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## **McDonnell Unveils Public Safety Plan: “Continuing the Commitment to Make Virginia a Safer Place to Work and Raise a Family”**

*Plan Highlighted by Proposals to Enact Intensive Lifetime Monitoring for Certain Violent Sexual Predators; Expand Drug Courts and Toughen Penalties for Repeat Drug Dealers; Improve Protective Orders to Protect Victims of Domestic Violence*

### Bob McDonnell Joins Ken Cuccinelli as Both Pledge to “Continue the Commitment to Make Virginia a Safer Place to Work and Raise a Family”

**NEWPORT NEWS-** Bob McDonnell, Republican gubernatorial nominee and former Attorney General of Virginia, today unveiled his comprehensive public safety plan to “Continue the Commitment to Make Virginia a Safer Place to Work and Raise a Family.” He was joined by Ken Cuccinelli, the Republican nominee for Attorney General, who also announced his public safety proposals at the joint press conference. In addition, the two were joined by Polly Franks, a national advocate for victims of childhood sexual abuse. The press conference was held following remarks by McDonnell and Cuccinelli at the Virginia Chiefs of Police Annual Conference in Newport News. McDonnell’s plan continues his efforts as a prosecutor, delegate and Attorney General to keep Virginians safe in their homes and communities.

Highlights of McDonnell’s “Continuing the Commitment to Make Virginia a Safer Place to

Work and Raise a Family” Public Safety Plan unveiled today include:

- Requiring a form of intensive lifetime monitoring of violent sexual predators not eligible for civil commitment but who continue to pose a danger to society
- Proposing that the penalty for a convicted sex offender who fails to register for Virginia’s Sex Offender Registry be elevated to a Class 6 felony
- Creating a Domestic Violence Prevention Advisory Board to advise on domestic violence issues
- Improving the protective order system by clarifying our current laws and simplifying the process
- Making Virginia’s protective order forms more consistent with neighboring states to enhance cross-jurisdictional enforcement
- Making the commission of a violent crime in the presence of a child a separate Class 4 felony
- Expediting the process to remove children from abusive and neglectful homes by having appeals for termination of parental rights go directly to the Court of Appeals rather than Circuit Court
- Cracking down on career drug dealers by proposing tougher mandatory minimum sentences for repeat offenders
- Breaking the cycle of addiction by supporting and encouraging the use of drug treatment court programs
- Increasing mandatory fees for convicted criminals
- Strengthening the juvenile justice system
- Supporting growth and expansion of the Commonwealth Challenge Program for youth offenders
- Requiring juveniles charged with repeat violent felonies to be tried as adults in circuit court
- Cracking down on crimes against the elderly
- Combating identity theft
- Ensuring crime doesn’t pay by strengthening asset forfeiture

Speaking about his continued commitment to making Virginia safer and stronger McDonnell remarked, “This election is about jobs and the economy. You can’t have good jobs and an economic resurgence without safe streets and secure communities. Public safety directly impacts job creation and economic development. When people don’t feel safe they don’t get involved in community events, participate in public functions, start a business or take advantage of the opportunities we all deserve. As Attorney General, my number one priority was to make Virginia a safer place to live, work and raise a family. As Governor I will continue that commitment.”

McDonnell further remarked, “Thanks to bipartisan efforts, Virginia has taken great steps to dramatically toughen our penalties and policies for violent sexual predators. As a young prosecutor, I saw cases that involved young children harmed by sexual predators. I resolved then that I would do all I could to seek justice for those children, and to keep other children from going through these tragic situations. I will institute intensive lifetime monitoring for dangerous sexual predators that are not eligible for civil commitment, but who continue to pose a risk to

society. This is a major step. But my experience in public safety convinces me it is the right one for Virginia families. I will also toughen the penalties for failure to register on our Sex Offender and Crimes Against Minors Registry.”

McDonnell also commented, “I have seen the devastation that drug addiction can cause in our communities and the toll it takes on good people. We must do all we can to lock up the drug dealers peddling these poisons on our streets, while also helping our fellow Virginians who may have made a mistake, and simply need a hand up to turn things around. That is why I will call for tougher mandatory minimum sentences for repeat drug dealers. And I will simultaneously work to support and expand drug courts. I’ve spoken at graduations from these courts. I’ve seen how individuals headed down a bad path have responded to a second chance. I firmly believe that drug courts can work. We need more of them.”

Continuing his record on combating domestic violence, McDonnell stated, “I will continue to defend individuals who have suffered from domestic violence by improving our protective order system, making our protective order forms more consistent with neighboring states, and establishing a Domestic Violence Prevention Advisory Board to advise my Administration on these issues so we can make sure we are doing all we can to keep our families safe and free from domestic violence. I have worked across party lines to help improve the safety and security of Virginians. As Governor I will continue to do so, and together we will make Virginia safer and stronger.”

Ken Cuccinelli, the Republican nominee for Attorney General, noted, “I’m pleased to be here with the next Governor of Virginia, Bob McDonnell. Like Bob, I believe that the first priority of government is public safety. To that end, Bob and I will work together to ensure all Virginians are safe from those who do not abide by society’s laws. We will work to ensure our children are safe from predators who use computers to perpetrate their crimes; to protect senior citizens from those who harass and pressure for deals that are nothing but scams; and to protect our communities, urban and rural, from drugs and those who push them in our communities. Our focus always has and always will be on preventing crimes, and punishing those who commit them.”

Polly Franks, a crime victim advocate, noted at today’s event, “As an advocate for victims of violent crime, particularly of sexual abuse, I believe in Bob McDonnell’s commitment to keep Virginia’s children safe. In 1995 my daughters were the victims of Richmond’s notorious ‘bandana bandit.’ Mr. McDonnell understands the pain of these kinds of crimes and within four months after taking office as Attorney General, as part of his “Safer and Stronger Virginia” legislative package, he had the Safe Kids Initiative instituting major reforms to keep children safe, signed into law. I know Bob McDonnell will be an outspoken advocate for victims of violent and sexual abuse and will continue to fight everyday to protect all the citizens of Virginia.”

**“Continuing the Commitment to Make Virginia a Safer  
Place to Work and Raise a Family”  
Bob McDonnell’s Public Safety Plan for Virginia**

Bob McDonnell has dedicated his life as a public servant to the safety and security of Virginia's families. Bob served 21 years in the United States Army, both active duty and reserves, prosecuted violent criminals in Virginia Beach, led the fight in the legislature on major public safety initiatives such as the abolition of parole and juvenile justice reform, and as our 44<sup>th</sup> Attorney General, cracked down on gangs, Internet criminals, and violent sexual predators.

The first duty of any government is to protect its citizens from harm. Public safety also has a direct impact on job creation and economic development. When people do not feel safe, they do not go shopping and do not spend money. They do not get involved in community events. They do not participate in public functions. This harms our retailers and our local government, and slows down the economy. When companies are making decisions about whether to expand their existing business or relocate from another state, one of the first things they consider is whether or not the state is safe for their employees and the customers they serve.

Virginia has a long tradition of strong bipartisan efforts to make the Commonwealth a safe place to live, work, and raise a family. From Governor Allen's Commission on Parole Abolition and Sentencing Reform, Bob McDonnell has played a leading role in making significant positive changes to our criminal justice system. As Attorney General, McDonnell was a national leader in enacting laws to identify and prosecute sexual predators who use the Internet to prey on our children. McDonnell was also instrumental in providing law enforcement and prosecutors with new tools to combat criminal street gangs in cities, suburbs, and rural areas of Virginia.

For his work on these issues and his experience as a prosecutor and Chairman of the House Courts of Justice Committee, Bob McDonnell was named "Legislator of the Year" by the Fraternal Order of Police in 2004 and by the Virginia Sheriffs' Association in 2005. The Network of Victims of Crime named him as the "Legislator of the Year" in 1996, and the National Child Support Enforcement Association named him "National Legislator of the Year" in 1998. He was endorsed by the Fraternal Order of Police in the 2005 Attorney General campaign, and recently received the endorsement of 111 Sheriffs, Commonwealth's Attorneys and other public safety leaders from across Virginia.

Virginia is a national leader when it comes to criminal justice and the safety of our citizens; however, we must never be complacent when it comes to protecting our children and families. As Governor, Bob McDonnell will continue his efforts to protect our communities from violent sexual predators, crack down on repeat drug dealers, combat domestic violence, fight identity theft, and provide our first responders with resources to prevent and manage emergencies impacting our citizens and businesses.

## **PROTECTING OUR COMMUNITIES AND FAMILIES**

Virginia has some of the toughest sex offender laws in the Nation. We also have a state of the art Sex Offender and Crimes Against Minors Registry, which enables our citizens to be informed. As a legislator and then as Attorney General, McDonnell took a leadership role in protecting Virginia's children from sex offenders. As Governor, he will continue to improve our system.

Currently, in Virginia, the penalty for an offender failing to register as a sex offender is only a misdemeanor. However, under the federal system, contained in the Adam Walsh Act and

adopted by other states, the penalty for failure to register is a felony. Consequently, McDonnell proposes that the penalty for a convicted sex offender who fails to register be elevated to a Class 6 felony. Further, the penalty for those convicted of a sexually violent offense who fails to register will be elevated to a Class 5 felony. Virginians must be able to rely upon the accuracy of the registry, and sex offenders in our Commonwealth must comply with the basic act of registering. Failure to do so will carry severe consequences.

Further, McDonnell will propose statutory amendments to clarify the laws involving sexual battery so that more dangerous behavior will be more seriously punished and will require longer stays on the Sex Offender Registry. Specifically, McDonnell will elevate sexual battery, when the crime is committed by force or where the offender is an adult and the victim is three years younger, to a Class 6 felony. These changes will provide further important protection from sex offenders.

### **Lifetime Monitoring of Sexually Violent Predators who are not Civilly Committed**

Virginia's Sexually Violent Predators (SVP) Act is one of the most advanced and aggressive in the nation. Virginia's civil commitment process provides significant "checks and balances" and, since July 1, 2006, uses the modern "Static-99" method of evaluation and screening offenders, which has been validated worldwide. In Virginia an individual must score at least a 4 to be considered for civil commitment as a SVP. As Attorney General, Bob McDonnell championed this legislation. Additionally, McDonnell led the extremely successful Sexually Violent Predators Section at the Office of the Attorney General.

Since the use of Static-99, according to the Sex Offender and Screening Unit of the Department of Corrections, over 1750 cases have been screened. There are a number of inmates who score 4 out of 5 on Static-99, but are not eligible for civil commitment as a sexually violent predator. As Governor, McDonnell will require a form of intensive lifetime monitoring of these violent sexual predators who are not eligible for civil commitment but pose a continuing danger to society. Additionally, a predator who violates terms of his probation or conditional release will be subject to intensive lifetime monitoring. This monitoring will ensure that no gaps exist in the system when it comes to protecting our most vulnerable citizens.

### **Preventing Domestic Violence and Punishing Offenders**

Combating domestic violence is truly a collaborative effort. We must all work together to provide assistance and bring hope to victims of these crimes. As Governor, Bob McDonnell will continue to support ongoing efforts at the state and local level to enhance victim safety and to hold offenders accountable.

As Attorney General, Bob McDonnell promoted a creative and effective dialogue between state and local stakeholders to address the issue of domestic violence. In October 2007, McDonnell convened representatives from state and local agencies, legislators, private organizations, and government officials, to discuss critical issues at a Domestic Violence Summit. As a result of recommendations from the Summit, McDonnell advanced legislation during the 2008 General Assembly Session to strengthen enforcement of protective orders. This law ensures the expedited entry of protective order information into the Virginia Criminal Information Network (VCIN) so that law enforcement can properly protect victims of domestic violence.

In October 2008, McDonnell launched “Safe in Our Communities: The Attorney General’s Community Recognition Program for Promising Practices in Domestic Violence Response.” This program was designed to recognize localities for implementing best or innovative policies and practices to respond to domestic violence in their communities. The Community Recognition Program emphasizes the importance of community collaboration in the response to domestic violence. Attorney General Bill Mims has continued this initiative and the number of communities recognized for this accomplishment continues to grow.

The McDonnell Administration will continue the dialogue with state and local agencies and organizations to make recommendations for changes to our laws, policies, and procedures that will enhance our response to domestic violence at all levels.

As Governor, McDonnell will create a Domestic Violence Prevention Advisory Board to directly advise his Secretary of Public Safety on domestic violence issues. This advisory board, composed of state and local leaders, allied professionals, victims advocates, agency representatives, and domestic violence experts, will review trends, issues, and laws. The board will make specific recommendations to the Governor, the Secretary of Public Safety and the Secretary of Health and Human Resources on domestic violence policies, procedures, services, and laws.

Further, Bob McDonnell will improve the protective order system by clarifying our current laws and simplifying the process. Amendments to the current statutes related to family abuse and stalking, sexual battery, and serious bodily injury are necessary to make the system more consistent and more accessible to victims. The current statutes and protective order forms can be confusing to victims as well as to law enforcement officers who are charged with enforcing protective orders in the field. Additionally, McDonnell will promote making Virginia’s protective order forms more consistent with those in neighboring states to enhance cross-jurisdictional enforcement. We must ensure that the statutes, the process, and the forms are consistent in order to protect victims within Virginia and when they travel or work in other states.

Finally, the current protective order statutes must be amended to expand the safety net available to victims. The protective order process should allow petitioners the ability to renew or to extend protective orders beyond the maximum two year expiration date upon a showing of an ongoing threat of family abuse or harm.

### **Increasing Penalties for Violent Crimes Committed in the Presence of Children**

State Senator Henry Marsh (D-Richmond) has advocated for increased penalties for those offenders who commit violent crimes in the presence of children. Acts of violence often escalate and can have profound effects on impressionable youth who witness such violence. In its 2008 Annual Report, the Virginia Criminal Sentencing Commission notes that, in general, children who witness certain forms of violence are more likely to experience psychological, emotional, and behavioral problems. The Report also states that children who witness community violence are more likely to experience psychological problems and engage in problematic or criminal behavior. In the 2007 Journal of Family Violence, a report titled “Characteristics of Domestic Violence Offenders: Associations with Childhood Exposure to Violence” found that men who witnessed domestic violence as children committed the most

frequent domestic violence, and men who were abused as children were more likely to abuse children.

Bob McDonnell will work with Senator Marsh and other leaders, in a bipartisan fashion, to enact legislation making the commission of a violent crime in the presence of a child a separate Class 4 felony. This initiative is a significant measure to disrupt the cycle of violence, and help keep innocent children away from the harm and trauma that potentially leads to future psychological, emotional, or behavioral problems.

### **Tracking and Preventing Child Abuse**

The tragic death earlier this year of Carly Sawyer in the City of Chesapeake was a reminder that child abuse sometimes goes undetected until it is too late. As Attorney General, McDonnell worked to protect Virginia's children from online predators and to strengthen Virginia's laws combating drugs, gangs, and child pornography. As Governor, McDonnell will direct the Secretary of Health and Human Resources to review the process of investigating abuse complaints and to make recommendations for improvement to the Department of Social Services.

Carly's case also demonstrated that there may be ways that states can better work together to protect our children from abuse. As Governor, McDonnell will work with the National Governors Association and Virginia's Congressional delegation to determine the best way for states to share information related to founded complaints of family abuse. Too often when an abuser moves to another state, social services agencies are unaware of previous abuse. We must work to improve communications. An interstate database of founded complaints would allow social services agencies to more readily determine the existence of prior abuse, and thus devote the proper resources to assisting families or intervening quickly to stop abuse.

### **Removing Children from Abusive and Neglectful Homes**

Virginia First Lady Anne Holton has dedicated her life as a mother and as a public servant to protecting the well being of children. Her leadership on child abuse prevention and improvements to the foster care system in Virginia has been exemplary and as Attorney General, McDonnell worked with the Governor and First Lady to improve child safety. A key issue she has advocated through her "For Keeps" program over the last two years is the overhauling of the judicial appeals process when it comes to removing children from abusive and neglectful parents. The trauma and long term damage a child suffers from abuse and neglect by a parent is exacerbated by a system that can take up to two years to remove a child from harm's way and placed into a loving and caring environment.

Last year, Delegate David Toscano (D-Charlottesville) was joined by Delegates Terry Kilgore (R-Gate City) and Vivian Watts (D-Fairfax) in introducing legislation that would expedite the process by having appeals of termination of parental rights go directly to the Court of Appeals. Currently, appeals go to the Circuit Court -- resulting in a retrial of all the facts and issues. This process places an undue burden on children and potentially leaves them in a dangerous environment. The legislation failed to report out of committee even though it had bipartisan support.

According to the Virginia Supreme Court, about 360 of the 1800 termination of parental rights cases are appealed. This reform would not eliminate a parent's right to appeal -- but it would

expedite a process that takes a significant mental and emotional toll on children. It is difficult enough for a child to go through one trial to terminate an abusive parent's rights - the child should not have to endure two trials. Termination of parental rights is a significant step and should never be taken lightly. It is important that reform in this area require that the first trial occur in a court of record so the Court of Appeals has all the facts and issues available when considering the appeal.

As Governor, Bob McDonnell, will make this legislation a key component of his efforts to reduce and prevent child abuse and give children who are abused and neglected a new beginning.

## **CRACKING DOWN ON CAREER DRUG DEALERS AND PREVENTING THE CYCLE OF ADDICTION**

As Governor, Bob McDonnell will continue his efforts to combat the scourge of drug use and addiction in our communities. While in the House of Delegates, McDonnell was a leader in criminal justice issues related to drug offenses. He continued his efforts as Attorney General by championing legislation to further target drug dealers, as well as supporting a variety of prevention initiatives. McDonnell modernized Virginia's Class Action Program, which is taught by law enforcement across the Commonwealth to school children at all levels. The program includes a strong anti-drug message and teaches the legal consequences of engaging in illegal drug sale and use. Further, McDonnell supported programs such as the Gang Reduction and Intervention Program (GRIP), which includes a number of initiatives designed to keep young people from joining gangs and getting involved in drugs. McDonnell also initiated Virginia's involvement in an innovative program that joins Boys & Girls Clubs staff with law enforcement mentors to work with the Cal Ripken, Sr. Foundation to provide young people with healthy alternatives to drug use and criminal activity. The "Badges For Baseball" program is a unique way to teach young people life lessons by combining sports activities with character education. This program has been operating throughout Virginia. At the request of Cal Ripken, Jr., Bob McDonnell has served as a national advocate for the program. Additionally, McDonnell has worked with the Virginia National Guard on the Meth Watch program which includes an educational component on the dangers of methamphetamine and addiction.

Drug addiction is a serious challenge for individuals, families, and communities. McDonnell recognizes that this is not just a law enforcement problem and believes that a variety of disciplines must be a part of any successful effort to address our drug problem. This is why McDonnell is proposing a comprehensive plan to address the issue.

### **Mandatory Sentences for Repeat Drug Dealers**

McDonnell will propose tougher mandatory minimum sentences for repeat drug dealers who deal controlled substances. While efforts have been made over the years to target dealers and take them off the streets, they continue to thrive by preying on those who are addicted, as well as our children. This must stop. Under a McDonnell administration, Virginia will be one of the most hostile environments in America for those dealers involved in the illegal drug trade. If a person repeatedly deals illegal drugs in our Commonwealth, they will have long mandatory prisoner sentences. Consequently, as part of his effort to combat drugs, McDonnell will propose legislation establishing tough new mandatory minimum sentences for second-time offenders, and increasing mandatory minimum sentences for third time offenders.

Second-time offenders will face a mandatory minimum sentence of five years in prison. Third-time offenders will face a more significant mandatory minimum sentence of ten years in prison. The ten year time period is double the current mandatory minimum for third-time offenders.

While the current drug “kingpin” statutes focus on quantity, these proposed changes in the law relating to drug dealers will provide serious punishment for those street-level dealers who repeatedly sell illegal drugs, regardless of the quantity. Dealers of lesser quantities of illegal drugs provide more access to these drugs, thus increasing availability throughout the community. They must be stopped and we must send a serious message to those who consider Virginia fertile ground for their illegal drug sales.

### **Break the cycle of addiction through use of Drug Treatment Courts**

Bob McDonnell has been a long time supporter of drug treatment courts. As Governor, McDonnell will support and encourage the use of drug treatment court programs. He will work with the General Assembly to provide some additional funding for these programs.

Drug treatment courts work by reducing drug addiction and drug dependency among offenders. They also reduce recidivism, while increasing personal, familial, and societal accountability among offenders. Additionally, programs employed through these courts address the underlying addiction problem and work to make the offenders healthy, productive members of society rather than criminals. Further, drug courts promote effective planning and use of resources among the criminal justice system and community agencies. Finally, drug treatment courts can reduce the inmate populations to free up much needed space in our prisons for the violent offenders and drug dealers who truly belong there.

According to a recent study released by the Supreme Court of Virginia, 95% of all drug treatment court participants displayed progress on physical health (e.g., no visits to the emergency room), mental health (e.g., taking psychotropic medications as prescribed) and social support (e.g., majority of close friends do not use drugs). These benefits were achieved both among those that completed the program and even those that ultimately did not achieve graduation.

Virginia has formally implemented a number of drug treatment courts utilizing adult, juvenile, family, and DUI models. These options should be available statewide to help break the cycle of addiction.

McDonnell will support increased state funding for these programs because they work and have proven that they save money in the long run by reducing active addiction and recidivism. State funding will be tied to best practices, results, and local commitments.

As part of his overall effort to review methods to fund these drug treatment courts, Governor McDonnell will propose an increase to the mandatory statutory fee for conviction of crimes. The fee for a misdemeanor will increase from \$5 to \$15, and the fee for a felony will increase from \$15 to \$40. The felony fee has stayed at the same level for 10 years, and the misdemeanor fee has not been adjusted in over 40 years. A portion of the state allotment of the increased fee will be allocated in each jurisdiction to the locality that agrees to operate a “best practices” drug treatment court program and the money will be directed specifically toward that program.

## **Ensure that all Virginia students receive effective, comprehensive drug awareness and anti-drug education across grade levels**

As Attorney General, Bob McDonnell worked to educate school aged children about the dangers and legal consequences of drugs through his Class Action Program. As Governor, McDonnell will continue those efforts and implement Class Action in all school systems. Unfortunately, drug dealers do not have age cutoffs for their targets. Consequently, we need to ensure that younger Virginians are empowered to make the right choices concerning illegal drugs, as well as to prevent accidental ingestion or abuse of prescribed medications that may already be in their homes.

McDonnell will implement a standard for programs that teach students how drugs can negatively impact physical and mental health, as well as the social consequences of substance abuse that reach children at a variety of ages.

Recognizing that there are a number of ongoing programs that educate our youth about the dangers of illegal and un-prescribed drugs, McDonnell will focus on ensuring that a consistent message is communicated across grade levels and in all localities, and that only programs proven to work will be funded. McDonnell's model will be designed to assist communities build on the success of on-going programs, while focusing on reaching all of Virginia's children. McDonnell will work to promote development of age appropriate module systems that provide educators with flexibility regarding the length, intensity, and focus of the program. Our children must be provided with the facts so that they can make educated, smart decisions to stay away from drugs.

## **JUVENILE OFFENDERS WHO COMMIT VIOLENT CRIMES DESERVE ADULT TIME AND MISGUIDED YOUTH DESERVE A CHANCE TO REFORM**

Bob McDonnell played a leadership role in sponsoring Governor George Allen's Juvenile Justice Reform. That initiative turned a system that was not equipped to appropriately handle violent juvenile criminals into a modern two-tiered juvenile justice system that ensures that young people who commit the most violent adult crimes are subject to the adult criminal justice system. Several years have passed and our juvenile justice system has undergone budgetary challenges, reduction in services, and exposure to a new breed of juvenile offender. The time has come, once again, to look at reforms to our juvenile justice system. Despite the fact that we are experiencing challenging budgetary times, the importance of the issue requires us to act now.

Our first priority must be to keep our youth out of our juvenile justice system by supporting crime prevention programs that work. We must provide our young people with healthy alternatives to gangs, drugs, and the criminal activity associated with making bad choices. As Attorney General, Bob McDonnell supported several crime prevention programs designed for children and will continue to do so as Governor.

Our second priority must be to ensure that those juveniles committing violent crimes are treated as adult serious offenders and sent to prison, allowing our juvenile justice facilities to be reserved for young people who may be rehabilitated in that environment and returned to society to live productive, law-abiding lives. Further, juvenile judges must be afforded options for treatment and rehabilitation. A non-violent youthful offender is more likely to be rehabilitated if he is ordered into an appropriate program that addresses the criminal behavior. Finally, McDonnell

will support growth and expansion of the successful Commonwealth Challenge Program, run by the Virginia National Guard. This expansion will include a similar program designed to accept youthful offenders who are before the juvenile court for non-violent offenses and are ordered into the program.

One of McDonnell's initiatives will be to address violent juvenile crime. To better ensure that our limited resources serve both to protect the public and address those juveniles we have a greater chance of reaching, we need to revisit the issue of which juveniles should be removed to the adult system.

McDonnell will propose expanding the juvenile transfer statute to require juveniles charged with repeat violent felonies to be tried as adults in circuit court. Further, McDonnell will recommend statutory changes, allowing prosecutors the discretion to transfer repeat juvenile drug dealers and gang members to circuit court for trial as an adult. This will provide an additional tool for prosecutors to better protect their communities. It will also allow prosecutors to evaluate the threat level associated with these juvenile gang members and repeat drug dealers.

Under this structure, if convicted, violent juvenile offenders, dangerous juveniles convicted of gang offenses, and repeat juvenile drug dealers, will not be incarcerated in a juvenile facility where they can recruit new members and victimize other juvenile offenders. These changes will enable juvenile justice resources to be afforded to those youth who are most amenable to rehabilitation in the setting of a juvenile justice facility.

## **CRACKING DOWN ON CRIMES AGAINST THE ELDERLY**

Virginians in their golden years should be able to reap the benefits of their years of hard work by enjoying all the wonderful activities our Commonwealth has to offer. We must protect these elderly citizens from predators who seek to take advantage of them.

Based upon their years of employment and hard work, older Virginians generally are a financially sound population group. Retired citizens are often home during the day. Additionally, some of these individuals face memory loss and other challenges. Often, those who become victims of crime are too ashamed to report the incident. Unfortunately, it is because of these perceptions that older citizens often become the target of financial scam artists looking to exploit these vulnerabilities. Since these potential victims are frequently out of the work force, older Virginians are, arguably, least able to recover from financial exploitation.

Therefore, financial scam artists who victimize older Virginians must be punished harshly. McDonnell will propose legislation to create a greater deterrent for, and to punish more harshly, those crimes where the victims are ruthlessly selected due to their age and perceived vulnerability. The proposal is to raise the punishment for specific financial crimes by one class. Further, in cases of grand larceny and crimes punished as grand larceny, the punishment will include active jail time; and repeat offenders will receive a mandatory minimum two year sentence.

The message to those who prey on the elderly will be that Virginia has no tolerance for their unscrupulous behavior. Removing these heartless thieves from our communities and

discouraging their activities in our Commonwealth will help seniors enjoy their golden years without the specter of financial ruin through fraud.

## **COMBATING IDENTITY THEFT**

Identity theft is one of the fastest growing crimes in Virginia. According to a recent Federal Trade Commission Report, identity theft encompasses 36% of all consumer complaints. Nationally, approximately 50 billion dollars in loss can be attributed to identity theft each year. Virginia rates 15<sup>th</sup> in the Nation for identity theft complaints *per capita*. It is a crime that goes beyond loss of funds. In our society, the houses we live in, the cars we drive, and so many other items are dependent on our credit rating and our ability to obtain financing. An identity thief can ruin a lifetime of responsible financial decisions and conscientious bill paying with one fraudulent transaction. As Attorney General, McDonnell fought identity theft through his Office's participation in the Metro Richmond Identity Theft Task Force. This Task Force, composed of local, state, and federal partners, investigates and prosecutes identity thieves, as well as educates the public in ways to avoid becoming victimized. The efforts of this Task Force were so successful that it was recognized by the International Association of Financial Crimes Investigators as "Task Force of the Year" in 2008.

Virginia is one of the Internet hubs. We foster strong economic development. A key to these successes is a population of strong, economically stable customers. Identity thieves can ruin consumers' ability to make purchases. In order for Virginia to keep its pro-economic environment, identity thieves must be stopped. With that in mind, McDonnell will propose legislation to toughen Virginia's identity theft laws. Individuals who obtain identities with the intent to sell or distribute them will be subject to a Class 4 felony. Further, in addition to any other offenses (grand larceny, for example), thieves who use stolen identities to buy merchandise, to impersonate a law enforcement officer, or to impede a criminal investigation, will be subject to a Class 5 felony. These proposals better reflect the damage caused to the victims of these intrusive crimes, and the harm to our society caused by identity thieves. These increased penalties will help ensure that Virginia maintains an economic environment where commerce can thrive.

Additionally, it is important that victims of identity theft file police reports. Certain rights relating to credit reporting agencies attach once such a report is filed and the victim becomes eligible for an Identity Theft Passport issued by the Attorney General's Office. It is, therefore, crucial that local law enforcement agencies recognize the seriousness of identity theft and are trained and encouraged to take reports of such incidents and subsequently open investigations.

As Governor, McDonnell will direct the Virginia Department of State Police and the Department of Criminal Justice Services to provide specialized training on identity theft incidents to law enforcement agencies. This training will include encouraging officers to increase intake of identity theft reports. It will also highlight investigatory techniques and resources available to officers.

The Identity Theft Passport Program is an innovative protection for victims of identity theft, which is implemented by the Office of the Attorney General and the Virginia Department of State Police. The passport signals to a potential arresting officer that an individual is a victim of

identity theft. The Attorney General's Office is solely charged with investigating applications for identity theft passports.

As Governor, McDonnell will increase access to the Identity Theft Passport Program to victims of identity theft by offering applications and identity theft affidavits at all DMV Offices. By making the forms available at DMV Offices, victims will be able fill out the application and, after presenting a valid identification, can submit the application for forwarding to the Attorney General's Office. This will provide increased access to Identity Theft Passports while helping to reduce fraudulent applications.

## **CRIME SHOULDN'T PAY – STRENGTHENING ASSET FORFEITURE AND INCREASING CRIMINAL FEES**

McDonnell has a long track record of advocacy for crime victims and law enforcement. To add to his efforts to make sure that public safety is properly funded, and to deter criminal activity, McDonnell will reorganize and streamline Virginia's asset forfeiture laws.

It is a sad fact of life that many criminals profit handsomely from their criminal activities. Virginia law currently allows law enforcement to seize assets that are the ill gotten gains of crime. However, these asset forfeiture laws are scattered in a confusing patchwork throughout the Code of Virginia. Law enforcement and prosecutors are discouraged by the system. To be more effective, these laws must be clarified and streamlined. To properly address this task, McDonnell will direct the Secretary of Public Safety to consult with experts and stakeholders and recommend amendments to Virginia's laws for the 2011 Session of the General Assembly. The Secretary will review the entire process. Recommendations will include how to make more effective use of asset forfeiture in Virginia, while ensuring fair procedural safeguards.

As previously noted, McDonnell will recommend increasing the mandatory fees imposed on convictions. Currently, a person convicted of a misdemeanor pays a \$5 fee. This fee has not been adjusted in over 40 years. The fee for a felony conviction is only \$15. The felony fee has stayed at the same level for 10 years. These fees, which are divided equally between the state and the specific locality, help bear the costs of fighting crime. As we struggle with state and local budgets and ensuring that we provide our citizens with necessary services, the time has come to adjust these fees so they can help defray rising costs and keep up with inflation. Consequently, McDonnell will recommend to the General Assembly that the fee for a misdemeanor offense be raised to \$15 and the fee for a felony offense be raised to \$40.

## **PARTNERING WITH FAITH BASED ORGANIZATIONS DURING NATURAL DISASTERS**

Virginia is nationally recognized as being on the forefront in the field of emergency management. McDonnell has been a leader in this important public safety discipline. As Attorney General, McDonnell championed significant legislation and initiatives in the area of disaster law and emergency management.

Bob McDonnell is committed to ensuring the public safety of the citizens of the Commonwealth. Within weeks of becoming Attorney General, McDonnell successfully proposed legislation to codify the Office of Commonwealth Preparedness. That Office facilitates coordination between the federal government, state and local officials, and the private sector to develop coordinated

preparedness strategies to protect the citizens of the Commonwealth from disasters, both natural and man-made, including terrorist attacks. Additionally, before the end of his first year as Attorney General, Bob McDonnell held the first of its kind natural disaster legal “table top” exercise. The exercise brought together state agency personnel along with their counsel from the Attorney General’s Office to analyze the legal implications of the state agencies responses to a disaster scenario. The exercise has become an annual event, and several legislative and policy changes have been made as a result of these exercises.

Further, McDonnell, along with leaders in the House, Senate, and Administration, worked to secure the passage of legislation to enhance public health laws regarding the issuance and enforcement of orders of isolation and quarantine and to provide protections to health care providers rendering care during declared emergencies. Finally, McDonnell supported The Post Disaster Anti-Price Gouging Act, designed to protect consumers from price gouging in the aftermath of a disaster.

As Governor, McDonnell will continue his leadership in this important area. He will work to increase the Commonwealth’s emergency management capability by increasing the utilization of Faith Based Organizations (FBO). Recent emergency response incidents have shown that churches, synagogues, mosques and faith based community centers are more than willing to provide assistance in emergency situations. FBOs can be significant force multipliers with pre-positioned assets that the Commonwealth can utilize and coordinate in a variety of emergency response situations. Despite the willingness of FBOs to assist and play a role in emergency management, there has been no overarching directive to utilize the capabilities of FBOs. The lack of an overarching directive to coordinate and consolidate the FBO community’s assistance has lessened the impact that these groups can have during a crisis. McDonnell, through an Executive Order, will define the specific role of FBOs during a declared disaster.