

1 Medical care is another issue which
2 should be included in training, and this is how staff
3 would be able to obtain medical care for arrestees and
4 specific policies and procedures that would require
5 this type of response. Basic care, fire inspections,
6 and other issues on policies and procedures requires
7 some attention.

8 I'm going to go ahead and just finish
9 that as a summary and let you ask questions if you
10 wish.

11 MR. GEORGE GOTSCHALK: Members of the
12 Commission, on behalf of IADLEST, I want to thank you
13 for including us in this. We want to be at the table
14 of as many things as we can that involve training.

15 My employment is with the Chief of
16 Standards and Training with the Virginia Department of
17 Criminal Justice Services. IADLEST is a national
18 organization comprised of people who do the things I
19 do among the 50 states.

20 The issue you are addressing is a
21 complicated issue, of which training personnel, as
22 you're aware, is only a part. From my previous
23 experience shortly in my career working at the
24 Richmond City Jail and the Richmond Sheriff's Office,
25 factors such as employee selection criteria, manpower

1 needs, supervision of both those incarcerated and
2 staff, facility design, programs, and other factors
3 all combine to influence the abilities to provide a
4 safe environment for those in custody and those
5 incarcerated.

6 IADLEST, originally known as NASDLET,
7 was formed in an effort to provide a forum for
8 representatives of the various state training bodies
9 of each state to share information on the best
10 practices and development implementation and delivery
11 of training to the criminal justice officers we
12 regulate, to provide direct training or to provide
13 direct training too as part of our responsibilities.

14 One of the major and ongoing changes to
15 that function and one of the interests of IADLEST has
16 been the addition of -- by many states of what is
17 known through certification and decertification of
18 criminal justice officers. And I would suggest to you
19 that Ms. Ritchie, in her earlier testimony, referred
20 to Florida. Florida has a very strong program whereby
21 the state of Florida, anybody can contact them, file a
22 complaint, and they investigate claims against
23 criminal justice officers independently of the agency
24 itself. And then at their post-commission hearings,
25 they conduct hearings at which they can do anything

1 from suspend the individual for a certain amount of
2 time or forbid them from performing a function in the
3 state of Florida again. So that's something that you
4 may want to choose to look at.

5 The authority of every POST, Peace
6 Officer Standards and Training council, is different
7 from state to state. There is no mandated uniformity
8 from state to state as to the authority of the POSTS,
9 or to the development of standards for training of --
10 for training or the delivery of such training in each
11 state. The single common thread leading to the
12 creation of IADLEST was the establishment of training
13 standards from state to state for law enforcement
14 officers. The value of IADLEST stems from sharing
15 information and best practices related to that
16 training development implementation, and from that we
17 have seen and addressed many issues as an
18 organization. However, it is the responsibility and
19 duty of each state to determine what training and
20 certification criteria are developed, implemented, and
21 delivered, as well as the standard each officer has to
22 meet in each state.

23 Each state determines this criteria as
24 previously stated. The authority of each POST or POST
25 commission is determined by its state's enabling

1 legislation. Using Virginia as an example, state law
2 establishes what is known as the Criminal Justice
3 Services Board, responsible for the final adoption of
4 training regulations. As an offshoot to the Criminal
5 Justice Services Board, legislation establishes what
6 is known as the Committee on Training, whose
7 membership is established by code, and that body is
8 responsible for recommending rules to the Criminal
9 Justice Services Board for adoption. And they do that
10 by using the Administrative Process Act, Executive
11 Orders of the Governor, and the Criminal Justice
12 Services Board's own public participation in
13 guidelines.

14 Currently, the code of Virginia directs
15 the Criminal Justice Services Board to establish
16 compulsory entry level and in-service training
17 standards for law enforcement officers, jailers,
18 courthouse and courtroom security officers, and
19 correctional officers of the Department of
20 Corrections. It also authorizes the board to
21 establish entry level training for dispatchers.

22 Other regulated entities include school
23 resource officers, field training officers, crime
24 prevention specialists, and campus security officers.
25 Virginia does not have the authority to regulate

1 training for probation and parole officers, animal
2 control officers, juvenile correctional officers, and
3 others.

4 The point being that every state is
5 different. Not every state provides the same
6 authority to its POST to regulate the same entities.
7 The IADLEST source book reports that 21 states have
8 given their POST authority to regulate training for
9 correctional officers of their state's Department of
10 Corrections. Since the time of publication of the
11 source book, one of those states has created a
12 separate commission to address correctional officer
13 training.

14 The IADLEST source book reports that 25
15 states have the authority to regulate and provide
16 training to jailers. Again, not all states operate
17 and conduct business in the same manner.

18 As to the issue of training delivery
19 systems for criminal justice officers from state to
20 state. Again, it varies. Many of the training
21 delivery systems were developed in the late 1960s and
22 early 1970s, with Federal funding from the Law
23 Enforcement Assistance Administration, known as LEAA,
24 which no longer exists. Each state made a
25 determination as to the structure of its system. Some

1 states have single statewide academies for all
2 personnel. Some states have a system utilizing a
3 blend of statewide academies and the community college
4 system. Some states have a blend of training
5 academies operated by larger urban jurisdictions as
6 well as the state academy. And some states have a
7 system of academies operated by larger agencies and
8 other academies operated by an executive board
9 comprised of member jurisdictions to form regional
10 academies to meet the needs of the many small to
11 medium-sized departments in a geographic region.

12 And with that, I want to tell you one
13 thing that was brought to your attention this morning
14 and I want to reiterate it, is that the gentleman from
15 CALEA talked about the number of small agencies
16 throughout the United States. Now, I work in Virginia
17 and we have over 400 agencies. The vast majority of
18 those are 50 people or less. And when you take those
19 50 or people or less agencies, you say you're
20 providing services 24 hours a day, seven days a week,
21 there are a lot of times when you may have eight to
22 ten people providing service for an entire county.
23 Or -- and then when you get to the 25 man or less man
24 departments, that reduces again dramatically. And
25 Virginia has everything from one-man departments on

1 up, for various towns. So it's something to consider
2 in your deliberations.

3 It must be understood that the failure
4 of a -- the failure to meet the requirements of a
5 mandated training program has a consequence for the
6 individual as a candidate for employment of a criminal
7 justice agency, or to be employed in the system.
8 Should an individual officer or officer candidate fail
9 to successfully complete the entry level training
10 program, that individual may not be employed as a
11 criminal justice officer. In order for the states to
12 successfully defend the training requirements, most
13 use a job task analysis to determine the frequency in
14 which a function is performed or the criticality of
15 that function. Training requirements are established
16 based upon the criticality and the frequency with
17 which a task is performed as a part of the job
18 function. Using this method, the training required to
19 be successfully completed by each officer is legally
20 defensible in a court of law. This method is not used
21 by all states, but is currently the method of choice.

22 In regards to the issue of prison rape
23 elimination, that is part of a much broader ethical
24 issue of maintaining and individual in custody in a
25 secure manner in which the person is free from safe

1 and any further harm. Persons whose liberty has been
2 deprived should have the expectation that no further
3 intimidation or harm may befall them once they have
4 been taken into custody. Law enforcement officers
5 possess the responsibility to maintain custody and
6 security of an individual to prevent any physical harm
7 from befalling them once they have been arrested. If
8 an individual arrested is needing medical attention,
9 the officer or department has the responsibility of
10 addressing that individual's needs.

11 In terms of transportation, and I go
12 back to 1971 with some of this. This is an issue that
13 has been slightly addressed since 1971. Quite
14 frankly, at least from my experience of 30-something
15 years, this has not been on the table much or on the
16 radar much of the law enforcement community. If
17 you -- and I would suggest to you that, even
18 legislatively, it's a world of competing interests.
19 And in the last few years, one of the big issues has
20 been homeland security. The Department of Homeland
21 Security has required all officers to be trained in
22 incident command. They've been -- ICS, NIMS, National
23 Incident Management System, and the NRP, the National
24 Response Plan. That's been a push, and a lot of -- in
25 the state of Virginia the big push has been on

1 minority-based policing and how do we train for
2 minority-based policing. There are several issues
3 that are being addressed. Quite frankly, until I
4 received the information on this body and asked to
5 testify, I was unaware of it and unaware of it as an
6 issue. So you've brought something to my attention
7 just by having me here today.

8 I want to speak briefly -- you have
9 with you -- and I'll cut it quick, I guess. IADLEST
10 can serve as a conduit for communicating information
11 from state to state. It was addressed that
12 information has been given to the Sheriffs'
13 Association and the Chiefs' Association. That does
14 not always translate into getting it to the state
15 regulatory agency that sets the training standards.
16 And we can serve as a conduit to make sure that
17 information gets out there.

18 I included in the packet, testimony
19 related to information of who -- or how many states
20 have the authority to establish curriculum for jailers
21 and correctional officers. And what I'm going to
22 do -- this is what is -- the IADLEST 2005 source book,
23 this is all the information from the states that
24 responded related to law enforcement training, their
25 own various types of training, and I will give this to

1 staff to use in any manner they feel appropriate.

2 And with that I would close my comments
3 and be glad to answer any questions you may have.

4 CHAIRMAN WALTON: Thank you.

5 In reference to the work that you do,
6 how receptive have the -- has the law enforcement
7 community been to your efforts?

8 MS. ELIZABETH LAYMAN: Actually, it's
9 been very interesting because they have been extremely
10 receptive. Once we have informed them of the
11 application of PREA to their facility, they are --
12 they are just hungry for information and for the
13 training procedure -- the training things that we're
14 going to be providing. So the response has been very
15 positive. It's definitely been cooperative.

16 CHAIRMAN WALTON: You said a couple of
17 things which we've heard throughout all of these
18 hearings, which is somewhat inconsistent with what we
19 have been told we can do. Because you say, for
20 example, overcrowding is a problem. And you say, for
21 example, that insufficient staff is a -- and those
22 things, obviously, to address them entail money. I
23 don't perceive that any time in the near future we're
24 going to see the prison population go down. I just
25 don't think that's going to happen. If anything, it's