforcement planning.

State Crime Commission staff, with assistance from the Department of Mental Health, Mental Retardation and Substance Abuse Services, Virginia Hospital Association, Virginia State Police and Virginia Board of Medicine, conducted a study of two major health data collection systems, Drug Use Forecasting System (DUFSS) and Drug Abuse Warning Network (DAWN).

Drug Use Forecasting System

The Drug Use Forecasting System (DUFSS), a project involving interviewing and drug testing of arrestees, was first used in New York City in 1987; by 1988, 20 major cities had entered the program. DUFSS is designed to provide each participating city with estimates of drug use among arrestees and information for detecting changes in drug use trends. The DUFSS program provides the country with the first objective measure of recent drug use in this deviant segment of the population. The information can be used to plan the allocation of law enforcement, treatment and prevention resources, as well as to gain an indication of the impact of local drug use reduction efforts.

DUFSS data are collected in central booking facilities throughout the United States. For approximately 14 consecutive evenings each quarter, trained local staff obtain voluntary and anonymous urine specimens and interviews from a new sample of arrestees. In each site, approximately 225 males are sampled per evening. At some of the sites, 100 female arrestees are also interviewed in an evening. Urine specimens are analyzed for ten drugs, including cocaine, opiates, marijuana, PCP, methadone, Valium, methaqualone, Darvon, barbiturates and amphetamines.

As a result of a 1988 study of Drug Testing of Arrestees conducted by the Virginia State Crime Commission, a pre-trial drug testing program (in effect the same as DUFSS) is being piloted in Roanoke using federal grant funds. The program began in November 1989 and will be evaluated by the Department of Criminal Justice Services.

Unfortunately, based upon Crime Commission research, the original DUFSS

program is very expensive to administer, and participation is limited to cities considerably larger than Richmond. It was, therefore, determined that a statewide DUFFS program is not appropriate for consideration by Virginia at this time. This is not to be construed as an evaluation of the State's initiative through the Roanoke pilot program.

Drug Abuse Warning Network

Crime Commission staff then turned its attention to the Drug Abuse Warning Network (DAWN) which is a large-scale, ongoing drug abuse data collection system. The National Institute on Drug Abuse (NIDA) is the federal agency responsible for collecting and analyzing DAWN data nationwide. Hospitals across the country participate in DAWN on a voluntary and anonymous basis by completing and returning to NIDA surveys concerning drug abuse episodes among emergency room patients. NIDA then publishes annual and semi-annual reports detailing the results of these surveys according to metropolitan area. For instance, these reports only include information from counties in Virginia which surround Norfolk and Washington, D.C.

The Crime Commission wrote to Senator John W. Warner requesting his assistance toward securing access to the information pertinent to Virginia collected through the DAWN surveys. Consequently, Senator Warner contacted NIDA on behalf of the Commission.

In response to Senator Warner's request, NIDA staff explained that, based on information from the American Hospital Association, there are about 83 Virginia hospitals (out of 5,400) in the DAWN population. Thus, due to the small State sample size and the clustering of this sample in the northern region of the State, estimates of levels and trends of drug abuse episodes cannot be generalized to any geographic region in Virginia or to the State as a whole.

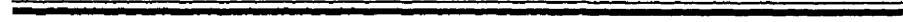
Recommendation #20: The State Crime Commission should continue its efforts toward securing access to drug related health data to detect trends in drug usage and assist in law enforcement planning.

Activity C: Conduct research on the ongoing ability of the forensics lab to handle its drug case load.

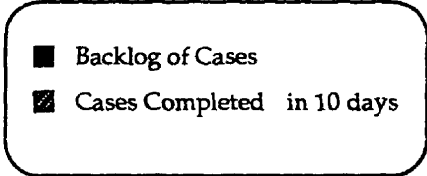
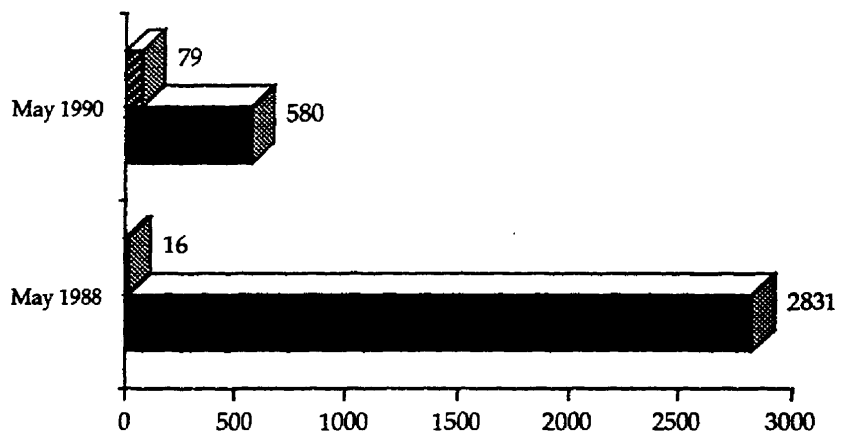
The state forensics labs have had great success in reducing their drug case loads. However, the physical plant space issue is a critical problem for the labs. At this time, a new lab is under construction in Roanoke. No recommendations were

information may then be disseminated to alert law enforcement agencies as to the availability of particular drugs, drugs of choice, and whether clandestine laboratories are operating in a given area.

Recommendation: None.



Backlog & Percentage of Cases Completed in May 1989 & 1990



presented to the Law Enforcement subcommittee on ways to address the labs' space needs.

In May 1989, the labs had a backlog of 2,831 cases. Only 16 percent of the cases were completed within ten working days. Due in large part to the addition of several full-time equivalent (FTE) positions, by May 1990, the backlog of cases had decreased to 580 cases with 79 percent completed within ten working days.

In addition, the lab information system is now part of a national program that recovers information regarding types of drugs by geographical location, quantity, concentration, and street value. This

Goal IV: Study drug-related crime to identify needed legislation

Activity A: Introduce joint trials legislation restricted to drug conspiracies.

Drug dealing rarely involves independent individuals. It has become an organized and violent criminal enterprise that in many cases involves several layers of personnel. As such, several members of a drug trade operation may be arrested and charged based on one set of operative facts and criminal overt acts. The separate trials of multiple defendants charged with drug crimes arising from the same set of operative facts can last for months or even more than a year, costing thousands of dollars and crowding court

dockets. Additionally, it is difficult to retain witnesses to testify at multiple trials taking place over a period of time. In at least two cases in Virginia, witnesses have been killed prior to testifying in drug trials. The increasingly violent nature of the drug trade has caused witnesses to be afraid to testify and has made it more difficult to convict subsequent defendants after the first defendant is tried. The burden on the courts, jails and prosecutors has become enormous. Furthermore, joinder of co-defendants in a drug conspiracy is allowed in the federal courts and in some other states.

During the 1990 General Assembly Session, Senator Johnny Joannou introduced Senate Bill 264 (carried over to the 1991 Session), which calls for an amendment to §18.2-256 of the Code of Virginia to allow for joint trials of drug conspirators. The purpose of Senate Bill 264 is to allow the Commonwealth to join co-defendants at trial for drug conspiracy when the Commonwealth can show that the rights of any defendant would not be unduly prejudiced. Following amendment by the Senate Courts Committee, the bill authorizes joint trials of persons charged with conspiracy to commit drug offenses, provided that the court finds that to do so would not constitute a manifest injustice to any defendant so tried. SB 264 requires an overt act in furtherance of the objective crime to establish a conspiracy. The final requirement of SB 264 is that the charges must arise out of contemporaneous and related acts or occurrences. SB 264 passed the Senate unanimously and was carried over by the House Courts of Justice Committee.

Virginia gives the statutory right to separate trial by jury to any defendant who requests it. The common law rule, which has been incorporated by statute in many other states, is that the question of separate trials lies within the sound discretion of the trial court. The issue of joint or separate trials is raised most often in criminal conspiracy cases, which these days primarily are drug trafficking operations. The concerns to be balanced by the courts are the defendant's Sixth Amendment right to confrontation through cross-examination against the desire for judicial economy. Also to be considered is the likelihood that joinder

will prejudice the defendant's right to a fair trial.

In states that leave the issue of severance or joinder up to the court, the following factors have been overwhelmingly considered not to be grounds for separate trials of co-conspirators:

- number of defendants
- reduced number of peremptory challenges to jurors for each defendant
- likelihood for acquittal with a separate trial
- the complexity of the charges
- varied weight of the evidence as to each defendant
- defendant's claim that he is unduly burdened by the expense or inconvenience associated with a joint trial
- difference in the degree of guilt or notoriety of each defendant

Separate trials may be granted by the court when the defenses of the separate co-conspirators are antagonistic or mutually exclusive.

Joint trials are helpful in promoting judicial economy and in moving related cases based on the same pool of evidence through the court dockets, particularly during a time when drug cases are clogging the courts at the expense of civil litigation. As a result, joint trials in Virginia for drug conspiracies are tried almost exclusively in the federal courts, where drug cases occupy a heavy portion of the docket. In the 1980's, federal court criminal caseloads involving drug cases rose 229 percent, and now account for 44 percent of the trial docket and 50 percent of all criminal appeals. As crime legislation becomes more stringent, this percentage is likely to rise higher.

The classic example supporting the argument for joint trials is the criminal conspiracy. Many courts have supported joint trials for persons jointly indicted when the indictment charges a conspiracy or a crime that may be proved against all of the defendants by the same evidence, and which results from the same or similar series of acts. In these cases, severance may be denied in the absence of a clear showing of prejudice by the defendant.

The advantage of a joint trial is the avoidance of a series of trials that necessitate a large expenditure of time and money. The burden is on the defendant to show that joinder would deny him a fair trial. In the case of a conspiracy, many states have held the defendant to a showing of exceptional circumstances to achieve severance.

Judicial economy is one reason for streamlining the criminal trial process. The multiple jury procedure also spares the crime victim or witness from the stress and potential danger involved in testifying at a series of trials.

Recommendation #21: The State Crime Commission should support joint trials legislation in the 1991 General Assembly Session as amended by the Law Enforcement subcommittee.

Activity B: Study the federal kingpin statute as a model for Virginia.

The State Crime Commission staff researched the federal drug kingpin statute, more appropriately known as the Continuing Criminal Enterprise statute, as a potential model for devising an organized crime statute for Virginia. The definition of "drug kingpin" within the federal statute was considered by the Law Enforcement subcommittee as a way to more strictly limit the joint trials bill carried over in the 1990 session.

The federal drug kingpin statute, 21 U.S.C. 848, the Continuing Criminal Enterprise statute, was enacted by Congress as part of the Comprehensive Drug Abuse Prevention and Control Act of 1970 to create enhanced penalties for any person who plays a leadership role in a drug trafficking organization.

As defined in the federal statute, a "kingpin" is one who manages, supervises or organizes others with the proviso that there be at least five other persons under his authority. To meet the Continuing Criminal Enterprise element, there must be at least three drug offenses committed and substantial income must be derived from the operation.

The penalty for a first conviction is a minimum/mandatory sentence of 20 years to life, forfeiture of assets, and a

fine of up to \$10,000. For a second conviction, the penalty is the same except that the fine is increased to up to \$200,000. Furthermore, if aggravated murder occurs, it is possible to receive the death penalty under this statute.

The two-fold Congressional purpose of the present statute is to harshly punish organized drug traffickers harshly and deter future criminal enterprise. The minimum/mandatory sentence was intended to deter drug trafficking, to keep traffickers out of circulation, and to remove the court's and parole board's discretionary powers.

The forfeiture provision was designed to break the economic base of a trafficking operation and to prohibit or limit the ability of other members to take over.

There are several elements of proof to the drug kingpin offense.

- There must be a felony violation of the Comprehensive Drug Abuse Prevention and Control Act

The act does not have to be committed by the defendant; conspiracy to commit such an act is sufficient. According to case interpretation, when the conspiracy is charged and proven, the defendant (kingpin) is responsible for substantive acts by a co-conspirator or subordinate.

- There must be a continuing series of violations

According to U.S. v. Collier, violations must, "remain in existence or effect, subsisting for a definite period of time." Concern was raised that this language was too vague to be enforceable; therefore, the Collier court devised the "rule of three" which requires a series of at least three violations and is now the recognized standard.

- The act must be committed in concert with five others

This has been interpreted by the courts to mean proof of agreement among the kingpin and each of the five or more other persons. In each case, the agreement must be of the

kind necessary to establish a conspiracy, either directly or circumstantially.

- There must be evidence of substantial income or resources

Congress did not tightly define this area; therefore, there is nowhere in the statute or in case law that dictates a minimum amount of income or resources. However, case law has interpreted this as cash flow or gross receipts and not net income.

- The quantity of the drug is not relevant, nor an element of the offense

This statute was designed to reach not only the massive international drug smuggling operations, but smaller, single efforts to import and distribute.

To date, the unique sentencing provisions of the statute (no suspension of sentence, no parole) have been upheld by the courts. Even though there have been constitutional challenges to the denial of parole, the courts have ruled that parole is dependent upon the sentencing authority and statute, and is not constitutionally guaranteed.

Crime Commission staff drafted a proposed drug kingpin statute which defines "drug kingpin" as a person who occupies a position of organizer, supervisor, financier, or manager as a co-conspirator in a conspiracy to manufacture, distribute, dispense, bring into or transport in the state, Schedule I or II controlled substances as classified in the Drug Control Act. According to the proposal, considered by the Law Enforcement subcommittee, a drug kingpin would be guilty of a felony and subject to imprisonment for not less than 20 nor more than 40 years (without the possibility of suspension or parole before the minimum term of 20 years) and to a fine of not more than \$1 million.

If Virginia were to pass legislation to allow joint trials in drug conspiracies, a kingpin or Continuing Criminal Enterprise bill might be a natural successor. However, if Virginia continues to rely on the federal court to try its tougher drug organization cases, then such a state statute would be unnecessary. Obviously, a kingpin statute could be enacted in Virginia without the availability of joint trials in state courts.

ute would be unnecessary. Obviously, a kingpin statute could be enacted in Virginia without the availability of joint trials in state courts.

Recommendation #22: The State Crime Commission should amend its joint trials bill (SB 264) to allow for persons described as drug kingpins to be tried as codefendants when appropriate.

Activity C: Conduct research on the status of youth gangs in Virginia.

Youth gangs were studied by the Law Enforcement subcommittee. The Crime Commission staff conducted a survey of local law enforcement agencies to assess the problem in Virginia and learned that Virginia does not have a statewide youth gang problem, but selected communities did report gang activities. The staff suggests that the subcommittee recommend the Governor's Council on Alcohol and Drug Abuse Problems consider the youth gang factor in directing its emergency grant funds to high-need communities.

For the purposes of this study, "gang" refers to juveniles and/or adults associating together for serious, especially violent and frequently drug-related, criminal behavior with territorial ("turf") interests.

Youth gangs commonly consist of a group of individuals, mostly males, between the ages of fourteen and twenty-four years. They are most frequently organized along ethnic lines and comprised of Asian, Black, Hispanic, or white groups. The strongest or boldest member serves as its leader, and the gang has a name and claims a particular territory or "turf." Furthermore, the gang's criminal activity is directed toward rival gangs as well as the general population.

The structure or involvement of members is generally broken into four categories.

- Hardcore members are those few who need and thrive on the totality of gang activity. (The leadership of the gang is usually made up of "hardcore" members).

- Associates are those who associate with the group for status and recognition.
- Peripheral members are those who move "in and out" on the basis of interest in the activity or activities.
- "Cliques" or groups exist within the gang and are usually determined by age or geographical areas.

The most frequent violent crime committed by youth gangs is the "drive-by" shooting. Members from one gang will seek out the homes, vehicles or hang-outs of a rival gang and will drive by and shoot at members of that gang. The gangs thrive on notoriety and want the other gang to know who shot at them. Other common criminal gang activities include drug law violations; theft/receiving stolen property; weapons violations; homicides/assaults; and graffiti. Interestingly, gangs use graffiti not only to vandalize but also to mark their territorial boundaries; advertise their existence; claim "credit" for a crime; warn/challenge rival gangs; and glorify their namesake.

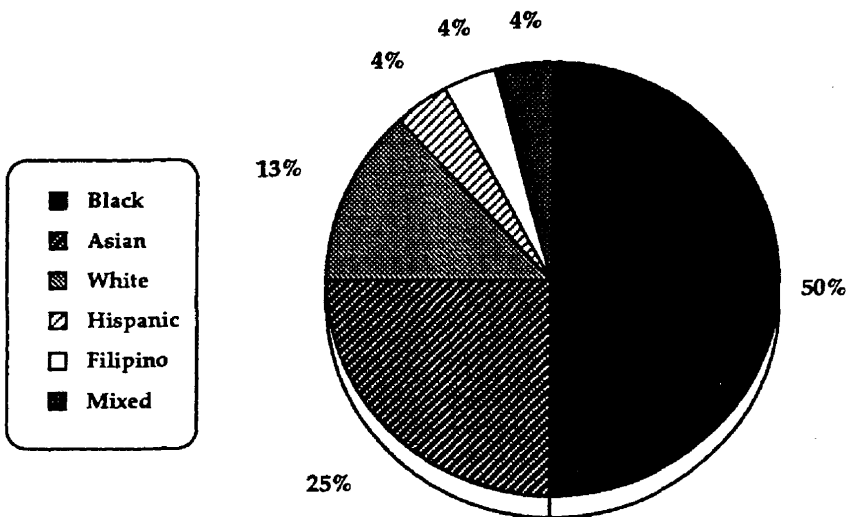
A survey of drug enforcement manpower and resources, which included a question on gang violence, was mailed to every law enforcement agency in the Commonwealth. Of the 228 agencies responding to the survey, 28 indicated some degree of gang violence in their jurisdictions.

Staff from the Virginia State Police, Bureau of Criminal Investigation developed a survey questionnaire and made on-site visits to interview each of the agencies that indicated a gang problem. Preliminary findings indicate that 15 of the 28 agencies indicating a problem on the original survey are actually seeing some gang activity. Approximately 24 gangs were identified as operating in Virginia. The breakdown of these is 12 Black gangs; six Asian gangs; three white gangs; one Hispanic gang; one Filipino gang; and one racially mixed gang.

The heaviest concentration of gang activity appears to be in the Northern Virginia and the Tidewater regions of the Commonwealth; however, gang members frequently do not reside in Virginia. Gang members active in Virginia may actually be from other areas of the country such as New York City, Philadelphia, New Jersey, Maryland and Washington, D. C.

Recommendation #23: The Virginia State Police should continue to study the problem of gang violence, and report findings and recommendations to the State Crime Commission by September, 1991.

Ethnic Background on Problem Gangs in Virginia



Recommendation #24: The State Crime Commission should recommend that the Office of the Governor consider the youth gang factor in directing its emergency grant funds to high need communities.

Activity D: Study the extent of, and methods to prevent, money laundering.

The State Crime Commission staff, the Virginia State Police and The Virginia Banker's Association produced a report on money laundering including the following proposals which were considered by the Law Enforcement subcommittee:

- Amendment of the wiretap statute to include money laundering offenses
- Regulation of non-traditional financial institutions by the State Corporation Commission
- Access by Virginia State Police to cash transaction record (CTR) exemption lists held by state banks
- Investigatory subpoena power for the State Police

The term "money laundering" is most simply defined as the legitimizing of profits derived from illicit activity. The money laundering industry takes in and launders the proceeds of large-scale criminal activity. Once the process is completed, the criminal proceeds, less the money launderer's fees, are returned to criminal control as usable capital power.

At the national level, there have been major improvements in the resources available to law enforcement investigations of money laundering. These include changes in the laws governing financial reporting and development and sharing of computer databases and continually improving international cooperation. Nonetheless, money laundering cases are likely to remain labor-intensive, data-heavy projects in the foreseeable future. In addition, the capabilities and priorities of state and local law enforcement are not well-matched with the national and international activities of most money laundering groups. Accordingly, money laundering, driven mainly by continuing large-scale heroin, cocaine

and marijuana trafficking, will continue to increase as a domestic and international enforcement problem.

Illicit profits are most vulnerable when they are in the bulk cash state. Every effort should be undertaken by law enforcement to exploit this vulnerability. After the disposal of bulk cash, the job of combatting money laundering and tracing proceeds becomes increasingly difficult.

Structuring cash transactions to evade Currency Transaction Report (CTR) filing requirements continues to be a major problem for law enforcement. Virginia's traditional financial institutions are effectively regulated at the federal level. In addition, several of the major Virginia banks have voluntarily installed sophisticated software systems. These systems can improve technical compliance, deter employee abuses and pinpoint suspicious customers. With an improved alliance between Virginia's traditional banking industry and the Virginia State Police, structuring and other money laundering practices may be driven to non-traditional financial institutions (e.g., check-cashing services, convenience stores).

Money laundering is facilitated when bank personnel are suborned or when financial institutions are actually owned by criminals. This complicity makes bulk cash placement, layering and legitimization of illicit proceeds much easier. The extent of this problem is extremely difficult to gauge. The ease with which unilateral CTR exemptions are granted by financial institutions offers money launderers a way to avoid a paper trail on their cash transactions. The abuse may involve the creation of front companies by criminals or even the complicity of bank officials.

Smuggling currency out of the country does not leave any paper trail, and the problem appears to be a large one. Most successful methods used by smugglers to get contraband in can be used to get currency out. Some modes of transport, such as cargo shipments, lend themselves to sophisticated methods of concealment and are less likely to be detected. The Drug Enforcement Administration estimates that, by 1992, 80 percent of the cocaine entering and residual cash exit-

ing the United States will be by cargo container ships. This poses a significant threat to Virginia since Hampton Roads is one of the busiest cargo container ports in the United States.

Unless traceability of illicit proceeds has been established during the bulk cash placement or layering stages, it becomes extremely difficult to distinguish legitimate from illegitimate wealth. Real estate purchases, phony loans from front companies, and financial transactions arranged by collaborating foreign banks are usually detected only when prior leads have been developed.

According to the State Police, the cooperative efforts of the banking industry and law enforcement combined with the United States Department of Treasury Financial Crimes Enforcement Network (FinCEN) and similar systems, would assist in detecting money laundering as the initial crime. This will then allow law enforcement to investigate the illegal activities which precipitated the illicit funds. Money laundering must be addressed in all drug cases but not pursued as a separate item.

Insight into the world of money laundering comes from several sources: undercover money laundering operations; intelligence collection and analysis; and effective liaison relationships with participating federal, state, local and cooperating foreign governments. The value of such intelligence to investigations is directly related to the quality, quantity, source and ability to retrieve the intelligence information.

Furthermore, the full awareness of all financial institutions; the cooperation of Virginia's banking industry; improved liaison with overnight delivery services, money wire transfer services, and ocean-going cargo container shippers; and coordination with other agencies investigating money laundering are all important in combating money laundering.

The Virginia State Police testified during the course of this study to their need for expanded subpoena power to conduct money laundering investigations. Conducting a narcotics investigation over a lengthy period involves collecting a tremendous amount of information from a multitude of sources. The original pro-

posal would have provided administrative subpoena power directly to State Police and was rejected by this subcommittee. A second proposal was presented to the subcommittee which called for the Commonwealth's Attorney to apply to the court on behalf of the Virginia State Police for what would resemble a subpoena duces tecum. According to State Police, such an order—to produce documentary and physical evidence—would be extremely helpful in building a criminal case.

According to the proposal, a Commonwealth's Attorney would apply for the subpoena on behalf of the State Police. A circuit court judge would authorize the subpoena upon a showing of reasonable suspicion that the financial documents and objects sought would produce evidence of a felony. This proposal raised Constitutional questions for the members because of its close resemblance to a general search warrant. Consequently, this proposal was also rejected by the subcommittee.

Next, the Virginia State Police testified that it is difficult, if not impossible, to track illegal monies that are converted to legal financial instruments at unregulated check-cashing businesses. Many of these businesses provide drug traffickers with a means to launder drug profits without leaving a trail of financial transactions that could be tracked by law enforcement. In order to deter money laundering, several other states have enacted legislation to regulate check-cashing businesses.

In 1990, a special legislative committee studying financial services for low income persons heard testimony from consumers and the check-cashing industry (see 1990 Senate Document 38). The committee considered legislation to regulate check-cashing businesses, but voted to monitor the industry for one year under self-regulation. The committee was concerned primarily with the quality of services that these check-cashing businesses provide for low income persons, and necessarily gave only cursory attention to the problem of money laundering.

Recommendation #25: The Commission should track the conduct of check-cashing businesses for another year for

further evidence of money laundering before proposing regulation.

Cash transactions in excess of \$10,000 must be reported to the federal government as required by provisions of the Bank Secrecy Act. However, some high volume businesses, such as grocery and convenience stores, which routinely deposit aggregated funds in excess of \$10,000 on a daily basis are exempted from compliance with the federal Cash Transaction Reporting (CTR) requirements. The State Police report that the current threat posed by exemption list abuse is sizeable. Their research reveals that many of these exempt businesses, particularly those that sell money orders or that are not traditional targets of money laundering investigations, increasingly are being used for money laundering.

The Virginia State Police proposed to the Law Enforcement subcommittee that the state require banks to release their CTR exemption lists upon State Police request. The Bank Secrecy Act does not prohibit banks from releasing the lists since they do not reveal confidential financial information about any of the businesses on them. It is the opinion of the Bureau of Financial Institutions of the State Corporation Commission that banks will voluntarily comply with such a request from the State Police to ensure that the banks are not dealing with businesses or individuals involved in criminal activity.

Recommendation #26: The Commission should direct the Virginia State Police, over the next year, to request state-chartered banks to release voluntarily their CTR exemption lists in the course of a money laundering investigation, and report back to the Commission on the success of voluntary compliance.

Finally, the State Police testified that, in order to conduct comprehensive investigations of money laundering activities, they need to be able to monitor communications of suspected persons. This subcommittee considered legislation to expand the state's wiretap law to include money laundering crimes.

Currently §19.2-66 of the Code allows wire interception for the crimes of extortion, bribery, kidnapping, murder and

those crimes related to horse racing. The Code also provides for wire interception on drug-related offenses pursuant to §18.2-248 or §18.2-248.1. A simple amendment to §19.2-66 to incorporate §18.2-248.7 would allow wire interception for money laundering. Crime Commission staff prepared a draft of this bill; however it was not approved by the full task force.

Activity E: Conduct research on expanded subpoena power for drug investigations.

The money laundering study gave rise to a recommendation from the Virginia State Police regarding administrative subpoena power. While the recommendation was not adopted by the Law Enforcement subcommittee, a modified version that would be less expansive was considered and is described fully under Activity D.

Recommendation: None

Activity F: Policy development and issue research should be conducted regarding the problem of pharmaceutical diversion.

The State Crime Commission staff, Virginia State Police and Department of Health Professions (DHP) is developing a study of pharmaceutical diversion. The issue is a source of controversy between the medical and law enforcement professions. It requires thorough research and analysis to develop recommendations that each profession will support. The Crime Commission recommends that pharmaceutical diversion be studied outside of the drug study schedule and be reported separately to the Commission in 1991.

In 1984, a special Prescription Abuse Date Synthesis Project (PADS), jointly sponsored by the Medical Society of Virginia and the Virginia Department of Health Regulatory Boards (now Department of Health Professions), was initiated to review prescription drug diversion problems in the Commonwealth and to recommend approaches to address these problems to the Governor. More than one dozen public and private agencies participated in the project, including the Department of State Police, all relevant health professional regulatory boards (i.e., Medicine, Dentistry, Veterinary

Medicine, Pharmacy, and Nursing), and several professional associations.

In late 1985, the PADS group submitted findings and recommendations to the Governor. The group found that controlled prescription drug abuse and misuse did exist in Virginia, although "major" abuse and misuse of Schedule II drugs was not indicated.

The PADS group recommended that an interagency coordinating group comprised of the Department of Health Professions (DHP), Department of State Police (VSP), and the U. S. Drug Enforcement Agency (DEA) be established in order to involve law enforcement resources in the identification and investigation of criminal diversion on the part of practitioners. In 1987, a special Diversion Investigative Unit (DIU) was established cooperatively by these agencies, with funding provided by the U. S. Department of Justice, Bureau of Justice Assistance. A number of other developments have occurred in Virginia and elsewhere since the PADS report was released.

With the implementation of the Virginia State Police Diversion Investigative Unit, a computerized database was established to track investigative progress and determine future investigative leads. Available through this program are the number of diverted drugs identified through State Police investigation.

Detection and enforcement activities within the Department of Health Professions have been intensified. Staff and financial resources have been expanded, and a computerized database (Complaint Tracking and Reporting System, or CTARS) was established in 1986 that captures significant information related to complaints and other allegations of drug diversion, the investigation of these complaints and allegations, the findings that result from these investigations, and the sanctions imposed by health regulatory boards. More recent automation of records related to the Department's inspections and drug audits of pharmacies, veterinary and other facilities will also result in better data resources.

At least one dozen states — and perhaps many more — have instituted systems

for the collection and analysis of information related to the prescription of Schedule II and other drugs with high potential for abuse and diversion. There are several systems now in place, including triplicate prescription ("trip script") programs that provide for centralized analysis of copies of all prescriptions of specified controlled substances.

While interagency cooperation has improved substantially and data resources are much more extensive today than in the mid-1980's, significant problems continue to exist in assessing objectively the size of the pharmaceutical drug diversion problem in the Commonwealth and the effectiveness of approaches undertaken over the past five years to address the problem. Until these issues are clarified through careful research, public policy decisions related to drug diversion will continue to be based on anecdotal information and speculation.

DHP and VSP have identified the following questions that must be addressed before policy recommendations may be credibly formulated.

- What, exactly, is "pharmaceutical drug diversion" defined to include?
- What is the current state of knowledge related to the extent and characteristics of the pharmaceutical drug diversion problem in the Commonwealth?
 - a. On what data systems and products, or assumptions, is this knowledge based?
 - b. How valid and reliable are these systems, products, and assumptions?
 - c. What additional information is needed to develop optimal knowledge regarding the extent and characteristics of the pharmaceutical drug diversion problem in Virginia?
- What approaches have other states taken to the problem of pharmaceutical drug diversion?
 - a. What are the costs of these approaches?

- b. What are the effects — both intended and unintended — of these approaches?
- c. What is the quality (validity and reliability) of existing evaluations and assessments of these approaches?

DHP and VSP propose that an interagency study team be formed to respond to the request of the Crime Commission. The proposed structure and role of the study team continue and expand current informal arrangements between the two agencies. The study team will consist of three representatives each from DHP and VSP.

The study team will meet at least once each month for the duration of the study. The team will oversee all aspects of the study and share responsibility for the preparation of a report to the Law Enforcement subcommittee. The final product will be a joint report of the two agencies.

The study team will include the following specific activities in its review of pharmaceutical drug diversion: (a) contract for and supervise the work of an independent consultant; (b) conduct a working conference on data resources and pharmaceutical drug diversion control initiatives; (c) review and synthesize the products of the consultant's review and of the working conference, and other aspects of the study; and (d) prepare a final report with findings and recommendations.

The role of the consultant to the study team is critical to the objectivity, credibility, and acceptance of the findings and recommendations of the study.

Substantial controversy exists related to the validity and reliability of data resources and to the effectiveness of federal, state, and voluntary approaches to the problem of pharmaceutical drug diversion. It is essential that an independent assessment of data resources and initiatives be provided by an expert in statistical methodology and evaluation research. The work plan anticipates that the consultant will assess the quality of existing data resources and research, rather than conduct original evaluation

research.

DHP is prepared to support the cost of contractual services to be provided by the consultant. Primary support will come from funds generated by the Controlled Substance Registration program operated by DHP. It is estimated that the cost of consulting services will not exceed \$20,000.

The study team and the consultant will require a consistent and current baseline of information on data resources and initiatives to stem pharmaceutical drug diversion. DHP and VSP staff will inventory and collect formally reported information on these resources and initiatives, but insights and impressions of experts and principals who have been involved in data systems and the establishment of federal, state and private control initiatives are also needed.

Recommendation #27: The State Crime Commission recommends that pharmaceutical diversion be studied by the Commission staff, Department of Health Professions and Virginia State Police, and findings and recommendations be reported to the Crime Commission by September 1991.

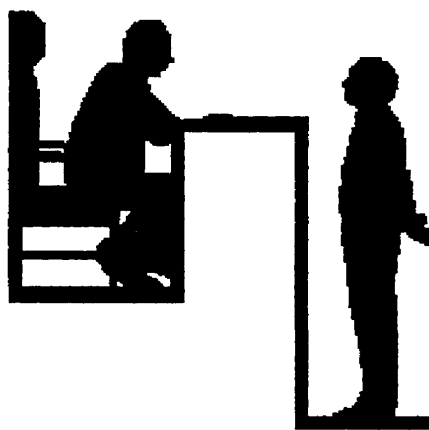
REPORT OF THE CORRECTIONS/TREATMENT SUBCOMMITTEE

The Corrections/Treatment Subcommittee focused its study efforts on four major goals:

- Goal I.** Limiting offenders' illegal access to drugs in the prisons;
- Goal II.** Increasing the availability of substance abuse treatment and vocational/educational programs in the prisons in hopes of rehabilitating offenders;
- Goal III.** Increasing the availability of substance abuse treatment programs for offenders in community corrections in hopes of preventing criminal recidivism; and
- Goal IV.** Developing better working relationships between treatment providers and corrections officials to coordinate substance abuse services provided for the offender population.

Twenty-five activities were recommended by this subcommittee and the Drug Study Task Force to be completed in 1990. Reports have been received from five state agencies, two task forces and the Drug Policy Office of the Governor in response to these activity requests.

The Departments of Corrections, Correctional Education, State Police, Mental Health, Mental Retardation and Substance Abuse Services and the Virginia Parole Board all report that working relationships among these agencies have improved and joint projects have been initiated as a result of



the drug study activities. In several cases, the merging of efforts has resulted in better use of state resources and available state and federal funds. However, the overall need for more treatment serv-

ices for offenders far outweighs resources presently available through state general funds and federal grant funds.

Additionally, as the need grows for treatment funds, the state faces a budget belt-tightening effort that indicates that very little is available in state funds for expansion of treatment programs for offenders. While federal grant funds may be available on a limited basis for some treatment and drug testing programs, these monies are unpredictable and do not provide a solid basis for building permanent treatment programming for Virginia's offender population.

Goal I: Limit offenders' illegal access to drugs in the prisons.

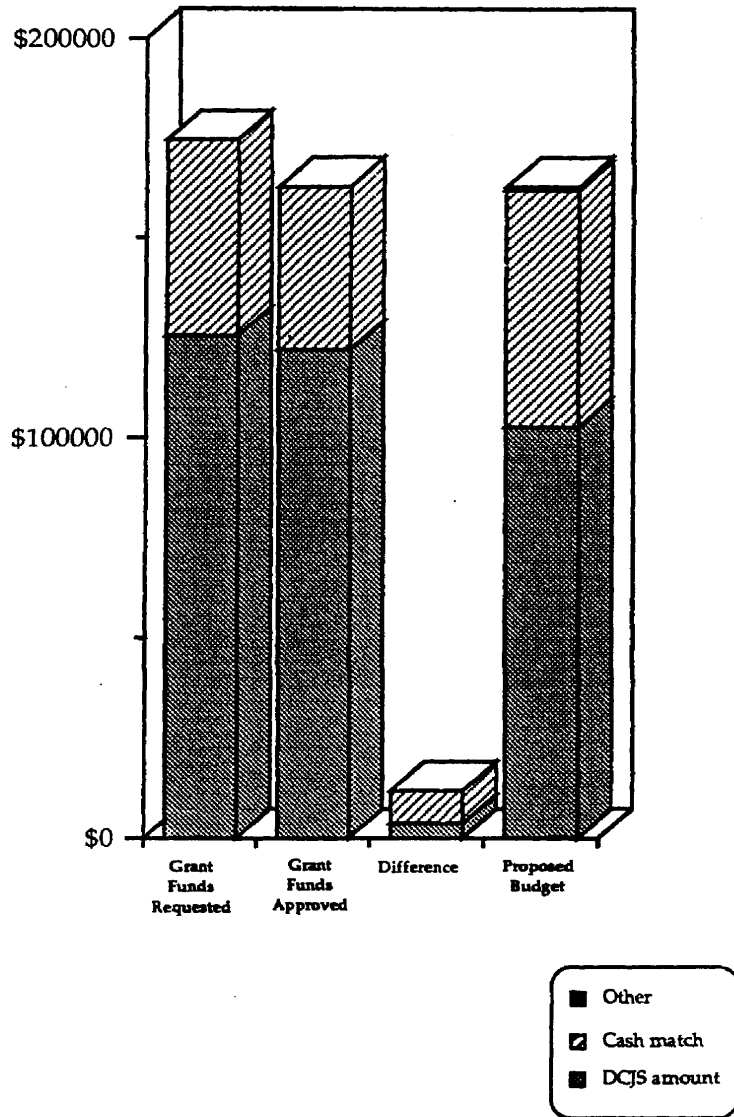
During the course of public meetings and hearings, the subcommittee heard testimony from corrections and treatment officials that stricter measures should be taken to ensure that offenders do not have access to illegal drugs. In the institutions the only contact inmates have is with prison staff, visitors and other inmates. The following activities were conducted to target all possible sources of illegal drugs in correctional facilities.

Activity A: Development of the drug detection dog program.

Drug detection dogs are used by the Department of Corrections to locate contraband in the correctional facilities. Additionally, these dogs often are used by local law enforcement agencies in drug investigations. In order to meet the growing needs of the Department and local law enforcement agencies, the Virginia State Crime Commission introduced a budget amendment in 1990 to provide four additional drug dog handler positions in the Department of Corrections, utilizing federal Anti-Drug Abuse Act grant funds to purchase supplies and fund the positions. The Department of Criminal Justice Services provided \$122,253 in federal funds to the Department of Corrections, matched by \$40,752 in state general funds. The \$163,005 will pay the salaries of the four additional corrections officers hired and trained to handle the drug detection dogs, and pay for advanced training equipment for the handlers and food and supplies for the drug detection dogs.

Training drug detection dogs and their handlers also posed an expensive problem for the Department of Corrections. The subcommittee recommended that the Department of Corrections and the Virginia State Police work together to coordinate their training resources and programs, and establish an in-state drug detection dog training program for both the State Police and the Department of Corrections. Representatives of the two agencies held a series of meetings to identify training resources available to the agencies, and to determine what training could be accomplished through shared resources and efforts. The Virginia State

Canine Drug Detection Program Grant



Police is funded through June 30, 1991 with a federal Anti-Drug Abuse Act grant for a narcotics detector canine training program. The \$127,890 third-year federal grant was matched with \$42,630 in state general funds to pay for the Virginia State Police trainers' salaries, supplies and operating costs.

The State Police is conducting three or four 12-week training sessions annually, and by offering the Department of Corrections two slots per training, can provide between six and eight training sessions each year to the Department of

Corrections drug dog handlers. The State Police provide the basic equipment, training and canines free of charge to the Department of Corrections. Under the four-year limitation requirements of the Anti-Drug Abuse Act federal grant program, the Virginia State Police is eligible to apply for one more year of federal funds for its drug dog training program. If approved, federal grants can be used to fund this program through June 30, 1992. However, after that time state general funds would have to be appropriated to continue the drug dog training program.

CORRECTIONS NARCOTIC DETECTOR CANINE SEIZURES

June 2, 1989 to June 15, 1990

Seizure Records of 3 Canines during First Year of Program

- 424 Searches
- \$131,700 in Drugs Seized
- \$8,462 in Cash Seized
- 76 Arrests

Most Seizures Are in the Community while Assisting State and Local Law Enforcement Agencies

- 250 State/Local Assists
- 174 DOC Facility Searches
 - 20 Seizures
 - 5 Arrests

Drugs Confiscated by Corrections Drug Dogs

- 6 lbs, 4 ozs Marijuana
- 13 ozs, 25 grams Cocaine
- 13 grams Heroin
- 2 ozs Hashish

Recommendation #1: The Department of Corrections should evaluate its drug detection dog program on a regular basis to ensure that training is current and that appropriate services are being provided within the Department and to local law enforcement agencies as requested.

Recommendation #2: The Virginia State Police should apply for any eligible federal grant funds for 1991-92 to continue the drug dog training program, and continue to provide training as requested to the Department of Corrections.

Activity B: Drug testing for Department of Corrections employees.

In order to ensure the integrity of the personnel who work with incarcerated offenders, the subcommittee recommended that the Department of Corrections consider the feasibility of employee drug testing. Additionally, the Drug Policy Office of the Governor has worked with the Department of Personnel and Training to develop a model drug policy for all state employees. The Department of Corrections is developing its own agency employee policy that should be completed in 1991.

Recommendation #3: The Department of Corrections should ensure that its employee drug policy is consistent with the employee drug policy for other state agencies, and ensure that its employee drug testing program has the approval of the Attorney General.

Activity C: Tighten security in correctional institutions to stem the flow of drugs to inmates.

At the request of the subcommittee, the Department of Corrections developed a plan for tightening security in the correctional facilities. Individual facilities were surveyed and the Department held internal staff workshops to review procedures and recommend alternatives to improve security. The following contraband control procedures address the visitor population, as well as restrictions on the flow of pharmaceutical drugs to inmates.

Visitors are screened by a metal detector and given a pat frisk search. If reasonable suspicion exists that a visitor is carrying illicit drugs, the visitor may be

required to consent to a strip search or body cavity search as a condition of the visit. Refusal to permit the search will result in the termination of visiting privileges. Corrections officers search the visiting rooms before and after visitation sessions, and maintain surveillance in the visiting room. Visitors observed passing items to the inmates may be expelled or, if warranted, arrested and charged. Visitors are not permitted to bring anything into a visiting room except at some minimum and medium security facilities where certain home-cooked items are allowed as a privilege. Finally, inmates are strip-searched following contact visits. The Department of Corrections reports that correctional field units may not always have sufficient female officers to pat-frisk female visitors. Additionally, inadequate visiting facilities at some institutions make it difficult for correctional officers to supervise visitations effectively.

The Department of Corrections reports that it has no known problems with the improper access by inmates to Department pharmaceutical drugs or paraphernalia. In order to prevent the misuse and abuse of pharmaceutical drugs by inmates, all drugs, syringes and needles used in correctional facilities are subject to vigorous inventory, storage and disposal requirements. Frequent audits and inspections are conducted by the field staff, central office staff, the Inspector General and Board of Corrections Certification Unit. When inmates need medication, they are given in liquid form or crushed to prevent inmates from hoarding or trafficking any medications.

Recommendation #4: The Department of Corrections should seek grant funds to initiate a passive alert narcotics detector canine program, approved by the Office of the Attorney General, on a pilot basis at a selected corrections facility to monitor the visitor population. The passive alert narcotics canine program uses canines trained to alert upon detecting contraband drugs without attacking or confronting the visitor.

Recommendation #5: The Department of Corrections should within its budget or with grant funds improve visiting facilities to relieve crowding and improve supervision by the staff.

Recommendation #6: The Department of Corrections should enhance its recruitment of female officers at corrections field units to ensure consistency in searches of female visitors.

Goal II: Increasing the availability of substance abuse treatment and vocational/educational programs in the prisons in hopes of rehabilitating offenders.

Each year an increasing number of criminals enter the correctional facilities with some history of substance abuse. The Commission on Prison and Jail Overcrowding in its 1989 report to the Governor and General Assembly recommended the further development of drug treatment programs in correctional facilities to assist the rehabilitation of chemically-dependent offenders. The Commission report also recommended improvement of the prison system's educational and vocational training programs for offenders. The Drug Study Task Force of the Crime Commission supported these recommendations in its 1989 interim report. The following activities have been carried out to support the development of treatment and education programs in the prisons.

Activity A: Coordinate Crime Commission Drug Study Task Force and Commission on Prison and Jail Overcrowding recommendations related to treatment and education programs in correctional facilities.

The Commission on Prison and Jail Overcrowding made several major recommendations related to treatment, education and job training programs development for inmates. However, when the Commission was not continued, the General Assembly ensured that many of the recommendations made would be carried out by mandating their completion in the 1990 Appropriations Act. Additionally, recognizing the work of the Crime Commission Drug Study Task Force, several task force recommendations from the 1989 interim report were mandated in the 1990 Appropriations Act.

Item 608 C in the Act required the Secretary of Public Safety to "ensure that the

research activities conducted for the Commission on Prison and Jail Overcrowding and the Crime Commission Task Force" be coordinated so that duplication of efforts could be avoided. Item 608 E and Item 472 D in the Act required the Secretaries of Health and Human Resources and Public Safety to develop a cooperative plan to provide mental health, mental retardation and drug and alcohol treatment services for offenders in state correctional facilities, local and regional jails and in community programs.

In March, 1990, the Secretary of Public Safety, with assistance from Department of Planning and Budget staff, began a multi-agency task force to begin implementing specific recommendations from the Commission on Prison and Jail Overcrowding. Agencies included in this effort were the Departments of Corrections, Criminal Justice Services, Planning and Budget and Mental Health, Mental Retardation and Substance Abuse Services. Subsequent to the establishment of this task force, another work group was formed to begin implementing recommendations from the Crime Commission and the Appropriations Act. In addition to the agencies listed above, staff from the Crime Commission were involved in preliminary meetings of this work group. As a result, the work groups were subsumed into one group, and all of the previously mentioned agencies participated in the effort. In addition, representatives from the Virginia Parole Board and the Department of Correctional Education joined the effort.

A strategy has been developed to put in place a comprehensive mental health, mental retardation and substance abuse treatment program with components in the state institutions, jails and community corrections programs. This strategy will meet the requirements of the 1990 Appropriations Act and related recommendations of the Crime Commission's Drug Study Task Force and the Commission on Prison and Jail Overcrowding. The Departments of Corrections, Mental Health, Mental Retardation and Substance Abuse Services, Criminal Justice Services, Planning and Budget and Crime Commission staff have joined efforts to carry out the following activities in the area of substance abuse and mental health

treatment program planning:

1. Survey populations in the community and within correctional institutions to determine the existing level of treatment programming both in use and available to probationers, parolees, community diversion clients, jail inmates and state prison inmates;
2. Assess the need for additional services within the criminal justice system for substance abusers, and those in need of mental health and mental retardation services both within institutions and in the communities;
3. Identify program types most suited to and most successful in dealing with the persons in need of substance abuse, mental health or mental retardation services;
4. Identify the cost to expand substance abuse and mental health programming;
5. Identify federal, state and local funds available to expand existing programs and initiate new programs;
6. Study the feasibility of establishing a special purpose institution for drug abusers within the state corrections system; and
7. Identify potential sites within state control which could be converted to correctional use.

Additionally, work is underway on the establishment of a Criminal Justice Research Center within the Department of Criminal Justice Services. A prime objective of the Center will be the development of a unified criminal justice system data base. The data collection capabilities of the Center will provide a valuable resource for state level treatment planning.

Recommendation #7: The interagency task force of the Secretaries of Public Safety and Health and Human Resources should be continued to ensure coordination of planning and expenditures on drug treatment programs for offenders.

Activity B: Encourage coordination between the Departments of Correction and Correctional Education in developing education, treatment and job training programs for inmates.

At the request of the subcommittee, the Department of Correctional Education conducted a study and analysis of its educational programs. The DCE provides academic, post-secondary, vocational, and apprenticeship instruction and training to youth and adult offenders incarcerated in correctional institutions operated by the Department of Corrections (DOC) and the Department of Youth and Family Services (DYFS).

The DCE has adopted a framework for improving the academic and vocational programs in the DCE youth and adult schools. This process is based on the Outcomes-Based Education (OBE) model and addresses all facets of programs from instructional practices and curriculum through school climate. The OBE process is not a "quick fix" program with prescribed materials and methods. The OBE process engages teachers and administrators in making action decisions for improving teaching and learning in their own schools. The DCE is the first correctional education system in the country to use the OBE model as a process for school improvement.

Academic Programs in the Youth Facilities

The Youth Learning Centers offer both Alternative Education and Public School Credit Curricula. Special Education and Chapter 1 (Social Skills) programs also are provided to youth offenders. The DCE Chapter I Social Skills program received national recognition from the U.S. Department of Education as one of six programs in the Commonwealth of Virginia selected as an exemplary project on the Neglected and Delinquent. This program is unusually successful in meeting the educational needs of disadvantaged students.

Academic Programs in Adult Facilities

The basic adult school curriculum includes Adult Basic Education (ABE), General Education Development (GED),

and the Literacy Incentive Program (LIP). Special education services are provided at seven adult facilities, and social skills instruction is provided at four facilities with significant youthful offender populations.

The Literacy Incentive Program

The Literacy Incentive Program (LIP) is currently offered at each of the 19 major adult correctional institutions and at 11 correctional field units. The 1989 General Assembly passed a bill to codify the program and to raise the eligibility level of inmates entering the program from the sixth grade level to the eighth grade level. This change was effective on July 1, 1989 and significantly increased the population eligible for LIP services.

Success in the classroom is evident and can be seen through a number of evaluative measures.

- Enrollment in the Literacy Incentive Program as of March 30, 1990 was 1,226. To date more than 4,772 students have been served by the program.
- Test scores show that the average grade level increase per year of instruction for inmates enrolled in the Literacy Incentive Program is 1.6 years for each year of instruction. The rate of increase is higher for students who begin at above the fourth grade skill level.
- More than 1,150 students have completed LIP despite the fact that over 60 percent of those served by the program begin with below fourth grade reading skills. Fiscal year completions to date total 362 as of March 30, 1990.
- While instruction in LIP focuses on basic reading skills, mastery of the specific skills needed to function in everyday life is also an integral part of the LIP curriculum. These include job skills, life/survival skills, and social skills. In the near future, LIP students will be required to complete certain skills competencies prior to completing the program.

Post-Secondary Programs

During the 1988-1989 fiscal year, more than 1,000 students were enrolled in community college programs contracted for at 17 major correctional institutions. In FY 1988-89 the average monthly enrollment in college programs was 413, up nearly 100 students per month from the previous fiscal year figure of 319 students per month.

Vocational Programs

The DCE offers extensive vocational programming to adults and youths incarcerated in correctional facilities operated by the DOC and the DYFS. These programs are all competency-based, i.e., the curriculum is based on a set of defined skills that the student must master. Competency-based programs allow for any day entry or exit from the program. Students progress at their own pace through programs designed to equip them with the technical skills needed to gain employment in the outside workplace. Vocational programming is supplemented by academic as well as job and social survival skills instruction.

Inmate Classification

The classification, institutional assignment, and placement of youth and adult offenders in education, treatment, and job skills training programs has been less of a concern in the youth facilities than in the adult facilities. One of the Department of Correctional Education (DCE) goals to conduct for all youth and adult offenders a comprehensive assessment of educational and vocational needs and aptitudes. It is also DCE's goal to provide academic and/or vocational training to the offenders based on the results of individual assessments.

Both assessment components are in place for the youth offenders who are tested at the Reception and Diagnostic Center in Bon Air. Each of the DCE Youth School Programs offer comprehensive academic programming as well as a variety of vocational programs designed to meet the identified vocational needs of the youth offenders. In compliance with state policy on mandatory school attendance, the DCE provides each incarcerated youth with a comprehensive educa-

tional program that is designed to meet identified educational needs regardless of institutional assignment.

Currently the DCE conducts educational assessments at the adult classification centers at Deep Meadow, Powhatan, Southampton, and the Virginia Correctional Center for Women. This assessment enables the identification of inmate educational needs and facilitates recommendations for educational placement in the Literacy Incentive Program (LIP), Adult Basic Education (ABE), and General Education Development (GED).

The second component of the process, vocational assessment, has not yet been fully implemented at adult facility classification centers due to a lack of space and resources. Implementation will enable the DCE to identify specific vocational or apprenticeship programs that will best meet adult offenders' training needs and will help prepare them for successful reentry into the communities. The DCE offers a variety of vocational and apprenticeship programs at each major adult facility. Due to current budget restrictions and the concurrent lack of resources and program space, vocational programming at the field units is extremely limited.

In order to meet adult offender vocational program needs, the DOC would have to assign adult offenders to the specific facilities that offer the vocational program(s) identified through the assessment. Due to a number of factors, including security considerations, it will not always be possible for the DOC Classification Committee to consider the vocational recommendations when assigning adult offenders to correctional facilities. Keeping this in mind, the DCE will make every effort, but will not always be able, to provide adult offenders with comprehensive academic and vocational programming based on assessment results.

Recommendation #8: The Department of Corrections should seek grant funds and utilize existing staff resources to implement basic treatment programs at each adult correctional facility. Establishment of core treatment programs at each facility such as substance abuse, sex offender, anger management, and self

improvement programs would be ideal.

Recommendation #9: Current efforts to increase vocational program space at the major adult correctional facilities and field units should be continued.

Recommendation #10: The Department of Correctional Education should submit via automation a list of available vocational and apprenticeship program space to the classification committee for its use in assigning offenders to the facilities.

Recommendation #11: The Department of Correctional Education should prioritize its use of staff and resources to allow for comprehensive vocational assessment at the reception centers or major institutions offering vocational programs.

Recommendation #12: The Department of Correctional Education and the Department of Corrections should continue to work together to ensure appropriate placement in treatment and education programs that meet the needs of each adult offender committed to a correctional facility operated by the Department of Corrections.

Activity C: Hire adequately trained personnel to conduct institutionally-based treatment programs.

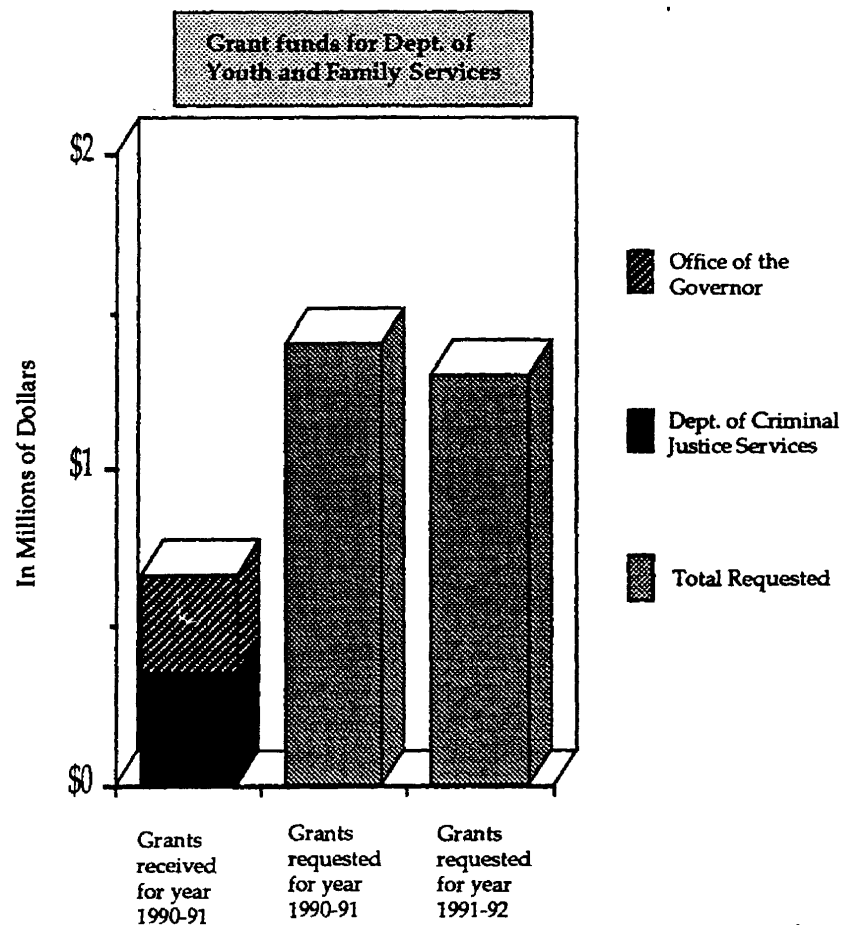
At the request of the subcommittee, the Department of Corrections developed minimum quality standards for hiring substance abuse treatment providers to staff correctional facilities. The purpose of this activity was to upgrade positions to attract more qualified and credentialed personnel, and to provide more specialized training to improve the effectiveness of staff who deliver substance abuse services. DOC works with the Department of Personnel and Training to update position duties, qualifications, and levels. DOC works with the Department of Criminal Justice Services to regulate training as required by law.

Recruitment and training of staff affects the quality of all services and may be seen as a priority. However, at this time when agencies are conserving resources for basic operational needs, funding for position upgrades and training is limited to federal grant dollars. Additionally,

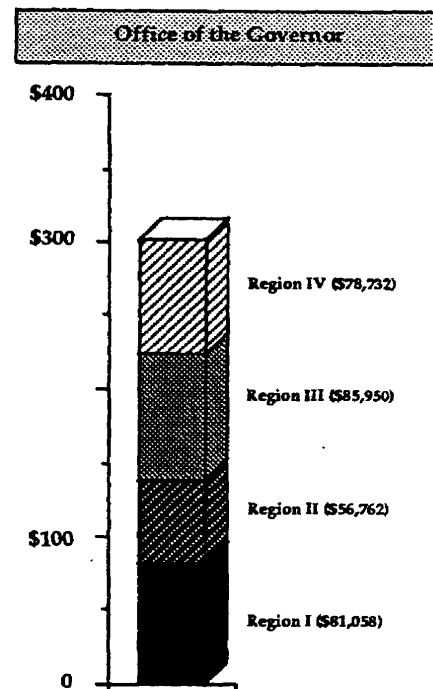
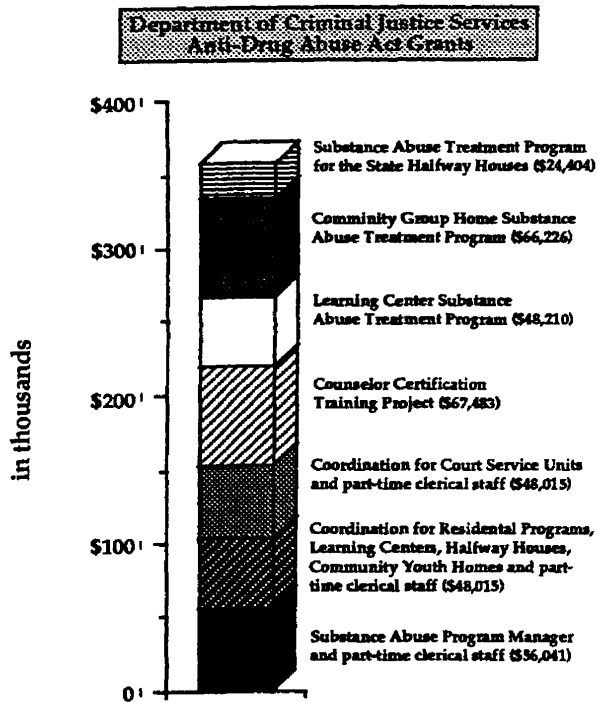
the Department's present physical plant capacity and resources in the prisons can accommodate only about 12 counselors.

The treatment and education needs of the juvenile offender population held in the learning centers and group homes is a growing problem for Virginia. In 1990 the General Assembly recognized the need for a more directed approach to managing youth in corrections and created the Department of Youth and Family Services. The Drug Study Task Force encouraged the Department to improve its ability to provide substance abuse treatment, based on drug testing and assessment, to chemically-dependent juvenile offenders. Additionally, the Task Force recommended that the Department further develop its drug awareness education programs in its facilities.

The Department of Youth and Family Services (DYFS) has developed an overall strategy for providing substance abuse treatment services to juvenile offenders, and is conducting research, coordination, planning and program development activities with the Department of Mental Health, Mental Retardation and Substance Abuse Services. DYFS had submitted 13 applications to the Department of Criminal Justice Services for Anti-Drug Abuse Act grant funds to provide treatment programs in the learning centers, halfway houses and group homes; provide training and coordination services to the court service units; provide substance abuse training for DYFS staff; and to convert four locally-operated group homes to licensed substance abuse residential treatment facilities.



The grant requests totaled more than \$1.4 million. The Department of Criminal Justice Services provided seven federal grants totaling \$302,502 for fiscal year 1990-91. The Office of the Governor awarded DYFS \$355,791 in federal Drug-Free Schools and Community Act funds that were designated for youth in correctional settings. Grant funds provided to the Department for fiscal year 1990-91 totaled \$660,946. Since these grant funds did not meet the original amount of funds requested by the Department of Youth and Family Services, the Department re-prioritized its projects.



Grand Total-Funding from above Sources: \$660,946

The Department did not receive funding for the following projects: hiring a substance abuse services analyst, hiring of a training manager and purchase of substance abuse training curriculum for juvenile justice staff, certification training for 81 counselors, and conversion of four locally-operated group homes to licensed substance abuse treatment facilities. The Department has projected its substance abuse services initiative funding needs for fiscal year 1991-92 at \$1,296,663.

Recommendation #13: The Department of Corrections should continue to access federal grant funds to upgrade substance abuse services for inmates and employees by:

- Expanding foundational substance abuse curriculum in existing courses including:
 - Basic Skills for Adult Probation and Parole Officers
 - Basic Skills for Community Diversion Incentive program case managers
 - In-service training for supervisors and managers.
- Providing specialized training for new counselors relative to certification in substance abuse treatment.
- Providing on-going special issue seminars regarding substance abuse recognition and intervention (treatment) methodologies.

Recommendation #14: The Department of Youth and Family Services should continue to access available federal grant funds for development of its substance abuse education, treatment and staff training programs.

Recommendation #15: The Department of Youth and Family Services should continue to work in cooperation with the Department of Mental Health, Mental Retardation and Substance Abuse Services to develop a state substance abuse workplan that addresses the identification of service and treatment needs of the juvenile offender population, the development of services at DYFS facilities, and the monitoring and evaluation of substance abuse treatment services as provided at DYFS facilities.

Goal III: Increasing the availability of substance abuse treatment programs for offenders in community corrections in hopes of preventing criminal recidivism.

One of the results of the inmate overcrowding problem in Virginia's prisons has been the increasing importance of well-developed community corrections programs. Local and regional jails are filled to capacity with persons awaiting trial, offenders serving short sentences or state-responsible felons awaiting transfer to a state facility. Other offenders are on probation or parole or in a Community Diversion Incentive (CDI) program. Sheriffs, jail administrators, probation and parole officers and CDI program managers are faced with the need to provide drug treatment to offenders under their supervision with little or no available resources. In the vast majority of cases, there are not enough funds available to purchase treatment services for these offenders. The 40 Community Services Boards (CSBs) stretch their resources and personnel to the limit to treat the criminal justice population.

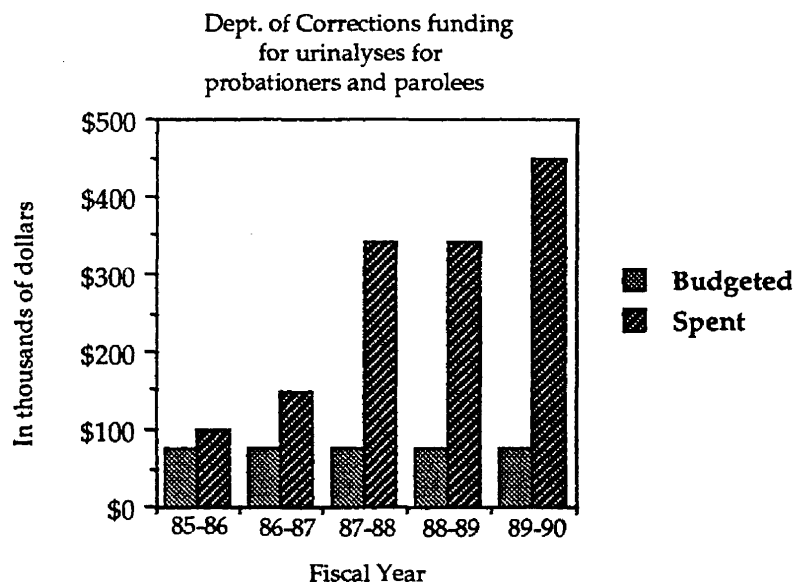
The subcommittee recommended that treatment providers and community corrections officials combine their efforts to better use available resources, gain access to grant funds and develop additional training programs. The following activities were developed to answer the need for better planning and resource allocation to serve the needs of offenders in community corrections.

Activity A: Develop drug testing programs and increase substance abuse treatment program placement for parolees.

The Virginia Parole Board and the Department of Corrections, with the assistance of the Department of Mental Health, Mental Retardation and Substance Abuse Services, reviewed urinalysis records to determine the number of drug screens submitted in 1989 and through May, 1990 on the parole population. Also reviewed were amounts of money requested, received and spent on drug testing of parolees. The Department of Corrections opens more than 20,000 probation and parole cases annually, 13,000 of which are probation cases and 7,000 of which are parole cases. The Department of Corrections in the past

five years has received and spent the following amounts of on increased urine testing for probationers and parolees (funds spent in excess of the budget amounts for urine testing were re-directed from the Division of Adult Institutions health services budget.):

FISCAL YEAR	BUDGETED	SPENT
FY 85-86	\$75,000	\$100,867
FY 86-87	\$75,000	\$148,318
FY 87-88	\$75,000	\$340,323
FY 88-89	\$75,000	\$341,065
FY 89-90	\$75,000	\$447,948



In FY 1990-91, the Department requested \$494,750 in state general funds for drug testing and received \$169,750. For FY 1991-92, the Department requested \$494,750; the 1990 Appropriations Act recommended that the Department receive \$169,750 for drug testing of parolees and probationers.

In 1989, 33,993 drug screens were conducted on parolees; of these, 27% were positive for the presence of an illegal drug. As of May 31, 1990, 19,535 screens had been conducted on parolees. Of these, 5,924 screens, or 30%, were positive for illegal drugs. The Department of Corrections at this time estimates that 46,884 urine screens will be taken on offenders in 1990.

\$129,800 in state general funds was made available for fiscal year 1990-91 for the purchase of services for probationers and parolees, which includes treatment, bus tickets, and emergency expenses. The 1990-92 biennium addendum proposal for substance abuse services, which was not passed by the General Assembly, requested \$3.7 million and six new full-time positions in the first year, and an additional \$4.2 million in the second year of the biennium.

The Department of Corrections in 1990 received a \$1.2 million grant through the Department of Criminal Justice Services to expand probation and parole services, including provision of an Intensive Supervision Program (ISP) for parolees. These funds provided 29 positions for probation and parole and for intensive supervision in the first year, and five additional personnel positions in the second year. An Intensive Supervision Program Coordinator will oversee all of the state's intensive supervision programs, including three different program models being piloted in Roanoke (team model), Alexandria (treatment model) and Winchester and Henrico (two-person model). The Department of Corrections also is looking to other sources for funding, including the federal Office of Treatment Improvement. As the number of parolees

and probationers increase, so will the need for treatment services, leading to a need for increased funding. The Department of Corrections and Virginia Parole Board believe that in the long run it will be cost effective if substance abuse problems of offenders are addressed through treatment.

Recommendation #16: The Department of Corrections should increase the use of on-site drug screening devices that are more cost-effective to detect the use of more prevalent drugs, such as cocaine and marijuana.

Recommendation #17: The Virginia Parole Board should increase the use of interim sanctions when parolees test positive for drug use to deter parolees from using illegal drugs, and increase placements in treatment programs, to prevent re-incarceration for lesser violations of parole.

Activity B: Develop a pre-discharge planning strategy to provide for the substance abuse treatment of offenders in prison and treatment services upon parole release.

The Corrections/Treatment Subcommittee requested that the Virginia Parole Board, the Department of Corrections, and the Department of Mental Health, Mental Retardation, and Substance Abuse Services review current procedures and develop a pre-discharge plan that provides adequate supervision management for mentally ill and/or substance abusing offenders. The proposed discharge plan also includes long-range plans for meeting dysfunctional offenders' special needs. The proposed new discharge plan involves four steps:

Step 1: The Initial Assessment

Prior to the offender's scheduled parole interview, the Department of Corrections' institutional counselor will submit to the Parole Board an updated progress report that identifies the offender's dysfunctional needs and perceived level of treatment. This assessment is based on the information available to the counselor from medical, psychological and other reports at the institution.

Step 2: The Parole Assessment Phase
The Parole Board will incorporate the

initial assessment data into its parole guidelines to determine if parole should be granted with or without special conditions.

Step 3: Verification of the Plan

If discretionary parole is granted, or an offender has reached his/her mandatory parole release date, and a special condition is mandated, the Parole Release Unit of the Department of Corrections will immediately notify the local Community Services Board's director or other appropriate state, local or private providers of the offender's release pending suitable placement.

Step 4: Release to Supervision

The Parole Release Unit will subsequently arrange for the offender to be referred for placement in accordance with the local Community Services Board's or other provider's admission standards.

In an attempt to continue to address the needs of this growing category of offenders, the Virginia Parole Board, the Department of Corrections, and the Department of Mental Health, Mental Retardation and Substance Abuse Services developed two long-range objectives and correlative steps for fulfilling them.

Objective 1: Reduce re-incarceration of parole offenders who, as a result of their mental health, mental retardation, and/or substance abuse status, violate their parole either by committing a new felony or technically violate the conditions of their parole agreement.

Objective 2: Increase the number of appropriate treatment referrals by the Parole Board in proportion as treatment services are expanded and placement availability increases.

The following steps outline how the above objectives can be achieved.

Step 1: Expand period of parole supervision when necessary to provide parolee with incentive for completing treatment program(s).

Step 2: Coordinate planning efforts between Adult Probation and Parole Offices and local Community Services Boards.

Step 3: Provide annual orientation sessions to Community Service Board directors and other health care providers in order to explain the Parole Board's parole release criteria.

Step 4: Institute interim sanctions for delinquent parolees.

Step 5: Continue to coordinate efforts to assess how to improve and to expand services for mentally ill, mentally retarded, and/or substance-abusing offenders under parole supervision.

Step 6: Provide interagency statistical forecasts on the number of mentally ill, mentally retarded and substance-abusing offenders that will be paroled with treatment requirements.

Step 7: Assess and evaluate as a committee what impact requiring treatment for mentally ill, mentally retarded and substance-abusing offenders has on recidivism.

The three agencies contributing to this activity concur that it is premature to contend that treatment is a panacea for recidivism. Further extensive research is required to make that determination. However, the three agencies believe that there is sufficient evidence to warrant such further investigation. The three agencies recognize the need for their continued communication and cooperation with each other to assess accurately how treatment can have an impact on criminal recidivism.

Recommendation #18: The pre-discharge planning strategy as developed will be utilized in combination with the newly-developed Parole Guidelines to assess their suitability and effectiveness in preparing parolees for release to community treatment programs.

Activity C: Provide adequate substance abuse treatment personnel in the Community Service Boards to provide services to chemically-dependent persons held in local and regional jails.

The subcommittee requested that the Department of Mental Health, Mental Retardation and Substance Abuse Services prioritize the allocation of any new federal grant funds to provide for sub-

stance abuse treatment services to the jails through the CSBs. The Department, based on indicators of local need, determined that a portion of new federal Alcohol, Drug Abuse, and Mental Health Services Block Grant (ADMHS) funding would be used in support of one position for each of the forty CSBs and would be dedicated to jail-based services.

Of the total \$9 million in new ADMHS funds available, the Department allocated \$1.62 in support of these positions, beginning April, 1990. CSBs were instructed to dedicate the positions to jail-based assessment, referral, and treatment services implemented with local law enforcement officials.

Further, CSBs were instructed to provide diversion or post-incarceration related treatment services if jail-based services were not required, or could not be arranged. As of mid-August, 1990, the following actions were taken and services rendered by Virginia's 40 CSBs through use of federal Alcohol, Drug Abuse, and Mental Health Services block grant funding awarded by the Department of Mental Health, Mental Retardation and Substance Abuse Services.

A 1990 survey of the Community Services Boards revealed that:

- All 40 have established the positions within their personnel systems;
- 34 of the CSBs indicated that this position was the first one provided to the jail;
- 39 CSBs indicated that the positions will provide services directly in the jails;
- 18 of the positions will be providing some form of diversion service;
- 32 of the positions will provide services following an inmates release from jail.

Typical services as planned to be provided by the CSB substance abuse jail counselors:

- 40 will do assessments;
- 38 will provide counseling;
- 38 will provide case management activities;
- 34 will provide crisis management;
- 34 will provide training to jail or other criminal justice personnel.

Several CSBs have reported significant results from the establishment of the jail position:

Rockbridge CSB reports that crisis emergencies at the Rockbridge County Regional Jail have been reduced by 75%.

Jail staff in Portsmouth have reported that a wing specifically dedicated to substances abuse treatment is the cleanest and the inmates on this unit best behaved.

Rappahannock Security Center and Regional Jail report an overwhelming response to the position resulting in a waiting list for services.

Patrick Henry Drug and Alcohol Services in Martinsville are providing services in four area jails and in one Department of Corrections field camp.

The establishment of the jail positions has caused significant improvement in the provision of services to local jail administrations in addition to the individuals incarcerated within them. Problems reported by the CSBs largely reflect a lack of space in the jails to conduct treatment and educational activities and an overwhelming demand for services. The Department of Mental Health, Mental Retardation and Substance Abuse Services survey shows that while some positions can provide services to smaller jails, larger jails ultimately will require multiple positions to meet their needs.

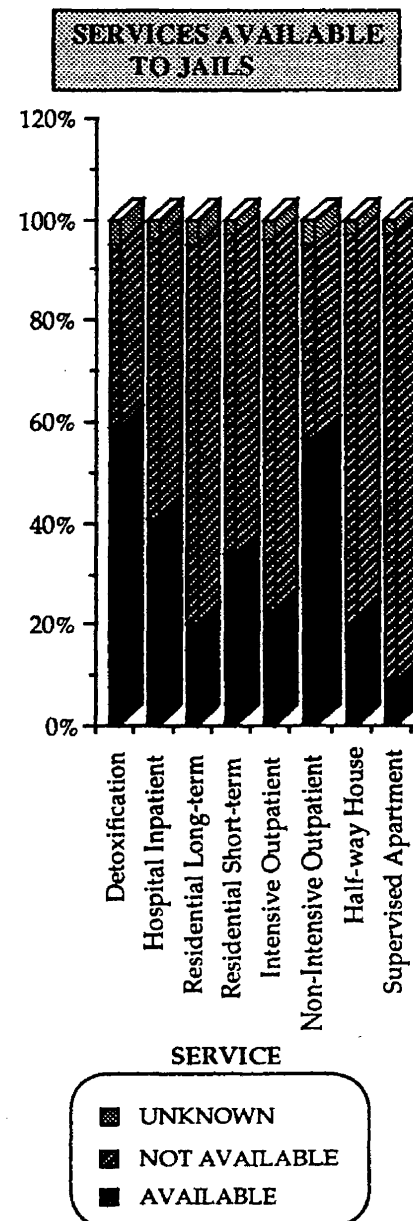
Recommendation #19: Jail administrations and other segments of the criminal justice system should participate in the interagency strategy development and the Department of Mental Health, Mental Retardation and Substance Abuse Services comprehensive planning process that involves the CSBs and the organizations and citizens of the service area in program planning and budget development.

Activity D: Assess program availability in the jails, prisons, and the communities. The subcommittee recommended that a survey be conducted to reveal all treatment programs and resources available to the offender population through the institutions, jails and community programs, and that a plan be developed to

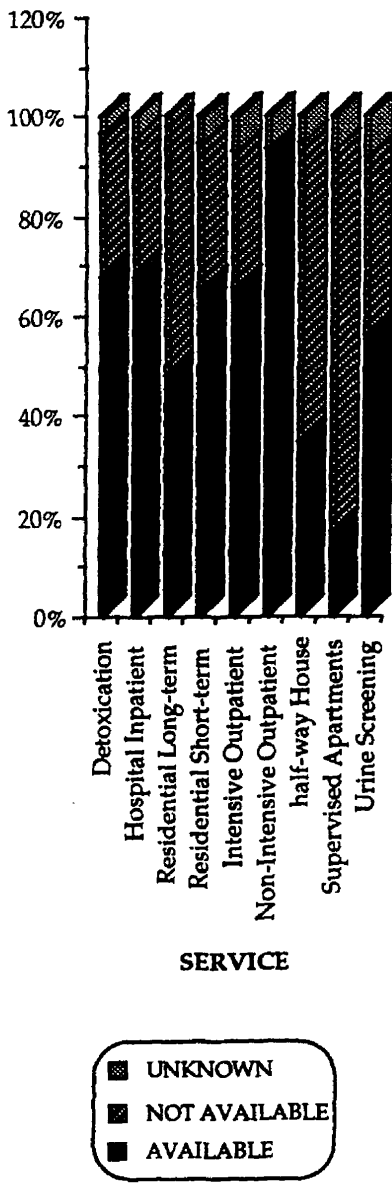
provide adequate services across the criminal justice system.

Two surveys were conducted during 1990 to accomplish this activity. The Task Force on Substance Abuse Services for the Offender, an interagency group composed of corrections officials, criminal justice system representatives and treatment providers, and the Department of Mental Health, Mental Retardation and Substance Abuse Services each conducted surveys to assess treatment availability for offenders.

The surveys revealed that there are 390 drug treatment slots for intensive drug treatment, 470 slots for drug education programs, and 1,600 slots for 12-step self-help drug programs in the state pris-



SERVICES AVAILABLE TO PROBATION AND PAROLE



ons, according to the Department of Corrections' Division of Adult Institutions. Approximately 11,520 inmates need drug treatment services. Approximately 2,380 inmates (21%) of the 11,520 are receiving services. Thirty percent of inmates reported participation in drug treatment prior to their current incarceration. Forty-five percent of inmates reported drug use on a regular (heavy or moderate) basis before their current incarceration.

The Department of Mental Health, Mental Retardation and Substance Abuse Services sent surveys in June, 1990, to the 40 Community Services Boards throughout Virginia. Each CSB was asked to com-

plete the survey which described the type of services provided to the criminal justice population and the number of individuals served during a one week period. As of July 13, 1990, responses had been received from 37 of the 40 CSBs. During the survey period, respondents indicated:

Sixty-three percent of all CSB outpatient substance abuse services were delivered to individuals involved in the criminal justice sector.

Of all criminal justice clients receiving services, 74% were receiving outpatient services.

Substance abuse services most often provided to offenders are:
 • outpatient services;
 • assessment services;
 • case management services;
 • emergency services.

There are significant numbers of offenders who evidence considerable levels of alcohol and other drug abuse problems in all components of the criminal justice system. Although CSBs provide significant amounts of substance abuse services for offenders, these are insufficient to meet the level of demand and need indicated. Services to jails from CSBs have expanded and improved with the 40 new counselor positions, but many jails still lack appropriate services due to their size and/or location.

Substance abuse service options for offenders in the community are greater than in most institutions, but delivery of those services may be delayed or otherwise hindered by waiting lists, distances to service providers, lack of some types of treatment in many localities and insufficient treatment personnel to provide appropriate services.

Funding to provide services and to purchase services is inadequate for both community treatment providers and corrections agencies. As an example, probation and parole received \$129,800 to purchase services (treatment, emergency housing, bus tickets, etc.) in 1990. This is less than \$5.00 per offender.

Planning for substance abuse services for offenders typically has occurred separately within the respective substance

abuse and criminal justice systems. This separation has resulted in a less than optimum use of available resources and coordination between available services.

Recommendation #20: Pilot projects should be established in one or more localities in which expanded and or new, comprehensive and coordinated services are targeted for offenders within each component of the criminal justice and treatment systems. These projects should be supported with appropriate grant funds.

Recommendation #21: Interagency cooperation is essential to ensure that availability of services is improved and expanded to meet the needs of all offenders (prisons, jails, community). Agencies should pursue cooperative grant requests in order to develop new sources of funding, as well as to provide new treatment initiatives.

Recommendation #22: Cross-training should be provided for both criminal justice and substance abuse treatment staff. This training should promote maximum and efficient utilization of available resources, increase understanding and familiarity of each service system and encourage the cooperative development of new services. The Department of Corrections and the Department of Mental Health, Mental Retardation and Substance Abuse Services should explore possible funding resources, particularly grants, to design and implement cross-training programs.

Recommendation #23: Collaborative and ongoing interagency planning should continue within the context of the Interagency Planning Group which is assisting the Governor's Council on Alcohol and Drug Abuse Problems to develop the Governor's drug control strategy.

Goal IV: Developing better working relationships between treatment providers and corrections officials to coordinate substance abuse services provided for the offender population.

Despite all efforts in this area, it is apparent that substance abuse and illegal drug trafficking will be a contributing factor in criminal activity for years to come. As the number of criminals with substance

abuse problems continues to grow, drug treatment will continue to be a concern in youth and adult correctional facilities and in community corrections. The subcommittee recommended that corrections officials and treatment providers develop better planning strategies for the future, based on continuing data collection and sharing of resources to be able to meet the substance abuse treatment needs of the criminal justice population. The following activities were conducted in furtherance of this goal:

Activity A: Study the working relationship between the court service units, probation and parole, Community Diversion Incentive, Community Service Boards, and state mental health facilities.

The purpose of this activity was to encourage treatment and corrections agencies to enhance, improve, and formalize the working relationship between the groups, and ensure that delivery of appropriate services to the offender population are coordinated and address the needs of the client. The Interagency Task Force on Substance Abuse Services for the Offender developed surveys which were sent to all jails, each probation and parole officer, each Community Diversion Incentive (CDI) case manager, Department of Criminal Justice Services (s) agencies, and Community Service Boards/Substance Abuse (CSB/SA) personnel. Responses were received from 59 of 95 jails, 29 of 30 CDI programs (124 total responses), 39 of 39 probation and parole districts (412 total responses) and 40 of 40 CSB/SA programs (429 total responses).

- Responses indicated that working relationships between CSB/SA staff and P&P/CDI staff appear good; but the relationships with jail staff are lacking, resulting in the possible non-delivery of appropriate services.
- Responses also indicated that cross training between CSB/SA staff, P&P/CDI staff and jail staff is lacking.
- Cooperative grant requests have been made and numerous grants have been awarded through DCJS which affect both community treatment and corrections agencies.

- Cooperation between CSB/SA and DOC personnel has been initiated.

Recommendation #24: Written memoranda of understanding between the Departments of Corrections and Mental Health, Mental Retardation and Substance Abuse Services that detail working relationships should be finalized.

Recommendation #25: Local memoranda of understanding should be established between jail administrators and Community Service Board (CSB) directors.

Recommendation #26: Cooperative grant applications should be pursued and coordination of services between correctional facilities and treatment service agencies should continue.

Recommendation #27: Cross-training between the staff of the Departments of Corrections and Mental Health, Mental Retardation and Substance Abuse Services is essential, and should be jointly developed by the two agencies.

Activity B: Study the availability of drug use data for use in treatment planning.

The staff of the Crime Commission, with assistance from the Department of Mental Health, Mental Retardation and Substance Abuse Services, the Virginia Hospital Association, the Department of Health Professions and the Virginia State Police, studied two health data collection systems for possible use in collecting drug use data in Virginia. Because of the potential for such data collection to assist law enforcement efforts, the study report also was presented to the Law Enforcement Subcommittee of the Drug Study Task Force. Those findings may be found in the report of the Law Enforcement Subcommittee.

Activity C: Encourage state-level inter-agency planning to provide comprehensive and cost effective treatment services to offenders.

The subcommittee recommended that state agencies improve their coordination and resource-sharing efforts in planning and providing substance abuse treatment services for offenders. The Governor's Council on Alcohol and Drug

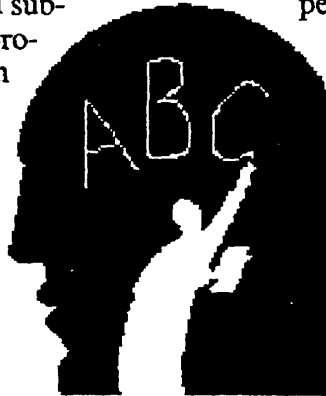
Abuse Problems was identified as the proper agency of the Governor's office to direct these executive branch activities. The Drug Policy Office of the Governor has constructed a reporting and planning system, termed the Interagency Planning Group, which involves all related state agencies to ensure that program planning and resource expenditure is coordinated for expediency and efficiency. The Governor's Council on Alcohol and Drug Abuse Problems, with the assistance of the Interagency Planning Group, will complete a proposed executive branch drug strategy for the Governor to approve and implement in 1991. The Crime Commission's Drug Study Task Force and the Drug Policy Office of the Governor have worked together to ensure that efforts of the executive branch and the General Assembly are not duplicative and are coordinated.

Recommendation #28: The Crime Commission should continue to work with the Governor's Council on Alcohol and Drug Abuse Problems and the Governor's Drug Policy Office to pursue a comprehensive and coordinated approach to drug-related law enforcement, treatment and education programming and budgeting in Virginia.

Drug addiction among offenders is a critical problem for the corrections and treatment communities. Research indicates that offenders who are not successfully treated for their chemical dependencies are more likely to be repeat criminal offenders. This segment of the criminal justice population will continue to be a costly problem for Virginia unless these offenders receive adequate treatment for their substance abuse problems, and develop basic education and job skills to better enable them to return to society as capable, productive and rehabilitated individuals.

REPORT OF THE EDUCATION SUBCOMMITTEE

The Education Subcommittee examined substance abuse education and prevention programs to determine their effectiveness in deterring substance abuse among youth and adults. The subcommittee concluded that the best way to fight substance abuse is through school and community-based prevention education programs. These programs are targeted at "high risk" populations, or those



persons most likely to become involved in substance abuse and related criminal activity. Drug addiction and illegal drug trafficking have become significant burdens for law enforcement, corrections, courts and treatment providers. Focusing on the prevention of drug abuse has been found to be much more cost-effective than treating the problems after they have already developed.

The Education Subcommittee focused on six major goals:

- Goal I.** Examine the existing school and community drug education programs available in Virginia, and compare Virginia's efforts with those of other states;
- Goal II.** Determine the quality of Virginia's drug education programs through evaluations and impact surveys;
- Goal III.** Identify funds expended for substance abuse education and prevention programs in Virginia, and catalog sources of new or additional funds;
- Goal IV.** Improve the quality and availability of substance abuse education and prevention programs in Virginia, and target new audiences for substance abuse education;
- Goal V.** Consider legislative reform to ensure drug-free educational environments; and
- Goal VI.** Encourage the coordination of substance abuse education and prevention programs to prevent duplication and better utilize limited resources.
-
-

Goal I: Examine the existing school and community drug education programs available in Virginia, and compare Virginia's efforts with those of other states.

Activity A: Conduct program surveys to identify gaps in services in school and community programs.

The Departments of Education and Mental Health, Mental Retardation and Substance Abuse Services conducted separate surveys during 1990.

The Department of Education reported that almost every school system in Virginia offers basic prevention services, but that the level of total services varies greatly and, in many cases, could be improved. The Department of Education regularly receive requests for technical assistance from local school division related to identification of resources, information on model programs and additional regional and state conferences. Local school divisions indicated a specific need for parent awareness training, which helps parents prevent and identify signs of drug use in their child. Such a program will be started with 1991 grant funds set aside by the Office of the Governor.

The Department of Mental Health, Mental Retardation and Substance Abuse Services reported that it provides a wide array of services in community-based prevention programs. However, the Department has only 1.75 staff positions to provide technical assistance to the localities. The minimal staffing within the Department's substance abuse prevention services office makes it difficult to assist a significant number of localities with grant applications, program design or assessment.

Report of the Department of Education: Two surveys were conducted by the Department of Education to assess existing programs/activities and to gather information on those still needed.

The first survey of the state's 134 school divisions, conducted by the Department of Education in the summer of 1989, focused on existing programs/activities and had three major purposes:

1. to gather information on programs/activities funded by the Drug-Free Schools and Communities Act of 1986;
2. to gather information on programs/activities, regardless of the funding source, in order to catalog what occurring in the state; and
3. to establish a base of evaluation data so that future evaluations of programs/activities can be designed.

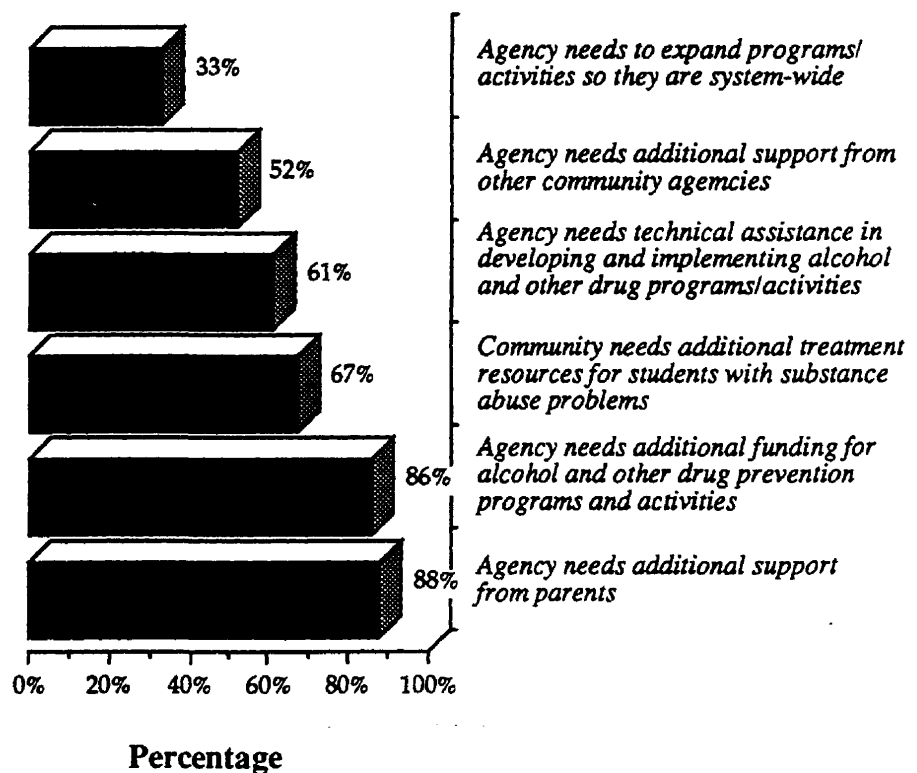
The main limitation of this survey was that it emphasized process evaluation (i.e., how the programs are administered) rather than outcome evaluation (i.e., the effect or impact of the program). It would be useful to move toward outcome evaluation in the future. The results of this survey were published in the report, "Drug-Free Schools and Communities Act of 1986 Biennial Local Education Agencies Evaluation 1987-1989,"

A second survey of the local school divisions, conducted during the spring of 1990, gathered information on needed programs/activities. (See chart A). The results of this survey were published in the 1990 report, "Alcohol and Drug Programs in Public Education: A Report to the Governor."

According to the survey results, the local education agencies believe that there is additional need for all of the following programs/activities:

1. teacher/staff training,
2. youth education,
3. youth activities/programs,
4. early identification and referral programs,
5. curriculum developed and purchased,
6. audio-visual material developed and purchased, and
7. contracts for independent services.

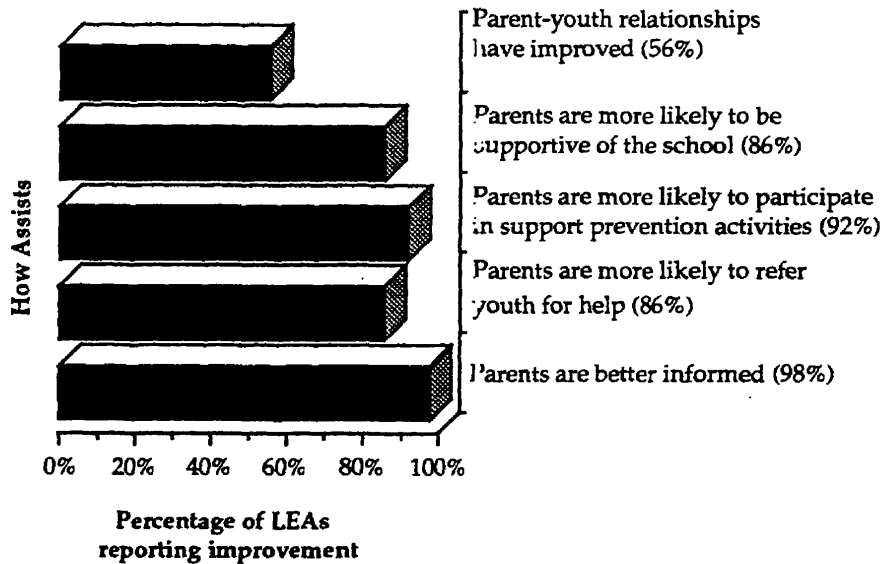
Percentage of Local Education Agencies with the Following Needs



The greatest needs identified by local school divisions are for:

1. teacher/staff training, particularly in-service education and school/community team training;
2. parent training, particularly special sessions and school/community team training;
3. youth education, particularly special sessions and the YADAPP (Youth Alcohol and Drug Abuse Prevention Programs) conference, and
4. youth activities/programs.

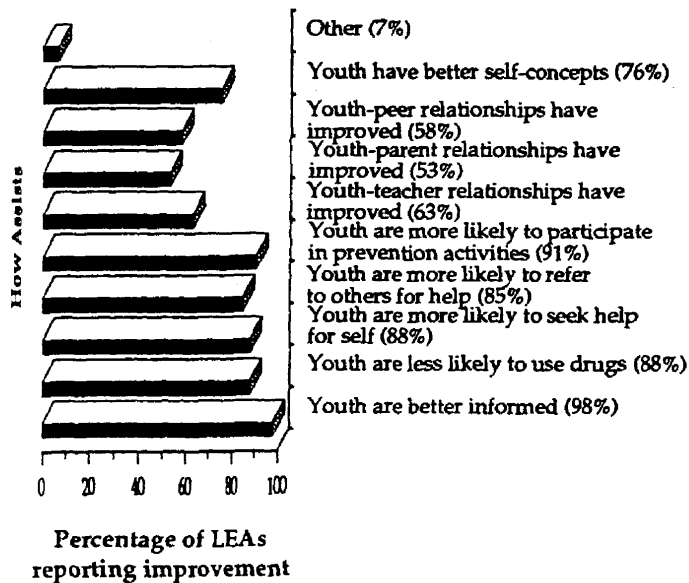
How Parent Training Assists in the Prevention of Substance Abuse



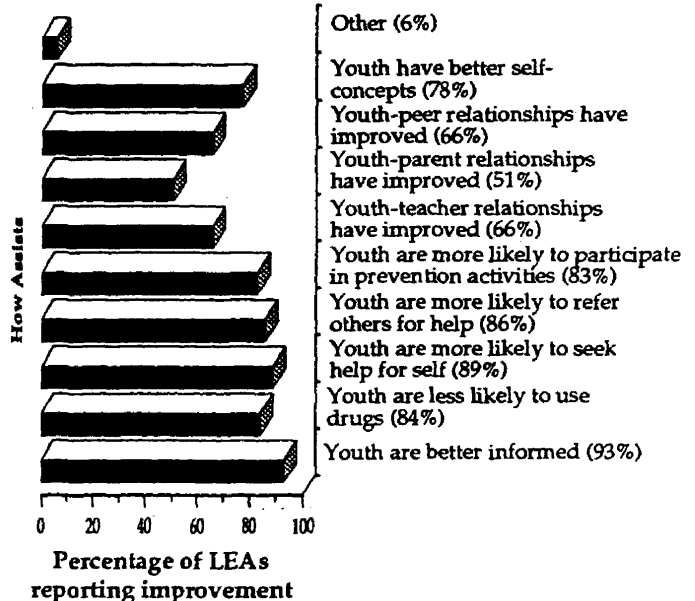
The second survey of the local school divisions showed the following needs:

- School division needs additional support from parents 88% (106)
- School division needs additional funding for alcohol and other drug prevention programs and activities 86% (104)
- Community needs additional treatment resources for students with substance abuse problems 67% (81)
- School division needs technical assistance in developing and implementing alcohol and other drug programs/activities 61% (74)
- School division needs additional support from other community agencies 52% (63)
- School division needs to expand programs/activities so they are system-wide 33% (40)

How Youth Education Assists in the Prevention of Substance Abuse



How Youth Activities Assist in the Prevention of Substance Abuse



Recommendation #1: The Department of Education distributes Drug-Free Schools and Communities Act federal funds to local school divisions and helps them find additional sources of funding. The Department also provides technical assistance to school divisions in developing programs and training projects. The Department should evaluate at regular intervals the effectiveness of local education agencies' substance abuse prevention programs/activities and survey the service needs of localities, and report to the General Assembly and Governor.

Report of the Department of Mental Health, Mental Retardation and Substance Abuse Services:

The Department of Mental Health, Mental Retardation and Substance Abuse Services oversees prevention services funded directly through the Office of Prevention, Promotion, and Library Services and provided by the forty (40) Community Services Boards and contract agencies throughout the Commonwealth. Currently, each Community Services Board has a minimum of one prevention specialist, who provides substance abuse prevention programming, education, information, training, and coordination and leadership of local prevention planning and implementation activities. All of the cities and counties in the Commonwealth receive services from their local Community Services Board.

The Boards based the following initiatives on identification of need through an assessment process in the Board's service area. The initiatives conform to the guidelines of the executive branch agencies' comprehensive plan for statewide substance abuse services delivery. The Interagency Comprehensive Substance Abuse Plan was produced in 1989 as a cooperative project of 17 state agencies. The plan was developed at the request of the 1989 Joint Subcommittee Studying Mandated Substance Abuse Prevention and Treatment Programs, chaired by Senator Benjamin J. Lambert III. The most effective programs, according to research, promote healthy emotional and social development and prevention of substance abuse and other adjunct negative behaviors.

The Office of Prevention, Promotion, and Library Services also provides funding and technical assistance to 15 alternative substance abuse prevention programs for high-risk youth and adolescents. The programs provide opportunities for youth to develop necessary social skills and positive self perceptions, and to be more responsible and self-controlled. Programs components include tutoring, mentorships with business and professional leaders and career and college exploration projects. The goals of these programs are to enable communities to develop cooperative partnerships and provide a full year of substance abuse prevention services and activities targeted at youth in neighborhoods or communities under-served by other social programs. These alternative substance abuse prevention programs serve 205 high risk youth, ages six to 18, in ten localities throughout the Commonwealth with the total funding of \$153,000. Grants of up to \$20,000 are made to localities for these programs on a request for proposal basis. The Department of Mental Health publishes statewide the availability of grant funds for substance abuse prevention programs. Agencies and communities are requested to apply for the grants by filing a proposal that meets the qualifying criteria of the granting authority.

Funding for these programs comes from:

1. the Department of Criminal Justice Services (Juvenile Justice Delinquency Prevention monies),
2. the Office of the Governor (Drug-Free Schools and Communities Act Discretionary monies),
3. the 1988 Anti-Drug Abuse Act (P.L. 100-690) Block Grant, and
4. the Alcohol, Drug Abuse, and Mental Health Block Grant.

The Department was a successful applicant for a competitive model demonstration grant under the Community Youth Activity Program of the 1988 federal Anti-Drug Abuse Act. This grant, totaling \$294,841 for fiscal year 1990-91, will fund five neighborhood-based comprehensive substance abuse prevention programs in the city of Petersburg, serving 175 high-risk youth, ages six to 18. Funding for this program is available through 1992, based upon the success of the program and availability of funds. The Alcohol, Drug Abuse, and Mental

Health Block Grant provides \$40,000 for 10 Community Services Boards to provide group services for children of alcoholic and drug abusing parents. Approximately 500 youth, ages 7 to 18 are served through these programs. The programs are community- and school-based and utilize a variety of models proven effective for this population. Some of the programs include alternative prevention program components and summer activities.

Using \$5,000 of the Alcohol, Drug Abuse and Mental Health Block Grant, the Office of Prevention, Promotion, and Library Services, in cooperation with the Department of Social Services, is sponsoring one statewide and two regional training events. This training will develop regional networks of mental health and other professionals who will provide training for child care workers, focusing on identifying and working with children who have alcoholic or drug-using parents. The training also will include child development and social skills issues.

There are a significant number of youth, under age 18, in the Commonwealth who fall into one or more of the high-risk indicator categories listed by the federal government. The latest data (fiscal year 87-88) compiled by the Department of Corrections show that in the Commonwealth there were: 11,341 reported cases of child abuse; 17,592 school drop-outs, with an additional 13,524 youth who scored in the lowest quarter of their class in the eighth grade reading tests, an indicator for academic failure and potential for dropping out; 7,921 adolescent pregnancies; 98,843 youth living in households receiving Aid to Dependent Children (This figure does not include the total number of youth who are economically disadvantaged but whose parents do not receive public assistance). There were 83,089 youth who had some contact with law enforcement and judicial services. In addition, the Virginia Department of Education reports that approximately 105,000 disabled youth, ages 3 to 21, received special education services in fiscal year 89-90. All of these factors (low household income, dropping out of school, contact with the criminal justice system, etc.) help define the "high risk" child who is likely to use alcohol and other drugs.

Recommendation #2: The Office of Prevention, Promotion and Library Services of the Department of Mental Health, Mental Retardation and Substance Abuse Services should ensure that it has adequate personnel to offer technical assistance and training in grants preparation to communities. Without such assistance, communities with great need may be unable to receive the funds to combat these problems.

Activity B: Study prevention programs in Virginia and other states for a comparison analysis.

Report of the Department of Education: The Department of Education surveyed key states that have well-developed school-based prevention programs and identified several such programs with potential application for Virginia.

The Department of Education contacted and received information from the following states: California, Maine, Michigan, Minnesota, North Carolina, Ohio, South Carolina, Washington, and Wisconsin. Information regarding Florida's programs and California's programs were obtained from the following reports: *Toward a Drug-Free Florida: Report to the Governor, 1989*; *California Master Plan to Reduce Alcohol and Other Drug Abuse: Year Two, (January, 1990)*; and *Not Schools Alone: Guidelines for Schools and Communities* (California Department of Education, 1990).

In the comparison study, Virginia's alcohol and other drug use prevention program efforts equal, and in most cases, exceed other efforts in providing a comprehensive substance abuse prevention, education, and early intervention program.

Virginia has been able to develop innovative approaches to alcohol and other drug use prevention as a result of the Drug-Free Schools and Communities Act. The Youth Risk Prevention Project is a Department of Education effort to promote a safe and healthy community/school environment so that youth can lead productive and happy lives.

Recommendation #3: The Department of Education report from its comparison study of the prevention programs in

several other states should be made available to the Governor's Council on Alcohol and Drug Abuse Problems for use in the development of the Governor's state-wide drug abuse prevention strategy.

Recommendation #4: The Department of Education report should be updated to include information available in the 1989 National Assessment Evaluation when that report is released.

Report of the Department of Mental Health, Mental Retardation and Substance Abuse Services:

The Department of Mental Health did not identify specific programs of note in other states, but reported that Virginia's community-based programs were comparable with the best state programs in the country. At this time the Department of Mental Health has minimal program funds and operating funds, and without financial assistance cannot expand services to communities beyond the present level. The Department did not request legislative assistance from the Commission at this time.

The work of the Virginia Office is carried out by 1.75 full-time-equivalent (FTE) employees, which is below the average for the number of staff assigned by state offices nationwide for substance abuse prevention. The Virginia Office provides all of the expected services except for the provision of direct service through contract agencies. The following chart lists the activities conducted by state Offices of Prevention for substance abuse programming:

- Set direction for substance abuse prevention programming for localities
- Provide consultation and technical assistance to localities
- Provide training for local service providers
- Provide informational materials upon request to prevention specialists, human service personnel, and citizens
- Provide direction and funding for local programs for high-risk youth
- Distribute funds for local substance abuse prevention programming through requests for proposals
- Publish a newsletter on substance abuse prevention issues and activities

- Member of the RADAR Network of the Office of Substance Abuse Prevention
- Conduct program evaluation and research
- Provide guidance and/or funding for programs for children of alcoholics
- Have libraries that loan educational materials, curriculums, books, journals, audio visual materials, etc. to state and local human service personnel
- Sponsor public awareness campaigns
- Provide guidance, training and/or funding for teen pregnancy and fetal alcohol prevention and programs for pregnant teens
- Manage employee assistance programs

In 1987, the National Association of State Alcohol and Drug Abuse Directors and the National Prevention Network jointly developed a program to identify model programs nationally. Two of the twenty nationally selected programs for 1987 were Virginia programs. The "Hampton Intervention and Prevention Project" (HIPP) and the Lynchburg "Students Organized for Developing Attitudes" (SODA) met all of the criteria above and were recognized for excellence.

Recommendation #5: The Office of Prevention, Promotion, and Library Services should improve its ability through adequate staffing to offer services in the following areas:

- a. Direct substance abuse prevention programming in localities.
- b. Assist localities in developing quality and research-based substance abuse prevention programming that is community-based and directly responds to assessed local needs.
- c. Train local service providers.
- d. Direct and fund local substance abuse prevention programs for high-risk youth.
- e. Provide program evaluation and research.

Recommendation #6: The Office of Prevention, Promotion, and Library Services should review regularly the community prevention programs in other states, and expand Virginia's programs as funding and staffing levels permit.

Goal II: Determine the quality of Virginia's drug education programs through program evaluation and impact surveys.

Activity A: Develop minimum quality standards for prevention programs.

This goal directly addresses drug education. Other goals have a direct impact on drug prevention education and include such concepts as acceptance of self and others; development of attitudes and behavior to prevent disease; assumption of responsibility for problem-solving; and selection of health services.

The Standards of Learning (SOLs) program in Virginia public schools was adopted by the Board of Education in 1981. The Health SOLs contain the following goal:

To help the student understand the nature, use, and effects of tobacco, alcohol, and drugs, and make intelligent decisions concerning their use.

The State Department of Education (DOE) revised a resource guide for drug education in 1983, originally developed in 1974. This guide was developed as a supplement to the Health Education curriculum guides, K-7 and 7-12. By 1986, it became evident to the Department of Education that both the SOLs and the resource guide needed to be updated. Drug specific information was changing rapidly; students' lives had become enmeshed in the drug culture; schools had fallen behind in knowledge, methodology, and availability of resource materials.

The DOE selected a committee to review the existing drug curriculum and recommend changes that would reflect the identified priorities. The committee members included university personnel, elementary and secondary classroom teachers, a pharmacologist, a prevention specialist, and DOE staff. After review-

ing the existing curriculum, the committee concluded that an update of the curriculum would be a superficial approach and would not provide comprehensive, usable information for the classroom teacher. Therefore, the committee recommended a complete rewriting of the curriculum, and the DOE concurred. Committee members provided the bulk of the content for this new curriculum from their own individual research, expertise, and experience.

The alcohol and other drug curriculum guide now is a 500-plus page, two-volume, loose-leaf bound document that contains the most current drug-specific information. It is both comprehensive (K-10) and age-appropriate, and includes teaching strategies and suggested activities for application, as well as bibliographical information, lists of resources, and a parent component. The "I Am Always Special" (IAAS) Curriculum Guide, K-10, represents a credible model for drug prevention education that was desperately needed by many school divisions in Virginia.

Recommendation #7: Classroom teachers and other school personnel should receive ongoing training related to the concepts and implementation of the alcohol and other drugs curriculum guide, IAAS ("I Am Always Special"). This training will compensate for personnel attrition, as well as new research data.

Recommendation #8: The implementation of the IAAS curriculum should be evaluated regularly to identify changing needs of students and teachers and ensure applicability to the classroom.

Recommendation #9: The IAAS curriculum should be revised annually to reflect the most current information on drugs and substance abuse.

Report of the Department of Mental Health, Mental Retardation and Substance Abuse Services:

While it is not the role of the Department to develop curricula for community-based substance abuse prevention programming, the Office of Prevention does offer guidelines for the development of programs funded with block and competitive grant sources. The fiscal year 91 federal Alcohol, Drug and Mental Health

Block Grant requires 20 percent of substance abuse funding to be set aside and targeted for prevention efforts. This provided a \$1.8 million increase for Virginia. The Office of Prevention, Promotion, and Library Services requested proposals from each Community Services Board to determine allocation of these funds. Each Board was required to identify its top priority based on a needs assessment, a research-based model to address that priority, and the data they will collect to determine the impact of their program.

A Department panel then reviews each grant application, and assists localities with revising their applications to be in compliance with federal requirements. The Department is held accountable for community-based services by the General Assembly, although the Department's direct administrative authority does not extend to the Community Services Boards. The State Board (DMHMRSAS) is also responsible for setting broad programmatic and fiscal policies for the entire system, including the Community Services Boards. The Department maintains centralized administrative and oversight functions, including financial management and performance contracting, planning and policy development, data collection, program licensing, and on-site evaluation of Community Services Board functioning.

Recommendation #10: The Department of Mental Health, Mental Retardation and Substance Abuse Services should make grant writing technical assistance to localities a top priority.

Activity B: Survey Virginia youth to assess the effectiveness of drug education programs.

In 1989, the Virginia Youth survey was developed under a grant from the Governor's Council on Alcohol and Drug Abuse Problems and administered to a select population of eighth, tenth and twelfth graders. The survey was conducted to gather accurate, reliable information about substance usage activities by Virginia's youth. Specifically, the research examined attitudes toward alcohol and other drug use and recorded the frequency and prevalence of use. The primary objective was to provide facts

about the scope of the problem to the Virginia Governor's Council on Alcohol and Drug Abuse Problems. The survey also presents detailed and documented information on which the Council can base drug intervention plans and policies.

To test the effectiveness of the fifth grade DARE program, the survey would need to be expanded to include a sixth grade component. Based on the 1989 research, it is estimated that the cost to replicate this statewide study would cost approximately \$85,000 for each cycle (this assumes use of the existing survey instrument). This would include printing of the instruments, implementation of the survey (involving local school personnel), forms processing, data analysis and writing of a final report. The \$85,000 cost estimate does not take into consideration the cost to expand the survey to include and administer a sixth grade component.

Local Virginia communities requested that drug use prevalence surveys be conducted on a local level. School and community officials, and planners of substance abuse treatment and intervention programs have expressed the need for such survey data. They see a considerable benefit in the local application of a tested, professionally-developed survey. Many communities do not have the expertise to develop and implement such a survey, and most do not have the computer equipment necessary to process the information. The tested state instrument gives them a tool ready for immediate administration.

Recommendation #11: The Office of the Governor should expend the necessary grant funds to expand the Virginia Youth Survey to include sixth grade, implement the survey on a biennial basis and make the data available to local school divisions.

Goal III. Identify funds expended for substance abuse education programs in Virginia, and catalog sources of new or additional funds.

Activity A: Identify state agency funds committed to substance abuse prevention programs.

The State CADRE (Commonwealth Alliance for Drug Rehabilitation Education) program consists of eight state agencies that provide substance abuse education and prevention services through technical or resource assistance to localities. The four-year-old organization of state agencies meets regularly to coordinate the services they provide to localities.

In 1990, Governor Wilder appointed a new Governor's Council on Drug and Alcohol Abuse Problems, and directed the Council to assist state agencies in developing and providing substance abuse treatment and prevention education services that are comprehensive and coordinated. State agencies have been directed to inform the Council of any program plans or expenditures related to substance abuse reduction efforts. The eight CADRE agencies, along with all other state agencies, will report directly to the Governor's Council and the Governor's Drug Policy Office to ensure that all substance-abuse related efforts have the approval of the Governor. In 1991, the Governor's Drug Strategy, as developed by the Governor's Council, the Drug Policy Office and key state agencies, will be approved by Governor Wilder. A component of this drug strategy will be the identification of all state funds expended for state substance abuse reduction efforts.

Recommendation: None.

Activity B: Institutionalize the Office of Youth Risk Prevention in the Department of Education.

All five positions in the Department of Education Office of Youth Risk Prevention are federally-funded grant positions, and only one is permanent full-time. The workload has outgrown the existing staffing level, and it is difficult to retain qualified professionals in temporary part-time positions. The Commission introduced a successful budget amendment in the 1990 General Assembly session to provide four full-time equivalent positions for the Office of Youth Risk Prevention. The \$167,657 was appropriated for a supervisor, two professionals and a secretary to institutionalize the efforts of this office. Additionally, one or more restricted federally-funded positions

could be retained to handle any increased workload, but only as needed and subject to surplus funds.

The federal funds that were spent for these positions were to be redirected to provide School-Community Team Training by the end of 1990 to all school divisions that previously had not received this training. School-Community Team Training enables teams to conduct programs for high risk youth modeled on the PULSAR program in Staunton and the INSIGHT program in Henrico County.

Recommendation #12: The Department of Education should ensure that departmental reorganization does not diminish the present efforts of the Office of Youth Risk Prevention, or prevent the School/Community Team Trainings from being conducted as planned.

Activity C: Identify ways to equitably provide DARE funds to assist sheriffs' offices and police departments.

Drug Abuse Resistance Education (DARE) is a drug abuse education program taught by local sheriffs or their deputies and police officers who are trained by the Virginia State Police DARE training program. The basic component of the DARE program is a fifth grade instructional unit taught in the schools by law enforcement officers. Some DARE programs have been expanded to include visits to other elementary grades and a follow-up program at the middle school level. Presently, the State Police provides training and classroom supplies to local law enforcement agencies free of charge, and local governments absorb the cost of the DARE officer's instructional time spent in the schools. The Virginia State Police receives a Drug-Free Schools and Communities Act federal grant through the Governor's Council to pay for the training program and supplies for the localities.

During the 1990 General Assembly session, the Virginia State Sheriff's Association introduced a budget amendment to request the State Compensation Board to approve funding for 48 new sheriff's deputy positions for DARE instruction. Police departments, which are funded through local government subdivisions, could not receive the same supplemental

compensation. The Association's budget amendment was denied; instead, the 1990 Appropriations Act directed the Secretary of Public Safety and the Governor's Council to devise a DARE funding strategy and present it for approval to the Drug Task Force Education subcommittee.

The Secretary of Public Safety and the Office of the Governor appointed a committee to research the cost of providing DARE instruction statewide to fifth graders. A proposal was devised which calls for the state to reimburse local governments one-third of their costs to conduct the DARE program, and for the state to continue to provide training and supplies free of charge to localities. The purpose of the one-third supplement was to compensate local law enforcement agencies for some of their time spent in delivering DARE instruction in lieu of law enforcement duties. Based on an estimation of costs and a formula devised by the committee, it was estimated that a DARE supplement from state general funds given to localities would cost the state approximately \$2-2.5 million in the 1992-94 biennium.

The Education Committee of the Drug Study Task Force rejected the supplement proposal as too costly. However, the Committee recognized the need to institutionalize the DARE program to ensure its continuance and funding stability, and proposed that the Virginia State Police include the \$800,000 required to provide DARE training and supplies for two years in the Department's 1992-94 proposed biennium budget.

Recommendation #13: The Virginia State Police should include the cost of the DARE state training program and supplies in its 1992-94 biennium budget in order to institutionalize the DARE program in Virginia.

Activity D: Identify funding resources for community prevention programs, particularly for public housing projects.

The Department of Mental Health, at the request of the Education Subcommittee of the Drug Study Task Force, prepared a manual of funding resources and technical assistance opportunities to assist communities with starting local preven-

tion programs. The funding sources listed may be accessed only after at least preliminary program planning has taken place and a written request or application for program support is submitted to the funding source. The listing of funding sources includes public monies available through federal and state agencies and private monies available through foundations. Sources that are not listed but which should not be overlooked by program planners include local businesses, organizations, and human service providers that can offer funding or in-kind services for the proposed program. Also included in the report is a listing of sources that can provide information on a variety of funding sources and program strategies. The last list includes those state agencies that can provide training and technical assistance in assessing community needs, program planning, development of effective prevention and intervention strategies, networking, and grant writing.

Recommendation #14: The Department of Mental Health, Mental Retardation and Substance Abuse Services should distribute its funding resources manual to Community Services Boards, community leaders, and local CADRE groups to help communities locate and apply for grants to fund local prevention programs.

Recommendation #15: The Department of Mental Health, Mental Retardation and Substance Abuse Services should encourage communities and neighborhoods to develop a planning body to assist in preparing grant applications for the community. Appropriate members of a planning body should include, but not be limited to, public agency service planners, human service providers, residents of targeted neighborhoods, business representatives, and service organizations.

Goal IV: Improve the quality and availability of substance abuse education and prevention programs in Virginia, and target new audiences for substance abuse education.

Activity A: Evaluate the plan for DARE expansion beyond the basic fifth-grade curriculum.

The 1990 Appropriations Act directed the Secretary of Public Safety and the Governor's Council to develop a plan for expanding DARE classes across grades K-12. In response, the Virginia State Police DARE coordinator developed a comprehensive report on the present fifth grade DARE program in Virginia, the middle school pilot DARE programs and overall program costs and expenditures. The Department of Justice and Risk Administration at Virginia Commonwealth University in 1990 completed an evaluation of the fifth-grade DARE program, and concluded that the program is successfully educating fifth-graders about the dangers of substance abuse. However, the middle school DARE program now being offered in 24 school divisions has not been evaluated for effectiveness. A middle school DARE evaluation would assist other school divisions in determining whether to initiate a middle school DARE component.

The committee appointed by the Secretary of Public Safety to develop a DARE plan recommended that the Governor designate \$50,000 from the 1990 Governor's Drug Summit budget set-aside, to conduct an impact evaluation of middle school DARE programs now being taught in Virginia. This evaluation should assist the Virginia State Police and local law enforcement agencies and school divisions in determining whether to expand the DARE program to the secondary grade levels.

Recommendation #16: The Governor's Council on Alcohol and Drug Abuse Problems should conduct an evaluation of the middle school DARE program as implemented in Virginia, funded by the 1990 Governor's Drug Summit budget set-aside, and report to the Governor and General Assembly for the benefit of local school divisions, the Department of Education and the Virginia State Police.

Activity B: Integrate substance abuse education into the general curricula.

The Department of Education's K-10 curriculum entitled "I Am Always Special" provides curriculum instruction and guidance for local school divisions. Additionally, the Department has developed learning packets to infuse substance abuse education across the general cur-

riculum without interfering with the basic education objectives. This methodology, known as cross-curricula infusion, gives students an opportunity to learn drug resistant attitudes and information about the dangers of substance abuse while learning English, Social Studies, Science and Health.

Recommendation #17: The Department of Education should take the following steps to design a model for cross-curricula infusion of substance abuse education:

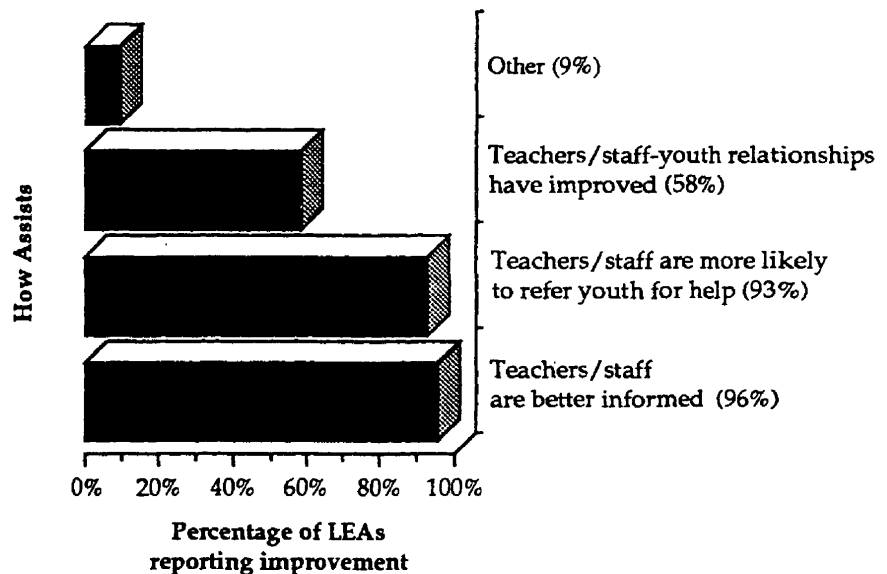
- a. Develop a task force to recommend criteria and strategies for cross-curricula infusion of alcohol and other drug curriculum. Task force members will represent the following: elementary and secondary supervisors from subject area disciplines, i.e., English, social studies, science, math, and vocational education; elementary and secondary classroom teachers and administrators; and prevention specialists in drug education.
- b. Develop and provide subject area learning packets (K-5, 6-8, 9-12) that teach drug-specific information, skills, attitudes, and social competencies that will enable students to choose and practice a drug-free lifestyle.
- c. Coordinate regional conferences to train classroom teachers in strategies for effective cross-curricula infusion and implementation, using the learning packets.
- d. Provide follow-up technical assistance to school divisions through in-service workshops and consultation services that also will serve as a basis for on-going evaluation of program effectiveness.

Activity C: Provide substance abuse identification training for teachers.

The Department of Education appointed a task force to respond to Senate Joint Resolution 80, the Crime Commission's 1990 legislative directive patroned by Commission Chairman Elmon T. Gray. SJR 80, adopted by the 1990 General Assembly, requested that the State Board of Education require state-certified teachers to receive training in substance abuse

identification and education. Additionally, Delegate Jane Woods called for a study of ways through which teachers could receive more training in school law, as she patroned House Joint Resolution 200 in the 1990 session. The Drug Study Task Force worked with Delegate Woods and it was agreed that training for teachers in school law and in substance abuse identification could be developed jointly. The Department of Education has developed a plan to offer substance abuse education and school law training for teachers through the re-certification process, tentatively to be provided during the 1991-92 school year.

How Teacher/Staff Training Assists in the Prevention of Substance Abuse



Recommendation #18: The Department of Education should provide substance abuse education and school law training to teachers through the re-certification process in local and regional workshops, utilizing the telecommunication and other resources of the community colleges whenever feasible.

Activity D: Develop drug policies and education programs for state employees.

The Governor's Council and Governor's office have taken the lead in this activity. A new drug policy for state employees is in development and should be approved for implementation in 1991. The Governor's Council has a Workplace Committee that will develop drug policy and education programs for state agencies and for private industry. The Office of the Governor and the Office of the Lieutenant Governor plan to develop these initiatives in 1991. Their goal is to encourage the private sector to recognize the impact of substance abuse on the workplace and to improve efforts to provide treatment to chemically-dependent employees.

Recommendation #19: The Virginia State Crime Commission should continue to work with the Governor and Lieutenant Governor to improve substance abuse education and treatment resources for state employees, and to provide workplace policy and program direction to private industry.

Activity E: Develop a statewide media campaign against substance abuse, to be sponsored and funded by both public and private sectors.

The Education Subcommittee of the Drug Study Task Force, with the assistance of the Governor's Office and the Division of Legislative Services, developed a preliminary plan for a media and public education campaign in Virginia. The Governor's Office and Governor's Council is using the plan to develop a statewide media campaign. The Commission study found that state agencies, particularly State

CADRE and the Departments of Education and Mental Health, Mental Retardation and Substance Abuse Services, currently are conducting drug abuse education programs that reach most of Virginia's population. However, these programs are not influencing school drop-outs, the regularly unemployed, hard-core addicts, drug dealers and others whose crimes are drug-related. A television and radio campaign can be a valuable educational tool, and the Governor's Council is the most effective sponsor for such a campaign. The following elements should be considered in developing the campaign:

1. Target the audience—Since education and prevention efforts seem to be reaching those who remain in school and are employed regularly, the campaign might best focus on the unconvinced:
 - a. dealers and those whose drug abuse leads to crime, including prostitutes.
 - b. drug-using parents and women of child-bearing age.
 - c. school drop-outs and students who are doing poorly in school or who attend irregularly.
 - d. jobless, sporadically employed and unskilled adults.
 - e. poor, single parent families.

2. Select influential spokespersons—Those who can inspire, intimidate, advise and offer alternatives, such as successful community leaders; law enforcement officers and judges; doctors and nurses, particularly those who work in emergency room or maternity ward settings; business representatives who can offer employment; education or training representatives who can describe skills training programs for successful employment.

3. Use personal values as a theme—Demonstrate how self-respect, prestige and personal wealth are affected by substance abuse.
 - a. lost wealth—drug use reduces the quality of life through loss of income, property seizure, eviction, inability to buy food and remoteness of wealth gained through drugs.
 - b. lost prestige—substance abusers are shunned by the community.

- c. disintegration of family—especially affected are relationships between mothers and children.
- d. lost self-respect—survival for substance abusers depends on drugs and drug dealers; they live in fear of arrest, and become irresponsible in their day-to-day activities.
- e. deterioration of physical and emotional health.

4. Medium, timing and frequency—Use television and radio primarily, supported by print materials that refer to available drug treatment services, posted in health, legal aid and social services clinics, and convenience stores.

5. Funding—To ensure authority for the Governor's Council to solicit funds, an amendment to the Code of Virginia §37.1-207 may be required. A separate foundation solely for the campaign may be advisable, with funds solicited from organizations and businesses affected by substance abuse problems.

Recommendation #20: The Governor should consider offering legislation to amend the Code of Virginia §37.1-207 to ensure that the Governor's Council on Alcohol and Drug Abuse Problems is authorized to solicit funds for a drug education media campaign.

 Goal V: Consider legislative reform to ensure drug-free educational environments.

Activity A: Toughen Virginia's drug-free school zone law.

House Bill 392, patroned by Delegate Warren Stambaugh, was passed by the 1990 General Assembly. It clarifies that the law (Code of Virginia §18.2-255.2) is enforceable at any time, and broadens the zone to include any properties open to the public within the 1,000 foot zone. A 1990 Virginia Supreme Court decision upheld the application of the drug-free school zone law during off-school hours.

Recommendation #21: State and local law enforcement agencies should vigorously enforce Virginia's drug-free school zone law to deter drug trafficking directed at youth.

Activity B: Study alcohol and drug abuse on college campuses.

The Crime Commission conducted a study with the assistance of the Department of Alcoholic Beverage Control and Virginia Campus Law Enforcement Executives. Representatives from the Department of Alcoholic Beverage Control, Virginia Association of Campus Law Enforcement Executives, State Council of Higher Education, Virginia Commonwealth University and University of Virginia met with Commission staff to discuss the issue of drug and alcohol abuse on college campuses.

At this time every Virginia college and university is required to submit a policy statement on substance abuse to the State Council on Higher Education for Virginia. In addition, colleges certify to the federal government that they have a drug abuse prevention program in operation for officers, employees and students in order to qualify for federal student aid funds. Despite present efforts, the increasing availability of illegal substances in society and on college and university campuses requires a collaborative response.

No statewide set of institutional policies is appropriate for the diverse student populations and settings of Virginia's colleges and universities. Therefore, each institution of higher education is responsible for providing its own up-to-date policy on substance abuse which, at a minimum, must address enforcement, education and prevention, and counseling and referral.

The University of Virginia has made significant progress in combatting substance abuse, particularly alcohol abuse, on the campus. This success chiefly is attributed to university administrators, police officials and student representatives working closely with local law enforcement agencies and the Department of Alcoholic Beverage Control. Their strategy to address this issue was to develop and enforce a specific and rigorous policy statement on drug and alcohol abuse.

The subcommittee considered legislation to amend the Alcohol Beverage Control (ABC) Board regulations to require

that the rental of beer and wine kegs be registered with the Board. The full task force did not recommend such legislation on the basis that it would over-regulate private commerce. Representatives from the ABC Board, as well as other law enforcement agencies, testified that they presently have sufficient enforcement power to prevent and prosecute the distribution of keg beverages to underage persons.

Goal VI: Encourage the coordination of substance abuse education and prevention programs to prevent duplication of state efforts and better utilize limited resources.

Activity A: Provide state level leadership in coordinating prevention programs.

The Governor's Council on Alcohol and Drug Abuse Problems appointed by Governor Wilder has been instructed to develop a state strategy for developing and operating prevention programs. The goal is to provide an array of services statewide that are not duplicative and that best utilize the resources presently available in the state. An interagency planning group is working with the Council to identify all state efforts related to substance abuse treatment and prevention, and to recommend ways to best utilize state resources to reduce substance abuse in Virginia. The Governor's Drug Policy Office is working with the Governor's Council and the Interagency Planning Group to direct the planning process.

Recommendation #22: The Governor's Council on Alcohol and Drug Abuse Problems should provide an annual report of its findings and recommendations to assist the Governor and General Assembly in setting state agencies' budgets for substance abuse reduction programs

Activity B: Continue the work of the eight CADRE state agencies.

The CADRE agencies will continue to provide staffing support to the Governor's Council and assist in the development of Governor's Wilder's drug strategy. Additionally, State CADRE, chaired by Attorney General Mary Sue Terry, plans

to continue to offer technical assistance and networking opportunities to CADRE groups in local communities.

Recommendation: None.

Activity C: Monitor the work of the legislative committee studying the school dropout problem.

The relationship between substance abuse and school drop outs is being studied by the House Joint Resolution 174 Joint Subcommittee, chaired by Delegate Frank Hall. The Subcommittee is also studying ways to promote the development of self-esteem among youth and adults. Research conducted by the Drop Out Subcommittee indicates that almost 80 percent of Virginia's adult prison population are high school drop outs. In June, 1988, the Department of Correctional Education reported that substance abuse is a frequent family problem among incarcerated youth: 46 percent of incarcerated youth have substance abuse problems themselves; 21 percent of the youth had fathers with substance abuse problems, and 13 percent of the youth had mothers with substance abuse problems. Research by the Drop Out Subcommittee indicated that children from families with substance abuse problems were more likely than not to use alcohol and other drugs.

Noting the relationship between substance abuse and the school drop out problem, the Task Force's Education Subcommittee suggested that the work of the School Drop Out Subcommittee be monitored closely to identify common initiatives and work cooperatively on legislative and budget initiatives.

Recommendation #23: The State Crime Commission should continue to monitor the work of the HJR 174 School Drop Out Subcommittee, and make efforts to coordinate initiatives related to substance abuse reduction whenever possible.

Activity D: Monitor the work of the legislative committee studying crimes and violence in the schools.

A study of ways to ensure safer school environments for students is being conducted by the House Joint Resolution 312 Joint Subcommittee Studying Acts

of Crime and Violence by Students on School Property, chaired by Delegate Alan Diamonstein. The Joint Subcommittee is considering the impact of substance abuse and drug trafficking on the safety of the school environment.

The Department of Education Task Force on Emergencies related to Weapons, Violence and Medical Emergencies on School Property has written guidelines for local school divisions to use in developing school safety plans. The task force reports its findings and recommendations to the Joint Subcommittee. The work of the Task Force and the Joint Subcommittee have been monitored closely by the Education Subcommittee to ensure that efforts are not duplicated or in conflict.

Recommendation #24: The State Crime Commission should continue to monitor the work of the HJR 312 Joint Subcommittee, and make efforts to coordinate initiatives related to substance abuse reduction and crime prevention whenever possible.

HJR 161: Develop a plan for drug-free schools.

During the 1990 General Assembly session, Delegate Edward R. Harris of Lynchburg introduced House Joint Resolution 161, which calls for the Commission's Drug Study Task Force to develop a plan for drug-free schools. The Education Subcommittee and Commission staff are working with Delegate Harris, Delegate Diamonstein and the Department of Education task force to devise a plan to be produced as a joint report of the Commission and other related legislative study committees. Additionally, the Department of Education Office of Youth Risk Prevention was asked to assist in developing the drug-free school plan.

The Education Subcommittee proposed that a joint legislative document be produced that includes a safe schools plan, a model school drug policy, information on student assistance programs, relevant state and federal laws and school regulations related to crimes and violence on school properties and guidelines for school divisions to use in handling acts of crime or violence on school

properties. The document would serve as a resource manual and planning guide for local school divisions and school boards in ensuring safe school environments.

HJR 161 calls for a drug-free schools plan to be completed by December, 1990. However, the proposal requires more time and resources to complete the plan than are presently available. Delegate Harris has agreed to continue HJR 161 into 1991 so that ample time and resources can be devoted to completing the plan.

Recommendation #25: The State Crime Commission should continue to work with Delegate Harris, the HJR 312 Joint Subcommittee, the Department of Education Task Force and the Office of Youth Risk Prevention to meet the objectives of HJR 161. The plan should be published as a joint legislative document that includes recommendations, policies and guidelines for drug-free schools.

Recommendation #26: The State Crime Commission should consider legislation to continue the work of House Joint Resolution 161 to be completed and presented to the General Assembly and the Governor in January, 1992.

VII. Acknowledgements

The members extend special thanks to the following agencies and individuals for their cooperation and valuable assistance to this study effort:

Armored Response Group United States (ARGUS)

Col. J. C. Herbert Bryant, Commander
Sgt. Jordan Baker, Director of Administration

California Department of Corrections

David Winnett, Substance Abuse Programs Assistant Director

Chesapeake Community Services Board

Diane Grieder, Substance Abuse Program Administrator

City of Roanoke Sheriff's Office

Sheriff W. A. Hudson

City of Salem Police Department

Chief Harry Haskins
Officer Rosemary McElvein

City of Salem Schools

Wayne Tripp, Superintendent
Diane Washenberger, Principal, G. W. Carver Elementary School

Commonwealth Alliance for Drug Rehabilitation and Education (CADRE)

Office of the Virginia Attorney General

Carole R. Roper, CADRE Program Director

Commonwealth Attorneys Services and Training Council

Walter S. Felton, Jr., Administrative Coordinator
Jim L. Chin, Staff Attorney

Connecticut Department of Banking

William McDonald, Assistant Director of Bank Administration

Drug Enforcement Administration (DEA)

John C. Lawn, Administrator
William Alden, Congressional Liaison

Eastern Shore Community Services Board

Michael Murphy, Director

Fairfax County Sheriff's Office

Captain Ken Lane, Community Corrections Chief

Fairfax-Falls Church Community Services Board

Karriem Shabazz, Director

Federal Bureau of Investigation

Terry T. O'Conner, Special Agent in Charge, Richmond
James O. Trotter, Special Agent, Richmond

Harrisonburg-Rockingham Community Services Board

Martha Sheridan, Supervisor of Outpatient Substance Abuse Services

Hegira House, Roanoke

Henry Altice, Director

House Appropriations Committee Staff

James Roberts, Senior Legislative Fiscal Analyst
Ron Jordan, Legislative Fiscal Analyst

Joint Legislative Audit and Review Commission

Philip A. Leone, Director
R. Kirk Jonas, Deputy Director

Loudoun County Sheriff's Office

Sheriff John Isom

Norfolk Community Services Board

Ruby Hoyt, Prevention Specialist

Office of the Governor

The Hon. L. Douglas Wilder, Governor

Drug Policy Office

Robert B. Northern, Special Assistant to the Governor
Carole E. Yeatts, Administrative Assistant
John P. Slattery, Special Consultant on High Risk Youth, Families and Communities
Bradley G. Pollack, Grants Administrator

Office of the Secretary of Health and Human Resources

The Hon. Howard M. Cullum, Secretary of Health and Human Resources

Office of the Secretary of Education

The Hon. James Dyke, Secretary of Education

Office of the Secretary of Public Safety

The Hon. Robert L. Suthard, Secretary of Public Safety
O. Randolph Rollins, Deputy Secretary of Public Safety
Theoplise Twitty, Deputy Secretary of Public Safety
Paul Garrahan, Special Assistant to the Secretary

Orange County Sheriff's Office

F. Perry Grymes, Mayor
J. Scott Haas, Investigator
David K. Wood, Investigator

Portsmouth Redevelopment and Housing Authority
Daniel Cruce, Executive Director

Radford University
Vernon Rich, Professor

Richmond City Police
Lt. Robert C. Eades

Richmond Community Services Board
James May, Substance Abuse Administrator

Roanoke Valley Community Services Board
Margo Kiely, Director

Roche Diagnostic Systems
Gary King, Abused Drug Specialist

Senate Finance Committee
Richard E. Hickman, Deputy Staff Director

State Corporation Commission
Bureau of Financial Institutions
Sidney A. Bailey, Commissioner
Paul S. West, Consumer Services Representative
Administrative Offices
Ken Schrad, Director, Information Resources

State Council of Higher Education for Virginia
Donna R. Brodd, Coordinator of Academic Affairs

Upjohn Pharmaceuticals
Kevin Finnegan, Manager, State Government Affairs

U. S. Marshal's Service
John Twomey, Deputy Director

U. S. Sentencing Commission
L. Russell Burress, U. S. Probation Officer

University of Virginia
Institute for Substance Abuse Studies
Susan Grossman, Director of Prevention
University Police
Chief Michael Sheffield

Virginia Association of Chiefs of Police
Col. John Pearson, Executive Director

Virginia Association of Drug and Alcohol Programs
J. Michael Foster, President

Virginia Bankers Association
Signet Bank/Virginia
Richard Insley, Vice President
Michael Lawrence, Assistant Vice President

Virginia Citizens Consumer Council
Jean Ann Fox, President

Virginia Commonwealth University
Office of the President
Donald Gehring, Assistant to the President for Governmental Relations
Department of Justice and Risk Administration
Dr. David J. Farmer, Chairman
Dr. James L. Hague, Professor
Dr. Richard M. McDonald, Assistant Professor
Dr. Donna B. Towberman, Assistant Professor
Dr. David Geary, Associate Professor
School of Social Work
Dr. David Saunders, Associate Professor
MCV Department of Health Administration
Dr. Thomas Wan, Professor

Virginia Department of Alcoholic Beverage Control
The Hon. Robert E. Colvin, Board Member
Division of Regulatory
John M. Wright, Director
C. W. Roberts, Special Agent

Virginia Department of Corrections
Division of Administration
Tracey Jenkins, Research Analyst
Division of Adult Institutions
Edward C. Morris, Deputy Director
R. Forrest Powell, Chief of Operations, Programs
Donald Zimmerman, Inspector General
Wade McGinley, Management Analyst
Paul Henick, Substance Abuse Project Coordinator
H. Scott Richeson, Statewide Program Coordinator
Michael Howerton, Regional Jails Manager
P. Michael Leininger, Legislative Liaison
Division of Adult Community Corrections
Gene M. Johnson, Deputy Director
Dee Malcan, Chief of Operations
Walter M. Pulliam, Jr., Manager, Probation and Parole Support Services
Andrew Molloy, Administrative Assistant
John Crooks, Statistical Analyst

Virginia Department of Correctional Education

Osa D. Coffey, Superintendent of Schools

Heidi Lawyer, Information Officer

Andrew E. Jackson, Sr., Acting Assistant Superintendent of Youth Schools

Virginia Department of Criminal Justice Services

Administration

Steve Squire, Librarian

State and Local Services

James E. Kouten, Division Director

Corrections Section

Dan Catley, Section Manager

Anthony Casale, Criminal Justice Analyst

Richard Napoli, Criminal Justice Analyst

Juvenile Justice

Robert S. O'Neal, Research Analyst

Special Services

Janice Hicks, Section Manager

J. Norbert Federspiel, Judicial Analyst

Law Enforcement Section

J. Dean Jennings, Section Manager

John Warner, Criminal Justice Analyst

Virginia Crime Prevention Center

Patrick Harris, Section Manager

Jay Malcan, Crime Prevention Analyst

Systems Analysis/Sentencing Section

Richard Kern, Section Manager

Division of General Administration

Ronald L. Bell, Division Director

Division of Training and Standards

L. T. Eckenrode, Division Director

Virginia Department of Education

Division of Health, Physical Education and Driver Education

Jeanne L. Bentley, Associate Director, Curriculum and Instruction

Youth Risk Prevention Project

Marla M. Coleman, Supervisor

Rayna L. Turner, Special Projects Coordinator

Marsha Hubbard, Special Projects Coordinator

Sallyann Holzgreffe, Special Projects Coordinator

Sara Jo Williams, Special Projects Coordinator

Betty Jo Yates, Assistant Special Projects Coordinator

Pupil Personnel Services

Patricia White, Director

Virginia Department of General Services

Division of Forensic Science

Paul B. Ferrara, Director

Daniel Grinnan, Training Coordinator

Virginia Department of Health

Office of the Chief Medical Examiner

David Wiecking, Chief Medical Examiner

Wayne Hufner, Chief Executive Officer

Patsy Cornwell, Data Systems Analyst

Virginia Department of Health Professions

Bernard L. Henderson, Jr., Director

Robert A. Nebiker, Deputy Director

Gary E. Anderson, Inspections Chief

Board of Health Professions

Dr. Richard D. Morrison, Executive Director

Virginia Hospital Association

Katie Webb, Senior Vice President

Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services

King E. Davis, Commissioner

Office of Substance Abuse Services

Wayne Thacker, Director

Ken Batten, Substance Abuse Consultant

Mellie Randall, Substance Abuse Consultant

Office of Prevention, Promotion and Library Services

Harriet Russell, Director

Hope Seward, Assistant Director

Maudene Sherman, Assistant

Office of Research and Program Evaluation

J. Randy Koch, Director

Elizabeth Toretzky, Information Systems Analyst

Virginia Department of Planning and Budget

Evaluation Section

Lin Corbin-Howerton, Budget Analyst

Robbie Watts, Budget Analyst

Virginia Department of Social Services

Margaret Friedenber, Policy Analyst

Virginia Department of Youth Services

Charles J. Kehoe, Director

Glenn D. Radcliffe, Chief of Operations for Community Funding

Wade Glover, Manager of Substance Abuse Services

Dian McConnel, Director of Special Projects

Virginia General Assembly

Del. Alan A. Diamonstein

Del. Franklin P. Hall

Del. Edward R. Harris, Jr.

Senator Benjamin J. Lambert III

Del. Jane H. Woods

Virginia House of Delegates

Computer Operations

Sharon Crouch, Systems Director
Darryl Bareford, System Support Specialist
Maria Goodwin, System Support Specialist
Jacquelyn Johnson, System Support Specialist
Tim Knappenberger, System Support Specialist
Mary Elizabeth Pemberton, System Support Specialist

Virginia Parole Board

Clarence L. Jackson, Jr., Chairman
Mindy K. Daniels, Executive Assistant to Chairman

Virginia State Lodge, Fraternal Order of Police

Robert Walker, Executive Director
Robert Harvey, Legislative Liaison

Virginia State Parent/Teacher Association

Barbara Keller, Juvenile Protection Chairman
Gloria Hall, Substance Abuse Chairman

Virginia State Police

Headquarters

Lt. Col. W. F. Corvello, Superintendent
Bernard Gill, Attorney
Terry Bowes, Assistant Special Agent in Charge

Bureau of Criminal Investigations

Lt. Col. Carl R. Baker, Director
James L. Lettner, Deputy Director
B. S. Allsbrook, Assistant Director
George Austin, Special Agent
John Gephart, Assistant Special Agent in Charge
Patrick McCrerey, Agency Management Lead Analyst
Robert Kemmler, Assistant Special Agent in Charge
Kim Lettner, Special Agent
David Miller, Special Agent

Training Academy

Charles Compton, Captain

Virginia State Sheriffs' Association

John W. Jones, Executive Director

APPENDIX A

1989 SESSION
ENGROSSED

SP9045325

SENATE JOINT RESOLUTION NO. 144

Senate Amendments in [] - February 6, 1989

Directing the Virginia State Crime Commission to conduct a comprehensive study of combatting drug trafficking, abuse and related crime.

Patrons—Gray, Dalton, Benedetti, Anderson and Cross; Delegates: Jones, R. B., Ball, Guest, Philpott, Stambaugh, Woodrum, Clement, Marks, DeBoer, Dicks and Thomas

Referred to the Committee on Rules

WHEREAS, drug trafficking and abuse cause society extensive damage in human suffering and crime, and Virginia suffers an annual economic cost exceeding \$4 billion; and

WHEREAS, evidence of a close relationship between drug abuse and crime continues to mount, and drug abuse is one of the best indications of a serious criminal career; and

WHEREAS, a dramatic increase in cocaine and crack use across all age groups has raised great concern, and in 1987 over one-third of all arrests in Virginia were related to substance abuse; and

WHEREAS, the Department of Mental Health, Mental Retardation and Substance Abuse Services, with assistance from the Department of Criminal Justice Services, is publishing the 1989 Interagency Comprehensive Substance Abuse Plan which summarizes both current and projected research, prevention, education, treatment, rehabilitation and law-enforcement activities related to substance abuse, at the request of a joint subcommittee established by Senate Joint Resolution 65 at the 1988 session of the General Assembly; and

WHEREAS, the Department of Criminal Justice Services is developing a strategy for the expenditure of federal funds pursuant to the Anti Drug Abuse Act; and

WHEREAS, the Attorney General has evidenced her concern by chairing the Governor's Council on Alcohol and Drug Abuse Problems and by creating the Commonwealth Alliance for Drug Rehabilitation and Education, and the General Assembly has evidenced its support by creating sixty-five additional positions for drug investigation purposes within the Department of State Police; and

WHEREAS, members of the General Assembly and the Virginia State Crime Commission, as a legislative-based Commission, have heard increasing outcry from citizens and law-enforcement officials across the Commonwealth for a comprehensive state level strategy and plan of attack in terms of enforcement efforts, consumption reduction efforts and rehabilitation efforts; and

WHEREAS, the General Assembly recognizes the need for a comprehensive coordinated strategy and agenda developed in a cooperative effort with the executive and judicial branches of government, to address the drug trafficking and related crime problem; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Virginia State Crime Commission, with the cooperation of the Governor's Council on Alcohol and Drug Abuse Problems and the Office of the Attorney General, is directed to conduct a comprehensive study of combatting drug trafficking, abuse and related crime in Virginia, including needed changes in legislation with a primary focus on enforcement efforts, consumption reduction and correctional/rehabilitative issues. The Commission may employ whatever methods of inquiry it deems necessary, including public hearings across the Commonwealth. The Secretary of Transportation and Public Safety, the Secretary of Human Resources and the Secretary of Education shall each designate one staff person from his secretariat to assist the Commission with staffing the study. All state agencies and institutions shall, if requested, endeavor to assist the Commission in completing this study; and, be it

RESOLVED FURTHER, That the Crime Commission shall designate a select Task Force of [~~twenty-five~~ twenty-one] individuals to assist with the study, and such Task Force shall report directly to the Commission. This Task Force will consist of all thirteen members of the Crime Commission, and [~~twelve~~ eight] other [members as follows: two members of the House of Delegates appointed by the Speaker, two members of the Senate appointed by the Senate Privileges and Elections Committee and four] individuals from criminal justice fields, business or community leaders or other individuals as the Commission may so select.

The Commission shall make an interim report by December 1, 1989, and its final report and recommendations by December 1, 1990.

APPENDIX B

Illicit Drug Use Estimates by State

State or other jurisdiction	Most recent estimate of total number of illicit drug users	Estimate as a percentage of state population(a)	Year figures reported	Basis used for estimate
Alabama	57,162 (b)	1.4	1988	NIMH epidemiological survey of 1987
Alaska	14,137	2.7	1987	Extrapolation from treatment figures
Arizona	132,834	3.9	1989	Extrapolation from treatment figures
Arkansas	117,450	4.9	1988	Parker Marden formula
California	2,100,000	7.6	1985	Info. from indicator database (admissions, arrests, etc.) and household survey
Colorado	217,052	6.6	1989	Gen. population surveys of 1979 and 1985
Connecticut	82,781	2.6	1989	Revised figures from consultant's study
Delaware	30,032 (c)	4.7	1989	Extrapolation from 1985 NIDA survey
Florida	300,575	2.5	1989	Extrapolation from treatment figures
Georgia	200,000	3.2	1989	Extrapolation from NIDA household survey
Hawaii	61,845	5.7	1987	State epidemiological survey of 1984
Idaho	26,499	2.7	1984	Parker Marden formula
Illinois	431,935 (d)	3.7-11.4	1989	Extrapolation from NIDA household survey
Indiana	150,000	2.7	1980	State incidence/prevalence study(1978) and 1979 school survey
Iowa	49,447	1.7	1989	Extrapolation from treatment figures
Kansas	43,890	1.8	1989	Extrapolation from treatment figures and other national data
Kentucky	30,000	0.8	1987	Extrapolation from national figures
Louisiana	150,000	3.4	1988	Extrapolation from national figures
Maine	35,200	3.0	1988	Extrapolation from treatment figures and other national data
Maryland	153,610	3.4	1985	State-contracted prevalence study
Massachusetts	59,000(d)	1.0-2.0	1989	Loose estimate. Matches expected treatment and population
Michigan	460,000(d)	5.0-20.0	1989	Educated guess.
Minnesota	105,000(b,d)	2.5-3.5	1989	Household survey
Mississippi	33,000	1.3	1988	Educated guess
Missouri	77,094	1.5	1984	NIMH epidemiological survey of 1984
Montana	68,992	8.5	1986	Extrapolation from treatment figures
Nebraska	8,708	0.5	1989	Extrapolation from treatment figures
Nevada	45,150	4.5	1989	Extrapolation from treatment figures
New Hampshire	59,000	5.6	1988	Parker Marden formula and DAWN statistics
New Jersey	150,000	2.0	1984	Application of N.Y. state household survey to N.J.
New Mexico	33,750	2.3	1989	Extrapolation from treatment figures
New York	1,332,000(e)	7.5	1988	State household survey of 1986
North Carolina	205,216	3.2	1989	Extrapolation from treatment figures
North Dakota	26,184	3.9	1987	Extrapolation from treatment figures
Ohio	79,680	0.7	1988	Extrapolation from treatment figures
Oklahoma	74,345	2.3	1989	Extrapolation from treatment figures
Oregon	182,567	6.7	1988	Oregon school survey and application of Colorado household survey to Oregon
Pennsylvania	501,312	4.2	1988	Extrapolation from treatment figures
Rhode Island	82,000	8.3	1987	In-state telephone survey
South Carolina	90,000(b)	2.6	1988	Extrapolation from national figures
South Dakota	6,000(d)	0.8-1.4	1989	Extrapolation from treatment figures and other national data
Tennessee	27,150	0.6	1989	Extrapolation from treatment figures
Texas	532,400	3.2	1989	1988 survey on substance abuse problems
Utah	75,000(d)	4.5-4.8	1989	Educated guess
Vermont	13,760	2.5	1988	Extrapolation from treatment figures
Virginia	295,200(d)	5.0-6.0	1989	Lifetime incidence study
Washington	94,297	2.1	1988	Information from NIDA
West Virginia	45,000	2.4	(f)	Educated guess
Wisconsin	83,955	1.7	1988	Extrapolation from treatment figures
Wyoming	3,750(d)	0.8-1.2	1989	Extrapolation from treatment figures
Dist. of Columbia	24,000	3.8(g)	1987	Extrapolation from treatment figures
Total	9,257,959-11,699,596	% of U.S. pop.....	3.8-4.8	

(a) Population figures for July 1, 1987(provisional) from U.S. Bureau of the Census, *Current Population Reports*, Series P-25, January 1988.

(b) Figures reported for population 18 and older.

(c) Figures for cocaine use only.

(d) This is the lowest point in an estimated range. The ranges for these states are:

IL, 431,935-1,320,222; MA, 59,000-117,060; MI, 460,000-1,840,000; MN, 105,000-150,000; SD, 6,000-10,000; UT, 75,000-80,000; VA, 295,200-354,240; WY, 3,750-6,000.

(e) Figure for adults using any illicit drug within the last six months.

(f) No specific year.

(g) Based on estimated 1986 population of 626,000. *The Municipal Year Book*, 1988 ed. Washington, DC: ICMA, 1988. Source: The Council of State Governments' survey of state substance abuse agencies, 1989.

APPENDIX C

STATEMENT FOR INCLUSION IN THE FINAL REPORT OF THE
VIRGINIA STATE CRIME COMMISSION TASK FORCE STUDY OF
DRUG TRAFFICKING, ABUSE AND RELATED CRIME
BY DELEGATE CLINTON MILLER

The Task Force Study pursuant to Senate Joint Resolution 144 has been meritorious in many regards.

However, the study did not go far enough in focusing on the myriad of drug programs and studies and efforts created to address the problem of drugs at both the national and state level in order to identify areas where consolidation of some efforts, elimination of others, and more attention in specific areas might be beneficial. It occurs to me that both the national and state governments are spending entirely too much money with too little overall coordination and management of the so-called "war on drugs." And, as just a small example, I cite the situation presently existing in the Commonwealth where the Governor's Council on Alcohol and Drug Abuse Problems has been created and is, to a great extent, duplicating the effort of the Task Force under Senate Joint Resolution 144.

It is my opinion that, until the anti-drug use effort is better focused and coordinated on a national and state level, we will continue to spend taxpayer funds to learn a great deal about the problem but without creating meaningful solutions to the problem. We need much more emphasis on education and treatment in concert with the efforts on enforcement and penalties relating to drug use. There is one area of enforcement and penalty that should be given more attention: The so-called "casual user" should be made subject to severe penalties (especially severe monetary penalties) and other ancillary penalties such as loss of property, loss of licenses, loss of any other rights which might be implemented against them. It is apparent that the market must be reduced due to the tremendous difficulty in cutting off the supply and the flow of that supply.

The following are brief comments relating to several items in the Law Enforcement Subcommittee Report.

1. Relating to the recommendations under Goal I, it is my feeling that we should eliminate the special prosecutors for the multi-jurisdictional grand juries and handle the matters through the local Commonwealth Attorneys or Assistant Commonwealth Attorneys and fund them through the regular showing of needs through the Compensation Board and in accordance with the work effort in each of the areas of the respective multi-jurisdictional activities.

2. In relation to the "undercover training lessons," set forth under Activity B of Goal II, we should eliminate the Office of the Attorney General from those who would be providing assistance, for it should be sufficient for the Commonwealth Attorneys, and other law enforcement personnel to be providing the necessary assistance, in that the Attorney General has very narrow instances in which that Office is involved in criminal matters and I can't imagine that any significant assistance could be provided by that Office in this area and it would simply be additional taxpayer funded manhours used inefficiently. The Commonwealth Attorneys can advise more practically and economically.

3. I feel that the Task Force should recommend that HUD reply as promptly as possible to the VCPA effort in relation to a crime prevention technical assistance and training proposal as set forth under Activity E of Goal II.

4. I disagree with Recommendation #19 regarding the need for a Virginia Criminal Intelligence Center at this time.

5. I disagree with Recommendation #21 as I feel that the requirement for separate trials should be retained as set forth in the case of *Burgess v. Commonwealth*, 224 Va. 368 (1982) and Section 19.2-263 of the Code of Virginia, 1950, as amended. This is still good law and should be retained. Although no constitutional basis is argued against joint trials, the decision in *Burgess* was based on the statute and rule 3A:13 of the Rules of the Supreme Court, now 3A:10, and those provisions of law should be retained because, on balance, there has been no showing through the hearings, etc., that there is any dire need to change the burden regarding the joint trial approach. One of the aspects of danger in a joint trial of criminal defendants is set forth in Volume 19 *Michie (Trial)* Section 5 (page 10) as follows: ". . . the vice of using a co-defendant's extrajudicial statement lies in the denial of sixth amendment rights of confrontation and cross-examination when the author of the statement does not testify." This situation could arise very often in a joint trial and may only be cured by mistrial. The potential for harm far outweighs any benefits from this proposed legislation.

STATEMENT FOR INCLUSION IN THE FINAL REPORT OF THE
VIRGINIA STATE CRIME COMMISSION TASK FORCE STUDY OF
DRUG TRAFFICKING, ABUSE AND RELATED CRIME
BY DELEGATE RAYMOND R. GUEST, JR.

I hereby report my vote of dissent to Law Enforcement Subcommittee Recommendation #4. There being no discussion of this activity elsewhere in the report, I see no reason to include or support this recommendation. The suggestion that the Virginia State Police develop a method to cross-check the purchase of weapons through the Firearms Transaction Program opens the door for bureaucratic mischief and for de facto gun regulation.

Respectfully submitted,
Delegate Raymond R. Guest, Jr.

A handwritten signature in black ink, appearing to read "RR Guest", written in a cursive style.