

# Virginia State Crime Commission

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## Law Enforcement Training Academies

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2012

# Law Enforcement Training Academies

## Executive Summary

In 2012, the Virginia Department of Criminal Justice Services (DCJS) requested the Crime Commission to conduct a study of the regional criminal justice academy concept, as well as other academy models, to help determine whether Virginia's current model is the best approach or if other models would provide a more effective and efficient training environment. Due to the large scope of training offered by criminal justice training academies, the current study focused solely on law enforcement officer training provided by regional criminal justice academies and independent training academies.

Crime Commission staff utilized several methodologies to assess the issue, including examining relevant literature, meeting with key stakeholders, and creating an informal work group. Staff also disseminated four distinct, comprehensive surveys to all regional and independent law enforcement training academy directors, regional criminal justice academy member agencies and the Peace Officer Standards and Training (P.O.S.T.) directors of other states.

There are two basic types of law enforcement academy models in Virginia: regional criminal justice academies and independent academies. There are potential advantages and disadvantages for both types of academies. A review of relevant literature and data revealed that the fiscal stability of regional criminal justice academies has been an ongoing concern. The two primary factors leading to such instability are changes in academy membership and the reduction in state funding via general funds.

An informal work group with various representatives was created to discuss the issue and to assist in developing a comprehensive survey for all law enforcement academy directors and regional academy member agencies. The academy director surveys focused on a number of key issues related to law enforcement training, including academy/agency background, academy instructors, and resource sharing, as well as basic, field, and in-service training for law enforcement officers. The survey also examined the total number of officers served, retention rates, record keeping concerns, liability involvement, and overall concerns related to the delivery of law enforcement training across the state. The survey for regional academy member agencies focused on agency background, membership fees, membership changes and overall satisfaction with their respective regional academy. Similar to the academy director surveys, member agencies were also asked about academy instructors and other in-kind contributions, field and in-service training, record keeping, liability involvement, and overall concerns related to the delivery of law enforcement training across the state.

The final survey was disseminated to the P.O.S.T. directors of the other 49 states, and focused on the total number of law enforcement officers served within each state,

compulsory minimum training standards required by statute for basic, field and in-service training, an overview of their academy model for delivering law enforcement training, and a description of their record management system for law enforcement training records. Findings indicate many different model options for delivering mandated criminal justice officer training across the United States.

The Crime Commission reviewed study findings at its October 2, 2012, and November 13, 2012, meetings and directed staff to draft legislation for several key issues. As a result of the study effort, the Crime Commission endorsed the following legislative recommendations at its December 5, 2012, meeting:

**Recommendation 1:** Amend Va. Code § 2.2-4002 by providing an exemption from the Administrative Process Act for DCJS when developing, issuing or revising any training standards established by the Criminal Justice Services Board (CJSB) under § 9.1-102.

**Recommendation 2:** Amend Va. Code § 2.2-2618 to require the Commonwealth's Attorneys' Services Council (CASC) to provide annual legal update materials to law enforcement agencies, training academies, and DCJS.

**Recommendation 3:** Amend Va. Code § 9.1-102 to require (i) each certified criminal justice training academy to submit an annual report evaluating how the academy is meeting its performance and training objectives and its current and projected operating budgets, with each report being provided to the Chairs of the Senate Finance and House Appropriations Committees, the Criminal Justice Services Board, and the Virginia State Crime Commission; and, (ii) DCJS to provide each academy with an annual evaluation based on the academy's own annual report, as well as internal audits, field visits and other relevant information.

**Recommendation 4:** Amend Va. Code § 9.1-102 to allow DCJS to provide direct assistance to any certified criminal justice training academy that is not meeting established minimum standards or performance objectives, including assisting with staffing needs and management of the daily operations of the academy.

**Recommendation 5:** Amend Va. Code § 15.2-1705 related to minimum qualifications of law enforcement officers and § 15.2-1707 to expand the grounds for decertification to now include law enforcement officers who have been convicted of or pled guilty or no contest to a Class 1 misdemeanor involving moral turpitude or any offense that would be a Class 1 misdemeanor involving moral turpitude if committed in Virginia, or who have been convicted of any sex offense or domestic assault under the laws of the Commonwealth, another state, or the United States.

**Recommendation 6:** Amend Va. Code § 15.2-1707 to require law enforcement agencies to notify DCJS when an officer meets the qualifications for decertification.

In regards to policy recommendations, the Crime Commission endorsed the following:

**Policy Recommendation 1:** Request the Joint Legislative Audit and Review Commission (JLARC) to conduct a detailed cost-benefit analysis of Virginia’s criminal justice training academies. The study would also include examining the feasibility of expanding available training options in collaboration or conjunction with institutions of higher education. A letter was sent to JLARC requesting that this study be conducted, however, due to a lack of staff, the study would not be completed in a timely manner.

**Policy Recommendation 2:** Consider amending Va. Code §§ 16.1-69.48:1, 17.1-275.1-4 and 17.1-275.7-9 to increase the fixed fee for court costs apportioned to regional criminal justice training academies.

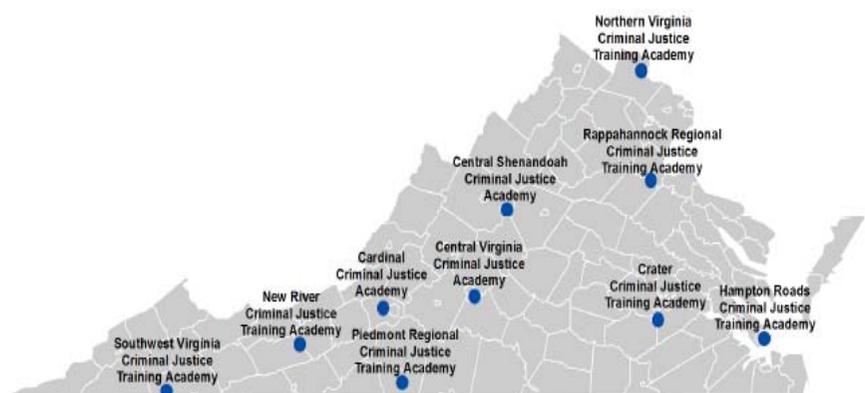
## Background

Virginia has almost 20,000 certified law enforcement officers and 378 local, state, campus, and private law enforcement agencies. There are 38 certified criminal justice training academies in the state – 10 regional, 19 independent, and 9 other types of academies.<sup>1</sup> However, all Virginia law enforcement officers receive their training at either a regional criminal justice training academy (“regional academy”) or an independent training academy.<sup>2</sup>

### OVERVIEW OF REGIONAL ACADEMIES

Regional academies train recruits and officers for a specific geographic region of the state. Regional academies were established between 1965 and 1997 and serve anywhere from 12 to 65 member agencies. Currently, the regional system is divided into 10 distinct regions as illustrated in Figure 1 below. This was done in order to provide efficient delivery of mandated training to local criminal justice personnel.

Figure 1: Location of Regional Criminal Justice Training Academies



Source: Department of Criminal Justice Services, 2011.<sup>3</sup>

It should be noted that under 6VAC20-90-30, each regional academy must have a charter that creates an academy governing body, which specifies the composition, authority and functions of the academy governing body, selection criteria and duties of the regional academy director.

## OVERVIEW OF INDEPENDENT ACADEMIES

Independent training academies include any “... state or local criminal justice agency which is not affiliated with a regional training academy and who serves as their own independent academy for training their own, and/or other authorized personnel...”<sup>4</sup> Independent academies were established as early as the 1950s to as recently as 2011. These academies are based at agencies that have anywhere from 39 to 2,000 officers. There are currently 19 independent criminal justice academies in Virginia that serve the following types of primary law enforcement agencies:

- 7 City Police Departments;
- 5 County Police Departments;
- 4 State Policing Agencies;
- 1 County Sheriff's Office;
- 1 Campus Police Department; and,
- Virginia State Police.

The geographic distribution of independent training academies serving primary law enforcement agencies includes nine in the Metro-Richmond area, five in the Hampton Roads area, two in northern Virginia, two in the Southwest region and one in the Eastern Shore. Specifically:

- Chesapeake Bay Bridge Tunnel Police Department
- Chesapeake Police Department
- Chesterfield County Police Department
- Division of Capitol Police
- Fairfax County Police Department
- Hampton Police Department
- Hanover County Sheriff's Office
- Henrico County Police Department
- Newport News Police Department
- Norfolk Police Department
- Prince William County Police Department
- Richmond Police Department
- Roanoke County Police Department
- Roanoke Police Department
- Virginia Department of Alcoholic Beverage Control
- Virginia Beach Police Department
- Virginia Commonwealth University Police Department
- Virginia Department of Game and Inland Fisheries
- Virginia State Police.<sup>5</sup>

## ACADEMY MEMBERSHIP, CREATION, AND DECERTIFICATION

There are provisions in place that outline the process for changing academy membership, creating a new academy and for decertifying academies that do not meet certification standards established by the Virginia Code.

All local or political subdivisions may be permitted to (i) change to a different regional academy; (ii) change from an independent to a regional academy; or, (iii) change from a regional to an independent academy. Regional academies may also be permitted to merge with one another.

Provisions on the creation of new academies are provided in Virginia's Administrative Code, under 6VAC20-20-61. In order to create a certified academy, a state or local unit of government must demonstrate two components. First, they must show the inability to obtain adequate training from existing academies or show sufficient hardship rendering the use of other existing academies as impractical. Second, they must provide evidence for a sufficient number of officers to warrant the establishment of a full-time training function for a minimum of five years.

Finally, DCJS may suspend or revoke the certification of any training academy upon written notice pursuant to 6VAC20-20-61(G). Although no academies have been suspended or decertified in the past two years, there is some concern that any deficiencies need to be dealt with more efficiently.<sup>6</sup> As such, monthly audits by DCJS field representatives began almost two years ago. However, there arguably needs to be additional corrective measures available to DCJS that could be used prior to the suspension or decertification of an academy. Allowing DCJS to provide direct assistance to academies not meeting minimum training standards or performance objectives would help (i) avoid the possibility of academy decertification; (ii) ensure that officers are receiving the established minimum training; and, (iii) provide an efficient response to concerns in contrast to the current protocol, which can take months to bring an academy back into compliance. Related are concerns about successful academy recertification, which takes place every three years. Comprehensive annual self-assessments by academies are needed to readily identify and address any issues in order to ensure that each academy is on track for recertification. Likewise, annual evaluations by DCJS would provide early detection of any issues or deficiencies that can be addressed in order to ensure that each academy is on track for recertification. Recommendations related to DCJS assistance, annual academy self-assessments and annual evaluations were endorsed by the Crime Commission.

## DCJS' 2011 FISCAL REVIEW OF REGIONAL ACADEMIES

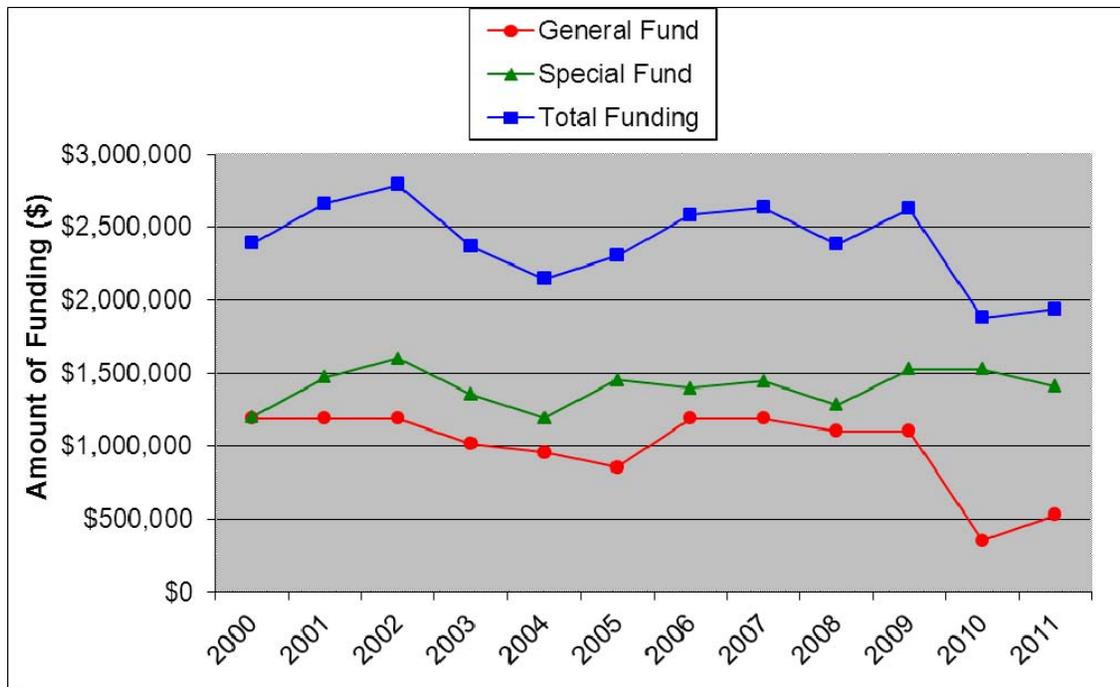
The Criminal Justice Services Board (CJSB) is the supervisory board of DCJS and is the approval body for policies related to criminal justice standards and training. The DCJS establishes policy, as well as compulsory minimum entry-level, in-service and advanced training standards for criminal justice officers, including law enforcement officers, correctional officers, jailors, court security/civil process officers, and dispatchers. Pursuant to the 2011 Appropriations Act, DCJS was asked to prepare a fiscal review of regional criminal justice training academies.<sup>7</sup>

Their 2011 report listed a number of pertinent findings.<sup>8</sup> First, the fiscal review revealed that regional academies are funded through various sources. The academies are funded primarily through fees paid for criminal justice officer training by the member criminal justice agencies. The secondary source is state funding and the balance of funding stems from other sources, such as grants, tuition and fees for special programs, pre-employment recruits, interest on accounts, and in-kind contributions from member agencies. They found that each regional academy has a unique financial situation and composition.

Two main factors were found to be currently affecting regional academy funding and revenues. The first factor is the reduction of state funding. State funding for regional academies comes from two sources: general funds and special funds based on a fixed fee attached to convictions for misdemeanors, felonies and traffic cases in district and circuit courts across the state.<sup>9</sup> The fixed fee special funding has remained fairly consistent since 2000, whereas general funds have decreased significantly.

Specifically, total state funds for regional academies have experienced a significant drop over the past 12 years, from \$2.38 million in Fiscal Year (FY) 2000 to \$1.93 million in FY2011. Again, as shown in Figure 2 below, the significant drop in funding is reflected in the total general funds allocated; the special funding has remained fairly consistent.

Figure 2: State Funding for Regional Academies by Source, FY2000-FY2011



Source: Chart created by VSCC staff; Figures drawn from 2000-2011 Appropriations Acts.

The second factor impacting regional academy revenue is the loss of member agencies. Whenever a member agency withdraws, that regional academy loses financial and in-kind support.<sup>10</sup> This is especially problematic when larger member agencies depart to form their own independent academies, which has been the trend. In 2000, primarily due to concerns relating to large agencies withdrawing from the regional academy system to create their own independent academies, a moratorium on the establishment of new academies was created under the Appropriations Act, Item 465, B1.b. to: "...not approve or provide funding for the establishment of any new criminal justice academy..." This moratorium is effective through June 30, 2014. However, subsequent Appropriations Acts have been used to *allow* for the establishment of four new independent academies in 2007, 2009, 2010, and 2011.<sup>11</sup> The funding shortage and withdrawal of member agencies has led regional academies to negotiate withdrawal fees from agencies that leave the academy, increase member agency training fees, maximize in-kind contributions from member agencies, offer training to non-member agencies, or over-rely upon existing/limited reserves.<sup>12</sup>

It should be noted that concerns related to the funding and membership instability of regional academies have existed since the 1980s.<sup>13</sup> Such concerns continue to exist. While DCJS noted that most regional academies are currently meeting their training mission, they warned that if member agencies continue to leave regional academies, there may be too much additional pressure on the remaining agencies to provide the revenue to maintain the academy as a viable training entity, especially if state funds continue to diminish.

In March 2012, DCJS requested the Crime Commission conduct a study of the regional academy concept, as well as other academy models, to help determine whether Virginia's current model is the best approach or if other models would provide a more effective and efficient training environment. Due to the large scope of criminal justice officer training, the Crime Commission study focused solely on law enforcement academy training.

## Study Findings

In order to examine this issue, staff completed a number of activities, including a review of relevant literature, meetings with key stakeholders and an informal work group, as well as comprehensive surveys to all law enforcement academy directors, regional academy member agencies and the P.O.S.T. directors of all other states.<sup>14</sup>

### INFORMAL WORK GROUP

In order for Crime Commission staff to obtain a full understanding of the issues surrounding law enforcement academies and training, staff requested assistance from key stakeholders to discuss and assist in the development of comprehensive surveys for all academy directors and regional academy member agencies. Staff invited representatives from the following agencies and organizations to participate:

- Regional and independent academy directors;
- Chiefs of Police and Sheriffs that serve as primary law enforcement;
- Virginia Association of Chiefs of Police;
- Virginia Department of Criminal Justice Services; and,
- Virginia Sheriff's Association.

## ACADEMY DIRECTOR SURVEYS

Staff disseminated surveys to all directors of regional and independent training academies.<sup>15</sup> All (10 of 10) regional academy directors and 95% (18 of 19) of independent academy directors responded to the survey, providing an extremely high response rate. The surveys addressed a number of key issues that will be discussed below.

### *Academy Accommodations and Accreditation Status*

Academies can be commuter-based, residential, or both. Sixty percent (6 of 10) of regional academies are commuter-based, with the other 40% (4 of 10) being both commuter and residential or having dorms available if needed. Most of the independent academies, 83% (15 of 18) are commuter-based, with only 17% (3 of 18) being residential. The resources available to academies vary widely in regards to educational equipment (e.g., computer labs, laptops, classroom AV equipment), weapons training (e.g., outdoor/indoor firearms ranges, firearms training simulators), physical training (e.g., weight rooms, gymnasiums, obstacle courses, swimming pools), driving training (e.g., driving training facilities or tracks, driving simulators), as well as other resources including courtrooms, mock courtrooms or facilities for advanced tactical training.

Most academies have additional satellite locations for training. Seventy percent (7 of 10) of regional academies and 72% (13 of 18) of independent academies have additional satellite locations for training. The majority of training provided at satellite facilities is for in-service and advanced/specialized training.

Criminal justice training academies can be accredited by the Commission on Accreditation for Law Enforcement Agencies (CALEA). Accreditation can be beneficial in that it provides a uniform set of written directives based on national best practices. Accreditation can also limit an agency's liability and risk exposure. It should be noted that accreditation can be very costly, and even though many law enforcement academies, let alone *agencies*, are not accredited, many will base their policies on such accredited standards and best practices. As of October 2012, 10% (1 of 10) of regional academies and 39% (7 of 18) of responding independent academies were accredited by CALEA.

### *Academy Instructors*

Academy instructors are a vital component of law enforcement training. Any mandated training must be carried out by a DCJS-certified instructor who is designated to instruct in at least one of several specific subject areas: general, firearms, defensive tactics,

driver, or speed measurement training. Compulsory minimum standards for instructors are set forth pursuant to 6VAC20-80-20.<sup>16</sup> For instance, instructors must meet minimum education and experience requirements. The DCJS requires that instructors have a high school diploma or GED and two years of experience; however, some agencies require an additional year of experience. Instructors must be recertified every three years pursuant to 6VAC20-80-30. Many officers will hold multiple instructor certifications. Across Virginia law enforcement agencies and academies, there were:

- 8,313 certified general instructors;
- 2,703 certified firearms instructors;
- 1,227 certified defensive tactics instructors;
- 804 certified driver training instructors; and,
- 431 certified speed measurement instructors.<sup>17</sup>

Regional academies rely on permanent academy staff, as well as instructors from member agencies. Survey findings indicate that 80% (8 of 10) of regional academies require member agencies to provide instructors or officers to assist with instructional activities. Independent academies rely primarily on officers within their agency who have other primary assignments. Both kinds of academies rely upon civilians and volunteers to assist with specialized instruction or instructional support. A number of academies cited some difficulties with assigning instructors to courses due to manpower shortages or scheduling conflicts; however, they said that most of these concerns were typically able to be managed. Other survey respondents expressed concern related to the consistency of training provided to recruits and officers with so many different instructors. To help address this issue, nearly all academies reported that they provide syllabi or lesson plans to instructors for *each* class or course.

All academies evaluate the performance of instructors. There are several methods of evaluation, including student evaluations, supervisor evaluations, peer evaluations, academy director/staff evaluations, DCJS field representative evaluations, or classroom cameras. The DCJS has a mechanism for decertifying instructors who do not meet certain standards. This revocation process is separate and distinct from individual officer decertification. In other words, an instructor can be decertified but still remain a certified law enforcement officer. Instructor certification can be revoked if the instructor:

- Falsifies any report, form or roster;
- Demonstrates instructional incompetence; and/or;
- Misuses his authority.<sup>18</sup>

Over the past two years, four instructors' certifications have been revoked. Such individuals cannot reapply for instructor certification for a period of three years.

### ***Resource Sharing***

As far as resource sharing, many academies indicated that they do, or would permit recruits and officers from other agencies to attend their basic and in-service training under special circumstances. Specifically, for *basic training*, 100% (10 of 10) of regional

academies indicated that they do or would under special circumstances and 63% (10 of 16)<sup>19</sup> of independent academies indicated that they do or would under special circumstances. More academies permit officers from other agencies to attend their *in-service* training. For in-service training, 100% (10 of 10) of regional academies and 89% (16 of 18) of independent academies indicated that they do or would permit outside students under special circumstances.

Many academies, and some member agencies, are willing to share their instructors with other academies. For instance, 60% (6 of 10) of regional academies will send their instructors to other academies or would under special circumstances; 78% (14 of 18) of independent academies will send their instructors to other independent or regional academies.

### ***Pre-Employment and Academic Credit Programs***

There are a couple of specific training options that should be mentioned. The first option is known as a pre-employment program. Pre-employment programs allow a recruit to independently complete basic law enforcement training at a regional academy and then be hired by a law enforcement agency at a later date.<sup>20</sup> Most, 70% (7 of 10), of regional academies offer such a program. These programs were established in the mid-1990s, and as recently as 2010. Survey findings indicate that at least 52 member agencies and four independent academy agencies have hired graduates from such programs.

The pre-employment model is often viewed as a “win-win” approach for many of the key stakeholders, as it is seen as a source of revenue for the regional academies and shifts the burden of training costs from member agencies to individual recruits. Veterans may also qualify to be reimbursed for the cost of such training under the Post-9/11 GI Bill.<sup>21</sup>

An additional option for basic law enforcement academies is to forge an agreement with a college or university that permits recruits to receive academic credit for completing their basic training program. This allows qualified recruits to complete credit towards an undergraduate degree simultaneously with earning law enforcement certification. Specifically, 70% (7 of 10) of regional academies and 56% (10 of 18) of independent academies have such agreements. These agreements are with all types of higher education institutions (both in- and out-of-state), including two year community colleges, four year colleges and universities, as well as private, for profit institutions.

It must be stressed that, in the Virginia model, no law enforcement training is provided by colleges or universities; whereas, in many other states, academies are actually *operated* by colleges and universities. Specifically, a study by the Bureau of Justice Statistics found that almost half of the academies across the nation are operated by academia.<sup>22</sup> This has been recognized as an option for Virginia to consider. For instance, a 2004 study by DCJS examined alternative training delivery methods for criminal justice officers, with specific attention placed upon utilizing the Virginia Community College System, to possibly reduce the cost of training.<sup>23</sup> They recommended that JLARC conduct an in-depth study to ascertain if this was a viable option. The Crime

Commission similarly endorsed this concept. This method of partial outsourcing could assist academies with instructor shortages and limited course offerings. This would also provide another way for recruits and officers to gain academic credit.

**Virginia Law Enforcement Training**

The CJSB is the approval authority for the training categories and hours of compulsory minimum training standards, whereas the Committee on Training (COT) of the CJSB is the approval authority for the performance outcomes, training objectives, criteria, and lesson plan guides that support performance outcomes.<sup>24</sup>

The compulsory minimum training standards for law enforcement officers in Virginia include:

- 480 hours of basic training hours;
- 100 hours of field training;
- 40 hours of in-service training every two years; and,
- Annual firearms qualifications.

The following subsections highlight some of the information captured for these law enforcement training components.

*Basic Law Enforcement Training*

As seen in Figure 3 below, all academies significantly exceed the 480 hour compulsory minimum training standard required for basic training. Independent academies have slightly higher training hours/length, which is to be expected, due to their providing additional agency-specific training within their basic training.

**Figure 3: Comparison of Basic Academy Training Between Regional and Independent Academies**

Basic Training Overview	Regional Academies (n=10)	Independent Academies (n=16)
Range of Basic Training Hours	680 – 949	624 - 1,690
Average Basic Training Hours	776	1,016
Median Basic Training Hours	760	960
Range of Basic Academy Length	4.5 - 6 months	5 - 8.5 months
Average Length of Basic Academy	4.5 months	6 months

Source: Virginia State Crime Commission, Regional and Independent Academy Directors Survey.

Per DCJS standards, there are nine performance outcomes for law enforcement officers, including professionalism, legal issues, communications, investigations, patrol, defensive tactics/use of force, weapons use, driver training, and the optional category of physical issues. As seen in Figure 4, in general, regional and independent academies reported having similar median hours per category, with the exception of investigations, weapons use and “other,” which again makes sense due to independent academies presenting agency-specific curriculum.

**Figure 4: Regional and Independent Academies – Median Hours per Performance Outcome Category**

Category	Regional Academies- Median Hours	Independent Academies- Median Hours
Professionalism	11	12
Legal Issues	109	82
Communication	28	30
Patrol	199	200
Investigations	40	80
Defensive Tactics/Use of Force	95	80
Weapons Use	53	95
Driver Training	48	52
Physical Training	60.5	71
Other	48	108

*Source: Virginia State Crime Commission, Regional and Independent Academy Directors Survey. n= 10 regional academies and 16 independent academies.*

**Retention Rates**

Retention rates across basic law enforcement academy classes vary widely for both regional and independent academies. There are many different reasons why recruits do not complete a basic training academy class, such as voluntarily withdrawing, accepting an offer from another agency, the inability to pass minimum qualifications, termination for conduct/behavior, and, of course, injury or illness. Figure 5 illustrates that the retention rate is significantly lower at independent academies. Unfortunately, however, the data does not reliably indicate *why* the retention rate is significantly lower.

**Figure 5: Regional and Independent Academies-Retention Rate for the Past 5 Academy Classes**

Retention Rate for Past 5 Academy Classes	Regional Academies (n=10)	Independent Academies (n=16)
Range of Recruits per Academy Class	8 to 86 recruits	6 to 101 recruits
Range of Retention Rates	67%-100%	33%-100%
Average Retention Rate	91%	79%
Median Retention Rate	93%	80%

*Source: Virginia State Crime Commission, Regional and Independent Academy Directors Survey.*

### ***State Certification Exam***

Since 2003, all law enforcement officers completing basic training are also required to successfully complete a statewide certification exam, which is developed and administered by DCJS pursuant to Va. Code § 15.2-1706. This comprehensive exam provides testing on all eight required categories of performance outcomes.

The certification exam should be modified accordingly whenever training standards change. However, concern was voiced by stakeholders that the exam has not been revised for some time, and some of the questions are not up-to-date.

### ***Field Training***

Field training typically occurs after a recruit has completed the basic academy class; however, it should be noted that some of the independent academies will conduct field training during the basic academy class and will place recruits with a field training officer in order to expose the recruit to calls for service and how such calls may be handled. Every recruit is required to complete a minimum of 100 hours of field training. Field training certifies that an officer has demonstrated competency in all performance objectives pursuant to Va. Code § 9.1-102 and 6VAC20-20-40. Currently, there are nearly 100 performance objectives.

Regional academies do not provide any field training; rather, it is provided by the hiring agency. All independent training academy agencies and regional academy member agencies require field training for law enforcement officers. Most agencies significantly exceed the 100 hour compulsory minimum training standard required.

### ***In-Service Training***

Once certified, every law enforcement officer must complete in-service training provided by a certified training academy. Specifically, each officer must complete a

minimum of 40 hours every two years, as well as annual firearms training. All regional and independent training academies provide in-service training for law enforcement officers.

The required 40 hours of in-service training every two years is broken into the following categories:

- 34 hours of career development training;
- 4 hours of legal training; and,
- 2 hours of cultural diversity training.

Additionally, every officer is required to meet annual firearms qualifications, which includes a policy review of weapons safety, nomenclature, maintenance and use of force.

In order to meet the 40 hour requirement, there are many different types of in-service and specialized courses offered at academies across Virginia, such as active shooter, advanced firearms, advanced narcotics, advanced investigations, bicycle patrol, building searches, crash reconstruction, crowd management, HAZMAT, hostage negotiation, K-9, leadership/command staff training, less-than-lethal weapons, mental health, motorcycle patrol, mounted patrol, RADAR/LIDAR, SWAT, and VCIN certification or recertification. Some of these courses are even offered on-line, with 90% (9 of 10) of regional academies and 61% (11 of 18) of independent academies offering various on-line courses.

Some academies and agencies indicated that they would like to see in-service requirements for defensive tactics and driver training.<sup>25</sup> Others mentioned exploring physical fitness standards and a cost-effective online in-service library. Finally, a number of respondents also expressed concern that the required cultural diversity training was either outdated, repetitive, or both.

In terms of legal training and updates, survey findings and discussions with key stakeholders indicated that non-attorneys often teach legal updates with materials that may not have come from an attorney. No single agency is entrusted with the responsibility of preparing such materials for law enforcement training. In order to ensure consistency in legal training to law enforcement officers across the state, Crime Commission staff recommended that the Commonwealth's Attorneys' Services Council be required to provide annual legal update materials that can be used by all law enforcement agencies, academies, and DCJS.

### ***Liability Concerns***

While it is highly improbable that a criminal justice training academy would be held liable under a § 1983 suit<sup>26</sup> for failure to train, staff still inquired as to whether any academies were involved in litigation related to training. Only a few academies reported that they had been asked to testify in the past five years on training an officer received from their academy. Specifically, 20% (2 of 10) of regional academies and 33% (6 of 18) of independent academies indicated that they had testified. Only two academies indicated that they were named as a defendant in a civil lawsuit resulting from an

alleged training inadequacy. Only one academy reported that they had lost or settled such litigation.

### ***Record Keeping***

Due to liability concerns, record keeping related to training that officers receive has been emphasized. The Library of Virginia has established a records retention and disposition schedule for criminal justice training academy records; specifically:

- Class records and student records must be retained for 50 years;
- Lesson plans must be retained for 25 years;
- Instructors' personnel records, testing and performance records, and training aids for courses must be retained for 5 years; and,
- Standard operating policies and procedures must be retained 3 years after the end of the last academy certification year.

Many agencies, since they are the ones responsible for keeping these records, indicated that they are having a difficult time maintaining and storing them.

The DCJS does utilize several electronic records systems, including the T-REX Online System (T-REX) and the ACE system. T-REX is an automated records system utilized by DCJS to track criminal justice employees in Virginia. The system tracks the hiring, training completion status, certifications, and other personnel information for each employee. Information from this system is used to determine 599 funding eligibilities of police departments by verifying training compliance of officers, as well as to track officer populations, which is essential in determining the Regional Criminal Justice Training Academy fund allocation. The ACE system can be used to integrate the completion of training hours into a state database and ACE-TRACK includes a test bank of questions and objectives for local use by academies.

Unfortunately, significant limitations are present in these records systems. For instance, the systems are antiquated and are not interactive. Further, there is no way to readily identify all of the specific courses each law enforcement officer attended for their 40 hours of in-service training. The vast majority of responding agencies expressed concern related to the current software and management of law enforcement training records. The DCJS is aware of these problems and is currently working on a new and improved data management system that will address many of the expressed concerns.

### ***Decertification of Law Enforcement Officers***

There are many reasons why a law enforcement officer can become separated from his agency, including transferring to a different law enforcement agency, being hired by a civilian employer, retirement, or termination. However, there are also provisions for decertifying law enforcement officers through the CJSB under Va. Code § 15.2-1707. Law enforcement certification is the process by which officers are licensed in the Commonwealth. Certification establishes that the officer has satisfied specified selection, training and in-service standards; decertification is the loss of such

certification. Decertified officers do not have the right to serve as a law enforcement officer within the Commonwealth until their certification has been reinstated by the CJSB. Currently, under Virginia law, a law enforcement officer can be decertified if he:

- Is convicted of or pled guilty or no contest to a felony or any offense that would be a felony if committed in Virginia;
- Fails to comply with or maintain compliance with mandated training requirements; or,
- Refuses to submit to a drug screening or has produced a positive result on a drug screening reported to the employing agency.

Currently, the statute does not specifically require Chiefs of Police or Sheriffs to report such officers to the CJSB. The statute does, however, require clerks of court who have knowledge of a felony conviction involving a law enforcement officer to report the conviction to his employing agency.<sup>27</sup> According to DCJS, over the past two years, only four law enforcement officers have been decertified in the Commonwealth. It appears that the CJSB is not being informed of all officers who should be decertified under current law. It was determined that officers in violation are often given the option to resign in lieu of termination. Some of these officers are subsequently hired by other law enforcement agencies because they are still certified and, thus, the hiring agency does not have to pay any training costs. It must be noted that this has been a long-standing concern in the Commonwealth and is not a new finding.<sup>28</sup>

Because the grounds for decertifying officers in Virginia are narrow and the CJSB is not being notified of all officers who should be decertified under current law, Crime Commission staff made the following recommendations for consideration:

- Consider expanding the criteria for decertification under Va. Code § 15.2-1707 to include Class 1 misdemeanors involving moral turpitude,<sup>29</sup> any sex offenses<sup>30</sup> and domestic violence.
- Require Sheriffs, Chiefs of Police or agency administrators to notify the CJSB in writing when any certified law enforcement officer or jail officer who is currently employed is convicted of or pleads guilty or no contest to certain crimes.

Concerns related to law enforcement officer decertification are not unique to Virginia. Numerous states have taken various approaches to address the issue. In 2009, the International Association of Directors of Law Enforcement (IADLEST) conducted a nationwide survey of P.O.S.T agencies regarding certification practices.<sup>31</sup> Most states reported having the authority to certify or license law enforcement officers. The study found that the most common basis for decertification was felony conviction and that 36 other states expand the grounds for decertification to certain misdemeanors.<sup>32</sup>

### ***Advantages and Disadvantages of Virginia's Law Enforcement Academy Models***

Based on formal and informal surveys, work groups, and discussion, staff found that there are a number of advantages and disadvantages to both the regional academy and

independent academy models. The regional academy model has a number of potential advantages, including shared cost to member agencies, the ability to pool resources, benefits to smaller agencies, cooperation, networking, partnerships and cross-training fostered between member agencies, less cost to an individual member agency's locality, and increased exposure to various ways of conducting police operations, training and management. Similarly, the regional academy model bears some potential disadvantages, including lack of specificity or customization in training, travel time concerns for member agencies, the risk of member agencies leaving, reduced financial support from the state, and a potentially higher level of political conflict due to disagreements among the numerous member agencies as to the management and operations of the academy.

Likewise, the independent academy model has its unique advantages, such as increased autonomy, specialized training tailored to the community being served, better control of the quality, type and scheduling of classes, having "one vision" or administration to answer to, and, potentially fewer political disagreements. Possible disadvantages include lack of exposure to other agencies' approaches to police operations, training and management, unintended isolation, less resource sharing availability, and, costs not being shared, but rather absorbed wholly by the agency or locality.

#### **REGIONAL ACADEMY MEMBER AGENCY SURVEY**

Crime Commission staff distributed surveys to all Virginia law enforcement agencies whose officers received training at regional academies. The surveys gathered information on agency demographics, any relevant academy membership changes, their overall satisfaction with their current regional academy, their instructor and "in-kind" contributions, their field training program and in-service training, recordkeeping and liability concerns, as well as any other issues related to the delivery of law enforcement training to officers.<sup>33</sup>

Historically, Crime Commission staff typically has surveyed only the Virginia State Police, Sheriff's Offices with primary law enforcement duties and City/County Police Departments. These agencies serve the vast majority of Virginia's population; approximately 90%. The response rate from those that are members of a regional academy was 57% (69 of 122 agencies).

Since other types of law enforcement agencies also belong to regional academies, staff additionally surveyed other agencies, such as town police departments, college/university police departments and other law enforcement agencies. Staff received an additional 68 surveys from such departments.<sup>34</sup> Therefore, there were a total of 137 agencies responding to the survey, which serves as the base response number.

Responding agencies indicated that they began attending their current regional academy anywhere from as early as 1965 to as recently as 2012. Nearly all responding agencies indicated that they were a member of their regional academy, as opposed to a non-member who would be on a per diem or tuition basis. The current membership fee per-officer varies widely across the 10 regional academies.

As discussed earlier, regional academy membership concerns have existed for quite some time. From survey responses and informal discussion with key stakeholders, it appears that when a member agency considers or decides to transfer to another regional academy or to develop their own independent academy, they will typically cite cost/expense or travel time/geographic concerns. Other concerns may also include academy leadership concerns, lack of input into academy operation and instruction, limited variety of courses offered per year, not enough classes or courses offered per year, and/or quality of training.

**Level of Satisfaction**

Member agencies were asked to indicate their level of satisfaction with their current respective regional academy using the following scale.

- 1= completely dissatisfied      4= somewhat satisfied
- 2= mostly dissatisfied          5= mostly satisfied
- 3= somewhat dissatisfied      6= completely satisfied

In general, regional academy members indicated they were “mostly satisfied” with the vast majority of training provided by their respective regional academy. Specifically, Figure 6 below delineates the average score response for each element:

**Figure 6: Regional Academy Members’ Satisfaction Levels**

Training Element	Average
Overall costs/expenses	5.44
Instructor competency	5.43
Number of basic training academy classes offered per year	5.33
Overall training facilities	5.30
Academy leadership	5.27
Firearms training	5.27
Defensive tactics training	5.25
Overall quality of training	5.23
Driver (EVOC) training	5.22
Equipment	5.22
Number of in-service courses offered per year	4.84
Variety of courses offered	4.67

Source: 2012 VSCC Regional Academy Member Survey.

### ***Instructors and Other “In-Kind Contributions”***

According to survey responses, member agencies individually employ anywhere from 0 to approximately 100 law enforcement officers who are currently certified to instruct. Most of the member agencies indicated that they send their certified instructors to regional and/or independent academies. Specifically:

- 59% (79 of 134) provide instructors to their regional academy only;
- 10% (13 of 134) provide instructors to their regional academy and other regional academies;
- 7% (9 of 134) provide instructors to both regional and independent academies; and,
- 25% (33 of 134) do not provide any instructors to any academies.

While 40% (4 of 10) of regional academies indicated that they require their member agencies to provide instructors, these academies recognize that some member agencies either do not have any certified instructors or are too small to reasonably provide instructor manpower at the academy. There are, however, other types of contributions that member agencies can provide to their regional academy, known as “in-kind” contributions. In addition to providing instructors, member agencies reported providing the following contributions over the past 12 months:

- 80% (107 of 134) instructional support;<sup>35</sup>
- 25% (34 of 134) facilities for classroom training, practical training or graduation ceremonies;
- 17% (23 of 134) firearms range;
- 12% (16 of 134) donations;<sup>36</sup> and,
- 2% (3 of 134) facility cleaning/grounds maintenance/landscaping

These types of “in-kind” contributions are being even more heavily relied upon by regional academies due to the reductions in state funding.

### ***Liability Issues***

The survey inquired as to whether any member agencies were involved in litigation related to training. Few regional academy member agencies reported that they had been asked to testify in the past five years on the training an officer received from their academy. Only 12% (16 of 135) of responding member agencies indicated that they had testified. Eleven member agencies indicated that they were named as a defendant in a civil lawsuit resulting from an alleged training inadequacy. Only four of these agencies reported that they had lost or settled such litigation.

## 49 STATE P.O.S.T. DIRECTOR SURVEY

As discussed earlier, there are advantages and disadvantages to Virginia's current law enforcement academy models. Numerous reports have discussed Virginia's model for law enforcement training and have noted possible alternatives to help improve the efficiency, cost-effectiveness and quality of training delivery.<sup>37</sup> Likewise, it may be beneficial to examine how other states are delivering law enforcement academy training for potential insight on various approaches. Staff disseminated surveys to all other states' P.O.S.T directors in order to capture a summary of their overall law enforcement academy training model. There was a 65% (32 of 49) response rate. The survey captured a number of items, including the total number of law enforcement officers served by the P.O.S.T within each state, any compulsory minimum training standards required by statute for basic, field and in-service training, an overview of their academy model for delivering law enforcement training, as well as a description of their record management system for law enforcement training records.

The responding states had anywhere from 1,300 to 166,000 law enforcement officers;<sup>38</sup> 45 to 2,406 law enforcement agencies;<sup>39</sup> and, 1 to 75 law enforcement academies.<sup>40</sup> Compulsory minimum training standards required by statute varies across states. The basic/entry-level training for the other states ranged from 400 to 818 hours, with an average of 605 hours. While Virginia's requirement is only 480 hours, as illustrated earlier in Figure 3, all academies far exceed this requirement, averaging closer to 600 hours. In regards to field training, 67% (21 of 32) of responding states did not have a statutory requirement. Responses indicated a range of 0 to 480 hours required for field training, with Virginia's requirement being 100 hours. Although many of the states do not have a statutory requirement, this does not preclude individual agencies from within the state from requiring such training by internal policy. In-service training requirements varied widely as well. Responding states indicated a range of 0 to 40 hours per year required by statute. As mentioned earlier, Virginia's requirement is 40 hours per 2 years for law enforcement officers.

Most of the responding states, 83% (25 of 30), indicated that they had a centralized electronic database for maintaining law enforcement training records. Of the states that have a centralized electronic database, 88% (22 of 25) provide an itemized list of some or all courses that individual officers complete. This is worth noting, as Virginia is not able to provide such itemized information with its current record management system. Further, 32% (8 of 25) of those with a centralized record management system afford officers the ability to have electronic access to view their personal training records. Again, this personal access is currently not available in Virginia.

Every state has its own unique "model" for delivering mandated law enforcement training. Based on responses, it appears that states can utilize one or more of the following models:

- Centralized academy model;
- Independent academy model;
- Regional academy model;
- Higher education/pre-employment models; and/or,

- Private model.

Under the centralized academy model, all or nearly all law enforcement officers will receive training at one centralized academy or a satellite location of that academy. Maine, Oregon, South Carolina, South Dakota, Vermont, and Wyoming appear to have one centralized academy where all law enforcement officers must go to complete training (residential). Washington and West Virginia have one centralized academy for law enforcement officers except for their State Troopers, who have their own independent academy. Connecticut, Iowa, and North Carolina have a centralized academy with additional satellite locations across the State. For example, North Carolina indicates that they have one state training academy; however, their curriculum is actually delivered at two state training academy campuses *and* 58 community colleges and 20 law enforcement agencies.

It does not appear that the independent academy model is the sole one used by any of the responding states. Similar to Virginia, the independent academy model is typically used in conjunction with other model types. Other states also employ a regional academy model similar to Virginia. For example, Arkansas relies solely on a regional academy model, while Arizona, Georgia, Indiana, Michigan, and Tennessee utilize the regional academy model in conjunction with other models.

Many of the responding states reported utilizing an academic/pre-employment model for law enforcement officer training. California, Florida, Georgia, Idaho, Missouri, New York, North Carolina, North Dakota, Ohio and Wisconsin employ this type of academy model with such training being carried out at all types of higher education institutions. Under this model, academies are actually *operated* by a college or university to allow individuals to complete law enforcement training, as well as receive academic credit. This is distinct from what is seen in Virginia, where officers can receive academic credit for merely attending a stand-alone independent or regional criminal justice academy (i.e., no formal training is actually provided by higher education institutions).

Finally, two responding states indicated having a private model option in addition to the other model options mentioned above. Missouri has two private academies governed by a board of law enforcement professionals and, Georgia has two academies that are run by law enforcement associations, with one of these academies providing in-service training only.

In summary, there are many different model options for delivering mandated criminal justice officer training across the United States. It is beneficial to understand how other states carry out such training. If Virginia considers changing its current system, other states' models should be further examined to see which approaches would complement Virginia's overall philosophy and approach to law enforcement training. Previous studies agree. For example, JLARC indicated that any change or alternative to the system should consider five criteria, including, "long term stability of membership, compact geographical arrangement of member agencies, more uniform distribution of officers served, minimal disruption of existing academy operations and ease of administration."<sup>41</sup> As such, Crime Commission staff cautioned that any significant changes to the current model of law enforcement training should consider the full array

of potential intended and unintended consequences, since the current system has been operating for over 40 years. Staff further recommended that if Virginia wants to change its current training system, a detailed cost-benefit analysis of its training academies should be conducted by JLARC, which could provide a useful view of the economics of Virginia's system at the statewide level. In addition, it was recommended by the Crime Commission that such a study should consider the feasibility of expanding available training options in collaboration or conjunction with institutions of higher education.

## Summary and Conclusion

There are two basic types of law enforcement academy models in Virginia: regional academies and independent academies. There are advantages and disadvantages for both. Further, there are various types of law enforcement academy models seen across the United States. Each state is unique; however, Virginia does appear to have more independent academies than other states.

Regional academies are fiscally vulnerable. In particular, concerns continue to be raised about the financial instability of regional criminal justice academies due to decreased state funding, changes in membership, and creation of new independent academies. Despite a moratorium on the creation of new academies in 2000 (effective through June 30, 2014), independent academies continue to be established.

From survey responses, it was determined that retention rates across basic law enforcement academy classes vary widely for both regional and independent academies. In looking at both types of academies, it was found that all academies significantly exceed the 480 hour compulsory minimum training standard required for law enforcement basic training and that regional academy member agencies appear to be "mostly satisfied" with the law enforcement training provided by regional academies.

All academies evaluate the performance of instructors; however, there are still some concerns about the consistency in the delivery of law enforcement training. Despite the apparent liability involved in training law enforcement officers, very few academies and agencies have been involved in litigation resulting from alleged training inadequacies.

From surveys and meetings, staff found that one of the biggest concerns of stakeholders was the current record keeping system for law enforcement training records. They noted that the current system is cumbersome and antiquated. Also, from the records of decertification, which DCJS began keeping two years ago, it is apparent that not all law enforcement officers who meet the criteria for decertification are actually being reported to DCJS.

As a result of the study effort, the Crime Commission endorsed the following recommendations at its December 5, 2012, meeting:

**Recommendation 1:** Amend Va. Code § 2.2-4002 by providing an exemption from the Administrative Process Act for DCJS when developing, issuing or revising any training standards established by the Criminal Justice Services Board (CJSB) under § 9.1-102.

Senator Janet Howell introduced Senate Bill 1024 during the 2013 General Session of the Virginia General Assembly, based on the Crime Commission recommendation. Specifically, the bill amended Va. Code § 2.2-4002 by providing an exemption from the Administrative Process Act for DCJS when developing, issuing or revising any training standards established by the CJSB under § 9.1-102. The bill was passed by the Senate and the House of Delegates as introduced. The Governor returned the bill with an amendment, which was adopted by the Virginia Senate and the Virginia House of Delegates, and the bill became law.<sup>42</sup>

**Recommendation 2:** Amend Va. Code § 2.2-2618 to require the CASC to provide annual legal update materials to law enforcement agencies, training academies, and DCJS.

Delegate Onzlee Ware introduced House Bill 1818 during the 2013 General Session of the Virginia General Assembly, based on the Crime Commission recommendation. The bill was passed as introduced by the House of Delegates and the Senate, and signed by the Governor.<sup>43</sup>

**Recommendation 3:** Amend Va. Code § 9.1-102 to require (i) each certified criminal justice training academy to submit an annual report evaluating how the academy is meeting its performance and training objectives and its current and projected operating budgets, with each report being provided to the Chairs of the Senate Finance and House Appropriations Committees, the Criminal Justice Services Board, and the Virginia State Crime Commission; and, (ii) DCJS to provide each academy with an annual evaluation based on the academy's own annual report, as well as internal audits, field visits and other relevant information.

**Recommendation 4:** Amend Va. Code § 9.1-102 to allow DCJS to provide direct assistance to any certified criminal justice training academy that is not meeting established minimum standards or performance objectives, including assisting with staffing needs and management of the daily operations of the academy.

Recommendations 3 and 4 were combined into a single bill. Delegate Onzlee Ware introduced House Bill 1819 during the 2013 General Session of the Virginia General Assembly, based on the Crime Commission recommendation. The bill was left in House Appropriations.

**Recommendation 5:** Amend Va. Code § 15.2-1705 related to minimum qualifications of law enforcement officers and § 15.2-1707 to expand the grounds for decertification to include law enforcement officers who have been convicted of or pled guilty or no contest to a Class 1 misdemeanor involving moral turpitude or any offense that would be a Class 1 misdemeanor involving moral turpitude if committed in Virginia, or who have been convicted of any sex offense or domestic assault under the laws of the Commonwealth, another state, or the United States.

**Recommendation 6:** Amend Va. Code § 15.2-1707 to require law enforcement agencies to notify DCJS when an officer meets the qualifications for decertification.

Recommendations 5 and 6 were also combined into a single bill. Senator Janet Howell introduced Senate Bill 1026 and Delegate Charniele Herring introduced House Bill 2121 during the 2013 General Session of the Virginia General Assembly, based on the Crime Commission recommendation. Both bills were amended in the nature of a substitute in the House Militia and Police Committee, to remove the existing requirement in the Code of Virginia that circuit court clerks must notify the employing agency whenever they know of any law enforcement or jail officer who has been convicted of a felony. The substitute bills also permitted DCJS the ability to waive the requirements for decertification for good cause shown. Both bills were passed, in identical form, by the Senate and the House of Delegates and signed by the Governor.

In regards to policy recommendations, the Crime Commission endorsed the following:

**Policy Recommendation 1:** Request the Joint Legislative Audit and Review Commission (JLARC) to conduct a detailed cost-benefit analysis of Virginia’s criminal justice training academies. The study would also include examining the feasibility of expanding available training options in collaboration or conjunction with institutions of higher education.

**Policy Recommendation 2:** Consider amending Va. Code §§ 16.1-69.48:1, 17.1-275.1-4 and 17.1-275.7-9 to increase the fixed fee for court costs apportioned to regional criminal justice training academies.

## Acknowledgements

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Independent and Regional Criminal Justice Academy Directors

Informal Work Group Members

International Association of Directors of Law Enforcement (IADLEST) and participating P.O.S.T. Directors

Virginia Association of Chiefs of Police

Virginia Criminal Sentencing Commission

Virginia Department of Criminal Justice Services

Virginia Law Enforcement Agencies

Virginia Sheriffs’ Association

Virginia State Police

<sup>1</sup> The other nine criminal justice training academies include seven Sheriff's Office training academies (not primary law enforcement), the Department of Corrections' academy, and DCJS.

<sup>2</sup> According to DCJS policy, all local political subdivisions whose personnel are subject to this mandated training must be assigned to a designated regional training academy or be served by an independent training academy.

<sup>3</sup> DCJS, *Analysis of the Current and Projected Financial Operations and the Financial Outlook for the Regional Law Enforcement Training Academies*, (Sept. 2011), at p.6.

<sup>4</sup> DCJS, *Virginia Criminal Justice Training Reference Manual*, Retrieved September 2012.

<sup>5</sup> It should be noted that the Chesapeake Bay Bridge Tunnel Police Department and the Division of Capitol Police provide in-service training only; their recruits complete basic training at a regional criminal justice training academy.

<sup>6</sup> Currently, if an academy is found in noncompliance with one or more requirements, they will be given a reasonable time to correct the situation, not to exceed 60 days. If still not compliant upon reassessment, the academy has a maximum of an additional 30 days to correct the problem(s). If not in compliance at the second reassessment, academy certification will be suspended or revoked.

<sup>7</sup> 2011 Va. Acts Ch. 890, Item 384, B1.f.

<sup>8</sup> DCJS, *supra* note 3.

<sup>9</sup> The Regional Criminal Justice Academy Training Fund is set forth under Va. Code § 9.1-106.

<sup>10</sup> State funding to regional academies is based on the relative percentage of officers served by the academy. Therefore, any changes in regional academy membership affect regional academy budgets.

<sup>11</sup> These academies were supported with local funds per the agreements signed between the former regional academy and locality stakeholders.

<sup>12</sup> DCJS, *supra* note 3.

<sup>13</sup> See, for example, Virginia State Crime Commission (VSCC), *Report of Law Enforcement Training*, Senate Document No. 7 (1980); VSCC, *Funding of Regional Criminal Justice Training Academies*, House Document No. 63 (1997); JLARC, *Review of Regional Criminal Justice Training Academies*, House Document No. 28 (January 1999); JLARC, *Alternatives to Stabilize Regional Criminal Justice Training Academy Membership*, Senate Document No. 7 (November 1999).

<sup>14</sup> P.O.S.T. agencies are responsible for assuring that officers meet minimum standards of competency and ethical behavior. This terminology is the most common in other states, though they can be referred to by other titles.

<sup>15</sup> Copies of the VSCC Regional and Independent Academy Director surveys are available upon request.

<sup>16</sup> There are exemptions made to these certification requirements under tit. 6 Va. Admin. Code § 20-80-50 (2012). Individuals assigned to instruct in emergency situations; individuals with professional/proficiency skills related to a specific subject and with documentation; lawyers, medical professionals, public administrators, teachers, social services, etc., with final DCJS approval; subject matter experts with documentation; certified emergency care and first aid instructors; and, field training officers.

<sup>17</sup> As of August 30, 2012.

<sup>18</sup> tit. 6 Va. Admin. Code § 20-80-80 (2012).

<sup>19</sup> The base denominator is not 18 here because two of the independent academies only provide in-service training and no basic training.

<sup>20</sup> For additional information on pre-employment program requirements, refer to DCJS' *Virginia Criminal Justice Training Reference Manual*, at p. 83.

<sup>21</sup> 38 U.S.C.A. §§ 3301-3325 (West 2013).

<sup>22</sup> See, e.g., Bureau of Justice Statistics, *State and Local Law Enforcement Training Academies, 2006*. Revised 4/14/09.

<sup>23</sup> DCJS, *Study on Alternative Training Delivery Methods for Criminal Justice Officers*, House Document No. 58 (2004).

<sup>24</sup> tit. 6 Va. Admin. Code § 20-20-25 (2012).

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- <sup>25</sup> This is consistent with concerns voiced in the Crime Commission’s 2010 *Law Enforcement Emergency Response* study.
- <sup>26</sup> The common name given to civil rights lawsuits filed under 42 USC §1983.
- <sup>27</sup> VA CODE ANN. § 15.2-1707 (2012).
- <sup>28</sup> *See, e.g.,* VSCC, *Law Enforcement Training and Officer Decertification*, Senate Document No. 35 (1994), at p. 10.
- <sup>29</sup> Moral turpitude is lying, cheating, or stealing. Such a misdemeanor would include petty larceny.
- <sup>30</sup> Such sex offenses would include sexual battery or engaging in consensual sex with a 15 year old.
- <sup>31</sup> *See, Franklin, R.A., Hickman, M., & Hiller, M., 2009 Survey of POST Agencies Regarding Certification Practices*, Sykesville, MD: International Association of Directors of Law Enforcement, Funded by Bureau of Justice Assistance, Grant No. 2005-DD-BX-1119, (2009).
- <sup>32</sup> *Id.* at p. 6. Note: Figures current as of the time of this publication in 2009.
- <sup>33</sup> A copy of the VSCC Regional Academy Member survey is available upon request.
- <sup>34</sup> Additional surveys were received from 35 town police departments; 24 college/university police departments; and 9 state and private agencies.
- <sup>35</sup> Instructional support can include providing role players, evaluators, or instructional materials.
- <sup>36</sup> Donations included equipment, technology, vehicles, furniture, and other training equipment.
- <sup>37</sup> *See, e.g.,* VSCC (1980), *supra* note 13; JLARC (November 1999), *supra* note 13; DCJS, *supra* note 23.
- <sup>38</sup> Virginia had 19,753 officers, as of August 30, 2012.
- <sup>39</sup> Virginia had 378 agencies, as of August 30, 2012.
- <sup>40</sup> Virginia currently has 38 academies.
- <sup>41</sup> JLARC (November 1999), *supra* note 13, p. 13-14.
- <sup>42</sup> 2013 Va. Acts ch. 780.
- <sup>43</sup> 2013 Va. Acts ch. 79.