

## QUESTION 1

I believe the treatment of victims by a Commonwealth's Attorney's office begins with the attitude demonstrated by the elected Commonwealth's Attorney.

First and foremost, attorneys in my office who have not done so will receive training on how to interview and interact with crime victims and others. Such training is readily available and will be a priority. Support staff will also receive training on appropriate interaction with the public.

It is also important that certain classes of victims know and become familiar with the attorney(s) handling their case. For example, victims of sexual assault, child victims and elderly victims will be more comfortable and forthcoming and, therefore, more confident in the outcome of their case if they are able to develop a relationship with the attorney in their case. It is also helpful for police, victim/witness advocates and others to readily identify the attorney who will handle certain cases. Linear prosecution (the practice of having one attorney handle a felony case from beginning to end) can help address these issues and will also assure that the primary attorney is intimately familiar with the case and, ultimately, better prepared. Because emergency situations sometimes arise, my office will have another attorney who is familiar with the case and the victim who can step in if the primary attorney is unavailable.

I will solicit victim input in negotiated dispositions, ensure that victim impact states are solicited and notify victims of import events in felony cases and some misdemeanor cases.<sup>1</sup> In order to ensure that this is accomplished, my office will ask every victim whether they would like to be notified, informed or asked about certain events. A system will be developed to ensure that those who desire this information are kept informed.

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<sup>1</sup> There are some cases, including many misdemeanors, where such actions would be overly burdensome on my office and which would not further the overall desire to assure the fair and dignified treatment of victims.

## QUESTION 2

I would support the creation of a database and tracking system with the specific information set forth in the question.<sup>2</sup> Although much of the information listed is available from various sources, having the information more readily available in an easily understandable and accessible format would be beneficial for a number of purposes. Additionally, because such information is provided to and available from other sources, creating such a database should be a reasonably simple process. In order to assure fairness and accuracy, it would seem that an office or agency independent from the Office of Commonwealth's Attorney would best compile the information.

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<sup>2</sup> I am unsure how "charging practices" could be adequately set forth in a database and/or tracked.

Denise Y. Lunsford  
Responses to CVUV Candidate Questionnaire

### QUESTION 3

Safeguarding our children will be a priority for me as Commonwealth's Attorney. I regret that little, if any, action has been taken to date by local authorities to address the matter, especially in light of the information from ICAC.

I will make prosecution of these offenses a priority for my office. Additionally, I will work with law enforcement, Albemarle Police, Sheriff or both, to obtain appropriate resources to take action in our community.

#### QUESTION 4

I understand that this type of offense at the University of Virginia is both underreported and, anecdotally, under-prosecuted. There are a number of measures that I will employ in order to address the issues set forth in this question.

First, I will work with offices on campus, such as Sexual and Domestic Violence Services of the Women's Center, both to better understand the issues and understand how to reach and communicate with victims on Campus. I need to appreciate the extent of the problem in order to begin helping to address it.

Second, I will create an atmosphere of acceptance and understanding in my office so that victims feel supported when they come forward to report assaults. Too often I have heard victims of crime report feeling devalued when dealing with the Commonwealth's Attorney. Regardless of whether a prosecution results from a complaint, no person should leave the office feeling as if they have been victimized again.

Third, I will ensure linear prosecution so that a victim knows which attorney will be handling the case and is able to develop a relationship with that attorney. A second attorney, very likely me, will be familiar with the case and the victim so in the unlikely event the first attorney is unavailable the victim knows the "second" and does not have to repeat the story or feel as if the issues have been missed in the case.

Finally, I will demand the highest quality legal work, beginning to end, from attorneys in my office.

## QUESTION 5

The issues raised by this question are so extensive as to require much more space to answer than is prudent in this context and for these purposes and I will likely not do justice to all concerns set forth. This tragedy, and others like it, has made us all question the safety of our communities and what freedoms we are willing to sacrifice to assure that this does not occur again.

Due to the unique nature of the human psyche, there may be few, if any, steps anyone can take to *prevent* such a tragedy; it is virtually impossible to predict the future behavior of a particular individual. As a community, however, we can limit the likelihood of such an event happening on Campus, in our schools or our community. I also bear in mind the thought that it is as important not to overreact to a perceived threat, as it is to react appropriately to real threats.

I support many of the recommendations of the Governor's Commission. Most important, I believe, are the findings and recommendations concerning Information Privacy Laws. Increased communication between various service providers could have resulted in both protection of other students and assistance to the offender. I will make an effort to educate service providers as to the realities of the law. Additionally, information should be more easily shared between the mental health community and the legal system so that potential problems can be more easily addressed.

Concerning background checks for gun purchasers, I am uncertain whether the purchases in the Tech case resulted from a problem with the system of checking the background or from a failure in the reporting of necessary information to the Central Criminal Records Exchange. At least some review of the current system of background checks – even if only to assure that the checks are being made and that the appropriate information reaches the system – appears necessary.

There are not sufficient mental health services to arrestees, incarcerated individuals, or others; our jails and prisons are filled with the mentally ill. Increased funding is required for mental health services so that persons with mental illness receive adequate treatment and medication if necessary. In addition to assisting the persons with mental illness, such action will help protect society as a whole.

University of Virginia's Critical Incident Management Plan will be very helpful in providing notice of an emergency through text messages, LCD screens on Campus and other means. It also appears to take into consideration many of the other recommendations of the Governor's Commission. As a result, it does appear adequate to address an emergency.

QUESTION 6

Based on my conversations with local officers, gangs and gang activity is high on the list of challenges for law enforcement. As Commonwealth's Attorney, my office will participate in the yearly Virginia Gang Investigators Association conference and work with local law enforcement to charge and prosecute those involved in gang activity in Albemarle County.

Many factors have contributed to the increase in gang activity in Virginia including drug use, a decrease in the family structure, and lack of appropriate activities for young people. As Commonwealth's Attorney, I will work with existing organizations in our community, such as JustChildren, to develop training for persons who work in the juvenile system so that certain questions are asked as soon as a juvenile enters the system for any reason. Increased education – assuring that children complete high school - is incredibly important in reducing crime in our community. My attorneys will begin asking the appropriate questions on first contact with juveniles and will make every effort to find and suggest ways to address the needs of children and their families within the system.

While the statute defining gangs and gang activity seems sufficient, certain penalties appear slight. For example, Virginia Code Annotated Section 18.2-46.3B makes it a Class 6 felony (1-5 years in prison or up to 12 months in jail plus a fine) to use or threaten force or violence in order to convince a person to join a gang or prevent a person from leaving a gang. This penalty seems minimal in light of the potential for harm to persons seeking to improve their life by leaving a gang.

## QUESTION 7

As Commonwealth's Attorney, I will develop written guidelines to govern the investigation of allegations of police misconduct. These guidelines will include issues related to conflicts of interest as well as the need to refer some allegations to a special prosecutor. I will also be mindful of the balance between the need for officers to have a speedy resolution to investigations and the community's need for the investigation to be thorough and fair. I will avoid referring such matters to a special prosecutor but would certainly do so in the event of an obvious conflict of interest.

When an allegation of police misconduct comes to my office, I will make every effort to investigate the matter myself and to do so carefully and quickly. In a recent situation involving the death of a pedestrian hit by an automobile driven by a County officer, the matter was referred to a special prosecutor and took over two months to resolve. While two months seems a long time for the investigation of the automobile incident, above, certain shootings by officers have been resolved in two weeks without a special prosecutor. Such speed, without disclosure of the action taken in the investigation, can appear hasty and lead to the public's lack of confidence in the process.

Local law enforcement agencies have a significant challenge in recruiting, training and retaining quality officers. My office can help in the training of officers in order to assist officers in avoiding allegations of misconduct. Training officers will serve to increase the public's confidence in the criminal justice system in general and law enforcement in particular. Significantly, for example, some Albemarle County officers, among others, will receive (or have already received) training in the handling of mentally ill persons from agencies with significant expertise in this area. This is vitally important in light of the percentage of mentally ill who come into contact with the criminal justice system. My office will work with the Albemarle County Police Department on a regular basis, several times per year, to provide education and training on matters within our expertise.

QUESTION 8

A thoroughly prepared and highly competent office of skilled and compassionate attorneys will have a significant impact on the view that crime victims take of the system and the seriousness with which each case is handled. The Office of Commonwealth's Attorney should, and under my leadership will, treat every case as if it were the most important case in the office. The docket is heavy and gets heavier every year. Being busy should not detract from the need to interview witnesses prior to appearing in Court and should not result in a victim, witness, law enforcement officer or accused leaving the system believing that their case was anything less than vitally important to the attorney involved.

I and the attorneys and staff in my office will be efficient yet capable in the handling of cases.