

**CRIMINAL JUSTICE SERVICES BOARD  
COMMITTEE ON TRAINING**

**MINUTES**

*March 25, 2010*

A meeting of the Criminal Justice Services Board Committee on Training (COT) convened at 9:00 a.m. on Thursday, March 25, 2010, in House Room D of the General Assembly Building, in Richmond, Virginia.

***Members Present:***

Sheriff Beth Arthur

Ms. Kathy Brame (*Proxy for Gene Johnson, Director, Department of Corrections*)

Mr. Kevin S. Hodges

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:***

Mr. Robert L. Bushnell

Sergeant Charles J. Condon

Ms. Marlene Randall

***DCJS Staff Present:***

Leon Baker  
Ron Bessent  
Sharon Gray  
Judith Kirkendall

Paul Ludwig  
Loretta Lynch  
Lisa McGee  
Donna Michaelis

Thomas E. Nowlin  
Mandie Patterson  
Tim Paul  
Gayle Turner

***Others Present:***

Jody Atkins, *Virginia Commonwealth University Police Department*  
Donna Bollander, *Richmond Police Academy*  
Jon Cliborne, *Crater Criminal Justice Training Academy*  
R. Greg Dillard, *Henrico County Police Academy*  
Judson Flagg, *Hanover County Sheriff's Office*  
Greer E. Fullerton, Sr., *Department of Corrections/Academy for Staff Development*  
George Haudricourt, *A.D.T.*  
Zac Horne, *Hanover County Sheriff's Office*  
Donald Hunter, *Crater Criminal Justice Training Academy*  
Stacey Kelly, *Newport News Police Department*  
Fred Miller, *Prince William County Criminal Justice Academy*  
Bill O'Toole, *Northern Virginia Criminal Justice Academy*  
Shane Roberts, *Portsmouth Sheriff's Office*  
David L. Rogers, *Department of Corrections/Academy for Staff Development*  
Joseph A. Sperry, *Henrico County Police Academy*  
Ronald Staton, *Central Virginia Criminal Justice Academy*  
Dave Vice, *Rappahannock Regional Criminal Justice Academy*

***Call To Order:***

Chairman Phelps called the meeting to order. The roll was called with ten (10) members present, representing a quorum. (*Chief Jacocks arrived at 9:14 a.m.*) 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. Hearing none, he asked for a motion to approve the minutes. Captain Terry made a motion to approve the minutes; Sheriff Arthur seconded, and the motion passed unanimously.

***Old Business:***

***Campus Security Regulations and Update on Campus and School Security Training Issues***

Sheriff Phelps introduced Donna Michaelis, Office of Planning, Training and Research, to provide a brief update on the status of the campus security regulations and an update on campus security officer trainings offered by DCJS. Ms. Michaelis advised that the Office of Campus Policing and Security was charged with tracking the employment and training standards for campus security officers (CSO) required by legislation. She informed that they would operate

under emergency regulations pending approval by the Office of the Secretary of Public Safety and the Office of the Governor.

### **Campus Security Officer**

Ms. Michaelis noted that the training curriculum for CSO's was completed and was being delivered via traditional classroom setting. However, training would also be available for online delivery through the state Learning Management System (LMS), which would be piloted in June 2010.

Ms. Michaelis advised that many private and public institutions had hosted the CSO training since being piloted by DCJS in July 2009, including the University of Virginia, Washington and Lee University, J. Sargeant Reynolds Community College, and Thomas Nelson Community College. The Department would also host CSO training at George Mason University on May 12-13, 2010. A "contact person" would be designated from each agency that would be responsible for loading data into the LMS. This would also cut down on personnel issues at the state level. She added that DCJS would host a statewide "contact person" training during the month of May.

### **Campus Threat Assessment Training Teams**

Ms. Michaelis advised that the Campus Threat Assessment Training Teams project began in July 2008 with statewide forums and focus groups. She noted that there were several state agencies that had provided assistance in developing those teams, including the Department of Criminal Justice Services, the State Council of Higher Education for Virginia (SCHEV), the Virginia Department of Health (VDH) and an oversight for the Office of Commonwealth Preparedness. In 2008, DCJS worked in partnership with the University of Virginia to prepare the trainings based on the findings in "Recommended Guidelines and Practices on Virginia College Threat Assessment," which was published by Dr. Dewey Cornell (University of Virginia) in 2009.

Ms. Michaelis noted that in 2009, three (3) statewide trainings were held on those guidelines with over three hundred (300) in attendance. A statewide conference in conjunction with Virginia Tech was held December 1 – 2, 2010 on Phase 2 and the lessons learned from Virginia Tech. She mentioned that four (4) state-wide trainings were planned for March – April, 2010, with over five hundred (500) registered participants. She added that this was a new constituency for the Office of Campus Security, as they were now dealing with presidents and vice-presidents of colleges and universities. Previously, they have only worked with law enforcement and security officers and administrators.

Ms. Michaelis mentioned that there would be follow up training regarding legislation passed in 2010, which would include Freedom of Information Act (FOIA) requests. She indicated that there was a partnership with VDH and DCJS to conduct Campus Sexual Assault training in June 2010. She noted that there would also be training sessions to address the latest research and legal issues on campus sexual assault.

### **School Safety Efforts K - 12**

Ms. Michaelis advised that they had partnered with the Office of the Attorney General to promote new online law-related education resources to School Resource Officers (SRO), School Security Officers (SSO), teachers, administrators and community leaders. She noted that seven

(7) trainings were held from December 2009 through March 2010, with an attendance in excess of one hundred and fifty (150) people. These trainings were to promote new resources and highlight transition from the former Class Action program to the Virginia Rules program.

Ms. Michaelis indicated that future plans for collaborations with the Virginia Rules would include adding the Department's "Juvenile Law Handbook for School Administrators" to the Office of the Attorney General's Virginia Rules web-based program. These handbooks had been reproduced for every 2 years and were meant to help administrators stay on top of the laws relating to juveniles.

Ms. Michaelis added that the SSO was a certification, while the SRO was an adjunct program. She noted that this was the first time they would actually have an online curriculum for SRO and that they would have the booklets on hand and available on the LMS within the week. Ms. Michaelis indicated that the School and Campus Safety Training Forum would not be held for summer 2010 due to the current economic conditions. However, plans were underway to host regional "mini" forums and conferences to address issues and concerns.

Mr. Webb asked if there would be any overseeing or reporting to the Department on the Campus Security Regulations. Ms. Michaelis responded that the Department would have an oversight and access to everything but would keep most of the input on the level of the universities. One advantage was that officers would be able to go online and view their transcripts.

Hearing no other discussions, Chairman Phelps moved to the next item on the agenda.

***New Business:***

***Jails Training Service Delivery Plan.***

Chairman Phelps noted that based on the recent budget problems over the past few years and the loss of jails training personnel, staff had met to develop alternatives that would ensure that jails training maintained some consistency and quality assurance while better serving our constituency. He introduced Ron Bessent and Sharon Gray to present several proposals that were submitted for consideration. Mr. Bessent advised that the Jails Training staff had been reduced to fifty percent because of manpower. Therefore, they had been addressing critical areas at academies in lieu of a full thirteen-week course. This initiative had been met with varying degrees of success and failure as it presented a problem for scheduling with academies and DCJS staff. He mentioned that, in some cases, academies had opted to do their own training.

Mr. Bessent noted that another problem was that there were lower numbers in entry-level schools. He mentioned that it would not be feasible to send jail instructors to academies to conduct schools with less than fifteen (15) students. He informed that the academies had been notified of this. He added that if a jails trainer lived in an area of an academy, the trainer would teach a school at the academy and in situations where there were less than 15, jail instructors would be sent provided the academy assumed the cost of the jails trainer (travel expenses, etc.).

Mr. Bessent advised that in spite of this, jails' training had been consistent. He noted that the Department was moving in a direction where they might not be able to offer services of the jails

training instructors. In consideration of possible changes, the Department was proposing several options. Mr. Bessent distributed copies of those options. (*Copies available up on request*)

Some of those options included:

- **Proposal 1** – Conduct one to three (1-3) complete 12- to 13-week combined basic Jailor/Court Security/Civil Process schools regionally per year. Conduct two (2) or more separate Basic Court Security/Civil Process Schools as needed. Focus will be on this school.
- **Proposal 2** – Offer Special & In-service Training.
- **Proposal 3** – Train-the-Trainers & Retain Ownership of Jails Training Curriculum.
- **Proposal 4** – Develop Blended Training delivery methods to reduce the cost of training.
- **Proposal 5** - Explore developing a pre-employment fee-based training program and/or entering into partnership with state colleges to offer a pre-employment program for local jail and corrections officers.

Mr. Bessent introduced Sharon Gray, Manager, DCJS Jails Training Academy, to provide technical assistance and respond to questions. Ms. Gray responded that the Department still had to meet with the Virginia Sheriffs' Association (VSA) to get input from the sheriffs. She noted that the proposals had been submitted to the regional jails, and they did not have any comments.

Mr. Macon asked if there were any public or private entities that provided jails training. Mr. Bessent responded that some of the academies in Northern Virginia provided their own jails training programs. However, the DCJS Jails Trainers offered training to nine (9) academies. He noted that this forced the academies to provide local training and utilize the independent academies.

Chief Jacocks referred to **Proposal 1** and asked how long the two basic schools would last. Ms. Gray responded that they had to go back and revamp some of the criteria. She indicated that she would prepare a response for the next meeting of the COT based on COT decision on the Curriculum Review Committee (CRC) recommendations. She added that some of the criteria that were put in place no longer applied. Criteria for those schools would have to be created as “stand alone” criteria. However, she estimated the schools could take six and a half (6 ½) weeks according to suggestions from the Jails Trainers and the CRC.

Sheriff Arthur noted a concern about the online training as some of the topics would include practicals that the agencies could conduct. She added that the courts had lockups that offered other issues related to prisoner transport. Ms. Gray responded that the Jails Trainers did not focus on prisoner transport in the Court Security/Civil Process entry-level courses. Sheriff Arthur mentioned that there were incidents that could occur when a prisoner was in a courtroom. She noted that one would have to have a deputy because the prisoner would still be in the custody of the jails. She urged caution as some of the issues would be interrelated. Ms. Gray responded that some of the suggestions for proposals were rephrased to not be jail-specific. She added that those items would be clarified once public comments were received.

Sheriff Phelps mentioned that he thought the proposals might be helpful. He noted that there were times when multiple court cases were being held simultaneously, and law enforcement officers had to be taken off of the road to assist. He indicated that this could present a problem if

he had to take a law enforcement officer off of the road to attend specific schools relating to courtroom security. Ms. Gray responded that staff was trying to include lockup-specific issues and that staff would be reviewing the day-to-day jails operations. She informed that those issues were separated over a year ago, and they had not been separated to be taught in separate schools as they were still intertwined.

Sheriff Arthur asked if they were going to have Court Security/Civil Process training and a separate Jails Training course. Ms. Gray responded that if a combined school was run, traditionally, it would include a week of added court and civil process-specific training. She indicated that if it were a stand-alone school, they would have to build a curriculum on that topic. Mr. Bessent mentioned that there was a program provided by Longwood University to benefit students at the Central Virginia Criminal Justice Academy. Students would take the jails courses at Longwood, and the academy would be paid the tuition. He noted that they already had the ability to separate certain topics on the academy level. He advised that some of the courses were so closely interrelated that they could not be separated. He added that initially, academies ran some of those courses as options. Now, Jails' Training had decided to divide them into two separate courses.

### **Firearms Range Inspection/Certification Training Plan.**

Chairman Phelps advised that there had been discussion on the increase of private ranges by agencies to conduct basic and annual firearms qualifications, including, the qualifications for the Law Enforcement Officer Safety Act (LEOSA). He introduced Paul Ludwig to provide an update and answer questions about the recent review of the courses of fire and other firearms-related items.

Mr. Ludwig advised that there was a requirement that an academy using range for mandated training must have the range inspected, which was usually done by a DCJS Field Representative. He noted that with the increase in concealed weapons permits and people who wanted to learn to shoot, there had also been an increase in the number of private ranges who wanted to provide training for law enforcement officers. He mentioned that some law enforcement agencies had to close their firing ranges due to zoning issues.

He indicated that staff had expressed concerns that some agencies might seek to enter into an agreement with private firearms ranges. However, there was no process of inspecting the ranges to see if they were up to standards.

Mr. Ludwig advised that in the Department's rules, there was a policy that all law enforcement officers issued a firearm by their agency must qualify annually with that type of firearm. However, there was no policy regarding firearms qualifications for off-duty officers. He noted that some departments wanted to see a policy implemented as officers might qualify with a particular weapon they used on-duty, which might be larger than the one they used while not on duty.

Mr. Ludwig also acknowledged that there was a concern for officers who were certified to carry under LEOSA. The retired law enforcement officers typically carried weapons smaller than those used on duty. However, they sought various criminal justice agencies to qualify under LEOSA.

A number of agencies would not qualify those individuals because of liability issues. He noted that the Department had not written an official policy on LEOSA, and staff would be reviewing LEOSA qualifications in addition to other firearms policies.

Chairman Phelps opened the floor for comments. Sheriff Arthur referred to the previous item on the Jails Training Service Delivery Plan and asked if firearms training might be considered as a separate issue in court security training. Mr. Bessent responded that there would be a separate class for firearms training.

Chairman Phelps mentioned that some agencies in Tidewater area had considered having a combined range. Mr. Ludwig noted that some entities had asked him to inspect their ranges that were in various shapes. He advised that there were minimal requirements that needed to be met.

Chief Jacocks mentioned that Virginia Beach Police Department had an off-duty firearms qualifications course that had been implemented. He added that their attorneys had advised that because of provisions in the Code that prohibited any locality from implementing any restrictions related to firearms (including administrative regulations), they could only regulate off-duty officers with the caveat that they would only use it for law enforcement purposes. Off-duty officers could only carry a weapon to provide protection. Chief Jacocks suggested conferring with the Attorney General's Office to receive their opinion on the provision of the Code and the limits law enforcement agencies had in respect to off-duty law enforcement officers regarding carrying off-duty weapons.

Mr. Ludwig noted that it seemed the off-duty officers could be regulated because they were carrying weapons under the authority of being a law enforcement officer. He acknowledged that one of the issues with LEOSA was that those individuals were no longer active law enforcement officers and, therefore, did not have powers of arrest or law enforcement authority. Captain Terry mentioned that Virginia State Police not only regulated off-duty officers but also the types of off-duty weapons used.

Sheriff Phelps mentioned that a number of retired officers in his area had contacted the Isle of Wight Sheriff's Office to see if they would provide firearms training for LEOSA. Mr. Ludwig added that one of the biggest problems he had encountered was that the FBI did not allow the use of their firing ranges to qualify retired FBI agents for LEOSA.

### **Public Comment**

Chairman Phelps asked if there was anyone in the audience that would like to address the COT concerning matters within its purview. There was no response to this invitation.

### **Next Meeting**

Sheriff Phelps noted that the next meeting of the Committee on Training was scheduled for Thursday, May 20, 2010. Staff would contact members with the details on that meeting.

**Adjournment**

Sheriff Phelps asked for a motion to adjourn. Mr. Hodges made a motion to adjourn the meeting, which was seconded by Mr. Vaughan and was carried unanimously. The meeting was adjourned at 10:00 a.m.

Respectfully submitted,

Thomas E. Nowlin,  
Recording Secretary

Approved:

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The Honorable Charles W. Phelps  
Chair

\_\_\_\_\_  
Date

Attachment(s)