

**CRIMINAL JUSTICE SERVICES BOARD
COMMITTEE ON TRAINING**

MINUTES

September 10, 2009

A meeting of the Criminal Justice Services Board Committee on Training (COT) convened at 9:03 a.m. on Thursday, September 10, 2009, 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. Robert L. Bushnell

Sergeant Charles J. Condon

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

Ms. Marlene Randall

Captain Lenmuel S. Terry (*Proxy for Colonel Steve Flaherty, Superintendent, Virginia State Police*)

Mr. Sherman C. Vaughn

Mr. Christopher R. Webb

DCJS Staff Present:

Mark Ammerman	Steve Clark	Donna Michaelis	Gayle Turner
Leon Baker	Sharon Gray	Thomas E. Nowlin	
Ron Bessent	Judith Kirkendall	Mandie Patterson	

Others Present:

Mary Alford, *New River Criminal Justice Academy*
Donna Bolland, *Richmond Police Academy*
William Butters, *Virginia Commonwealth University Police Department*
Jon Cliborne, *Crater Criminal Justice Training Academy*
Chris Cook, *Newport News Police Department*
Ramarr Drudhum, *Fairfax County Sheriff's Office*
Vince Ferrara, *Hampton Roads Criminal Justice Training Academy*
Ramarr Drudhum, *Fairfax County Sheriff's Office*
George Haudricourt, *A.D.T.*
S R Mule', *Henrico County Police Department*
Bill O'Toole, *Northern Virginia Criminal Justice Academy*
Donald Proctor, *Washington Transit Police*
Shane Roberts, *Portsmouth Sheriff's Office*
David L. Rogers, *Department of Corrections/Academy for Staff Development*
Ed Roessler, *Fairfax County*
Joseph A. Sperry, *Henrico County Police Academy*
Ronald Staton, *Central Virginia Criminal Justice Academy*
Dave Vice, *Rappahannock Regional Criminal Justice Academy*
Grant Warren, *Virginia Commonwealth University Police Department*

Call To Order:

Sheriff Phelps called the meeting to order. The roll was called with twelve (12) members present, representing a quorum. (*Sheriff Arthur arrived at 9:38 a.m., and Chief Jacocks arrived at 9:45 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; Ms. Randall seconded, and the motion passed unanimously.

Public Hearings:

**FAST TRACK CHANGES TO THE RULES RELATING TO COMPULSORY
MINIMUM STANDARDS FOR ENTRY-LEVEL LAW ENFORCEMENT OFFICERS**

Sheriff Phelps officially opened the public hearings by reviewing the procedure that would be followed during the process. He noted that the first part of the hearings would deal with the Fast

Track Changes to the Rules Relating to Compulsory Minimum Standards for Entry-level Law Enforcement Officers and that the same procedure would apply to the approval of the Fast Track Changes to the Rules Relating to Compulsory Minimum Standards for Entry-level Jail, Court Security, Civil Process Service Officers. He introduced Ms. Kirkendall to present a brief overview of the Fast Track Changes to the Rules Relating to Compulsory Minimum Standards for Entry-level Law Enforcement Officers and discuss its specific points.

Ms. Kirkendall distributed the fast track changes and comment matrix to the Committee. (*Copies available upon request.*) She noted that the COT had suggested the Curriculum Review Committee (CRC) review changes to fast track the standards. She advised that once the fast track changes were adopted by the COT, the CRC and the COT would move to make the changes in the performance outcomes in the training standards for each of the positions regulated by DCJS (law enforcement, jail, court security/civil process servers, and dispatchers). She noted that Dispatchers were not included in the packet because the Department of Planning and Budget (DPB) believed that the Dispatcher rules should go through the standard Administrative Process Act (APA). She advised that the DPB did approve the two fast track changes being presented that day. She mentioned that she hoped to have the Dispatcher rules for review in the spring of 2010.

Ms. Kirkendall noted that the pages presented in the packets were from the Regulatory Information System and were pages with the actual changes on them. She noted that there were strikethroughs where some performance outcomes were taken out of Sections A and B with grammatical changes for clarity. In Section B, the performance outcomes were moved to the Committee on Training so that it would be the approval authority for performance outcomes, training objectives, criteria and lesson plan guides. Grammatical changes were made to the remainder of the document.

Ms. Kirkendall noted language was added that the Department would be open to receiving suggestions from any interested parties or members of the community as was required by DPB years ago. She indicated that prior to approving changes to the performance outcomes, training objectives, criteria and lesson plan guides were added to incorporate the whole of the standards. All would be reviewed by the CRC then sent out for public comment. There would be a public hearing before the COT, and the COT would vote on whether or not they would submit them to the Criminal Justice Services Board for approval. She also mentioned that the documents sent out to the chiefs and sheriffs excluded the strikethroughs.

Chairman Phelps asked if there were any questions. Mr. Bushnell noted that Paragraph B, "If comment is received at any public hearing, the COT may make a decision at that time," appeared to indicate that the remainder of the process would be bypassed. Ms. Kirkendall responded that this was part of the public participation guidelines because it was a sequential process. She noted that sending out any changes goes through a sixty-day comment period followed by the opportunity for public or verbal comment. She added that there had been times when the Curriculum Review Committee did not agree with the suggested comments, and the person who made the suggested comments is allowed to come to the COT to address the body and express their suggestion.

Mr. Baker explained that this also gave the opportunity that the COT might consider public address to accept comment. He explained that "may" was included as should something

substantial would arise, the COT would have the option to send it back to the CRC. Ms. Kirkendall added that in her thirteen years of working with the Committee the options available were approval, approval with modifications, return to the CRC for further work, or non-approval..

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. He then introduced Ron Staton, President, Virginia Association of Directors of Criminal Justice Training (VADCJT), who had signed up to speak.

Mr. Staton distributed a letter to the Committee on Training and supporting documents relating to packet of the Virginia Administrative Code as it relates to Law Enforcement and Jail/Court Security/Civil Process Service Officers. (*Copies available upon request.*) He advised that some members of the VADCJT had problems with the COT having the authority of approving changes without going through the APA. He indicated that the emails staff sent out to the public were not consistent with those sent out to the chiefs and sheriffs and asked that all future documents be consistent.

After further discussions, Mr. Staton indicated that the VADCJT wished to have those documents reflect the decision made on June 11, 2009. He noted that the VADCJT also felt the documents should be modified to comply with the others.

Chairman Phelps asked if there were any questions or comments. Mr. Bushnell mentioned that the letter sent by the VADCJT was the reason he inquired about the line **Paragraph B**. He added that the passage seemed to empower the COT but did not require the group to make changes suggested by comments as opposed to his suggestion that comments be sent back to the COT. Mr. Staton responded that he interpreted the passage to mean that if one came before the COT and made suggestions for change, those changes could not be made until the public was again notified to make those changes.

Mr. Bushnell responded that Mr. Baker had clarified that the passage was in reference to substantial changes. He added that if the changes were not significant (e.g. punctuation change), there would be no requirement to send back for public comment. He noted that his concern was that any public comment that made a suggestion other than what was proposed and automatically triggered a mandatory CRC action would stymie the process. He indicated that he liked the idea that there was an option to send items back to the CRC. He added that he believed that the VADCJT could work well with staff and the CRC without having friction.

Mr. Baker clarified that **Paragraph B**. would say that changes to the performance outcomes, etc., would have to go before the CRC as they were substantive changes. He added that by keeping the language as written all changes would have to go back to the CRC.

Chairman Phelps asked if the Committee wanted to discuss the suggested changes individually. Mr. Bushnell made a motion to approve the suggested changes. Mr. Vaughan seconded, and the motion was carried unanimously.

FAST TRACK CHANGES TO THE RULES RELATING TO COMPULSORY MINIMUM STANDARDS FOR ENTRY-LEVEL JAIL, COURT SECURITY, AND CIVIL PROCESS SERVICE OFFICERS

Ms. Kirkendall distributed the fast track changes and comment matrix to the Committee. (*Copies available upon request.*) She advised that language previously mentioned in the fast track changes to the Rules Relating to Compulsory Minimum Standards for Entry-level Law Enforcement were already listed in the Rules Relating to Compulsory Minimum Standards for Entry-level Jail, et. al. She mentioned that no one had pre-filed. However, Mr. Staton had signed the speaker list to speak. Mr. Staton responded that he mentioned all suggestions in his previous remarks.

Chairman Phelps asked if there were any other questions or comments. Hearing none, Mr. Webb made a motion to accept the suggested changes, Mr. Hodges seconded, and the motion carried unanimously.

Mr. Baker noted that this information was sent out by Ms. Kirkendall apologizing for not including this language in all of the emails. He advised that the best way to ensure awareness of receipt of all information would be to join the Town Hall as notices regarding all regulatory actions are posted and then sent automatically to interested parties. He noted that the Department would be in accordance with the APA in posting regulatory actions.

Old Business:

Update on Campus and School Security Training Issues.

Chairman Phelps introduced Steve Clark, Office of Training and Programs, to report on the 2009 Virginia School and Campus Safety Forum and the status of the new Campus Security Officer Certification Program, and the upcoming Virginia Tech Threat Assessment Team Training. Mr. Clark asked Donna Michaelis, who was present at the meeting, to assist with the presentation as they had worked together on all of the projects. He noted that in an effort to get the most of the training dollars, they combined a lot of the usual trainings in one location and added several others. Mr. Clark indicated that the conference was conducted as a joint effort of the Virginia Dare Association, Virginia State Police, Alcohol and Beverage Control, and other agencies.

Mr. Clark noted that the Advisory Committee had met four (4) times a year since the project started, which also provided oversight and guidance regarding curriculum. Liberty University, Roanoke College, Washington and Lee University, J Sergeant Reynolds Community College, Randolph College, the University of Virginia and James Madison University. He noted that the Department provided none of the training as subject matter experts volunteered to deliver the training. He noted that they continue to work with staff on this project.

Mr. Clark distributed a summary of all of the schools and campus safety trainings. (*Copies available upon request.*) He advised that school safety referred to grades K – 12, and campus safety was in reference to higher levels of education. He indicated that the numbers were

substantially less. Yet, they had worked hard to do their best in terms of research and staffing.

Mr. Clark advised that future trainings of School Resource Officers (SRO) and School Security Officers (SCO) were scheduled for October 2009. He noted that a training session for Campus Security Officer (CSO) Certification was scheduled during the Thanksgiving and Christmas breaks as schools would not be in session and personnel could be able to attend the training. He added that they were working with the system to approve instructors who are subject matter experts and work throughout Virginia. They were also looking to offer training in an online format. He noted that they were reviewing three different systems and hoped to be up and running by the end of 2009.

Mr. Clark mentioned that in addition to basic training, all CSO's must have first aid training, be knowledgeable of the command system online by the Federal Emergency Management Administration (FEMA), and have a fingerprint-based background check.

Ms. Micahelis added that the Virginia Tech Project discussed ways they could enact legislation to better effect their training. She mentioned that Dr. Dewey Cornell, University of Virginia, devised a threat assessment system after the Columbine incident. She noted that there were approximately one hundred and fifty (150) participants on the focus group. In February 2009, Dr. Cornell's study came out and DCJS was able to provide this training as part of its courses on threat assessments.

Ms. Michaelis mentioned that in the aftermath of the Virginia Tech incident, grant monies were made available to the Department. With Secretary Marshall's permission, the Department would be conducting training at Virginia Tech on December 1 and 2, 2009. They propose to provide this same training in March and April 2010.

Mr. Bushnell asked Ms. Michaelis to explain more on Threat Assessment. Ms. Michaelis advised that the legislature laid out which individuals needed to be on the threat assessment scene. She noted that some community colleges did not have the means to have a police department onsite. Some changes needed to be made to observe behavior on the community college level to engage those disciplines that were not currently available. Ms. Michaelis noted that the main objective was to educate everyone on odd behavior and provide a means to report such anonymously. She indicated that there was a way to anonymously report incidents through residential life, Resident Advisors (RA), or to the police departments. Also, if a faculty member noticed an alarming paper written by a student or a roommate observed disturbing behavior, these incidents could be reported online, anonymously, or through direct contact with the proper authorities.

Ms. Randall asked how college campuses were reaching out to off-campus students to guarantee their safety. Mr. Clark responded that they were in ongoing discussions and noted that Randolph Macon was dealing with that same issue. There was some guidance to offer local law enforcement agencies. He added that the best case scenario was how they built the threat assessment team. He noted that there was a serious problem if colleges had off-campus students and there was no communication between local law enforcement and campus police departments. However, some schools have a lot of leverage in controlling behavior of students off campus. He advised that as they get further down the road, these others issues are going to come out of the advisory committee.

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

New Business:

Update on ACE System

Chairman Phelps introduced Ms. Kirkendall to update the Committee on the ACE System used by the Department and the training academies. Ms. Kirkendall noted that Janet Shaefer, SBF Designs and author of ACE System, had done significant revisions to the software. She advised that there would now be a provision that would allow staff to retire some of the deleted objectives so that the numbering system could work out and objectives could be added on at the end. She noted that the outcome would be less cumbersome and that changes had already been made to the law enforcement outcomes. Staff would now be working on the jails outcomes, and they hoped to have the dispatcher outcomes completed by September 19, 2009. She advised that once Ms. Schaefer completed the remainder, the changes would be forwarded to the academies.

Ms. Kirkendall indicated the 2009 changes had not been sent out for public comment. However, she was hoping to institute those by the end of the following week for the 60-day comment period. She added that she wanted to use the whole system for the first 2009 changes.

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, December 10, 2009.

Adjournment

Mr. Bushnell referred to the Governor's budget cuts and noted that the total reductions to the Department's budget was more than \$16 million. He indicated that \$641,000 was a reduction to the awards of regional training academies. He asked if the Department was pondering how adequate training to law enforcement with such a substantial cut. Mr. Webb responded that the community would raise their fees to the member localities/agencies

Mr. Bushnell observed that counties might seek to pursue funds available through asset forfeitures. He indicated that he would hope that the academies would the Department in managing training. Mr. Staton noted that he had spoken with John Colligan, DCJS Director of Administration, that the funds would be reduced by fifteen percent (15%). He indicated that each academy would have to modify their budget, which would be difficult considering a 26 – 27% decrease.

Chairman Phelps noted that there would not be many resources available. He acknowledged that his main goal as sheriff would be to ensure that no one lost their jobs. Therefore, other cuts would have to be considered, although job cuts might be necessary later. Captain Terry mentioned that VSP has had to lay people off and put a cap on the numbers they were training.

Mr. Bushnell indicated that he was confident that Virginia's law enforcement community would rise to the occasion. We acknowledged that the entire community would have to work harder. He advised that a conversation with the sheriff of Henry County revealed that their agency would not have manpower to send to academies to teach or write lesson plans. Mr. Bushnell asked if the Department might be able to provide lesson plans. Chief Jacocks noted that instructors would only have to teach and would not be required to supply a lesson plan. He indicated that a bank of lesson plans could be provided.

Mr. Vaughan mentioned that counties and cities would not have funds available to come to the aid of training. He advised that 2010 would be worse for localities than 2009.

Sheriff Phelps asked for a motion to adjourn. Ms. Randall made a motion to adjourn the meeting, which was seconded by Mr. Hodges and was carried unanimously. The meeting was adjourned at 10:04 a.m.

Respectfully submitted,

Thomas E. Nowlin
Recording Secretary

Approved: _____
The Honorable Charles W. Phelps
Chair

Date

Attachment(s)