

**CRIMINAL JUSTICE SERVICES BOARD
COMMITTEE ON TRAINING**

MINUTES

May 9, 2007

A meeting of the Criminal Justice Services Board Committee on Training (COT) convened at 8:06 a.m. on Wednesday, May 9, 2007, in Salon A of the Stonewall Jackson Hotel and Conference Center in Staunton, Virginia.

Members Present:

Mr. Alfred T. Dowe, Jr.
Mr. Gerald P. Eggleston (*Proxy for Gene Johnson, Director, Department of Corrections*)
Mr. Kevin S. Hodges
Chief James R. Lavinder
Dr. Jay W. Malcan
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
Mr. Robert L. Bushnell
Chief Alfred Jacocks, Vice Chair
Mr. Edward M. Macon (*Proxy for The Honorable Karl R. Hade, Executive Secretary, Supreme Court of Virginia*)
Sheriff Charles W. Phelps, Chair

DCJS Staff Present:

Leon Baker
Kim Buckner
Kim Frieberger
George B. Gotschalk

Sharon Gray
Eilene Guertler
Lisa McGee
Thomas E. Nowlin

Burt Walker
Elizabeth White

Others Present:

Gary P. Bannington
Edward Gallagher, *The Surety and Fidelity Association of America*
Maria M. Kear, *A-1 Bonding*
Cindy Krelicos, *Fairfax County Criminal Justice Academy*
Tim Kindrick, *Central Shenandoah Criminal Justice Training Academy*
Gary Lovatt
Tony Millner, *Millner Bail Bonds*
Beverly Powell, *Affordable Bonds*
Gilbert M. Rodriguez, *Roche Surety & Casualty*
Wayne Schneider, *Zimmerman Bonding*
Rich Schumacher, *Cardinal Criminal Justice Academy*
Ronald Staton, *Central Virginia Criminal Justice Academy*
Carl Valentine, *Bail Bonds*

Call To Order:

Dr. Malcan called the meeting to order. The roll was called with eight (8) members present, which indicated a quorum. Dr. Malcan asked if there were any other questions or comments regarding the minutes of the last meeting. Hearing none, he asked for a motion to approve the minutes as written. Mr. Vaughn made a motion to approve the minutes; Chief Lavinder seconded, and the minutes were approved unanimously.

Public Hearings on Regulations Relating to Property and Surety Bail Bondsmen

Dr. Malcan officially opened the public hearings by reviewing the procedure that would be followed during the process. He advised that this is a continuation of the public hearing held on March 8, 2007, in which the individuals from the industry and members from the audience were allowed to speak. Therefore, the Committee will have the opportunity to ask staff any questions or clarify issues they have regarding the regulations immediately following staff review. He acknowledged that although this is a continuation of the March hearing, individuals who have pre-filed a request to speak before the Committee and speakers from the audience would be allowed to speak if time permits.

Dr. Malcan introduced Lisa McGee, Acting Chief, DCJS Private Security Services, to present a brief overview of the Regulations Relating to Property and Surety Bail Bondsmen and discuss its specific points. Ms. McGee distributed a copy of the regulations, errata sheets, and comment

matrix to the Committee. (*Copies available upon request.*) She advised that an explanation of the recommendations to the regulations and reasons for the recommendations had been emailed to the members and gave a brief overview of the following comments and recommendations:

Ms. McGee advised that the Office of the Attorney General had advised that the Department should include a requirement of power of attorney from business entities as well as individuals who are not the sole property owners, which are included in the following amendments:

- **6 VAC 20-250-40 Initial Bail Bondsmen License Application.**

C.5

- Delete the word “principal” before “property bail bondsman”
- Insert “from an individual or appropriate resolutions or other authorizing documentation from a business entity” in the clause to clarify regulation.

C.6

- (Include changes as above)

- **6 VAC 20-250-230 Reporting Requirements.**

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Ms. McGee noted that at the last meeting, it was mentioned that there was nothing in the regulations to determine exact ownership of property, especially relating to change of ownership after licensure. The phrase “any change in legal ownership” was included to clarify the requirement of the Department being notified in these events.

Ms. McGee addressed several of the issues that were presented before the public hearing on March 8, 2007. She advised that the Bureau of Insurance has the authority of the insurance companies should there be a failure to report forfeitures. The Bureau of Insurance contacts the Department immediately if there is a problem with forfeitures. The Department would then revoke or suspend the surety bail bondsman’s license in cases of violations. Ms. McGee noted that the Department feels it has a good working relationship with the Bureau of Insurance. She also mentioned that the Bureau of Insurance is sometimes unaware of forfeitures as the courts would contact the bondsman without alerting the Bureau. She added that once the Bureau is made aware of forfeiture, they take action to remedy this.

Ms. McGee advised that deeds of trusts would make it mandatory for all property bail bondsmen to provide a deed of trust according to § 9.1-185. She added that in 2003, the results of a study by the Virginia Crime Commission the determination of whether or not to utilize the deeds of trust was left to the judges’ discretion. Ms. McGee noted that the final decision of the Property and Surety Bail Bondsmen Committee and the Private Security Service Advisory Board is to leave the decision about the deeds of trust to the discretion of the agency.

Ms. McGee acknowledges that the Department has regulated the bondsmen for approximately two (2) years and, in that time, has only identified one forfeiture. She advised that **HB -3208** provides a four-to-one ratio. This would enable the Department to verify equity in property. She noted that the Department requests a deed of trust in instances that appear to include a risk factor. She added that if there is a high percentage of inaccuracy, the use of deeds of trust would be a requirement for all collateral. Yet, she noted that the risk of foreclosure is low.

Ms. McGee advised that at the March meeting of the Committee on Training, Mr. Bushnell displayed an interest in the deed of trust. Mr. Bushnell also felt that the title certificate is sufficient in ensuring collateral and suggests working closely with the courts to ensure that forfeitures are being recorded. Ms. McGee noted that the Department is working with the database to track the outstanding bonds. She added that comments to institute a deed of trust are coming mainly from the bail bondsmen and not the clerks of court, judges or magistrate.

Dr. Malcan asked if there were any questions or comments. Mr. Hodges asked how many property or surety bail bondsmen are currently registered. Ms. McGee responded that currently three hundred (300) surety bondsmen who are registered and one hundred and forty-four (144) property bail bondsmen, of which eighty (80) have “held” collateral. The remaining sixty-four (64) property bail bondsmen work for an agency that holds the property. Mr. Hodges asked if it was correct that out of the eighty property bail bondsmen with collateral the Department is aware of only one forfeiture. Ms. McGee responded that this is correct and that by the time the investigation was initiated, the forfeiture was rectified.

Dr. Malcan asked if there were any individuals who had pre-filed with the Department or signed the sign-up sheet located at the entrance of the room to speak during the hearing. Two individuals had pre-filed. Ms. Maria Kear asked to defer to Edward Gallagher to speak first, and noted that following Mr. Gallagher’s remarks, she would clarify real estate issues.

- Edward G. Gallagher, General Counselor, The Surety & Fidelity Association of America. Mr. Gallagher noted that some of the members of his association write bail bonds. He mentioned that he spoke at the March meeting and noted that it should be recognized that the insurance company that backs the bonds written by the surety bail bondmen is regulated. He acknowledged that it is possible, yet unusual, that an insurance company would go broke. He noted that in the event of a bankruptcy, the insurance company would collect the assets, liquidate them, and distribute them among credits. He advised that the Virginia Bureau of Insurance is a stickler for regulations.

Mr. Gallagher advised that property bail bondsmen have no financial institution behind them and that collateral is the only security identified in the statute. Collateral means that there is some encumbrance on the property. He explained that if one goes to borrow money from a bank, the bank would get a deed of trust or something else so that the collateral could be alienated to pay the loan. He noted that the regulation states that the Department has the discretion to ask for collateral, and the insurance industry is urging that the Department specify this to show that collateral is required.

Mr. Gallagher noted that liens are not dischargeable in the event of bankruptcies; whereas, personal debts are. He is urging the Committee to consider a deed of trust. He noted that it appears that staff supports a title report, and the insurance industry recommends that the Department not require each property bail bondsman to provide a title report. Mr. Gallagher asserted that the Department should contract with a private company to provide the title reports as the cost should be nominal [between seventy to one hundred and seventy dollars (\$70 - \$170)]. He suggested that the Department might get a flat rate from one of the statewide title loan companies. He observed that the Department’s bail bondsman licensure application does not request information about the actual owner of the property nor does it ask for encumbrances against the property. He noted that through the use of appraisals and tax assessments, the

Department could determine the value of the property. He added that without a deed of trust, ownership of the property could change any time.

Mr. Gallagher added that the cost for a title report would be placed on property bondsmen and not the surety bondsmen. He noted that bail bonds that are written by surety bail bondsmen pay a premium tax to the Commonwealth of 1.75%, and the property bondsmen pay no premium tax. Mr. Gallagher noted that this premium tax would far outweigh a one-time \$100 fee for a title report. He added that in their contracts, title companies can prepare a deed of trust. Mr. Gallagher pointed out that the statutes state that the trustee must be the commonwealth attorney of the locality. He noted that it would be better to have someone in the Attorney General's office or the Department be the trustee for the Commonwealth as the commonwealth's attorneys do not want to get involved.

Mr. Gallagher reiterated that the surety industry would urge Board to not discard the deed of trust, and the only problem would be in including the requirement of the deed of trust when it is too late. He added that there should be a monitoring system for forfeitures, as there could be a problem is forfeitures are not being recorded and DCJS is not aware of them.

Mr. Hodges reminded Mr. Gallagher that he had mentioned that the property and surety bail bondsmen were not regulated. He then asked how many forfeitures had been noted and their dollar amounts. Mr. Gallagher responded that he had newspaper articles that were not provided to the members. He indicated that he had copies of those articles which are anecdotal, in nature, and not results of surveys. He showed an article from Hampton Roads in 2005 and earlier, that shows there were forfeitures and a letter from the attorney general. He noted that there is also a circuit court case that the property bondsmen obligations are dischargeable debts.

Mr. Hodges asked if there were any others. Mr. Gallagher responded that he does not personally know of other forfeitures and is not aware of a central collection of this data. Mr. Dowe asked Ms. McGee how the Board could obtain information regarding inconsistencies in reporting forfeitures and other data. Ms. McGee responded that the bondsman have already applied and submitted affidavits, etc., and noted that the packets before the members includes a copy of the title certificate report. She noted that if the Department sees inaccuracies they can use discretion immediately. She also noted that if there is a forfeiture and the abstract of judgment has been sent to the DCJS, the Department will make sure that the bondsmen pay their forfeitures. She reiterated that the Department is getting a better handle on outstanding reports because of its relationship with the Supreme Court.

Dr. Malcan asked if the Supreme Court had not been tracking forfeitures. Ms. McGee responded that the Supreme Court has an e-magistrate system and is putting the DCJS license numbers of bondsmen in their system making it better able to track. Chief Lavinder asked if legislation is needed to adopt the deed of trust. Ms. McGee responded that the statute states that this could be done at the Department's discretion. She added that the Department interprets this as the commonwealth attorney of the locality functioning as the trustee. Ms. McGee noted that at the March 2007 meeting of the COT, Mr. Bushnell suggested that the trustee should be the Attorney General's Office, not the commonwealth's attorneys. Ms. McGee mentioned that this would require a change in the statute. Mr. Baker noted that since the Department has this discretion, the inclusion of the deed of trust can be done at any time. He added that now the Department is in a position to start building a record of the cases of forfeitures.

- **Ms. Maria Kear, A-1 Bonding**, noted that she would not repeat Mr. Gallagher's comments, but would comment on Ms. McGee's comments. She noted that there is no pledge of collateral without a deed of trust. She argued that a pledge of collateral is a promise and is not enforceable. She mentioned that to have a resolution from an entity or the Department does not give them the right to foreclose on a property. She noted that even now that the ratio is four-to-one, the Commonwealth still has nothing but a four hundred (400) percent possibility. There are bankruptcies and other ways that the Commonwealth would not have securities.

Ms. Kear noted that this has to be prepared by a licensed title insurer as they are licensed by the Commonwealth of Virginia, and these title insurers must have errors and omissions insurance. She advised that First American, Chicago Title, and Insured America are a few of the title companies that would like to offer assistance on a statewide basis. Thus, in utilizing these "experts", they could provide a title abstract and deed of trusts that are uniform. Ms. Kear noted that Ms. McGee mentioned that Mr. Bushnell thought that the title certificate was a good step in securing. However, Ms. Kear asserts that the title certificate does not secure collateral as it only captures the value at one particular moment, as later liens and other encumbrances would not be captured or indicated on the title certificate.

Mr. Dowe asked if Ms. Kear is suggesting that the Department adopt some sort of uniformity under the auspices of the state what is the cost of the title searches and if she is suggesting that this be done at the cost. Mr. Kear responded that she was suggesting this. She added that title searches in Fairfax County are usually seventy dollars (\$70), and title searches in Shenandoah are about one hundred and seventy dollars (\$170). She noted that recording a deed of trust for collateral is only about thirty dollars (\$30). She acknowledged that economically the surety bondsman is paying more for a one hundred and fifty dollar (\$150) one-time fee, and the deed of trust is there until someone releases the bond. She mentioned that the process should be outsourced so that the Department does not have to do the work.

Mr. Dowe mentioned that in her example there was a mention of an ability of change in the divorce hearings. Ms. Kear responded that this would not happen in a divorce. Mr. Dowe stated that most financial institutions ask for this every six (6) months. Ms. Kear noted that she is referring to the title search, not a deed of trust. Mr. Dowe asked if this changes that quickly, we would have to consider this and the one hundred and fifty dollars (\$150) would have to be paid again. Ms. Kear mentioned that what can change is the title search. She added that appraisals have a life of six (6) months. If the deed of trust is on record it is there for the duration of the mortgage.

Mr. Hodges asked is the property the principal of the bail bondsmen and are they paying one hundred and fifty dollars more than the surety bail bondsmen. Ms. McGee noted that there is more to the cost of the property bail bondsmen as there is more administrative work needed. She acknowledged that there fees are one hundred and fifty dollars (\$150) more than the surety bail bondsmen.

- **Gary Lovatt**. Mr. Lovatt noted that he has been a property bondsman since 1991 and stated that he agrees with Ms. McGee on several points. He mentioned that the cost is a lot more money than the property bondsmen. He stated that to record a deed of trust on several properties is a financial burden. There is a very small amount in reference to property bondsmen. He used the analogy that if one is driving his own car and is in a position of losing one's license, one would drive carefully; whereas, an irresponsible driver would drive another way.

Mr. Lovatt noted that to protect property one would conduct business accordingly. He mentioned for an example that when one goes to pledge property a deed of trust is not required. Any property over eighteen thousand dollars (\$18,000), a deed of trust is required. He noted that he has not seen that a court has required a deed of trust as a pledge for those who want to get their loved ones out of jail.

- **Wayne Schneider, Zimmerman Bonding.** Wayne Schneider advised that he is a property bondsman in Richmond. He noted that he concurs with the Department's recommendations. He mentioned that he has several properties, and he sets aside funds for each bond in case he has to pay for a forfeiture. He also noted that he has no knowledge of any unpaid property bondsmen.

Mr. Dowe asked if Mr. Schneider if in this industry that it is routine practice for people to set aside funds similar to Mr. Schneider. Mr. Schneider responded that most of the property bail bondsmen set aside funds to make sure forfeitures are paid.

- **Tony Millner, Millner Bail Bonds.** Tony Millner advised that he is a property bondsman from Martinsville, Virginia. He mentioned that surety companies are corporations. He asked if the Department goes after the investors or the employees should a surety company goes bankrupt. He noted that a property bail bondsman does not want to lose his property. He also noted that most insurance companies are located in other states. He added that property bail bondsmen pay premium taxes and spend their money in the state of Virginia. Mr. Millner mentioned that he had a deed of trust recorded for twelve thousand dollars (\$12,000), and the recording fees cost two hundred dollars (\$200). He noted that he does not know of a lawyer who would research a title for less than three hundred dollars (\$300). He concluded that as a property bail bondsman, he pledges his property to the Commonwealth, and if he gets a forfeiture he would pay.

Ms. Kear responded to Mr. Millner's comments and stated that if the deed of trust is placed for a specific amount of money, one is taxed on that amount. She added that there is a statute in Virginia that there is no tax if a deed of trust is placed for additional security. In this instance, one is only charged the recording fees in the clerk's office. Mr. Milner stated that he is pledging his property, but the property is not secured if it is pledged.

Dr. Malcan asked if there were any other speakers who have signed up on the sign-in sheet posted out side of the meeting room. Hearing none, he asked the members if there were any other questions or comments. Mr. Dowe asked if it was true that the Department could implement the deed of trust if they found it necessary. Mr. Baker responded that the Department could do this. Mr. Dowe asked how quickly could this be implemented and could the Department expect the localities to go along with the change. Mr. Baker responded that he could not give a time frame, but the Department could implement this change as quickly as possible. Mr. Dowe asked if all the other entities across the state be expected to follow up with the change. Mr. Baker responded that the Department would do whatever it could to ensure that all localities are aware of the changes and promote them to follow the guidelines.

Dr. Malcan asked if there were any other questions or comments. Hearing none, Mr. Dowe made a motion to accept the Regulations Relating to Property and Surety Bail Bondsmen as proposed. Mr. Hodges seconded, and the motion was carried unanimously that the Committee on Training approve the regulations and make a recommendation to the Criminal Justice Services Board that these regulations be adopted.

Old Business:

Roanoke County Training Academy

Dr. Malcan reminded the Committee that during the last meeting Mr. Gotschalk distributed copies of a letter from Roanoke County Police Department referencing Senate Bill 1308 and also asking that the Department examine the region's needs in consideration of an independent training academy. He introduced Mr. Gotschalk to provide more information on this matter.

Mr. Gotschalk noted that **Senate Bill 1308**, which is the budget bill that was mentioned in the March 8th meeting, was amended and will be effective July 1, 2007. This bill also includes language that would authorize Roanoke County to establish an independent criminal justice academy. Mr. Gotschalk reintroduced a letter from Roanoke County Police Department asking that DCJS examine the region's needs and consider certifying an independent training academy for the department.

Mr. Gotschalk advised that **6 VAC 20-60-61** indicates the following:

- A. To become a certified academy, a state or local unit of government must demonstrate a need which contains the following elements:
 - 1. The inability to obtain adequate training from existing academies or a sufficient hardship which renders the use of other existing academies impractical.
 - 2. Based upon a training needs assessment, a sufficient number of officers to warrant the establishment of a full-time training function for a minimum of five years.
- B. In addition, the state or local unit of government must make the following commitments:
 - 1. The provision of a full range of training to include entry-level training, in-service training, re-certification training, specialized training and instructor certification.
 - 2. The assignment of one position with primary responsibility as academy director and one clerical position to support training and training-related functions.
 - 3. The maintenance of a training facility adequate to conduct training in accordance with academy certification standards.
 - 4. The commitment of sufficient funding to adequately support the training function.

Mr. Gotschalk noted that the law does not become effective until July 1, 2007. However, he asked the Committee to review the contents of the letter within the following week, which will be sent to the members electronically, and notify him if they would need additional information in order to make their decision regarding a new academy. He advised that if they desire more information, he was certain Chief Lavinder and Sheriff Gerald Holt, Roanoke County, would provide the desired information prior to the June meeting of the COT. Mr. Gotschalk noted that this item will again appear on the agenda of the June meeting of the Committee in order for the members to vote to approve or disapprove the implementation of the process for certification of a new academy for the Roanoke region.

Dr. Malcan asked if any formal action on the part of the Committee on Training needed to be taken at the current meeting. Mr. Gotschalk responded that there was no need for any formal action at that time other than for the members to review the letter. Dr. Malcan asked if there were any other questions or comments. Hearing none, he proceeded to the next item on the agenda.

IADLEST Conference

Dr. Malcan advised that this year the Department is hosting the Annual Conference of the International Association of Directors of Law Enforcement Standards and Training (IADLEST). He asked Mr. Gotschalk to give us an update on this conference. Mr. Gotschalk advised that IADLEST, formerly known as NASLET (National Association of the Standards of Law Enforcement Training), is involved with the primary employment, certification, training, and de-certification of law enforcement officers and a host of other criminal justice officers. The association works with the federal government, International Association of Chiefs of Police (IACP), and other organizations on other issues of mutual interest. He noted that Virginia worked with Florida, North Carolina, and Georgia to determine what is appropriate for driver instructor certifications and developed a national driver training brochure, which is now in circulation.

Mr. Gotschalk advised that the annual conference will be hosted by Virginia and will be held at the Sheraton Oceanfront in Virginia Beach, June 17 – 20, 2007, with a focus on the direction of the association over the next five to ten years. Delmar Wright, Ph.D., a retired postal inspector and in instructor in the Virginia Police Chiefs Foundation PELS school will be leading the discussion about being significant as an organization as well as being successful. He added that Chief Jacocks, Virginia Beach Police Department, and The Honorable Paul J. Lanteigne, Sheriff, Virginia Beach, will provide the opening ceremonies. He extended an invitation to the members to contact him if they would like to attend the conference.

New Business:

Qualifying With Shotguns in Entry-level Law Enforcement Training

Dr. Malcan advised that Mr. Gotschalk has received telephone inquiries from a number of law enforcement agencies concerning qualification with the shotgun. It appears that several police departments and sheriff's offices are moving away from the use of the shotgun and are moving to the use of a rifle. He asked Mr. Gotschalk to discuss this matter with the Committee.

Mr. Gotschalk advised that the first law enforcement rules were initiated in 1971. He noted that the Virginia State Police is now carrying both rifles and shotguns. Some agencies carry one or the other, and some are transitioning to the rifle. Our current entry-level law enforcement training standards require training for shotguns. He acknowledged that the problem is that now there are officers not authorized to carry a shotgun but must qualify with it in order to meet entry-level training requirements. As a result, the Department needs to address this in the regulations. He suggests taking a look at the rules and find language to address shotgun as it is applicable to rifles, etc.

Mr. Gotschalk advised there is a means to fast track rules provided no one objects to the change. He wants to meet with groups that will include the Virginia Association of Directors of Criminal Justice Training (VADCJT), Virginia Association of Chiefs of Police (VACP), and the Virginia Sheriffs Association (VSA) to come up with language for the provisions. He mentioned that he is seeking the Committee's permission to attempt to fast track a provision in the rules, which could be something as simple as adding the words "if applicable" to the shotgun and rifle provisions.

Mr. Dowe asked if it was the level of weapons the criminals possess or research that initiates the Department's awareness or need for various changes in the rules. Mr. Gotschalk responded that this varies. He noted that for years officers used a semi-automatic weapon. With the Colt 45's, the officers had to carry the weapon with a bullet in the chamber, which had no locking mechanism and could not protect against misfires. He noted that technology has changed, and after research, law enforcement realizes that there are benefits from some of this technology. Captain Terry added that the use of shotguns is not a cure all, and a combination of events brought about the change to use shotguns. Mr. Baker noted that none of the criminal justice agencies are putting personnel on the job without proper training, and the Commonwealth has set standards for this.

Prison Rape Elimination Commission Testimony

Dr. Malcan advised that the federal law establishes the Prison Rape Elimination Commission referred to as PREA. He mentioned that Mr. Gotschalk had the opportunity to testify before that Commission in March, which was held in Austin, Texas, on behalf of the International Association of Directors of Law Enforcement Standards & Training. He then asked Mr. Gotschalk to advise this body on matters pertaining to that testimony.

Mr. Gotschalk mentioned that Mr. Eggleston and Mr. Webb are aware of PREA, as they are involved in correctional institutions and regional jails. PREA is a body established by law to review the issue of sexual misconduct as it occurs in jails and prison population. This commission will then provide recommendations for change to the Attorney General of the United States who will make legislative suggestions to the President of the United States.

Mr. Gotschalk advised that in March he testified before the two-day hearing on behalf of IADLEST. The Commission's concerns extended to the sexual abuse of females and transgender persons being taken into custody. Organizations were present at the hearings and noted that police were frequently involved with sexual misconduct with persons being arrested and that sexual abuse is emphasized as being from the point of initial contact. It should be noted that the claim was made that this is a systemic problem in law enforcement and not an issue of rogue officers.

Mr. Gotschalk advised that the Commission was searching for an alternative means for a complaint to be registered with a police department and have some group other than Internal Affairs having the final investigative and review authority. The Commission also discussed the concept of civilian review panels. At the hearing, there was a videotape testimony of a woman in Philadelphia, who was detained, and the officer made her and another woman perform sexual acts or be arrested.

Mr. Gotschalk mentioned that he and representation from the VACP, VSA, and other organizations are seeking to find a mechanism where law enforcement complaints are being investigated by a non law enforcement individual. He also acknowledged that he has a concern that if the federal government passes legislation on this level, it would have a grand impact on state and local criminal justice agencies. He noted that there are several states that have various processes of officer certification and de-certification. He referred the Commission to the Florida Department of Law Enforcement that has an officer certification/de-certification program and has spent a full day conducting only de-certification hearings at their meetings. Mike Crews, of Florida, mentioned that one in ten de-certification hearings involve sexual misconduct. Mr. Gotschalk concluded that adequate training of criminal justice personnel might be necessary and sufficient to avoid situations like this.

Time Required for Completion of Training

Dr. Malcan advised that prior to the last meeting Mr. Gotschalk sent an e-mail concerning a report of the Associated Press regarding the amount of time an individual could work prior to becoming trained as a law enforcement officer. He asked Mr. Gotschalk to briefly discuss this with the Committee.

Mr. Gotschalk expressed concerns about recent articles in the news regarding other states putting officers on duty without adequate training. He advised that approximately fifteen years ago, the Department conducted a survey and discovered that approximately eighty-two (82) percent of the law enforcement agencies would not put officers on duty unless they were supervised by or under the authority of a field services officer. At that time, Lex Eckenrode, Deputy Director, DCJS Bureau of Operations, suggested that the existing rules be changed to make sure that officers must begin on-the-job training within six months of employment and must complete training within twelve months of employment. The Committee on Training felt that it was not necessary to deal with this issue at that time.

Mr. Gotschalk noted that the last time this issue was brought before the COT by the Department. However, the media is making observations about this concern of untrained officers on-duty. He is seeking directions from the Committee and will be soliciting suggestions from the members on this matter prior to the June meeting when he hopes to present his findings.

Dr. Malcan asked if there were any comments or questions. Chief Lavinder noted that the issue of training might be addressed through accreditation as one of the requirements for national accreditation is that no officer can be issued a badge (to work on-duty as an officer) or have a gun in his/her possession until they have been properly trained. Mr. Gotschalk acknowledged that this was an option. However, there is no requirement for law enforcement agencies to be accredited. He noted an instant where the chief of police had an individual who failed one of the training objectives and thought it was okay for the individual to work because he would be working the night shift. Mr. Gotschalk added that he had cautioned the chief about the liability of this action. Chief Lavinder added that this issue of training should be addressed.

Captain Terry noted that there is nothing in the rules that prohibits agencies from putting an untrained officer on duty under the direction and guidance of a field training officer, although within one year of employment the new officer must receive field training. Mr. Gotschalk concurred that although in the past agencies had policies regarding training of new officers under the direction of a field training officer, there is nothing in the rules to mandate this. Mr. Webb

asked if there was a specific law that addresses this. Mr. Gotschalk responded that there was. Chief Lavinder responded that there is a national accreditation requirement for this, yet he is unaware of a state requirement regarding the completion of training for officers. Mr. Hodges, Mr. Eggleston, and Dr. Malcan agreed that this matter should be reviewed. Mr. Gotschalk noted that he is not making any recommendations other than the issue of training needs to be revisited.

Dr. Malcan asked if it would be easy to gather this data through the use of the Department's automated records system. Mr. Gotschalk responded that he would determine if a query could be written which could provide information for use. Mr. Baker added that a survey could be conducted of the various criminal justice agencies to gather some information. Mr. Gotschalk surmised that the Department could use both internal and external means to get a better picture of training within the Commonwealth.

Public Comment

Dr. Malcan 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, Dr. Malcan noted that the next meeting of the Committee on Training is scheduled for June 14, 2007. Staff will forward additional details regarding location and time to the members.

Adjournment

A motion was made by Mr. Webb to adjourn the meeting. The motion was seconded by Mr. Eggleston, was carried unanimously, and the meeting was adjourned at 9:29 a.m.

Respectfully submitted,

Thomas E. Nowlin
Recording Secretary

Approved: _____

The Honorable Charles W. Phelps
Chair

June 14, 2007
Date

Attachment(s)