



COMMONWEALTH of VIRGINIA

Department of Criminal Justice Services

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CRIMINAL JUSTICE SERVICES BOARD COMMITTEE ON TRAINING

MINUTES *May 5, 2011*

A meeting of the Criminal Justice Services Board Committee on Training (COT) convened at 9:00 a.m. on Thursday, May 5, 2011, in House Room D of the General Assembly Building, in Richmond, Virginia.

Members Present:

Chief Jeffrey Brown
Mr. Robert L. Bushnell
Mr. Ted Byrd
Mr. Charles Ciccotti
Sergeant Charles J. Condon
Sheriff Charles Jett
Mr. Edward M. Macon (*Proxy for The Honorable Karl R. Hade, Executive Secretary, Supreme Court of Virginia*)
Sheriff Charles W. Phelps, Chair
Colonel David Rohrer
Mr. Bobby Russell
Captain Lenmuel S. Terry (*Proxy for Colonel Steve Flaherty, Superintendent, Virginia State Police*)
Mr. Sherman C. Vaughn

Members Not Present:

Ms. Kathy Brame (*Proxy for Howard W. Clarke, Director, Department of Corrections*)
Chief Richard Clark

DCJS Staff Present:

Leon Baker
Teresa Gooch
Sharon Gray

Sam Hoffman
Lisa McGee
Donna Michaelis

Terry Montgomery
Thomas E. Nowlin
Lisa Thornton

Others Present:

Margie L. Andrews, *Richmond Police Academy*
Tom Cleator, *VSCC*
Jon Cliborne, *Crater Criminal Justice Training Academy*
Joel Conti, *Virginia Beach Sheriff's Office*
Randy Dawson, *Northern Virginia Criminal Justice Academy*
Greg Dillard, *Henrico County Police Training Academy*
John Gibbs, *Virginia Beach Sheriff's Office*
Janet Joyce, *Chesterfield Police Academy*
Jan Judy, *Prince William County Criminal Justice Academy*
Paula Kenner, *ADT - LLC*
Judith Kirkendall
John Palomares, *ADT - LLC*
Shane Roberts, *Portsmouth Sheriff's Office*
David L. Rogers, *Department of Corrections/Academy for Staff Development*
Lorrie Smith, *Chesterfield Police Academy*
Ron Staton, *Central Virginia Criminal Justice Academy*
Dave Vice, *Rappahannock Regional Criminal Justice Academy*
Grant Warren, *Virginia Commonwealth Police Academy*
Jason Zaccarine, *Chesterfield Police Academy*

Call To Order:

Sheriff Phelps called the meeting to order. The roll was called with twelve (12) members present, which indicated a quorum. Chairman Phelps noted that the minutes of the last meeting had been mailed to the members and asked if there were any questions or comments regarding the minutes. Mr. Byrd mentioned that he was present at the last meeting. However, the minutes indicated that he was not. Mr. Vaughan made a motion to approve the minutes as amended, Captain Terry seconded, and the minutes were approved unanimously.

Public Hearing:

Rules Related to Compulsory Minimum Training Standards for Dispatchers

Sheriff Phelps officially opened the public hearing by reviewing the procedure that would be followed during the process. He noted that the hearing would deal with the Rules Related to Compulsory Minimum Training Standards for Dispatchers. He introduced Lisa McGee, DCJS

Regulatory Coordinator, to present a brief overview of the regulations and discuss their specific points. Ms. McGee distributed the proposed regulations and a comment matrix and reviewed the comments. *(Copies are available upon request.)*

Ms. McGee advised that the proposed regulations would reduce the number of members of the Dispatcher Curriculum Review Committee (CRC) from thirteen (13) members to nine (9), which would provide a better opportunity to maintain a quorum for the meetings. This would also be consistent with the other CRC's established under separate regulations. She indicated that if the proposal was approved, the Department would begin the process and submit nominations for the Dispatcher CRC to the COT. The proposal would remove the performance outcomes from the regulations and transfer the approval authority of performance outcomes from the full CJSB to the Committee on Training. This would allow for using the similar fast-track process for the rules that had been recently approved by the COT and the Board for the rules governing both entry-level law-enforcement training and entry-level jail/court security/civil process service training.

Ms. McGee mentioned that the Department had already followed the required process of the Administrative Process Act (APA) and the applicable Executive Orders from the Governor's Office. The Notice of Intended Regulatory Action (NOIRA) and a draft version of the amendment were published in July 2009. At that time, there were no public comments received. The proposed regulations were published by the Registrar in January 2010. Ms. McGee advised that the Department had received three comments during the sixty- (60-) day public comment period, which were before the members of the COT. She stated that an electronic message was sent to the constituents and interested parties that provided a clear explanation of what was being recommended by the proposed regulations. The rules for the dispatchers were part of the Virginia Administrative Code, and the current Code listed the performance outcomes for the training standards. She noted that the current training standards and the performance outcomes were maintained by the Department and were available on the Department's website in the Criminal Justice Training Reference Manual (CJTRM). She emphasized that the training standards were not being removed nor were the performance outcomes being changed. She clarified that the purpose of the proposal would be to remove the training outcomes from the Code so that it would allow the COT to approve amendments through public hearings rather than undergoing a lengthy process of the APA.

Ms. McGee advised that the projected costs would only be for the expenses of holding annual meetings. She informed that the Department of Planning and Budget (DPB) had conducted an economic impact analysis. The analysis indicated that there would be no negative impact on employment or property. However, the changes would reduce costs for reimbursements as much as a thousand dollars (\$1000) as only five (5) members would be needed to represent a quorum for the CRC.

Chairman Phelps asked if there were any questions or comments and if there were any individuals who had pre-filed or signed the sign-up sheet to speak during the hearing. Mr. Macon asked if the Office of the Attorney General (OAG) had reviewed the proposal and if they had any objections to the change in the administrative procedure. Ms. McGee responded that the proposed regulations had been approved by the OAG. She added that this would not only

streamline the process of approving the performance outcomes, but it would remove them from the Code and be maintained in the CJTRM and on the Department's website making them more accessible to the public.

Mr. Macon mentioned that he thought that the purpose of public hearings was that suggestions for change would be presented before the COT in order to be presented to the full Board for approval. Ms. McGee responded that the suggestions for changes would still go through the APA, and the COT would still hold public hearings, which would then go before the full Board.

Chairman Phelps recognized Ms. Judy Kirkendall who was in attendance at the meeting. He mentioned that Ms. Kirkendall had recently retired from service with the Department and had been instrumental in the process of the Dispatcher CRC and APA. Hearing no other questions or comments, Captain Terry made a motion to approve the proposed regulations. The motion was seconded by Mr. Ciccotti, voted upon and carried unanimously.

Mr. Bushnell commended staff on the project as it had taken two years to go through the APA. He reminded the members of the possible lengthy process of any request for change (e.g. punctuation mark, misspelled word, etc.) and would hope that the Department would continue to look to other means of streamlining regulations.

Old Business:

There was no old business.

New Business:

Hampton Police Department Request for New Academy.

Chairman Phelps mentioned that Chief C. R. Jordan, Jr., Hampton Police Department (HPD), had sent a letter to the Department asking to present his agency's request for a new independent academy to the Committee on Training. *(Copies of the letter from Hampton Police Department, a response from Director Wheeler, and a packet with additional supporting documentation from HPD were distributed to the members.)* Chief Jordan introduced Major Randy Lewis, Commander of Professional Standards; 1st Sergeant Jim Forbes; and Ms. Pat McCrickard, Director of Fiscal, Planning and Policy, who were also present at the meeting. Chief Jordan mentioned that Sgt. Forbes would soon be promoted to Lieutenant and would also be the director of the training academy.

Chief Jordan advised that he had trained with the Hampton Regional Criminal Justice Training Academy (HRCJTA) for many years and that HPD, having been actively involved with the academy, had been a satellite facility of HRCJTA, and would continue to be connected with HRCJTA. He noted that HPD had received unanimous approval from the HRCJTA Board of Directors on December 10, 2010 to separate from the academy and also had a Memo of Understanding for the next three fiscal years outlining their financial support obligations.

Chief Jordan indicated that HPD employed two hundred and ninety-one (291) sworn law enforcement officers and seventy-four (74) civilians. HPD had been a satellite facility for HRCJTA since its inception. Since July 2008, HPD had conducted a total of four (4) basic law enforcement academies and had trained approximately thirty to forty (30 – 40) law enforcement recruits a year as a satellite police academy. He noted that in addition to the documents supporting the process of HPD's withdrawal from HRCJTA, the packet distributed to the members included an academy inspection report conducted by Bill Edmundson, DCJS Field Services Representative, in 2010.

Chief Jordan mentioned that agencies similar to HPD would also have to spend an additional four to six (4 – 6) weeks training recruits on internal policies after they completed basic law enforcement training at the academy. He noted that this did not account for field training, which was usually conducted after the initial training at the agency. He advised that if HPD had its own independent academy, they could start enforcing the guidelines of the department with the recruits beginning the first day of class. This would benefit the agency financially as the recruits would complete the academy and would be out working on the road much sooner.

Chief Jordan cited other advantages, including in-house instructor certifications and the use of subject-matter experts. He noted that in 2010, four hundred and one (401) HPD instructors taught approximately nine thousand one hundred (9100) hours of training to HPD personnel. He also provided a breakdown of HPD's instructors that were certified by DCJS (*see attachment*).

Chief Jordan advised that on October 29, 2010, HPD successfully completed an initial academy certification inspection and successfully completed the academy recertification inspection process on November 4, 2010.

Chief Jordan mentioned that for a number of years, HPD had been paying for membership with HRCJTA in addition to funding their satellite academy. This was done because the funding was allocated by the Hampton City Council. He noted that it would be fiscally expedient for HPD to be able to train their officers quickly and within the culture of HPD. Chief Jordan advised that, as Chief of Police, he would work with the director of the academy, and the academy's expenditures would be reviewed annually by the Chief of Police and the Division's Policy, Planning, and Fiscal Manager. He provided a breakdown of their facilities (administration and training) and firing and driving ranges. He noted that a building had also been donated to the HPD free of charge and that the firing range would be available for handgun, shotgun and rifle training.

Chairman Phelps asked if there were any additional questions or comments. Mr. Bushnell asked if it was consistent with other agencies and academies of providing additional in-house training to personnel who had recently completed basic academy. Chief Jordan acknowledged that other agencies were able to put their recruits to work almost immediately upon graduating from basic academy. HPD had tried this option and realized that their culture was different and that it was best for their recruits to receive additional training. He added that as Newport News Police Department (NNPD) had requested the establishment of an independent academy a few years prior, HPD found that because of their environment the recruits would need an additional four to

six weeks of training. Mr. Bushnell asked if Newport News had been given the authority to start an independent academy. Chief Jordan responded that the NNPD's request had been approved.

Mr. Bushnell asked if the HRCJTA was using HPD's firing range and if HRCJTA would continue to have full use of HPD's firing range if their request for an independent academy was approved. Chief Jordan responded that HRCJTA was currently using HPD's firing range. However, the weapons range was in a neighborhood where the city council had decided to eliminate the sizes of firing time as it was costly to extract the lead from the soil, and there would be less noise in that neighborhood. Chief Jordan advised that HRCJTA was already looking elsewhere for another firing range, which would also be open to all law enforcement officers.

Mr. Bushnell asked which agencies would remain at HRCJTA as NNPD had withdrawn from the academy and HPD was requesting to withdraw. Chief Jordan deferred to Sheriff Phelps to respond. Sheriff Phelps indicated that thirty-nine (39) agencies would be remaining at HRCJTA.

Chief Rohrer asked if there was any adverse impact on HRCJTA if HPD would withdraw. Chief Jordan responded that HPD was aware of the financial impact on withdrawing from the academy. However, they had worked out an agreement with HRCJTA that reduced that impact over the next three years. He also noted that withdrawal from the academy would decrease HRCJTA's instructor capability. The remaining agencies would have a sufficient number of certified instructors available for the academy's use.

Chief Brown mentioned that he had been the Board Chairman of HRCJTA through 2009 and had worked with the process of NNPD withdrawing from the academy. He advised that HRCJTA was a strong academy, which was supported by a variety of jurisdictions. He indicated that although HPD would be missed, HRCJTA had a strong instruction base and appropriate plans had been made to compensate the fiscal impact of HPD's withdrawal.

Chairman Phelps noted that he was also on the Board of HRCJTA. He added that there had been several meetings, and the Executive Board had given one hundred percent approval of HPD's withdrawal from the academy. He mentioned that HPD had supported HRCJTA as a satellite facility, and that the academy anticipated that it had sufficient equipment and services to continue to provide training to its members and personnel.

Hearing no other comments, Sheriff Jett made a motion that the Committee on Training recommend to the CJSB that the Department be authorized to start a new academy with the Hampton Police Department. Mr. Vaughn seconded, and the motion was voted upon and carried unanimously.

Law Enforcement Division Reorganization

Sheriff Phelps reminded the members that during the last meeting of the COT, Ms. Teresa Gooch was introduced as the new Director of the Law Enforcement Division. He noted that Ms. Gooch has taken the time to make an assessment of the Division and introduced her to provide an overview of changes made to enhance the functioning of staff. Ms. Gooch mentioned that

Director Wheeler had asked her to look at the mandates of the Code of Virginia relating to certifications, standards, Homeland Security, field audits, inspections and training.

Ms. Gooch advised that the Division would now be managed in three areas and introduced the following staff as managers in those areas:

- **Sam Hoffman, *Manager, Standards, Policy and Homeland Security*** – Mr. Hoffman would be focusing on issues relating to performance objectives, the Criminal Justice Training Reference Manual and Homeland Security.
- **Sharon Gray, *Manager, Field Audits and Inspections*** - Ms. Gray's focus would be on field audits and inspections of the criminal justice agencies and academies. Ms. Gooch noted that it was important that the Department spoke to its constituents with a consistent voice, and Ms. Gray would be responsible for approving various applications from agencies related to waivers and exemptions.
- **Donna Michaelis, *Manager, Public Safety Training*** – Ms. Gooch advised that Ms. Michaelis would be managing the delivery of all training for the division, including, law enforcement, corrections, and school safety.

Ms. Gooch noted that the Department believed that with those adjustments, the Division had been organized to focus on the core mandates by the Code and any regulations related to them.

Election of Officers

Chairman Phelps advised that each year the Committee would vote on the offices of Chairman and Vice-Chairman. He also noted that the current position of Vice-Chairman had been vacant since Chief Jacocks' retirement, July 1, 2010. He then opened the floor for nominations for the office of Chairman. Mr. Vaughan nominated Sheriff Phelps to serve as Chairman, the nomination was seconded, and Mr. Bushnell moved that the nominations be closed. Colonel Rohrer seconded the motion, which was voted upon and passed. The members voted on the motion that Sheriff Phelps remain as Chairman, which was carried unanimously.

Chairman Phelps opened the floor for nominations for the office of Vice-Chairman. Mr. Vaughan nominated Bob Bushnell, and Mr. Ciccotti seconded. Sheriff Jett made a motion that the nominations be closed, which was seconded, voted upon and passed. The members voted on Mr. Bushnell being Vice-Chair, which passed unanimously.

Public Comment

Sheriff Phelps asked if there was anyone in the audience that would like to address the COT concerning matters within its purview. Hearing none, he moved to the next item.

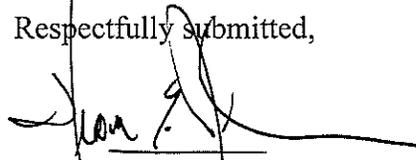
Next Meeting

Sheriff Phelps advised that the next meeting of the Committee on Training was scheduled for Thursday, June 9, 2011.

Adjournment

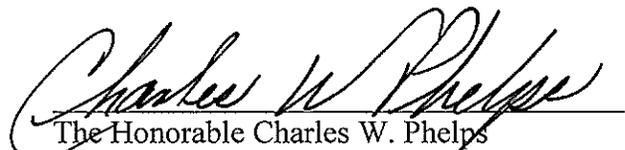
A motion was made by Mr. Condon to adjourn the meeting. The motion was seconded by Colonel Rohrer, voted upon and carried unanimously. The meeting was adjourned at 9:50 a.m.

Respectfully submitted,

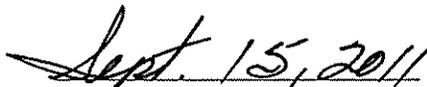


Thomas E. Nowlin
Recording Secretary

Approved:



The Honorable Charles W. Phelps
Chair



Date

Attachment(s)