

**CRIMINAL JUSTICE SERVICES BOARD
COMMITTEE ON TRAINING**

MINUTES

September 18, 2008

A meeting of the Criminal Justice Services Board Committee on Training (COT) convened at 9:00 a.m. on Thursday, September 18, 2008, in House Room D of the General Assembly Building, in Richmond, Virginia.

Members Present:

Ms. Kathy Brame (*Proxy for Gene Johnson, Director, Department of Corrections*)
Mr. Robert L. Bushnell
Chief Alfred Jacocks, Vice Chair
Chief James R. Lavinder
Mr. Edward M. Macon (*Proxy for The Honorable Karl R. Hade, Executive Secretary, Supreme Court of Virginia*)
Dr. Jay W. Malcan
Sheriff Charles W. Phelps, Chair
Captain Lenmuel S. Terry (*Proxy for Colonel Steve Flaherty, Superintendent, Virginia State Police*)
Mr. Sherman C. Vaughn
Mr. Christopher R. Webb

Members Not Present:

Sheriff Beth Arthur
Sergeant Charles J. Condon
Mr. Kevin S. Hodges
Ms. Marlene Randall

DCJS Staff Present:

Leon Baker
Donna Bollander
John Colligan
George B. Gotschalk

Sharon Gray
Judith Kirkendall
Lisa McGee
Thomas E. Nowlin

Gayle Turner
Roz Trent

Others Present:

Marty R. Alford, *New River Criminal Justice Academy*
Eric Arcia, *Fairfax County Criminal Justice Academy*
Mitch Banta, *Central Shenandoah Criminal Justice Training Academy*
William Butters, *Virginia Commonwealth University Police Department*
Bonnie Camp, *Fairfax County Sheriff's Office*
Jimmy Chapman, *Roanoke County Police Department*
Jon Cliborne, *Crater Criminal Justice Training Academy*
Vince Ferrara, *Hampton Roads Criminal Justice Training Academy*
Donald Hunter, *Crater Criminal Justice Training Academy*
Janet Joyce, *Chesterfield County Police Department*
Larry Kiefer, *Virginia Beach Sheriff's Office*
Fred Miller, *Prince William County Criminal Justice Academy*
Albert C. Oglesby, *Northern Virginia Criminal Justice Academy*
Bill O'Toole, *Northern Virginia Criminal Justice Academy*
Larry Price, *Isle of Wight Sheriff's Office*
Ed Roessler, *Fairfax County Police Department*
Steve Short, *Roanoke County Police Department*
Michael Snawder, *Richmond Police Department*
Joseph A. Sperry, *Henrico County Police Academy*
Ronald Staton, *Central Virginia Criminal Justice Academy*
C.V. Taylor, *Rappahannock Regional Criminal Justice Academy*
Dave Vice, *Rappahannock Regional Criminal Justice Academy*
Kip Vickers, *Cardinal Criminal Justice Academy*
Grant Warren, *Virginia Commonwealth University Police Academy*
Cynthia Weaver, *Richmond Police Department*

Call To Order:

Chairman Phelps called the meeting to order. The roll was called with eight (8) members present, which indicated a quorum. (*Chief Jacocks arrived at 9:35 a.m., and Mr. Webb arrived at 9:53 a.m.*) Sheriff Phelps asked if there were any other questions or comments regarding the minutes of the last meeting. Hearing no other comments, Mr. Vaughn made a motion to approve the minutes. Captain Terry seconded, and the minutes were approved unanimously.

Old Business:

Curriculum Review Committee Member Approvals

Sheriff Phelps mentioned that some members of the Law Enforcement Curriculum Review Committee are no longer available to serve. He introduced Judy Kirkendall, Job Task Analysis Administrator, Standards & Training Section, to present names for replacements to the CRC. Ms. Kirkendall presented three names to replace the individuals who are no longer available to serve:

- **C.V. Taylor**, Training Coordinator, Rappahannock Regional Criminal Justice Academy, Fredericksburg, Virginia (serving the term through 2009, replacing George W. Stevens),
- **Mitch Banta**, Director, Central Shenandoah Criminal Justice Academy, Weyers Cave, Virginia (serving the term through 2009, replacing Tim Kindrick), and
- **Carl Vickers**, Director, Cardinal Criminal Justice Academy, Salem, Virginia (serving the term through 2008, replacing Rich Schumaker).

Sheriff Phelps asked if there were any comments or questions about the nominations. Hearing none, Chief Lavinder made a motion to approve the nominees for the CRC. Dr. Malcan seconded, and the nominations were approved unanimously.

Driver Training Track Update

Sheriff Phelps noted that over the past several years, the Department has actively pursued the development of a statewide driver training facility. He asked Captain Terry, Virginia State Police Academy, to provide an update on the status of this facility. Captain Terry mentioned that they had acquired land at Fort Pickett in Blackstone to build the facility. He advised that six hundred eighty (680) acres had been deeded to State Police and that they had met with engineers and architects on two occasions. They would be going to look at a driver training facility in Cheltenham, Maryland, and to also visit the one utilized by the Maryland State Police.

Captain Terry advised that in 1999 the National Guard cleared some of the land at Ft. Pickett. Since then no other work has been done, and a recent visit revealed that some of the land was overgrown. He noted that they had hoped the National Guard would go back to Fort Pickett in September to look at the land and, perhaps, do additional clearing. However, that particular unit would be deployed to Iraq in October and not all of the equipment to clear the land would be available. He noted that although all of the permits necessary for clearing the land were not acquired in time, the project was still on track.

Some specifics of the new driver training facility would include:

- 1.5 mile high speed driving track,
- A precision course along with other courses that all law enforcement agencies in Virginia would have access to,
- Several dorms to accommodate approximately one hundred (100) people,
- A cafeteria and other necessary amenities, and
- An observation tower, maintenance garage and other administrative buildings.

Captain Terry indicated that the facility would be completed in about three (3) years. He noted that students would be able to stay on the site the entire time they are receiving training without having to leave the facility. While there, students would be exposed to a number of driving courses. He added that prior to driving on the actual track, students would be able to access four (4) driving simulators outside of the administrative building. These simulators would enable the students to become more accustomed to situations similar to operating a vehicle on highways, urban roads, and in rural areas, and to also experience high speed driving.

Captain Terry mentioned that money was a factor. He noted that over the past several years, the VSP had acquired some funding and hoped to get the remainder of funds needed should the track go over budget.

Mr. Bushnell asked where driver training was already being done. Captain Terry responded that currently VSP does high speed driver training at Fort Pickett. Mr. Bushnell asked where local facilities were doing their driver training. Captain Terry responded that some of the agencies also go to Fort Pickett. He added that because of the activity and increase in military personnel at Fort Pickett, it has become almost impractical to continue driver training there.

Dr. Malcan noted that the HEAT (Help Eliminate Auto Theft) program at VSP utilized funding from the automobile insurance industry and asked if any consideration had been made to include this as a possibility for funding. Captain Terry responded that he was not sure of this and that they were looking at other facilities and other agencies to consider funding. Dr. Malcan mentioned that since driver training was being tied to highway safety, it would appear that insurance programs might assist in having that additional source of revenue. Captain Terry responded that they had gone to the National Highway Traffic Safety Administration (NHTSA) and had also talked with insurance companies about the simulators. He noted that this training would benefit the public as the training would prepare officers in how to operate vehicles should they be engaged in high pursuit and protect the safety of the public. Mr. Vaughn indicated that he was from Nottoway County and was also chairman of the Board of Supervisors. He noted that he had lobbied the Governor for funding of the driver training facility in hopes of getting the facility built. He mentioned that the Southside Virginia Community College (SVCC) had heavy equipment and offered that Captain Terry might discuss with the college about using this equipment in case the National Guard is not available. Captain Terry responded that they had conferred with the SVCC and noted that there still was the problem involving permits. He also advised that Dewberry and Associates were helping with the project and that they were an effective resource in facilitating the project.

Mr. Bushnell asked about the current estimate of costs for the project. Captain Terry responded that he had asked that question a few weeks prior, yet, he had not received a final estimate of the costs. He reminded the members that additional items had been added to the original plan. One of those was the increase from an eighty- (80-) bed dormitory to one with one hundred (100) beds as some academies, especially VSP Academy, have an average of eighty (80) to one hundred (100) students. He indicated that final figures on costs might not be available for several months.

Mr. Macon asked how many high speed pursuits occur each month. Captain Terry responded that according to statistics, in 2007, the VSP had three hundred fifty-one (351) pursuits. He noted that

the pursuits ranged in duration of one to several minutes. Other years had averaged about three hundred (300) pursuits. Therefore, there were approximately thirty-five (35) pursuits per month.

Mr. Gotschalk mentioned that to accommodate driver training, localities borrowed parking lots in addition to building their own facilities and renting others. He noted that the county of Chesterfield was in the process of building its own facility. He also mentioned that Roanoke County has its driver training facility on the side of a mountain. He advised that in 1980, the Department started building a facility designed by Elgo, and later Motorola bought the property. He gave a brief history of the process and indicated that the federal government deeded the land at Fort Pickett to the Department. The facility was designed specifically for law enforcement functions, and EMS and Fire Programs were also interested in utilizing the facility for their needs.

Mr. Bushnell asked if Chesterfield County was building its own facility approximately fifty (50) miles from the statewide facility at Fort Pickett. Mr. Gotschalk responded that Chesterfield was, in fact, building its own facility. Mr. Bushnell asked if Chesterfield had already broken ground and had started cutting down trees. Mr. Gotschalk responded that Chesterfield had started burning brush on the property and had also begun a noise abatement. He indicated that Chesterfield County already has a firearms course at that location. He also assured the Committee that he felt there was enough interest in using the statewide driver training facility that would keep the facility busy year round. He added that the facility that was built in Maryland was borrowed from the plan that Virginia had initially intended to build.

Sheriff Phelps noted that there had always been a struggle to find a location to conduct driver training. He also mentioned that some agencies used the tarmacs at airports for this purpose. He added that plans show that the new facility would have advanced technology and would serve Virginia's changes in driver training needs due to the increased growth in population and other situations on the highway. Mr. Bushnell advised that in response to Mr. Macon's question the Henry County Sheriff's Office has had at least two incidents of high pursuit each month. He added that there was a great need for the education of law enforcement officers in driver training and indicated his amazement that two driver training facilities (Chesterfield County and the statewide facility at Fort Pickett) were being built in close proximity to each other.

New Business:

Report on Academy Re-certification, Training Exemptions and Field Training Recommendations

Chairman Phelps reminded the members that during the last meeting of the Committee on Training, the Virginia Association of Directors of Criminal Justice Training (VADCJT) offered its assistance to DCJS regarding academy re-certification, training exemptions, Field Training Officers and other issues in order to maintain a positive working relationship with the Department. He introduced Ron Staton, President, VADCJT, to present the association's concerns in these matters.

Ron Staton indicated that he would present the association's suggestions regarding the field training officer standards and the law enforcement exemption standards and that Vince Ferrara would make the presentation on academy recertification. Mr. Staton mentioned that field training was dictated in the 1990's, passed by the General Assembly, and established in **Section 9.1-102** of the *Code of Virginia*, which addresses the field training for law enforcement officers. He advised that the VADCJT Field Training Officer Subcommittee only looked at **Section 9.1-102** and introduced the following members of the committee who were present:

- Mr. Marty Alford, Director, New River Criminal Justice Academy,
- Captain Grant Warren, Director, Virginia Commonwealth University Police Academy,
- Captain Shane Roberts, Director, Portsmouth Sheriff's Office Academy,
- Lieutenant Joe Sperry, Director, Henrico County Police Academy, and
- Ron Staton, Director, Central Virginia Criminal Justice Academy.

Mr. Staton noted that the committee met on several occasions, and the VADCJT sent the final draft to Mr. Gotschalk for review. He indicated that Mr. Gotschalk would meet with the association on October 22, 2008, at Central Shenandoah Criminal Justice Academy, to review and discuss those suggestions.

Mr. Staton also advised that the association had established an Exemptions Committee, which consisted of:

- Ms. Debbie Kaczor, Piedmont Criminal Justice Academy,
- Mr. Doug Cooley, Director, Southwest Virginia Criminal Justice Training Academy,
- Lieutenant James Fazio, Roanoke City Police Academy,
- Captain Shane Roberts, Portsmouth Sheriff's Office Academy, and
- Mr. Ron Staton, Director, Central Virginia Criminal Justice Academy.

Mr. Staton mentioned that the training exemptions in the DCJS Criminal Justice Reference Manual preceded the new standards that were adopted in 1988, and they do not mesh. He noted, for example, that the Department has determined in the standards for exemptions that Category 2 should be taught as legal. However, most academies teach legal in just about every subject they offer. Thus, the personnel who received the exemption would have to sit through the greatest portion of basic-level training. He added that there was a committee that was currently reviewing a final draft of suggestions for changes before submitting these to the Criminal Justice Services Board for review and that Vince Ferrara would make this presentation to the Committee on Training in December. He advised that VADCJT hoped to have their suggestions for field training, exemptions, and academy recertification available prior to Mr. Gotschalk's retirement.

Mr. Staton informed that he sent a letter to Sheriff Phelps in August regarding three areas of concern of the academies:

- (1) **ACE System** – There are problems with the ACE System (ACETRAK and ACESCORE) that need to be resolved. He noted that during the last meeting of the Committee on Training there were notes about how ACE tracks the training of criminal justice personnel to ensure that they meet all of the performance outcomes.
- (2) **Academy Officer Population** - He mentioned the academies' concern that the academy officer population calculation be counted correctly. He advised that Mr.

Gotschalk had already taken care of this problem and had relayed the information to the academies.

- (3) **Lesson Plans** – The VADCJT requested a letter from Mr. Gotschalk that the issues regarding the lesson plans of the DCJS Jails Training Section had been reviewed and that they met all of the objectives.

Mr. Staton concluded that the VADCJT wanted to maintain a good working relationship with the Department and were willing to assist in any area.

Chairman Phelps asked if there were any questions or comments. Hearing none, he introduced Vince Ferrara, Director, Hampton Roads Regional Criminal Justice Academy (HRRCA). Mr. Ferrara mentioned that there were three (3) main points of consideration of the academy recertification process:

- Establishing an Academy Recertification Committee,
- Process the committee has gone through, and
- Major emphasis on making these recommendations.

He noted that at the last meeting of the Committee on Training, Mr. Gotschalk mentioned that the COT, VADCJT, and DCJS staff should have more dialogue on the matter of academy recertification. Mr. Ferrara added that the VADCJT had set up an ad hoc academy recertification committee to review certification and recertification standards as was outlined in Section 5 of the Criminal Justice Reference Manual. He advised that the focus of this committee was to recommend academy recertification standards to the COT via the Department. The committee consisted of representation from regional and independent academies, sheriff's offices, and other state agencies. Mr. Ferrara mentioned that the committee wanted more input so its makeup included agencies other than what was suggested in the Code. He introduced the members as:

- David Vice, Rappahannock Regional Criminal Justice Academy;
- Marty Alford, New River Criminal Justice Academy;
- Captain Shane Roberts, Portsmouth Sheriff's Office;
- Kathy Brame, Virginia Department of Corrections/Academy for Staff Development;
- Fred Miller, Prince William Criminal Justice Academy;
- Al Oglesby, Northern Virginia Criminal Justice Academy;
- Grant Warren, Virginia Commonwealth University Police Academy;
- CV Taylor, Rappahannock Regional Criminal Justice Academy; and
- Vince Ferrara, Hampton Roads Regional Criminal Justice Academy.

Mr. Ferrara mentioned that although the ad hoc committee was put together based on the guidelines (with the additional of a few people), their meetings were for the sole purpose of reviewing the academy recertification standards. Their first meeting was on August 11, 2008, where they developed a draft of the standards and sent the draft out to all of the members of the VADCJT. He noted that the association consisted of ninety percent (90%) of the academies. The committee received feedback on the draft and held another meeting on September 3, 2008, then sent out a second draft with the revisions. He mentioned that the VADCJT would be holding a conference on October 22, and had invited all of the members of the association. He advised that they would submit their recommendations on the changes to the Department and the Committee on Training at the next meeting in December.

Mr. Ferrara advised that during the June meeting of the COT, people stated that the academy recertification standards were vague and that they would like to make them more objective. He mentioned that the academies wanted to have guidance under each of the standards so that the auditors who come to the academies to inspect them would have the same instructions for consistency. At the last meeting of the COT, suggestions were made that perhaps the Department should follow examples of other auditors, such as the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) and the Virginia Law Enforcement Professional Standards Commission (VLEPSC). He also noted that Mr. Gotschalk had mentioned that the Department was a regulatory agency and that the VADCJT Academy Recertification Committee wanted to maintain more of a balance.

Mr. Ferrara mentioned that also during the last meeting of the COT, Dr. Malcan had suggested a certification team on panel, which was also what Craig Hartley had suggested. He noted that the ad hoc committee had suggested an academy recertification team of three (3) individuals: a representative from the Department (perhaps, a field services coordinator), a representative from an independent, and a representative from a regional academy. Each of these individuals would go through training on the recertification process.

Mr. Ferrara also noted that at the last meeting of the COT, it was mentioned that Mr. Hartley had suggested that if during the audit one found that one instructor was out of compliance, this should be documented as an “exception” and not as “non-compliance”. He noted that the ad hoc committee agreed with this as non-compliance should be considered as something that lends to public negligence. He also noted that academy personnel had mentioned a feeling of confrontation from DCJS staff during the recertification process and that the academies wanted a feeling of making sure that the standards were being met in a professional manner.

Chairman Phelps asked if there were any other questions or comments. Mr. Bushnell mentioned that he agreed with the suggestions. He also noted that in Henry County a criminal justice agency found itself surrounded by federal agents for several days. He asked if each breach of the academy recertification standards equaled non-compliance how many exceptions would it take to equal non-compliance. Mr. Ferrara responded that they struggled with that. He advised that one reason for having a team or panel was to have them discuss their findings and make the determination. Mr. Bushnell advised that he would suggest a level of exceptions. For example, the length of time an individual had been out of compliance, if he forgot one week or if this had been done consistently for four (4) years in a row. He noted that there should be solid objectives or criteria to determine when a number of little transgressions should be considered non-compliance.

Mr. Bushnell also advised that to the extent DCJS’s regulations were, as a necessity, clear and objective, this would reduce the flexibility of the academies. He added that if there were clear marching orders, the academies would not have a lot of discretion. Mr. Ferrara responded that the present rules speak of the three-year plans as being a strategic management plan. He noted that there were strategic management plans that could be three (3), five (5), or even twenty (20) years. He noted that they had developed objectives that academies might want a five- (5-) year plan.

Mr. Bushnell asked if there were any less strategic, grand or high level things that were vague (e.g. attendance policies). Mr. Ferrara responded that one of the standards was that all entrants must have physicals within the first year. He noted that in one instance, an academy had a dispatcher who did not have a physical, and the academy was audited according to the standards for entry-level law enforcement, jailor, civil process, or court security that were required to have physicals.

Captain Terry mentioned that one of the reasons that the certification team was recommended was to bring about more consistency as there was an indication that the audit procedure varied when done at the different academies. Mr. Ferrara responded that if there were teams of people who were trained on what to look for, there would be more consistency. Mr. Bushnell mentioned that there was also some sharp discussion about the retention of training records. He noted that there was a position that the state librarian took and that State Police wanted to preserve the records for a much longer time period. He added that some academies wanted to throw the records away before the ink was dry. Thus, there was diversion among the academies' policies. He mentioned that this demonstrated that the records retention standard had flexibility. He added that if there was a clear standard that the records were to be kept for ten (10) years, there would be consistency. He asked if the VADCJT made suggestions that were consistent and clear and one-size-fit-all. Mr. Ferrara responded that the Department removed that particular policy before it was looked at. He advised that ninety-nine percent (99%) of the people at the academies would want the standard even if it was stricter, as long as they knew what was indicated, and the standard was consistently audited.

Sheriff Phelps asked if there were any other questions or comments. Mr. Gotschalk mentioned that one of the concerns that all seemed to have was maintaining consistency and quality. He noted that the standards were initiated years ago when someone wanted to start a new academy. They had approved a curriculum, etc. However, one individual wanted a three-year plan. The established standards helped the academy get things they were unable to get prior to DCJS setting the standards. Also, at that time, academy directors had no administrative staff and did everything themselves. He added that compliance was in one's approach. The academy directors just wanted to know what they needed to fix, and once they knew this they would fix it. He noted that it was not that the academy staff wanted to push the Department's staff out of the room, but it was a matter of clarity. He added that he and John Colligan, Acting Director, Law Enforcement Services, had been discussing this and other alternative ways of doing business due to the loss of personnel. Mr. Gotschalk noted that some of the discussions of the VADCJT were similar to those being held at DCJS. The Department was also looking at the Virginia Association of Chiefs of Police (VACP) and the Virginia Sheriff's Association (VSA) for assistance. He also asked the VADCJT for help in determining how to best utilize the process of exemptions and options as training had changed over the years. *[NOTE: Options allow a means of looking at personnel's previous employment and training to determine if they should attend a certain block of training as opposed to the full academy in order to complete the training requirements of being certified in their position. Some of the larger academies (Northern Virginia CJA, Fairfax CJA, and Virginia Beach) run "option" schools.]*

Mr. Gotschalk mentioned that he was retiring and the changes to field training would have to go through the Administrative Processes Act (APA), which would not be done before he retired. He reiterated that he planned to meet with the VADCJT on October 22 to discuss the suggestions for the field training officers and hoped to report these findings to the COT in December.

Chairman Phelps mentioned that he had worked with two academies and had also served on their boards and that he realizes the importance of these items. He noted that when he sat on the board of the Hampton Roads Regional Academy, the academy was very cooperative with the Department when reviewing the training standards. He added that as they move forward, part of the process would be to look at the old standards, revise them and critique them for improvement.

Public Comment

Chairman Phelps asked if there were any other questions or comments. Hearing none, he asked if there was anyone in the audience that would like to address the COT concerning matters within its purview.

Next Meeting

Hearing no other concerns from the audience, Sheriff Phelps noted that the next meeting of the Committee on Training is scheduled for Thursday, December 11, 2008.

Adjournment

A motion was made by Captain Terry to adjourn the meeting. The motion was seconded by Mr. Vaughan, was carried unanimously, and the meeting was adjourned at 9:57 a.m.

Respectfully submitted,

Thomas E. Nowlin
Recording Secretary

Approved: _____

The Honorable Charles W. Phelps
Chair

Date

Attachment(s)