

**CRIMINAL JUSTICE SERVICES BOARD  
COMMITTEE ON TRAINING**

**MINUTES**

*September 9, 2004*

A meeting of the Criminal Justice Services Board Committee on Training (COT) convened at 9:00 a.m. on Thursday, September 9, 2004, in House Room D of the General Assembly Building, in Richmond, Virginia.

***Members Present:***

Sheriff Beth Arthur

Ms. Linda D. Curtis, Vice-Chair

Captain George Daniels (*Proxy for Colonel Steve Flagherty, Superintendent, Virginia State Police*)

Mr. Gerald P. Eggleston (*Proxy for Gene Johnson, Director, Department of Corrections*)

Mr. Frederick A. Hodnett, Jr. (*Proxy for Robert N. Baldwin, Executive Secretary, Supreme Court of Virginia*)

Chief Alfred Jacocks

Dr. Jay W. Malcan

Ms. Mary Kay Wakefield, Chair

Mr. Christopher R. Webb

***Members Not Present:***

Mr. Thomas W. Fore, Sr.

Chief Atlas L. Gaskins

Colonel Andre Parker

Sheriff Charles W. Phelps

***DCJS Staff Present:***

Leon Baker  
Ron Bessent  
Don Harrison  
Katya Herndon

Dale Kastelberg  
Judy Kirkendall  
Thomas Nowlin  
Tammi Wyrick

***Others Present:***

Doug Barker, *Henrico Police Department*  
John Coover, *Henrico Police Department*  
Vince Ferrara, *Hampton Roads Criminal Justice Training Academy*  
Richard L. Schumaker, *Cardinal Criminal Justice Academy*  
Barbara J. Walker, *Virginia Commonwealth University Police Academy*

***Call To Order:***

Ms. Wakefield called the meeting to order. The roll was called, and a count of eight (8) members present indicated a quorum. The Chair asked if there were any questions or comments regarding the minutes of the last meeting. Hearing none, she asked for a motion to approve the minutes as written. A motion was made and seconded, and the minutes were approved. (*Mr. Eggleston arrived at 9:43 a.m.*)

***Public Hearing on Regulations Relating to Crime Prevention Specialist***

Ms. Wakefield officially opened the public hearing on the regulations relating to crime prevention specialist by reviewing the procedure that would be followed during the process. She then informed the members that Tammy Wyrick would present a brief overview of the proposed regulations and would discuss any specific points. Following the review, the hearing would be open for individuals in the audience who, prior to the meeting, had requested time to speak or who had signed up on the speakers' sheet which had been placed at the entrance.

After the conclusion of the comment period, the Committee would consider the proposed regulations "by exception." The members would then vote on the entire process following discussion and recommendations.

Ms. Wakefield asked Ms. Wyrick to provide a review of the proposed regulations. Ms. Wyrick distributed the regulations with suggested changes highlighted along with a summary matrix of comments and recommendations to the members and briefly discussed each. (***Copies of these documents are available upon request.***)

Before reviewing the proposed regulations, Ms. Wyrick gave a brief history regarding the creation of a program to certify specialists in the field of crime prevention. She noted that initially in 1994 the crime prevention specialist (CPS) was exclusively the responsibility of law enforcement. Today, due to its expansion to reflect changing times, there are many non-law

enforcement professionals involved in crime prevention, such as school security, public housing security, crime prevention practitioners at the military bases, and other state agencies (the Department of Criminal Justice Services, Attorney Generals Office, Department of Transportation and the Department of Juvenile Justice). Ms. Wyrick mentioned that the program is voluntary, and although it is encouraged, individuals do not have to be certified as a CPS to perform crime prevention within the Commonwealth.

Ms. Wyrick itemized the following major changes in the regulations:

- The scope of individuals eligible to become a CPS was expanded to include any employee (sworn, civilian or volunteer) employed by a local, state or federal government agency or college or university in the Commonwealth of Virginia, who serves in a law enforcement, crime prevention or criminal justice capacity;
- All CPS applicants shall be approved only upon recommendation of a law enforcement agency having jurisdiction where the CPS shall serve;
- Increased number of topics from two to four that one must have in their eighty (80) hours of additional training;
- Homeland Security, Terrorism, Crime Analysis, Community Policing, Senior Safety and Identity Theft have been included in the choice of topics;
- The number of topics from which a candidate might choose for his/her 40-hour re-certification has been increased from one to two; and
- A de-certification process to revoke the certification has been added based on misrepresentation of qualifications or a conviction of a crime or if the individual is no longer employed or volunteering for the local, state, or federal agency.

Ms. Wakefield asked the members if there were any questions or comments. Ms. Wakefield then called on the individuals who had signed up to address the Committee during the public hearing, as no one had pre-filed with the agency to speak during the hearing.

Hearing none, Ms. Wakefield reviewed each page of the proposed regulations and entertained questions and comments. Mr. Hodnett asked what was meant by the topic “Crime Prevention Through Environmental Design.” Ms. Wyrick explained that the topic involved law enforcement and planners examining the designs of facilities and sites to ensure that effective placement of shrubbery, lighting and the like would enhance the safety of the public. Chief Jacocks made a motion to include the word “capacity” in section B. of **6VAC20-180-30** for clarification to be read as:

“The agency administrator of any local or federal government agency may designate one or more employees in his department or office, who serves in a law-enforcement, crime prevention, or criminal justice capacity to be trained and certified as a crime prevention specialist.”

Ms. Curtis seconded the motion, which was approved unanimously by the members.

Mr. Hodnett asked when was the beginning of the timeline of the forty (40) additional hours for training. Ms. Wyrick responded that an individual is initially certified as a CPS for three years. After that period, the individual must complete an additional forty hours of training to be re-

certified. She added that the topics are taught through various entities and that DCJS offers approximately fifty (50) training sessions per year for the re-certification of the CPS.

Ms. Wakefield asked if there were any other questions or a motion regarding the proposed regulations. Ms. Curtis made a motion, which was seconded by Captain Daniels, and the proposed regulations were passed unanimously.

*Old Business:*

**Amendments to the Regulations for Breath Alcohol Testing**

Ms. Wakefield reminded the members that the Division of Forensic Science's intent to amend the Regulations for Breath Alcohol Testing. She then introduced Katya Herndon, Division of Forensic Science, to update the members on the progress on the amendment. After distributing copies of the amendments, Ms. Herndon advised that the Attorney General's Office had exempted the regulations from the Administrative Process Act (APA) pursuant to the Code of Virginia. Therefore, the regulations were before the Committee on Training for approval.

Ms. Herndon noted that the Code directs DFS to establish a training program, approve equipment, and establish methods to conduct chemical analyses of a person's breath, either to obtain a preliminary analysis of alcoholic content for probable cause for an arrest or to obtain an analysis that can be considered valid as evidence in a DUI prosecution. The Regulations for Breath Alcohol Testing describe the process for approval of breath test devices, general methods of conducting the tests, training and licensing procedures for operators, required forms and records, and the use of preliminary breath test devices. The proposed amendments make clarification of procedures and technical corrections to the regulations. (*Copies of these documents are available upon request.*)

Mr. Hodnett referred to **6 VAC 20-190-10. Definitions.** and asked if the term "agency" included law enforcement agencies of colleges and universities. Ms. Herndon responded that the terms "town, city, county, or state" were deleted from the definition to make all law enforcement agencies inclusive as a number of the law enforcement officers of colleges and universities make DUI arrests.

Mr. Hodnett also asked if the record keeping process was synchronized with the court system allowing them access to the records. Ms. Herndon responded that prior record keeping was all handwritten. However, now DFS maintains a system of computerized records and can share the information with the courts via subpoena.

Ms. Wakefield asked if anyone in the audience wished to address the Committee prior to the vote. Hearing none, she reviewed the proposed amendments by page. Chief Jacocks made a motion that the amendments be approved, Ms. Curtis seconded, and the amendments were passed unanimously.

### **Curriculum Review Committee Appointments**

Ms. Wakefield introduced Judy Kirkendall to review the names of proposed replacements for the members of the Curriculum Review Committee (CRC) whose terms have expired. Ms. Kirkendall submitted the following individuals as nominations:

- Lieutenant Humberto Cardinale, Henrico County Public Safety Academy,
- Captain George Daniels, Virginia State Police Academy, and
- Richard Shumaker, Executive Director, Cardinal Criminal Justice Academy.

Ms. Wakefield asked if there were any other names for submission. Ms. Kirkendall noted that Ron Staton, Central Virginia Criminal Justice Academy, would be substituting for Ed Sulzbach for the 2003 – 2006 term.

Sheriff Arthur asked if the information from the CRC was sent to all of the academies. Ms. Kirkendall responded that the information is sent to all of the academies and that the CRC meets once a year to review the suggestions for change. She added that suggestions for change are gathered throughout the year and, after committee review, are mailed out to constituents for response during a sixty- (60) day public comment period. The comments are presented at a public hearing and after COT approval, are published in the Virginia Register. Thirty days after publication in the Register, the changes become effective.

Sheriff Arthur noted that there were no names from the northern Virginia area. Ms. Kirkendall responded that representation is sought from all geographical locations including the regional academies, Virginia State Police and the various law enforcement agencies for balance and serve three-year terms that are rotated for continuity. Both Northern Virginia Criminal Justice Academy and Fairfax Criminal Justice Academy have already served on the committee.

Ms. Wakefield asked for a motion to accept the nominations for the CRC. Mr. Hodnett made a motion, which was seconded by Ms. Curtis, and the nominations were approved unanimously.

### **Alternative Training Delivery Study: Public Forum Results**

Ms. Wakefield mentioned that the Department was tasked with conducting two studies relating to the delivery of training. As part of the information gathering process, the Department has held a series of public hearings to solicit input from our constituents. She then asked Ron Bessent to brief the Committee on the results of the hearings and the progress of the studies.

Mr. Bessent advised that the studies originated out of the 2004 session of the General Assembly as the Department had been directed to review the feasibility of alternative training. Staff tried to gather the interests of constituent groups, conducted surveys, and met with the constituents in the various regions of the Commonwealth to obtain their opinions regarding alternative training.

Although the focus was on distance learning and computer-based training for both entry-level

and in-service training, consideration was made on the quality of training provided, cost effectiveness, potential cost savings, cost avoidance, and the impact upon local units of government.

The sites of hearings and the number of attendees are as follows:

- Richmond – 31
- Harrisonburg - 14
- Wytheville - 18
- Vinton - 10
- Fairfax - 13
- Danville - 16
- Virginia Beach - 18

Mr. Bessent noted that training personnel and a few chiefs and sheriffs attended the sessions and that the hearings were mixed in terms of input and constituents. Mr. Bessent added that since the Department is in the process of looking at the process of in-service training, the consistent concerns of the hearings was in regards to entry-level training. Although community colleges are being utilized for in-service training, a number of the agency administrators felt that entry-level training should be kept in the academies. They felt that the community colleges could provide more academic courses, yet there were inherent problems in that the community colleges would not maintain the structure of the academies and would not present the officers with “real world” experiences and could provide it consistently throughout the officers’ careers.

There were also concerns about the costs and the impact on recruitment of officers. Currently, agencies pay academies to train the officers. If officers were to receive entry-level training from community colleges, they would be required to pay their own tuition. This out-of-pocket cost could negatively impact the recruitment of individuals in the field of law enforcement as some individuals have families to support and might not wish to pay for college.

Mr. Bessent then offered the results of the responses to the surveys.

Mr. Webb noted that some individuals are already receiving in-service training electronically, yet others do better in the classroom setting. Mr. Bessent added that indeed not everyone learns in the same manner. He mentioned that adjustments could be made in both areas as people do have different learning styles and suggested that computer-based learning be used as an option for in-service.

### ***New Business:***

#### **State and Local Anti-Terrorism Training (SLATT)**

Ms. Wakefield introduced Don Harrison, DCJS Standards and Training Section, to provide the members with information on how the Department is addressing training relating to law enforcement’s efforts to combat terrorism.

Mr. Harrison advised that the Department was approved for a grant of \$229,000 from the Department of Homeland Security through the Virginia Department of Emergency Management (DEM). Part of the funding was allocated under the State Strategic Assessment Plan. Mr. Harrison noted that the breakdown of the grant is as follows:

- \$50,000 – Private Security Services Section (PSS) for instructor training,
- \$49,800 – Crime Prevention/Law Enforcement Section to develop the criteria for a Homeland Security Specialist (a position much like the School Resource Officer or Crime Prevention Specialist), and
- \$130,000 – Standards and Training Section for training and instructor development.

Mr. Harrison mentioned that the allocation for the Standards and Training Section was to focus on the National Incident Management System and in the Incident Command System (ICS), in particular. He added that the Homeland Security Presidential Directive – 5 (HSPD-5) requires all federal, state, local and tribal jurisdictions to adopt the NIMS by 2005. On October 1, 2004, the U.S. Department of Homeland Security will release its compliance standards and protocols for NIMS. Mr. Harrison advised that officers are aware of NIMS, but training in this area is needed to comply with this mandate. Priorities proposed in the original application remain the same, but the chiefs in the Department are working on how these priorities will be implemented.

Mr. Harrison noted that first responder agencies must start implementing this standardized framework now and added that compliance will be an important factor in acquiring federal funding. He advised that the agenda for the 2004 Emergency Response Summit, being held at the Washington Plaza Hotel in Washington, D.C. on November 3-5, 2004, will help agencies acquire strategies to implement the NIMS and to get the most up-to-date and innovative incident management and emergency response techniques for compliance.

Ms. Wakefield thanked Mr. Harrison and others for their work in obtaining the grant for the PSS and others. Captain Daniels asked if the grant will run though the federal fiscal year. Mr. Harrison responded that that was unclear, but it was money that was earmarked from the previous year and carried forward as part of state strategic plan from April 2003. He noted that it is also part of a much larger packet that came to Virginia. Mr. Baker added that this is 2003 money that is being received and needs to be allocated by March of 2005. Mr. Hodnett asked if those funds had to do with the NIMS mandate. Mr. Harrison responded that the funds were in association with the implementation of NIMS and the emphasis was on the ICS. He added that he is conducting a forty-hour school in Harrisonburg in October to emphasize NIMS and its implementation and reiterated that if agencies do not comply with the implementation of NIMS, it is quite possible that they will have difficulty in receiving future federal funding.

Mr. Harrison also informed the Committee of the State and Local Anti-Terrorism Training (SLATT) session that is being held in Norfolk October 20-21, 2004. This Train-the-Trainer workshop is a two-day session that is funded by the Department of Justice and the Bureau of Justice Assistance (BJA) and is co-hosted by DCJS and the Regional Organized Crime Information Center (ROCIC). SLATT is a joint effort with through a grant to the Institute of Intergovernmental Research (IIR) that has been operated since 1996.



Mr. Harrison emphasized that SLATT provides pre-incident awareness, preparation, investigation, prevention, and interdiction training and information to state and local law enforcement in the area of anti-terrorism and extremist criminal activity. Mr. Harrison noted that in order to ensure that SLATT always delivers the most up-to-date information, terrorism-related topics are constantly researched and reviewed, and timely information is offered regarding the above.

Some of the training topics include:

- Course/Training Materials Overview,
- Terrorism Overview,
- Domestic Terrorist/Extremist Groups,
- Community Partnerships,
- Law Enforcement Roles,
- Terrorism Indicators, and
- Officer Safety Issues.

In addition to instruction, participants will receive an instructor's manual and CD's with PowerPoint slides and relevant videos and graphics. Their names will also be entered in a database with the IIR, which will enable the IIR to send them regular updates regarding anti-terrorism training. All participants who successfully complete the course will also receive law enforcement in-service credit.

Mr. Harrison noted that DCJS is fortunate to be able to offer this training because SLATT normally does not train a slate of officers by state. The Department approached SLATT and noted that the training is approved by Homeland Security and provides consistent and current training and asked if they would provide the training in Virginia, to which SLATT agreed. Currently one hundred twenty (120) instructors have signed up for the academies, which include the Metro (Washington) Transit Academy, Virginia ABC Training Academy, Virginia Game and Inland Fisheries and the academies that serve the metropolitan areas of Fairfax, Hampton Roads, to name a few. The course is flexible whereas instructors can use all of these techniques, or portions thereof, to provide training to their areas against terrorism.

### **Standardized Field Sobriety Training/DMV Grant**

*(Due to George Gotschalk's absence, Standardized Field Sobriety Training is postponed for a later time.)*

Ms. Wakefield asked Ms. Kirkendall to relay information regarding a grant that was awarded to DCJS by the Division of Motor Vehicles (DMV). Ms. Kirkendall advised that the Highway Safety Projects had awarded the Department a grant of \$125,000 through DMV. She mentioned that the objective is to pull together a Governor's advisory committee under the Secretary of Public Safety composed of judges, commonwealth's attorneys, law enforcement professionals and interested citizens to look at streamline legislature regarding DUI to improve the enforcement and prosecution of offenders driving under the influence. The committee proposes to do this by the end of the Calendar Year 2005 for consideration during the 2006 Session of the



General Assembly.

**Public Comment**

Ms. Wakefield asked if there was anyone in the audience that would like to address the COT concerning matters within its purview. No request for comment was received.

**Next Meeting**

Hearing none, she noted that the next meeting of the Committee on Training is scheduled for December 9, 2004.

**Adjournment**

A motion was made to adjourn the meeting and seconded. The meeting was adjourned at 10:00 a.m.

Respectfully submitted,

Thomas E. Nowlin  
Recording Secretary

Approved:

\_\_\_\_\_  
Ms. Mary Kay Wakefield  
Chair

\_\_\_\_\_  
Date

Attachment(s)