

D R A F T

**CRIMINAL JUSTICE SERVICES BOARD
COMMITTEE ON TRAINING**

MINUTES

June 12, 2003

A meeting of the Criminal Justice Services Board Committee on Training (COT) convened at 9:00 a.m. on Thursday, June 12, 2003, in House Room D of the General Assembly Building in Richmond, Virginia.

Members Present

Sheriff Beth Arthur

Ms. Linda D. Curtis

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

Mr. Thomas W. Fore, Sr.

Lieutenant Jeff Foxx (*Proxy for Colonel W. Gerald Massengill, Superintendent,
Virginia State Police*)

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

Sheriff Robert E. Maxey, Jr., Chairman

Chief Dennis Mook

Ms. Mary Kay Wakefield, Vice-Chairman

Mr. Christopher Webb

Members Absent

Chief Atlas L. Gaskins

Dr. Jay W. Malcan

Colonel Andre Parker

DCJS Staff Present

Leon Baker
Ronald E. Bessent
George B. Gotschalk, Jr.
Lisa Hahn

Dale Kastelberg
Judy Kirkendall
Julie Ana Skone

Others Present

Martha Clancy, PISA
Patrick Clawson, Private Investigator
Emil Wengel, VBFAA
Ron Cain, Cain Security, VBFAA
Beth Cain, Cain Security, VBFAA
Richard Schumaker, Cardinal Criminal Justice Academy
William Flink, Central Shenandoah Criminal Justice Academy
George Hardecourt, A. D. T.
Heley Braxton, Paramount Kings Dominion

Call to Order

The meeting was called to order by Chairman Maxey at 9:00 a.m. The roll was called with ten members present, constituting a quorum. The Chairman asked if there were any questions or comments regarding the minutes of the last meeting. Hearing none, he asked for a motion to approve the minutes as written. Motion was made and seconded, and the minutes were approved.

George Gotschalk suggested to the Committee that, due to the public hearing this morning, a few changes should be made to the Agenda. Under Section IV, Old Business, Item B, Curriculum Review Committee Appointments, I would like to defer that until the September 18th meeting. I made a commitment to work with the Training Directors Association on this and we have made a few recommendations. Mr. Flink has countered with some other names and I have not had a chance to discuss those with him yet. So if we could defer this until September, it will allow us

to come back with a harmonious list of names. The second issue is Item VI, Election of Officers. Ms. Wakefield has asked to be retained as a member of this Committee and has also asked to be active as the Vice-Chair. We have not heard back yet as to whether she will be retained or not. With respect to her, I would like to make that the first agenda item at the September 18th Committee on Training meeting.

Mr. Fore made a motion to move these items to the September meeting and Mr. Webb seconded. The motion was carried.

Public Hearing

Chairman Maxey reviewed the rules for the public hearing, reminding everyone that they must sign the sign-up sheet if they wish to speak directly to the Committee. Chairman Maxey then formally opened the public hearing on the new proposed regulations for Private Security Services. He then called upon Lisa Hahn to review the proposed regulations relating to Private Security.

Private Security Services Regulations -- Lisa Hahn

During our regulatory review process that began in February 2002, we followed all of the requirements of the Administrative Process Act and applicable Executive Orders from the Governor's Office in order to promulgate the regulations. We published and received comments on the Notice of Intended Regulatory Action (NOIRA), as well as both the draft and proposed regulations. We sent out notices at each stage to our business compliance agents, instructors and training directors, and any individual that had requested to be included on the PPG list --

approximately 2,300 notices. We received a total of 14 comment letters during this comment period.

A copy of a matrix containing comments and recommendations concerning these proposed regulations were provided to members of the COT for their review. If any member would like to see the full text of any letters, we have them available.

Throughout this process, we have sought and received input from the private security industry; held seven board meetings, holding a public comment period during each one; and worked closely with the Private Security Services Advisory Board (PSSAB) Training Committee made up of board members and industry representatives. Also, a job task analysis on the security officer and private investigator categories were completed to be included in the proposed regulations.

During our 2002 annual conference, there was a four-hour public hearing dedicated to the draft regulations, filling the room with 200 attendees, and receiving 52 written comments. From all this, numerous changes were made from the draft to the proposed regulations. Within days of that meeting, a summary was posted to our website that included the changes made and the rationale for each. Updates were also provided throughout the process to the COT and PSSAB. Reviews were made of all the comments received and recommendations were made that we felt should be incorporated in the final regulations.

Those recommendations are submitted to you today in the form of an errata sheet, copies of which have been given to each of you. At this time, I would like to review some of the main recommendations included in the errata sheet.

1. Page 3: 6 VAC 20-171-10 -- Add New Definition

“Electronic roster submittal” means the authority given to the training director or assistant training director of a private security training school, after they have submitted an application and the required non-refundable fee, to submit a training school roster to the department electronically through the department’s on-line system.

Since we offer the ability to submit school rosters on-line, we felt a definition would be helpful to individuals who are not familiar with this process.

2. Page 4: 6 VAC 20-171-10 -- Amend Definition

“Firearms endorsement” means a method of regulation which identifies an individual registered as a private security registrant and has successfully completed the annual firearms training and has met the requirements as set forth in this chapter.

The issuance of an annual firearms endorsement is new and necessary to distinguish the armed and unarmed security officer classifications.

3. Page 5: 6 VAC 20-171-10 -- Add New Definition

“Official documentation” means personnel records; DD214; copies of business licenses indicating ownership; law enforcement transcripts; certificates of training completion; a signed letter provided directly by a current/previous employer detailing dates of employment and job duties; college transcripts; letters of commendation; private security services registrations, certifications, and/or licenses from other states; and/or other employment, training, or experience verification documents. A resume is not considered official documentation.

We are adding this definition to assist the industry and staff in identifying what documents are acceptable as official documentation.

4. Page 35: 6 VAC 20-171-180.B -- Reinstatement and Renewal Extension

B. A renewal application must be received by the department within ~~(90) (30)~~ 60 days following the expiration date of the license or registration ~~or certification~~ may in order to be reinstated by the department providing all renewal requirements have been met. Prior to reinstatement, the following shall be submitted to the department:

I point this one out because we received a few comments requesting either 45 days or a return to the 90-day reinstatement provision. The department automatically generates a renewal notice 90 days before expiration; and once expired, we also generate a notice indicating that it has expired. We feel that 60 days provides enough time for the

individual to recognize that their credentials have expired and to receive their respective training.

5. Page 37: 6 VAC 20-171-190.A.4 -- Renewal Extension

This section provides an extension of the time period to meet renewal requirements for specific reasons: Extended illness, extended injury, military or foreign service, or the following:

4. Any emergency temporary assignment of private security personnel by the private security services business or training school for which he is employed, ~~provided said assignment does not occur within the 120 day period immediately preceding the expiration date of the registration or certification.~~

This recommendation was offered by a member of our association, and we agreed that this particular assignment should not have this clause added to it.

6. Page 46: 6 VAC 20-171-230.A.11 -- Business Standards of Conduct

11. Not obtain a license, license renewal, registration, registration renewal, certification, certification renewal, ~~or certification to act as compliance agent for a licensee, training school, school director, or instructor~~ or firearms endorsement, through any fraud or misrepresentation.

We recommend this change because all categories are not covered without this additional language.

7. Page 47: 6 VAC 20-171-230.A.16 -- Business Standards of Conduct

16. When providing central station monitoring services, attempt to verify the legitimacy of a burglar alarm activation by ~~contacting an authorized individual at the site where an alarm signal originated before dispatching the authorities~~ calling the site of the alarm, if unable to make contact, call one additional number provided by the alarm user who has the authority to cancel the dispatch. (This shall not apply if the alarm user has provided written authorization requesting immediate or one call dispatch to both their local police department and their dealer of record.) This shall not apply to duress or hold-up alarms.

This change was recommended and approved by the VBFSA and is in keeping with the National Association.

8. Page 66: 6 VAC 20-171-300.D.5 -- Private Security Training Session

4. Training sessions may not exceed ~~eight~~ nine hours of classroom instruction per day; ~~however, firearms classroom session may not exceed nine hours of instruction per day.~~ Range qualification and practical exercises shall not be considered classroom instruction; however, total training, including the maximum allotment of ~~eight~~ nine hours classroom instruction and applicable range

qualification and practical exercises, shall not exceed 12 hours per day. This does not include time allotted for breaks, meals and testing.

This change was recommended to accommodate the new 18-hour curriculum for unarmed security officers so they can teach this curriculum in two days. It will also accommodate the new 40-hour-plus-qualification-time for armed security officer training so they may accomplish it in five days.

9. Page 91: 6 VAC 20-171-370.A -- Entry-Level Handgun Training

k. ~~Dim~~ Low-level light shooting familiarization

This is a grammatical change only, but necessary to recognize that the armed security officers will have low-level shooting familiarization within their training.

10. 6 VAC 20-171-90 -- Renewal Training School Application

A. Outstanding fees or monetary penalties owed to DCJS must be paid prior to issuance of said renewal

(The Department of Planning and Budget reviewed our proposed regulations and recommended this change for consistency with Section 60.)

I also wanted to point out that we are simplifying our certification, registration, and licensure processes by issuing all credentials for two years. Currently, these are issued as 1, 2, and 3-year renewals which are confusing to both the industry and staff. This change has been well received by the industry.

Also, we received a comment asking if we would be amending the regulations affected by the new law (HB 1817, now Chapter 124) that becomes effective July 1, 2003. This is an excellent question and a good time to point out that there will be a number of changes made to the final regulations which will be submitted in the final regulatory package caused by this legislative change. I have included them as a separate document in your packages.

The recommendations I have just reviewed are the primary changes to our regulations; the other changes listed on your errata sheet address some grammatical minor changes that need to be made. Now I would like to discuss some recommendations that we did not incorporate into the errata sheet.

Fee Changes: We have discussed in detail on numerous occasions with both the board and the industry our fees. We held seven board meetings and a public comment period in October of last year at our annual conference. There were some individuals opposed to all our fees and others to part of the fee structure. After the conference, modifications to the fee structure were made based on their suggestions. When the proposed new regulations were sent out to 2,300 individuals, it included the fee revisions also. To date, there have only been four comments received by our office in opposition to the new fee changes. Consequently, we feel we have

fairly and adequately responded to the public comments and suggestions. The new fee changes represent both increases and decreases.

6 VAC 20-171-230-A.22-28, Pages 47-48: A recommendation was made to delete all the information contained in 22-28. Basically, this language provides the section with the ability to take administrative action against persons who have utilized business practices that have caused injury or harm to people we are required to protect (the public). Part or all of this language is incorporated under the standards of conduct for all businesses, schools, registrants, and certified individuals. Without this language, companies/individuals can continue to provide unprofessional, negligent and/or incompetent services, or be a party to misrepresentation. We have had several previous cases that we were unable to discipline or prosecute because we did not have specific language prohibiting these companies/individuals from these types of practices. We feel that we must have this language to adequately protect the public. For example:

Someone submitted false work experience documents; but because it was not training documents, we lost the case.

We receive numerous complaints of instances where the work was not completed as promised and of not returning the money to the client. Short of endangerment to the client, we do not have anything for unprofessional conduct or negligent service.

We need these new regulations to adequately protect the public.

Page 49, 6 VAC 20-171-240.A.6: A recommendation was made to leave the language of reporting criminal conviction information, or pleading guilty, or nolo contendere. This change is prompted by the department in its attempt to make the decision of reporting to us easier and less confusing. If it is a misdemeanor or a felony, report them all to us.

Page 71, 6 VAC 20-171-320.A.14: We received a recommendation to delete “detective” in this section. This section refers to registered individuals not giving the appearance to suggest that the registrant is a law enforcement officer, detective, or other government official. The department felt the need to specify “detective” based on public opinion that detective is a term used exclusively by law enforcement.

When you are considering the adoption of the proposed regulations, please give consideration to the adoption of this errata sheet and include the Code changes as well. I will be happy to answer any questions you may have.

Chief Mook asked if any thought was given to the language that would include a felony misdemeanor or equivalent to a felony misdemeanor under Virginia’s Code. For example: military personnel tried under the Uniformed Military Code of Justice who would not be convicted of a felony under that Code, but which crime would be considered a felony under the Code of Virginia.

Ms. Hahn indicated that such language was not put into the regulations, but we do require criminal history reports on all applications and the language has been changed there to include

that. The language was taken directly from the Code, but we can request our subcommittee to make that change.

Chairman Maxey then introduced Patrick Clawson from the audience, who had signed up to speak directly to the Committee.

Patrick Clawson introduced himself as being from Berryville, Virginia and a Private Investigator. He has been doing investigative work since the early 1970's, both as a private investigator in various jurisdictions around the country and as an investigative reporter for national television networks. Because of the nature of his investigative work involving government corruption and police misconduct, he was very concerned with regulations that could be used in a retaliatory way against individuals conducting lawful investigations. The proposed regulations as read are a good start, but they need further review and further revision. He knows that the COT is here today to vote on these new regulations, but would encourage the COT to delay that vote until further review and reflection.

Some of the points made occur repeatedly throughout the regulations as addressed by Ms. Hahn. On page 46, we talk about misdemeanors involving moral turpitude. I'm not sure what moral turpitude always is. I have in my own experience seen the moral turpitude language used in some states in the south used against civil rights demonstrators who had been arrested for exercising their lawful rights. I think a further definition is needed as to what moral turpitude is. Is it street disturbance, is it trespassing? It's been dealt with differently in different jurisdictions around the country.

On page 47, paragraph 17, it talks about not reporting any negligent or unlawful acts. I understand the spirit of that, but what happens if someone is involved in a traffic accident that causes injury to another party? Under this definition, that would be a negligent act resulting in loss or injury or death to another person. Is that the kind of thing you want to deprive someone the ability to be licensed for? That definition needs to be tightened up.

Also on page 47, paragraph 20, I'm concerned with the way this is drafted or worded concerning the requirement of providing information to law enforcement personnel. This could provide problems for those of us involved in criminal defense work. A law enforcement agency could make a written request to a private investigator working on a defense team; and if the investigator were not to comply with the request, it could subject the investigator to disciplinary action. In the State of Florida, it is a statutory bar for any investigator to provide any information to another party without the written consent of the client. The Attorney General of Florida has ruled in support of the investigators as being protected by statute. This needs to be looked into in Virginia and the language tightened up.

Also on page 47, paragraphs 21 and 22, it states not to engage in acts of unprofessional conduct and not to engage in acts of negligent and/or incompetent services. What are those? There is nothing in the regulations defining what unprofessional conduct is. Unlike the Virginia Bar, we have no codified standard of conduct; no codified system of ethics regulating the private investigatory field here in Virginia. Now perhaps this is something the Board would like to adopt, but right now we don't have it. Right now we have something that is very, very broad; we

have nothing here to establish what types of conduct falls into those categories. From my own investigatory experiences involving incidences of police misconduct, I have been on the receiving end of retaliation. I can see right now how that can be misused.

On page 48, satisfy all judgments relating to Private Security Services must be provided. I understand that the intent of this is to protect the public interest. But I am also concerned that this places DCJS in the position of becoming a bill collector for private parties. We need to be very careful before we start using government power for a regulatory agency to start enforcing court judgments. The court has spoken; the individual needs to comply with the judgment. That's the end of the story there.

Paragraph 26 states not to publish or cause to be published any written material that may be misrepresented or nonfactual. I completely agree that anything that is a false statement should be prohibited. But who decides what is deceptive or misleading? A sales piece could be considered misleading under certain circumstances. I understand what the intent is and I agree with the intent, but you need to tighten up the language to make it very clear what is prohibitive and what is not.

I do have a problem with another item on page 48, and this appears throughout the document, where the department deletes the requirement for a registered individual to provide the department with a physical address. I think that's a very serious mistake. I think you should know where your registrants are. I think providing just a post office box or a mailing address is going to prove to be a problem to enforce these regulations down the road. You need to know

where these people physically are so you can go see them, go interview them, take whatever action is necessary. I don't think that the public interest is protected by allowing someone to give you just a mailing address. Let them give you a physical address.

On page 49, there's the issue about informing the department within 10 days of pleading guilty or nolo contendere to a felony or misdemeanor. I think this time period should remain 30 days. I think that's a reasonable period of time. But, then again, I'm also concerned about any misdemeanor. Do you really want to have the department inundated with things like littering arrests or spitting on the sidewalk? Petty offenses are misdemeanors but are actually not relevant to anybody working and protecting the public safety or of a person's ability to get a license.

On page 50, there is the provision that all regulated employees should carry photo identification card along with their registration or certification, I agree with that. I think that every individual should carry some identification. My question is, who issues it? Is this something that will be issued by the Commonwealth, or issued by a private security method? If it is something issued by a private security method, it's going to be subject to wildly different forms and variations. I think that there should be a single State-issued identification card. I think that provides the maximum public protection in this case. What you don't want to have is a plethora of different types of identification that would only confuse the public. You need to have a single card that's authorized by the State, much as you have now. For instance, the State of Michigan issues cards that very clearly identify in large type that someone is a private investigator. It's not like the cards issued from the State of Virginia that are difficult to read.

All I am suggesting is that these proposed regulations are a good start. Certainly the public needs to be protected against incompetent or corrupt parties in the private security industry. But the way the regulations are proposed right now, they are too vague; and at some point in time, they will be abused. They will be abused by government taking retaliatory action against individuals, such as myself, who often get involved in politically charged cases. It has been my experience from 30 years of investigative activity, especially in dealing with police misconduct, retaliation takes place using the mechanisms of government. The result is not desirable in protecting the public interest. My suggestion is to tighten these rules up a little bit; give them a little further thought; you don't need to vote on them today; there is no rushing or pressing emergency to get these out today. Let's go through them and let's make sure that safeguards and preventive measures are included.

One final comment and that's fees. Fees are taxes. By adopting the regulations as proposed, you are voting for a tax increase. You need to think about that. I recognize that the Commonwealth is in financial difficulty these days; all of us are. While some fee increases may be necessary if you are going to an extended license period, certainly that's something to take into consideration. But I would encourage you to revisit the issue of fees. Fees are taxes. These are principally small businesses you are dealing with here in the Commonwealth. An increase in fees typically amounts to \$200-\$400 more a year, and these are big items for a small business to absorb. It's not pocket change.

I thank you for your attention and I'll be happy to take any questions.

Chairman Maxey asked if there were any questions for Mr. Clawson. There were none but Ms. Hahn wanted to point out a few things.

Ms. Hahn stated that it's true we do not have a defined moral turpitude definition. We do receive the Attorney General's input and use his definition of moral turpitude. It's pretty clear, and that's the way we interpret that definition and it is the way we look at the suitability of our applicants. We have not had any trouble with that issue so far. Without those provisions, the department doesn't have any ability to take any action against the "bad guys". It does leave us with the flexibility of that interpretation, but it does have an appeal process throughout the fact-finding process.

Mr. Baker asked to reiterate and strengthen Ms. Hahn's statements. He stated that, before any action is taken by the department against an individual to go to court, there are several steps that we go through first. There are informal fact-finding hearings to a formal fact-finding hearing to a court hearing. And the appeals process works throughout the entire process. It is still up to the courts, in front of a judge, before a decision is made. It's not as if the department has the power to make a final decision.

Chairman Maxey then asked Ms. Hahn why the department deleted the requirement for a physical address. Why is it not required; why just a mailing address? How did that come about?

Ms. Hahn replied that this came about because, unfortunately, when the Private Security Services Section transferred many years ago from the Courts to DCJS, several of their general provisions

did not come with them. One was a provision that had an exclusion for the Freedom of Information Act (FOIA). So, basically, if you ask me to provide you with all the names and addresses of our registrants, I don't have anything to prevent me from doing so. The private investigators don't want their addresses out there; and there are many other categories that we regulate also; and I can't legally refuse to provide any of that information or I'm in violation of FOIA. We are currently looking at changing that FOIA requirement; however, until we do, this was a compromise.

Mr. Baker added there is a requirement that the employer must have a physical address. So in the event we absolutely had to have a physical address, we could obtain it.

Ms. Hahn stated that this was in the language of the new regulations. At any time, we can go to an agency and inspect their employee records. We have an excellent working relationship with the industry.

Mr. Clawson stated that he respects the interests of the industry in trying to protect their privacy. But these licenses are a privilege; they are not a right. The public is better protected by knowing who holds these licenses. If there is a problem with privacy protection, there are exemptions under the Freedom of Information Act for release of information to the public. The department should have that information in its records and, quite frankly, the public should have that information if it wants it. We are not dealing with nuclear scientists or top-secret government employees. There is nothing secret about this; don't make it secret.

Ms. Hahn stated that during the public hearings held in October of last year, this was a huge issue for most of the people attending our public hearings -- about 200 people total. Frankly, from what we heard, most of these people want that privacy. They are very concerned about who can get their personal information. Their competitors can get this information, and that has been a major concern throughout the industry. We are actively pursuing legislative change to FOIA.

Hearing no further discussion, Chairman Maxey introduced the next speaker, Martha Clancey.

Ms. Clancey, representing PISA, wanted to make a statement about the privacy issue. Our members and contacts throughout the industry feel very strongly about this issue, as Ms. Hahn reported to you. The department has been very forthcoming and helpful to us in considering this change in order to protect us. There are not a lot of people who might need this protection, that is true. But if someone needs it, and it is not there, it is already too late. We strongly support adoption of the changes to the regulations. Thank you.

Chairman Maxey asked Ms. Clancey how many members were in the organization. She replied that there were over 300. He then asked if it was unanimous on the privacy issue. She replied yes it was. He asked if the association would support going back to the previous language if the FOIA granted exemptions. She replied absolutely.

Chairman Maxey asked if there was a motion to approve the regulations as proposed. Ms. Wakefield moved that the regulations be so approved including the amendments in the errata sheet and the amendments that are necessary due to HB 1817. Mr. Webb seconded the motion.

Mr. Fore asked Ms. Hahn to clarify what the term unprofessional conduct means for a security officer. Spitting on the sidewalk? I think it's a valid point to clarify what's unprofessional for a security officer. I know what's unprofessional in the water treatment profession, but not private security. Ms. Hahn answered that there is a code of ethics provided to each registrant that was created with input from the industry. For instance, an example would be an individual who has not stolen from a client, but has not provided all the services promised to the client. Mr. Fore asked what would be the difference between an act of negligence and unprofessional conduct. Ms. Hahn answered that negligence, for example, would be an individual actually playing with their firearm and shooting a hole in the wall and hitting someone in the other room.

Mr. Fore then asked who, initially, makes a decision as to guilt in regard to not only this regulation but to any of the regulations. Mr. Baker answered that they did; however, there is an entire system of appeals set up for all the regulations available to any person or agency so cited.

Lt. Foxx inquired of Mr. Baker and Ms. Hahn if there were any provisions in the regulations concerning individuals who were guilty due to insanity or mental incompetence and/or those individuals pretending to be policemen. Ms. Hahn answered that there is a standardized card with instructions on how to deal with these types of people. It should be added to the list of

cards or ID that registrants must carry with them at all times (identification cards, registration cards, firearm cards, DMV cards, etc.); and I will make a note to add it to the list.

Mr. Fore asked if there is still a need for “detective” to be in the regulations? I believe that law enforcement officer pretty much covers the scope of all them -- sheriff all the way down to anyone wearing the uniform. Ms. Hahn indicated that the word could be taken out. Mr. Baker added that, at one time in the Code, private investigators were all identified as “private investigator/private detective”. Some people chose to go as investigator; some chose detective. There were some situations where a few people did claim to be law enforcement officers. The Code chose to delete the words private detective from the definition and only retain private investigator as the definition. This was done just to eliminate the possibility of people saying detective and giving the impression of being a law enforcement officer.

Ms. Wakefield said she would like to add the amendment to her motion. I would like to make a motion that we accept the regulations as written with the errata sheet amendments and the amendments for HB1817 and also on Section 68C20-171-320.A.14 to delete the newly inserted word detective. Mr. Webb seconded the motion.

Mr. Baker interjected that, if you want us to insert state-issued photo identification to the regulations, then we need to have that amendment added too.

Ms. Wakefield said she would re-state her motion. I would like to make a motion that we accept the regulations as written and presented by staff of DCJS, with the amendments of the errata

sheet, and the amendments to HB 1817, and wherever mentioned photo identification staff-issued insertion or state-issued identification, and delete in the newly entered section for 171-320.A.14 the word detective. Mr. Webb seconded that motion.

Chairman Maxey asked for a vote by the COT members on the regulations. The motion was unanimously carried.

Old Business

Chairman Maxey stated that the next item on the agenda was a presentation on homeland security, presented by George Gotschalk.

A. Homeland Security Training -- George Gotschalk

The Standards and Training Section of the Department of Criminal Justice Services continues to push forward on the issue of homeland security training. As you know, we started this about a year ago with one person, Don Harrison, who is a P-14. The first thing we did was issue a series of cards that we sent to all criminal justice agencies on anthrax and bio-chemical terrorism, which were to be provided to all law enforcement officers throughout the state.

We have continued to modify and deliver a 40-hour training program in this area. The first one we did was in Newport News, assisting Chief Mook who was working on this also. We did two programs for the City of Norfolk. Norfolk has 13-member jurisdictions that comprised the largest response within the area. We did one in Roanoke and one at Crater Criminal Justice Academy. Interestingly enough, we had 42 people from the Eastern Shore to attend a training

program that was requested by Clem Pruitt of the Chesapeake Bay Bridge Tunnel Police. He had representation from every law enforcement agency on the Eastern Shore to attend this particular training program.

Currently, we are looking to provide training in the Shenandoah Valley in the Fall and in Southwest Virginia before Christmas. We are also looking at doing programs in the areas between Fredericksburg and Northern Virginia.

There are also two other areas that we are working on for the future:

1. We are looking at developing a new set of cards for incident command. That appears to be the program we have to concentrate on if we are to get any more money; i.e., you don't get any more money unless you do incident command. We are trying to issue new cards statewide by the end of the summer.
2. We believe that we are going to receive enough money, about \$49,000, to develop some roll-call training videos for distribution to all law enforcement and criminal justice agencies on homeland security. We were just informed of this and have not received all the details yet.

Vigilance and readiness are most important in this area of training and we will continue to go forward with this training. We cannot afford to let our guard down here in this country, regardless of worldwide circumstances. Chief Gaskins has supplied some excellent instructors at every school we've conducted; the State Police have provided some good instructors; everyone has been real good about donating quality people to provide instruction throughout the state on

this issue. We wish to thank them for that because, quite frankly, we cannot afford to pay for private consultants to come in.

That's our update. Are there any questions?

Sheriff Arthur asked Mr. Gotschalk if there was a possibility that Standards and Training could offer in-service credit for this type of training? Mr. Gotschalk answered that they were definitely working on that and should have it in place in the near future, possibly providing it on-line.

B. Curriculum Review Committee Appointments -- Judy Kirkendall

This was continued until September's meeting.

C. Alzheimer's Disease Training Update -- Julie Ana Skone

In response to the 1998 legislation that was passed giving DCJS the authority to set standards for Alzheimer's training at the academy level, the Alzheimer's Advisory Training Committee has been working to ensure that these training initiatives are carried out as efficiently as possible. The intent of the legislature was to ensure that all law enforcement officers in the Commonwealth, both entry-level and in-service, are trained in handling individuals with Alzheimer's disease or a related dementia.

Since 1998, the Alzheimer's Advisory Training Committee developed several comprehensive train-the-trainer instructor training programs for criminal justice personnel which we have reported on at previous COT meetings.

This year the Committee initiated the *Train-the-Trainer Workshop for Law Enforcement Officers*, holding two classes: one in Williamsburg and one at Central Shenandoah Academy. Registration for the Williamsburg class -- held on the campus of Williams & Mary College -- filled up quickly and some individuals were asked to sign up for the class at Central Shenandoah Academy instead. There were 41 instructors present in Williamsburg and 29 participants received training at Central Shenandoah. The Committee feels that this enthusiastic response indicates an increased awareness of this growing problem in communities across the state.

George Gotschalk mentioned the homeland security cards for anthrax that were made available for all law enforcement officers. The Committee also made up Alzheimer's cards and sent these to every law enforcement agency in the state to be given to all law enforcement officers working within the Commonwealth.

Last year one of the Alzheimer's Training Advisory Committee initiatives was to provide information on Alzheimer's Disease to magistrates, Commonwealth's Attorneys, and judges due to the fact that people with Alzheimer's were ending up in the court system as either a victim or as a defendant. The Commonwealth's Attorneys Association was contacted and a request was submitted to make a presentation at their Fall conference. Not only were we given the opportunity to speak at the Fall 2002 Conference, but an invitation was extended to conduct a training session at their Spring 2003 Institute. At their Fall 2002 Conference, Ron Bessent presented an Alzheimer's orientation to over 200 Commonwealth's Attorneys. In addition, at their Spring 2003 Institute, over 70 Commonwealth's Attorneys and their assistants were

provided a more comprehensive training package. As part of this program, all participants of the institute were provided the training outline, extensive Alzheimer's informational handouts, and resource material in their institute notebook ensuring total coverage for this target group.

At the December 2002 CJSB Committee on Training meeting, the mandatory entry-level law enforcement officers training rules were amended to add specific training objectives and criteria on Alzheimer's Disease. These were incorporated to comply with testing requirements for the new law enforcement certification exam to be implemented in July 2003.

In order to determine how successful efforts have been in providing this training to instructors and giving them the resources to train classes at their academies, the Alzheimer's Advisory Training Committee sent out a short letter at the end of 2002 requesting academy directors to report how much Alzheimer's training, both basic and in-service, had been completed since 1999. These reports were then compiled and analyzed to determine the extent that each academy has incorporated this training into their training curricula. The results were incorporated into a report that you have in front of you and will be submitted to the Governor's Commission on Alzheimer's Disease.

Briefly, the survey and report indicate that training has remained consistent at the basic level. Approximately 5,000 officers have been trained since 1999 at the basic level. In-service numbers rose every year following 1999, but then dropped in 2002. To date, a total of only approximately 4,000 incumbent officers of the 17,000 law enforcement officers have been trained. Judging from this survey and report, it appears that many academies have not adopted

the Alzheimer's training into their in-service classrooms. These figures do not include any DCJS-sponsored training or training that has been done in 2003.

However, several academies stand out as being consistent in training both basic and in-service personnel and should be recognized as such. These are noted in the report on page 10. Among these are Cardinal Criminal Justice Academy and Hampton Roads Criminal Justice Academy.

Fairfax County Criminal Justice Academy and the State Police are in the process of training all of their officers at the in-service level during 2003, and that will yield a substantial increase in the number of officers trained in the Commonwealth.

Overall, it appears that many academies have been moderately successful in incorporating Alzheimer's training into their entry-level training schedule. However, based on the lower numbers that were reported, it still appears that the importance of this training is not being carried through to the in-service level.

While much has been accomplished in training criminal justice personnel, we have a long way to go to fully incorporate this topic into regular training schedules. Given that there are over 36,000 total criminal justice officers in the Commonwealth, much work still needs to be done. As the baby-boomers age and the older population continues to grow, it is imperative that all criminal justice personnel have the awareness and understanding of Alzheimer's Disease and dementia. This report makes several recommendations to the Commission which you can read at your leisure.

In addition to continuing the train-the-trainer programs for law enforcement, future DCJS training efforts will concentrate on two specific groups during the next fiscal year. First, plans are underway to schedule at least four training sessions for communication officers/dispatchers for the Fall of 2003. Second, efforts will be initiated to provide training and information to magistrates and judges. We will continue to work with the staff at the Virginia Supreme Court to schedule this training during 2004.

Chairman Maxey asked if there were any questions. Hearing none, he went to the next item on the Agenda.

New Business

Chairman Maxey indicated that, under New Business, the three items are to be presented by George Gotschalk. The first is speed measurement; the second item is the Standards and Training Section status; and the last item deals with the section's new programs.

A. Speed Measurement -- George Gotschalk

As of July 1, 2003, laser speed detection devices will be available to all law enforcement personnel throughout the Commonwealth. Currently, we have Radar Operator Training Guidelines. We also have a Radar Operator Instructors' School, which is 40 hours in length.

Our Radar Advisory Committee is composed of practitioners who deal with radar and laser speed measurement issues. What we have determined is that we would like to come back to you with a

set of guidelines for speed measurement -- not just call it radar or laser. We want to incorporate the radar operator instructor school, which is 40 hours in length, and make it the speed measurement instructor school, keeping it 40 hours in length for both issues in the same program.

The advisory committee feels that this can be done. We have advertised the program, which is going to be run this summer. We have 18 people registered for the program at this time. We will run it as a speed measurement instructor's program for 40 hours. The individual will get both radar and laser materials so they can teach both topics. Rather than just the one radar school, and then having to create a whole new program for the issue of laser, we will have both and not increase the hours. We still have to concentrate our efforts on court issues as they show up with that.

I wanted to inform you about this as it is an issue that will come up in the future. I will come back in September and tell you the results of the speed measurement instructor school and how it fared. Also, at that time, we will have a set of guidelines to present to the COT for your review.

Lieutenant Foxx asked Mr. Gotschalk if they were going to use VASCAR. Mr. Gotschalk indicated that, to his knowledge, the State Police were the only ones who used VASCAR. Lt. Foxx indicated that "pacing" should be included in the program, and Mr. Gotschalk said that he would definitely include that in the format.

B. Section Status -- George Gotschalk

Hearing no further questions, Mr. Gotschalk moved to the next agenda item on the Standards and Training Section Status.

Obviously, funds are tight for all areas of State government operations. We are continuing to scramble to attempt to determine how we are going to function after June 30, 2003. Currently, we have lost the Section Secretary which impacted us in a number of ways. Frankly, what we learned is that it takes approximately 60-90 days to feel the full impact of the loss. We have also lost the position we had which was devoted to criminal history records rules management function.

On June 30th, we lose:

1. P-14 Leoma Terry, who does all of our filing, creating over 100 new files a day, in addition to the update filing which occurs daily.
2. P-14 Aisha Smith, who does 65% of our data entry.
3. Terry Montgomery -- one of our classified employees -- who is one of our Jails Trainers and is very respected among the academies he provides services to. He works primarily in the western part of Virginia, for the Southwest Law Enforcement Academy, central Virginia, the valley area.
4. Bob Cruikshank, who administers our Law Enforcement State Certification Exams.
5. On top of that, Paul Clarke, one of our Regional Field Coordinators, will be retiring effective October 1, 2003.

One of the things, unfortunately, we are going to have to do right away beginning on June 30th is to establish customer service hours. Traditionally, in the past, we've had somebody every day in our office to answer questions relating to individual officer training from 7:30 a.m. to 5:30 p.m. Now, with those people gone and to get that data entry work and filing done, we can only take those questions from 9:00 a.m. to 11:00 a.m., and then 1:00 p.m. to 3:00 p.m. Any other time, we will not answer the phone. This is going to limit to some degree access to questions being answered, but will give more devoted efforts to data entry and filing. Additionally, with the loss of a trainer, we will cease to conduct in-service training sessions unless an academy will pay an instructor's expenses.

We really will not be able to determine the full impact until the individuals are gone and we try to do the work without them. As I stated earlier, it takes approximately 60-90 days to feel the full impact of the loss of manpower. We have no idea about funding for next year, how much we'll have -- will we have more? less? I will continue to update you as we determine the impact of our losses. I am fully aware that the same issues are facing each one of you as well. I just wanted to keep you informed of what's going on with our section.

C. New Programs -- George Gotschalk

With all the bad news, how can one have new programs? You have heard from Julie Ana Skone this morning on the development of Alzheimer's training for communications officers. You have heard about the creation of a new speed measurement instructor program. Additionally, I will be coming to you soon with new speed measurement officer training guidelines. Paul Clark

has been working with the speed measurement committee and the issue of how we can do things differently -- efficient training, but no increase in time.

The Defensive Tactics Advisory Committee is going to give increased emphasis to advanced defensive tactics instructor training on an annual basis for all law enforcement. The committee is also looking at developing training in the area of the mental preparation for defensive tactics. Their comment to me is that the skills are worthless if the mind is not ready to respond. There are some necessary skills to learn in this matter that needs to be taught to all defensive tactics instructors.

You have also heard about new cards for incident command and roll call training videos in the area of Homeland Security.

So, while we are suffering some setbacks as a unit, we are picking some areas to try to continue to move forward, even with limited funding and employees.

Next Meeting

Chairman Maxey asked if there were any questions from the audience or if anyone in the audience wished to speak to the COT. Hearing none, Chairman Maxey indicated that the next meeting is scheduled for September 18, 2003. The details of that meeting will be forthcoming at a later date.

Adjournment

Chairman Maxey asked if there was a motion to adjourn. Motion was made and passed and the meeting was adjourned at 10:20 a.m.

Respectfully submitted,

Dale B. Kastelberg
Recording Secretary

Approved: _____
The Honorable Robert E. Maxey, Jr.
Chairman

Date: _____