

Executive Summary of 2017 Activities

In addition to a number of ongoing studies, the Crime Commission received numerous bill referrals and letter requests in 2017. Staff studied the following new issues as a result of bill referrals and letter requests: decriminalization of possession of marijuana, expansion of the DNA databank upon conviction of misdemeanor crimes, and admissibility of prior inconsistent statements of non-party witnesses as substantive evidence in criminal cases. Additionally, staff continued work on four previously authorized studies: pretrial services agencies, restitution, asset forfeiture, and the DNA Notification Project.

The Crime Commission held three meetings to review and discuss study findings on the following dates: October 30, November 29, and December 4. At its December meeting, Crime Commission members endorsed legislative and administrative recommendations on the topics of pretrial services agencies, expansion of the DNA databank upon conviction of misdemeanor crimes, admissibility of prior inconsistent statements of non-party witnesses as substantive evidence in criminal cases, and restitution.

As a result of efforts by the Crime Commission and other stakeholders, legislation was enacted during the Regular Session of the 2018 General Assembly which amended the Code of Virginia to require the following:

- Production of an annual report by the Virginia Department of Criminal Justice Services (DCJS) on the status of all pretrial services agencies across the Commonwealth;
- Submission of a DNA sample by all defendants convicted of misdemeanor assault and battery or trespassing;
- Collection of fingerprints for all defendants convicted of misdemeanor trespassing or disorderly conduct;
- Protection of the confidentiality of victims' phone numbers and email addresses in court records;
- Determination by the court of whether a defendant is in compliance with a restitution order; and,
- Implementation of procedures and practices to deliver unclaimed restitution to victims of crime more effectively.

The Crime Commission also requested that certain agencies take administrative action to address issues identified during this year's studies, including the following:

- DCJS was requested to create a stakeholder work group and internal agency processes to improve the administration of pretrial services agencies across the Commonwealth; and,
- Virginia Department of Forensic Science to update their DNA sample submission training materials to reflect current law.

Additionally, various administrative activities related to past Crime Commission studies on restitution and asset forfeiture were completed, including the following:

- Office of the Executive Secretary of the Supreme Court of Virginia assembled a group of stakeholders to address the topic of restitution and produced reports on (i) *Recommendations for the Enhancement of the Collection of Restitution* and (ii) *Best Practices for the Collection of Restitution*;
- DCJS worked with stakeholders and completed an informational brochure for victims of crime to explain the restitution process; and,
- Commonwealth's Attorneys' Services Council, Virginia Sheriffs' Institute, and DCJS sponsored an in-person training in March 2017 on *Asset Forfeiture: Law and Procedure* in Chesterfield County at no cost to over 200 participants.

In addition to these studies, the Executive Director of the Crime Commission serves on the Forensic Science Board,¹ Virginia Indigent Defense Commission,² and Advisory Committee on Sexual and Domestic Violence,³ as mandated by the Code of Virginia.

Detailed study presentations can be found on the Crime Commission's website at <http://vscv.virginia.gov>

Endnotes

¹ VA. CODE § 9.1-1109(A)(7) (2018). The Executive Director serves as Chair of the DNA Notification Subcommittee at the designation of the Chairman of the Crime Commission.

² VA. CODE § 19.2-163.02 (2018). The Executive Director serves on the Budget Committee at the designation of the Chairman of the Crime Commission.

³ VA. CODE § 9.1-116.2(A) (2018). The Executive Director serves on the Advisory Committee at the designation of the Chairman of the Crime Commission.