

**REPORT OF THE  
VIRGINIA STATE CRIME COMMISSION**

**Law Enforcement Training  
and Officer Decertification**

**TO THE GOVERNOR AND  
THE GENERAL ASSEMBLY OF VIRGINIA**



**SENATE DOCUMENT NO. 35**

**COMMONWEALTH OF VIRGINIA  
RICHMOND  
1994**



# COMMONWEALTH of VIRGINIA

## VIRGINIA STATE CRIME COMMISSION

General Assembly Building

FREDERICK L. RUSSELL  
EXECUTIVE DIRECTOR

December 14, 1993

**TO: The Honorable L. Douglas Wilder, Governor of Virginia,  
and Members of the General Assembly:**

MEMBERS:  
FROM THE SENATE OF VIRGINIA:  
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VIRGIL H. GOODE, JR.  
EDGAR S. ROBB

FROM THE HOUSE OF DELEGATES:  
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JAMES F. ALMAND  
JEAN W. CUNNINGHAM  
V. THOMAS FOREHAND, JR.  
RAYMOND R. GUEST, JR.  
CLIFTON A. WOODRUM

APPOINTMENTS BY THE GOVERNOR:  
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ROBERT F. HORAN, JR.  
GEORGE F. RICKETTS, SR.

ATTORNEY GENERAL'S OFFICE  
H. LANE KNEEDLER

Senate Joint Resolution 273, agreed to by the 1993 General Assembly, directed the Virginia State Crime Commission to study law enforcement training and officer decertification and to submit its findings and recommendations to the Governor and the 1994 session of the General Assembly.

In fulfilling this directive, a study was conducted by the Virginia State Crime Commission in 1993. I have the honor of submitting herewith the study report and recommendations on law enforcement training and officer decertification.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Robert B. Ball, Sr.", written in black ink.

Robert B. Ball, Sr.  
Chairman

RBB:sc

**MEMBERS OF THE VIRGINIA STATE CRIME COMMISSION 1993**

**From The House of Delegates:**

Robert B. Ball, Sr., Chairman  
James F. Almand  
Jean W. Cunningham  
V. Thomas Forehand, Jr.  
Raymond R. Guest, Jr.  
Clifton A. Woodrum

**From the Senate of Virginia:**

Elmo G. Cross, Jr.  
Virgil H. Goode, Jr.  
Edgar S. Robb

**Appointments by the Governor:**

Robert C. Bobb  
Robert F. Horan, Jr.  
Rev. George F. Ricketts, Sr.

**Attorney General's Office:**

H. Lane Kneedler

**Law Enforcement Subcommittee**

**Crime Commission Members**

Clifton A. Woodrum, Chairman

Robert C. Bobb

Elmo G. Cross, Jr.

Robert F. Horan, Jr.

H. Lane Kneeder

George F. Ricketts, Sr.

Edgar S. Robb

**Research Staff**

Susan B. Williams, Policy Analyst

Frederick L. Russell, Executive Director

# Study of Law Enforcement Training and Officer Decertification

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## Study of Law Enforcement Training and Officer Decertification

### I. Authority for Study

During the 1993 legislative session, Senator Virgil H. Goode sponsored Senate Joint Resolution 273 directing the Virginia State Crime Commission to "study training and certification of law-enforcement officers." (See Appendix A.) Section 9-125 of the Code of Virginia establishes and directs the Virginia State Crime Commission "to study, report, and make recommendations on all areas of public safety and protection." Section 9-127 of the Code of Virginia provides that "the Commission shall have the duty and power to make such studies and gather information in order to accomplish its purpose, as set forth in Section 9-125, and to formulate its recommendations to the Governor and the General Assembly." Section 9-134 of the Code of Virginia authorizes the Commission to "conduct private and public hearings, and to designate a member of the Commission to preside over such hearings." The Virginia State Crime Commission, in fulfilling its legislative mandate, undertook the study of law enforcement training and officer decertification.

### II. Members Appointed to Serve

At the April 20, 1993 meeting of the Crime Commission, Chairman Delegate Robert B. Ball, Sr., of Henrico selected Delegate Clifton A. Woodrum to serve as Chairman of the Law Enforcement subcommittee studying law enforcement training and officer decertification. The following members of the Crime Commission were selected to serve on the subcommittee:

Robert C. Bobb  
Elmo G. Cross, Jr.  
Robert F. Horan, Jr.  
H. Lane Kneidler  
George F. Ricketts, Sr.  
Edgar S. Robb

### III. Executive Summary

Senate Joint Resolution 273, sponsored by Senator Virgil H. Goode, Jr. of Rocky Mount and passed by the 1993 General Assembly, directed the Crime Commission to study training and certification of law enforcement officers. The major issues identified in the resolution for the Commission's consideration were ethical standards and decertification for law enforcement officers; pre-employment and standardized testing; physical fitness requirements and training; and the feasibility of a centralized training facility.

According to estimates prepared by the Office of the Secretary of Public Safety, the Department of Criminal Justice Services and the Crime Commission, a centralized training facility would cost approximately \$40.9 million to construct and between \$3.8 and \$4.2 million annually to operate. In its final report, the Commission recognized the advantages and disadvantages of a central training system. In light of current budget restraints, however, the Commission decided not to seek funding for a centralized facility at this time.

Additionally, in an effort to ensure the quality of officer applicants and enhance the professionalism of police agencies, the Commission recommended that legislation be introduced that would provide immunity from civil liability for law enforcement agency administrators; strengthen minimum qualifications for deputy sheriffs and law enforcement officers; establish a formal certification process whereby deputy sheriffs and law enforcement officers would be certified to enforce the law; and establish a formal decertification process by which deputy sheriffs and law enforcement officers could be decertified.

#### **IV. Study Design**

- Project staff conducted a survey of all Virginia sheriffs, chiefs of police and agency superintendents.
- Project staff attended the Decertification Data Base Committee meeting in Albuquerque, New Mexico to receive input from other states with decertification processes.
- Project staff conducted a telephone survey of states not represented at the Data Base Committee meeting that have decertification statutes in effect.
- Project staff met with Department of Criminal Justice Services staff on several occasions to develop, discuss and modify proposed legislation.
- Project staff met with a representative of the Virginia Association of Directors of Criminal Justice Training to discuss the proposed legislation.
- Project staff distributed the proposed certification/decertification statutes for review and comment to the Virginia Chiefs of Police Association, the Fraternal Order of Police, the Virginia State Police Association, the Virginia Municipal League and the Virginia Association of Counties.
- Project staff met with representatives from the Virginia Sheriffs Association, the Virginia Chiefs of Association and the Fraternal Order of Police to discuss and revise the proposed legislation.

- Project staff presented proposed certification and decertification statutes to the Virginia Sheriffs Association at its September board meeting.
- At its August 24 meeting, the Law Enforcement subcommittee heard comments regarding the proposed legislation from the Virginia Sheriffs Association, the Virginia Chiefs of Police Association, the Fraternal Order of Police and the Department of Criminal Justice Services Division of Training and Standards.
- The Law Enforcement subcommittee received comments on the proposed statutes from representatives of the Virginia Sheriffs Association, the Virginia Chiefs of Police Association, the Virginia Municipal League, the Virginia Association of Counties and the Division of Training and Standards at its September 21 meeting.

Law Enforcement subcommittee and Commission meeting schedule for 1993:

June 22	Initial Staff Report
July 27	Staff Report
August 24	Staff Report
September 21	Staff Report
October 18	Final Staff Report
October 19	Legislative Public Hearing
November 30	Full Commission Meeting
December 14	Full Commission Meeting

## V. Study Goals/Objectives

Based upon the requirements of SJR 273, the following issues were identified for consideration by the Commission:

- Ethical standards and decertification for law enforcement officers
- Pre-employment and standardized testing
- Physical fitness requirements and training
- Feasibility of a centralized training facility

## VI. Background

**Academy Structure.** In Virginia, the criminal justice training delivery system is decentralized, with regional and local academies providing training. Consequently, instructional support varies across the state. Some academies employ full-time staff



instructors while others utilize full-time law enforcement officers who are assigned to the academy as a regular "tour of duty" by member departments. Other academies have volunteer instructors from member agencies while still others pay instructors to conduct various training sessions. Some academies have additional resources to enhance their mandated and specialized training. Currently, there is no standard measurement for evaluating the uniformity, effectiveness or overall quality of mandated training across the state.

Law enforcement officers, local jailers, state corrections officers, court security/civil process servers and dispatchers are required to complete a prescribed course of basic training within 12 months of employment. Additionally, law enforcement officers, jailers and certain Department of Corrections' employees must receive a prescribed course of in-service training every two years. Currently, there are more than 24,000 criminal justice personnel within the state of Virginia subject to mandated training requirements.

Virginia's current criminal justice training delivery system is a regionally-based network comprised of 34 training agencies. There are nine regional state-funded academies distributed throughout the Commonwealth, six state agencies, including the Virginia State Police Academy and the Department of Corrections/Academy for Staff Development, that perform their own training, and 25 other training agencies classified as "independent."

Each of the nine regional academies is headed by a training director who reports to an academy board comprised of representatives of the academy's member agencies. State and independent training agencies are headed by an academy director who reports through the chain of command to the head of the agency.

**Funding.** Appropriations to regional academies vary across the Commonwealth. Consequently, the General Assembly provides between 22 and 51 percent of the funding for the nine regional academies, and the local jurisdictions are required to match this amount with remaining 78 to 49 percent. For FY91, the designated budget for the regional academies was \$1,283,625; however, as a result of administrative budget reduction efforts, the allocation for FY92 was decreased to \$1,125,409.

The 25 independent academies were established with the mandate to provide training for criminal justice personnel in their respective jurisdictions. State funding is not allocated to support the operation of these academies; instead, they are locally funded.

**Role of DCJS.** The Department of Criminal Justice Services (DCJS) is the state agency responsible for promulgating criminal justice training regulations and assuring compliance with such regulations. DCJS must approve all training academies that

conduct mandated training. In addition, DCJS administers the funding assistance for the nine state-supported regional academies.

**Minimum Standards.** Section 15.1-138.8 of the Code of Virginia establishes minimum qualifications for all law enforcement officers. Pursuant to the Code, applicants must "(i) be a citizen of the United States, (ii) be required to undergo a background investigation including a fingerprint-based criminal history records inquiry to the Central Criminal Records Exchange, (iii) have a high school education or have passed the General Educational Development exam (GED), (iv) possess a valid Virginia driver's license if required by the duties of the office to operate a motor vehicle, and (v) undergo a physical examination conducted under the supervision of a licensed physician."

**Pre-Employment Testing.** In 21 states, applicants must meet minimum physical standards prior to hiring. In the majority of states, pre-employment physical examinations are administered and paid for by the hiring agency. Virginia requires applicants to undergo a physical examination.

In 18 states, an applicant must undergo a psychological examination prior to hiring. The psychological tests utilized include the Minnesota Multiphasic Personality Inventory, the California Personality Inventory, the Culture Fair Test of Intelligence, the Reid Report, the Sixteen Personality Factor Questionnaire, and the Clinical Analysis Questionnaire. At present, Virginia does not require applicants to undergo a psychological examination.

**Officer Decertification.** Thirty-eight states have some degree of authority to impose sanctions against criminal justice officers through procedures that guarantee due process protection for the officer. Eighteen states have limited decertification authority, 20 states have broad authority and 12 states have no decertification authority.

In most states, decertification authority is derived by statute, and a training commission/council conducts formal evidentiary hearings on cases in which the charge is disputed. This same body usually makes the final decision in such cases. In 23 states, a criminal justice officer can be decertified. Additionally, in 23 states, there are procedures for reinstatement to full status for officers who have had sanctions imposed against them. At present, Virginia does not have a procedure for decertification of criminal justice officers.

Situations in which the state training agency/commission becomes aware of officer violations include: when an officer is fired and the employing agency requests action; when an officer is fired and the employing agency makes no request for action; when an officer is still employed, but the employing agency has sustained a misconduct charge; when an officer is fired and is subsequently reinstated after

challenging a termination; and when an officer is fired/resigns from one agency and is subsequently employed by a second agency.

## VII. Survey Results

The Crime Commission conducted a survey of all Virginia sheriffs, chiefs of police and agency superintendents. Of the 324 surveys distributed, 201 (62 percent) law enforcement agency administrators responded.

Survey results indicate that 88 percent of the responding agencies receive their training from regional academies while 12 percent receive their training from independent academies. Of the respondents, 42 percent require applicants to submit to a drug screening, 21 percent administer a literacy test, 38 percent require applicants to undergo psychological testing, 9 percent require attitudinal testing, 29 percent administer a physical agility test, and 26 percent utilize other pre-employment testing techniques such as polygraph examinations, personal interviews and police entrance exams in order to screen applicants.

Survey results indicate that 17 percent of responding agencies require applicants to meet a particular height requirement; 29 percent have an established weight requirement; 50 percent require applicants to meet a vision requirement; 32 percent have a hearing requirement; 35 percent have a blood pressure requirement and 27 percent require an applicant to meet other physical standards.

As part of the pre-employment background investigation, 77 percent of the respondents indicated that their agency conducts a fingerprint-based criminal history records check; 76 percent of the responding agencies verify the applicant's date and place of birth; 92 percent confirm prior employment; 97 percent check employment references; 91 percent verify educational level achieved; 60 percent check the applicant's credit history; 70 percent verify military service history; and 90 percent conduct interviews with friends, acquaintances or associates.

Sixty-five percent of the survey respondents indicated that a statewide certification examination should be developed and administered to all entry level law enforcement trainees upon completion of academy training.

Of the respondents, 70 percent indicated that they would favor a formal hearing process by which officers could be decertified as criminal justice officers statewide for acts of gross misconduct or unethical behavior.

Eighty-six percent of the respondents indicated that civil immunity for chief law enforcement officers is needed to allow administrators to answer prospective employers' questions about former employees without the threat of prosecution.

## VIII. Proposed Findings and Recommendations

### Finding I

In Virginia, at present, the criminal justice training delivery system is decentralized, with regional and local academies providing criminal justice training. Virginia's criminal justice training delivery system is a regionally-based network comprised of 34 training agencies. There are nine regional state-funded academies distributed throughout the Commonwealth, six state agencies, including the Virginia State Police Academy and the Department of Corrections' Academy for Staff Development, that perform their own training, and 25 independent training agencies operated by individual local law enforcement agencies.

In 1980, the Crime Commission, in conjunction with the Joint Legislative Audit and Review Commission and the Secretary of Public Safety, conducted a study of law enforcement training. In their final report, the Commission presented four major findings related to the centralization of law enforcement training. First, according to the report, there is a need for central coordination of training to reduce fragmentation, provide unity of direction and improve the cost effectiveness and quality of criminal justice training. Secondly, the Commission concluded that quality control of administration and operations increases as the number of regional academies decreases.

In its report, the Commission also determined that operating several regional academies would be less costly than operating one central academy which would necessitate increased per diem and travel costs. Finally, the Commission concluded that the establishment of a central academy could result in a substantial capital outlay expenditure.

Based on cost estimates provided in the Commission's 1980 report, a centralized training facility would cost, in 1992 dollars, approximately \$4.2 million annually to operate. (See Appendix D-4, Estimate A.)

The Crime Commission conducted a second study of law enforcement training in 1993. In the resulting study document (Senate Document No. 28, 1993), the Commission supported the concept of a centralized driver training facility and recommended further study into the feasibility of establishing a centralized facility for all law enforcement training.

Commission staff, in conjunction with the Department of Criminal Justice Services' Division of Training and Standards, estimated that the annual operating budget for such a facility would be approximately \$3.8 million. Based on estimates prepared for the Secretary of Transportation and Public Safety in 1989, the cost of

erecting a centralized facility on state-owned land in Henrico County would be approximately \$40.9 million. (See Appendix D-2, Estimate B.)

**Recommendation 1:** In light of current budget restraints, the Crime Commission should not seek funding for a centralized training facility at this time.

## **Finding II**

**Code of Virginia §15.1-131.8** requires that Virginia deputy sheriffs and law enforcement officers possess a valid Virginia driver's license. However, Virginia law enforcement officers who reside out-of-state can no longer obtain Virginia driver's licenses.

Virginia, along with 43 other states, participates in the Driver's License Compact Agreement. An applicant who holds a driver's license from any of the states participating in the Compact Agreement is required to surrender the out-of-state license before a new driver's license can be issued; however, pursuant to regulations promulgated by the Virginia Department of Motor Vehicles, an applicant may retain the license if there is a legal need for it. Consequently, the Compact Agreement would not preclude a law enforcement from holding driver's licenses from two different states.

On the other hand, **Code of Virginia §46.2-323.1** requires that an applicant be a resident of Virginia in order to obtain a Virginia driver's license. This statute would prevent a law enforcement officer who is not a Virginia resident from obtaining a Virginia driver's license.

**Recommendation 2:** The Crime Commission should introduce legislation to amend **Code of Virginia § 15.1-131.8** to eliminate the requirement that Virginia law enforcement officers possess a valid Virginia driver's license. (See Appendix C.)

## **Finding III**

Many sheriffs and chiefs in Virginia are reluctant to provide negative information about former deputy sheriffs and law enforcement officers to prospective law enforcement employers. In fact, 86 percent of the sheriffs, chiefs of police and agency superintendents responding to the Crime Commission's survey indicated that civil immunity for chief law enforcement officers is needed to allow agency administrators to answer prospective employers' questions about former employees without the threat of civil litigation.

**Recommendation 3:** The Crime Commission should introduce legislation to amend the **Code of Virginia** to provide immunity from civil liability for law enforcement agency administrators. (See Appendix C.)

## **Finding IV**

The **Code of Virginia** establishes minimum qualifications for deputy sheriffs and law enforcement officers but does not require that applicants submit to pre-employment tests to determine literacy, assess physical agility or elicit attitudinal information. According to the minimum qualifications currently set forth in the **Code**, an applicant must be a citizen of the United States, undergo a background investigation, have a high school education or the equivalent, possess a valid Virginia driver's license and undergo a physical examination.

Minimum qualifications and mandatory pre-employment testing are effective tools for ensuring the quality of officer applicants and enhancing the professionalism of police agencies.

**Recommendation 4:** The Crime Commission should endorse and strongly encourage local law enforcement agencies to utilize pre-employment testing, including literacy, psychological/attitudinal and physical agility tests, as an effective means of screening officer applicants.

**Recommendation 5:** The Crime Commission should introduce legislation to amend **Code of Virginia** § 15.1-131.8 to enhance the minimum qualifications for deputy sheriffs and law enforcement officers. The additional qualifications should require that a recruit (i) be at least 18 years of age, (ii) meet certain physical standards, (iii) not have been convicted of a misdemeanor involving moral turpitude, (iv) not have been convicted of or pled guilty or no contest to a felony, and (v) undergo a background investigation that includes an employment history check and, where possible, a neighborhood check and a verification of military service. (See Appendix C.)

## **Finding V**

Deputy sheriffs and law enforcement officers must complete a prescribed course of basic training within 12 months of employment. Additionally, deputy sheriffs and law enforcement officers must complete a prescribed course of in-service training every two years.

Even though deputy sheriffs and law enforcement officers must meet minimum qualifications and complete a prescribed course of training, at present, there is no formal certification process whereby such officers become certified to enforce the law. Before a formal decertification process can be established, a certification process must be in place.

**Recommendation 6:** The Crime Commission should introduce legislation to establish a formal certification process whereby deputy sheriffs and law enforcement officers would be certified to enforce the law once they have met the minimum qualifications and training requirements. (See Appendix C.)

## **Finding VI**

Presently, there is no procedure by which a deputy sheriff or law enforcement officer may be decertified or barred from employment by another law enforcement agency in Virginia. As a result, officers with questionable backgrounds can easily move from department to department under the current system.

Of the sheriffs, chiefs and agency superintendents responding to the Commission's survey, 70 percent indicated that they would favor a formal hearing process by which officers could be decertified as criminal justice officers statewide for acts of gross misconduct or unethical behavior.

**Recommendation 7:** The Crime Commission should introduce legislation to establish a formal decertification process by which deputy sheriffs and law enforcement officers may be decertified for being convicted of a misdemeanor involving moral turpitude, being convicted of or pleading guilty or no contest to a felony, failing to comply with mandated training requirements, or producing a positive result on a mandatory drug screening. (See Appendix C.)

## **IX. Acknowledgements**

The members extend special thanks to the following agencies and individuals for their cooperation and valuable assistance to this study effort:

### **Fraternal Order of Police**

Bob Walker, Executive Director

Bob Harvey, Legislative Chairman

### **County of Henrico Division of Police**

Murray Bullock, Command Sergeant

### **Florida Division of Criminal Justice Standards and Training**

Joe White, Esquire

### **Mississippi Board on Law Enforcement Officers Standards and Training**

Jim Walker, Director

### **Office of the Attorney General**

Grace DiLiberto, Assistant Attorney General

### **Virginia Association of Chiefs of Police**

Jay Cochran, Executive Director

### **Virginia Association of Counties**

Flippo Hicks, Lobbyist

### **Virginia Department of Criminal Justice Services**

#### **Division of Training and Standards**

Lex Eckenrode, Director

Ron Bessent, Chief, Training and Development Section

George Gotschalk, Chief, Field Services Section

### **Virginia Department of Motor Vehicles**

#### **Licensing Services**

Carl Stanley, Officer Manager

### **Virginia Municipal League**

Mary Jo Fields, Lobbyist

### **Virginia Sheriffs Association**

John W. Jones, Executive Director



## **Appendix A:**

1993 SESSION

LD9136825

SENATE JOINT RESOLUTION NO. 273

Offered January 26, 1993

Requesting the Virginia State Crime Commission to study training and certification of law-enforcement officers.

Patrons—Goode and Robb; Delegates: Christian, Cunningham, J.W., Forehand, Jackson and Woodrum

Referred to the Committee on Rules

WHEREAS, the Commonwealth of Virginia began certifying law-enforcement officers subsequent to successful completion of mandatory training on July 1, 1971; and

WHEREAS, there is no procedure by which an officer may be decertified, or barred from employment by another law-enforcement agency in the Commonwealth, if he is terminated for misconduct or elects to resign prior to such termination; and

WHEREAS, law-enforcement training in Virginia is currently provided through nine state-funded, regional academies and 25 locally-operated, independent academies according to standards promulgated by the Board of Criminal Justice Services; and

WHEREAS, there is no system of uniform or standardized testing to ensure that the quality of training provided to recruits is comparable across the Commonwealth; and

WHEREAS, the Code of Virginia establishes minimum qualifications for all law-enforcement officers, but does not require that applicants submit to pre-employment tests to determine literacy, to assess physical agility, or to elicit attitudinal information; and

WHEREAS, the need for ethical, well-trained, competent and professional law-enforcement officers has never been greater; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Virginia State Crime Commission is hereby directed to study professionalism and service delivery in the law-enforcement training system and to address issues including ethical standards and decertification, pre-employment and standardized testing, physical fitness requirements and training, and the feasibility of a centralized training facility.

The Commission shall complete its work in time to submit its findings and recommendations to the Governor and the 1994 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

Official Use By Clerks	
<b>Agreed to By The Senate</b>	<b>Agreed to By The House of Delegates</b>
without amendment <input type="checkbox"/>	without amendment <input type="checkbox"/>
with amendment <input type="checkbox"/>	with amendment <input type="checkbox"/>
substitute <input type="checkbox"/>	substitute <input type="checkbox"/>
substitute w/amdt <input type="checkbox"/>	substitute w/amdt <input type="checkbox"/>
Date: _____	Date: _____
Clerk of the Senate	Clerk of the House of Delegates

## **Appendix B:**

## Survey

**This survey instrument was distributed to all Virginia sheriffs, superintendents and chiefs of police.**

### Virginia State Crime Commission Survey

**Contact:** \_\_\_\_\_  
**Agency:** \_\_\_\_\_  
**Phone Number:** ( ) \_\_\_\_\_

1. Type of agency represented:  
 Sheriff's Dept.  Local/County Police Dept.  
 State Law Enforcement Agency  Other
2. Where do law enforcement officers from your agency receive their training?  
 Regional Academy  Independent Academy
3. Of the following, please indicate any pre-employment tests your agency uses to screen applicants.  
 Literacy  Physical Agility  
 Psychological  Attitudinal  
 Drug Screening  None  
 Other (please specify) \_\_\_\_\_

**If your answer to question #3 is None, please go to question #7.**

4. If your agency administers a pre-employment literacy test, please indicate which test(s) are used.  
 Nelson-Denning  ALERT  
 QB  Other (please specify): \_\_\_\_\_
5. If your agency requires a psychological/attitudinal test prior to employment, please indicate which test(s) are used.  
 Minnesota Multiphasic Personality Inventory (MMPI)  
 Clinical Analysis Questionnaire  
 California Personality Inventory  
 Sixteen Personality Factor Questionnaire  
 Culture Fair Test of Intelligence  
 Reid Report  
 Other (please specify): \_\_\_\_\_
6. If your agency administers a pre-employment physical agility test, please attach a copy of your physical agility test requirements (i. e., obstacle course, timed run, etc.)

7. If your agency requires an employee to meet certain physical standards, please indicate which of the following are included:

- Height
- Weight
- Vision
- Hearing
- Blood Pressure
- Other (please specify): \_\_\_\_\_

8. Please indicate which of the following is included as part of your background investigation process.

- Fingerprint-based criminal history records check
- Verification of date and place of birth
- Employment verifications
- Employment references
- Verification of educational level achieved
- Credit history
- Military service history and verification
- Possession of a valid driver's license
- Interviews with friends, acquaintances or associates
- Other (please specify): \_\_\_\_\_

9. What is the minimum education requirement applicants must meet prior to hiring?

- High school diploma or equivalency test (GED), as mandated by **Code of Virginia §15.1-131.8**
- Some college
- Associate's/2 year Degree
- Bachelor's/4 year Degree
- Other

10. a. Have your minimum pre-employment standards ever been challenged in a court of law?

- Yes     No

10. b. If yes, please indicate which area(s) have been subject to challenge:

- Literacy
- Psychological
- Physical examination
- Physical Agility
- Attitudinal
- Other (please specify): \_\_\_\_\_

11. Should a statewide certification examination be developed and administered to all entry level law enforcement trainees upon completion of academy training? (Note: The purpose of such testing would be to ensure that law enforcement officers statewide receive uniform training.)

- Yes     No

Please explain why or why not. \_\_\_\_\_

\_\_\_\_\_

12. Would you favor a formal hearing process by which officers could be decertified as criminal justice officers statewide for acts of gross misconduct or unethical behavior?

Yes  No

Please explain why or why not. \_\_\_\_\_

13. Do you think that civil immunity for chief law enforcement officers is needed so that you would be able to answer prospective employers' questions about former employees without the threat of prosecution?

Yes  No

Please explain why or why not. \_\_\_\_\_

14. a. Does your agency have an employee grievance procedure?

Yes  No

14. b. If so, what form of employee grievance procedure does your agency use?

Agency specific procedure

Local government procedure

State procedure

Other (please specify): \_\_\_\_\_

15. a. Does your agency have an internal affairs division or employee(s) responsible for handling internal affairs issues?

Yes  No

15. b. If so, please estimate the amount of time this individual/these individuals devote to internal affairs issues.

10%

20%

30%

40%

50%

60%

70%

80%

90%

100% (Full-time)

16. Are police disciplinary matters or resolutions of citizen complaints subject to review by a citizen panel?

Yes  No

## Appendix C:

## **Certification/Limited Decertification and Civil Immunity**

**§ 15.1-131.8. Minimum qualifications; waiver.** -- A. The chief of police and all police officers of any county, city or town, all deputy sheriffs in this Commonwealth and all law-enforcement officers as defined in § 9-169 who enter upon the duties of such office after July 1, ~~1988~~-1994, are required to meet the following minimum qualifications for office. Such person shall (i) be a citizen of the United States, (ii) be required to undergo a background investigation including ~~a~~ fingerprint-based criminal history records ~~inquiry~~ inquiries to both the Central Criminal Records Exchange and the Federal Bureau of Investigation, an employment history check and, where possible, (a) a verification of military service and (b) a neighborhood check, conducted by the hiring agency or, upon request, by the law enforcement agency having jurisdiction over the neighborhood, (iii) have a high school education or have passed the General Educational Development exam, (iv) possess a valid ~~Virginia~~ driver's license if required by the duties of office to operate a motor vehicle, ~~and~~ (v) undergo a physical examination, subsequent to a conditional offer of employment, conducted under the supervision of a licensed physician who must sign a form stating that the officer meets the physical requirements necessary to properly fulfill his/her particular responsibilities, as delineated in a job description supplied by the employing agency to the physician, (vi) be at least 18 years of age, (vii) not have been convicted of a misdemeanor involving moral turpitude, (viii) not have been convicted of or pled guilty or no contest to a felony or any offense that would be a felony if committed in Virginia, and (ix) not have produced a positive result on a mandatory pre-employment drug screening, conducted by the hiring law enforcement agency, where the positive result cannot be explained to the law enforcement agency administrator's satisfaction.

B. Upon request of a sheriff or chief of police, or the director or chief executive of any agency or department employing law-enforcement officers as defined in § 9-169, the Department of Criminal Justice Services is hereby authorized to waive the requirements for qualification as set out in subsection A of this section for good cause shown.



**§ 15.1-131.8:1. Certification through training required for all law enforcement officers.** All law enforcement officers as defined in § 9-169, must be certified through the successful completion of training at an approved criminal justice training academy in order to remain eligible for appointment or employment. The appointee's or employee's hiring agency must provide the Department of Criminal Justice Services with verification that law enforcement officers first hired after July 1, 1994 have met the minimum standards set forth in §15.1-131.8.

**§ 15.1-131.8:2. Decertification of law enforcement officers.** Upon written notification from the sheriff, chief of police or agency administrator that any certified law enforcement officer (i) has been convicted of or pled guilty or no contest to a felony or any offense that would be a felony if committed in Virginia, (ii) has been convicted of a misdemeanor involving moral turpitude, (iii) has failed to comply with or maintain compliance with mandated training requirements, or (iv) has refused to submit to a drug screening or has produced a positive result on a drug screening reported to the employing agency, where the positive result cannot be explained to the agency administrator's satisfaction, which notification, where appropriate, shall be accompanied by a copy of the judgment of conviction, the Criminal Justice Services Board shall decertify such law enforcement officer. Such officer shall not have the right to serve as a law enforcement officer within this Commonwealth until his certification has been reinstated by the Board.

The clerk of any court in which a conviction of a felony is made, who has knowledge that a law enforcement officer has been convicted, shall have a duty to report these findings promptly to the employing agency.

When a conviction has not become final, the Board may decline to decertify the officer until the conviction becomes final, after considering the likelihood of irreparable damage to the officer if such officer is decertified

during the pendency of an ultimately successful appeal, the likelihood of injury or damage to the public if the officer is not decertified, and the seriousness of the offense.

**§ 15.1-131.8:3. Notice of decertification. A. Service of notice.** The Board shall, within ten (10) days of decertification, serve notice upon an affected officer, in person or by certified mail, and upon the law enforcement agency employing said officer, by certified mail, specifying the action taken and remedies available. The Board shall stay final action until the period for requesting a hearing expires.

**B. Decertification hearing.** Any law enforcement officer who has been decertified may, within thirty (30) days of receipt of notice served by the Board, request, by certified mail, a hearing which shall be granted by the Board. Upon receipt of such request, the Board shall set a date, time, and place for the hearing within sixty (60) days and serve notice by certified mail upon the affected officer. The Board, or a committee thereof, shall conduct such hearing. The affected officer may be represented by counsel. In the absence of request for hearing, decertification shall, without further proceedings, become final thirty (30) days after the initial notice.

**C. Standard of review.** The decertification of a law enforcement officer under §15.1-131.8:2 shall be sustained by the Board unless such law enforcement officer shows, by a preponderance of the evidence, good cause for his certification to be reinstated.

**D. Final decision after request for hearing.** The Board shall render a final decision within thirty (30) days.

**E. Notice of final action.** The Board shall notify the officer and the law enforcement agency involved, by certified mail, of the final action regarding decertification.

**F. Reinstatement after decertification.** Any officer who is decertified may, after a period of not less than five years, petition the Board to be considered for reinstatement of certification.

**§ 15.1-131.8:4. Employer immunity from liability; disclosure of information regarding former deputy sheriffs and law enforcement officers.** Any sheriff or chief of police, the director or chief executive of any agency or department employing deputy sheriffs or law enforcement officers as defined in § 9-169, the director of the Department of Criminal Justice Services, or his/her designee who discloses information about a former deputy sheriff's or law enforcement officer's job performance to a prospective law enforcement employer of the former appointee or employee is presumed to be acting in good faith and, unless lack of good faith is shown by clear and convincing evidence, is immune from civil liability for such disclosure or its consequences. For purposes of this section, the presumption of good faith is rebutted upon a showing that the information disclosed by the former employer was knowingly false or deliberately misleading, was rendered with malicious purpose, or violated any civil right of the former employee or appointee.

**§ 9-170. Powers and duties of the Board and Department.** The Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power to:

35. certify and decertify law enforcement officers in accordance with §§ 15.1-131.8:1-2.

## **Appendix D:**

## Estimate A

### Senate Document No. 7 (1980) - Report on Law Enforcement Training Virginia State Crime Commission in conjunction with the Joint Legislative Audit and Review Commission and the Secretary of Public Safety

#### Required Staffing:

	1980:	1992:
10 Administrative		\$423,335
8 Clerical		\$170,416
37 Instructor		\$1,470,565
20 Maintenance		<u>\$465,740</u>
	\$2,025,000	\$2,530,056

#### Other Considerations Not Addressed in Report:

Cafeteria Services estimated at

**\$1,718,416**

Overhead (i. e., heating and cooling,  
electricity, telephones, etc.)

No estimate  
Available

Grand Total in 1992 dollars:

**\$4,248,466**  
plus overhead costs

**Estimate B**

**Central Training Academy  
Estimated Operating Costs**

Position		Salary	Benefits	Total
Central Academy Director	Grade 16, Step 7	\$44,952	\$11,809	\$56,761
Assistant Academy Director	Grade 14, Step 7	\$37,615	\$9,881	\$47,496
Driver Training Supervisor	Grade 14, Step 7	\$37,615	\$9,881	\$47,496
5 Training Supervisors	Grade 13, Step 7	\$34,409	\$9,039	\$217,240
29 Full-time Instructors				
26 C. J. Generalists	Grade 12, Step 7	\$31,476	\$8,269	\$1,033,370
3 Legal Specialists	Grade 13, Step 7	\$34,409	\$9,039	\$130,344
Instructional Technologist	Grade 12, Step 7	\$31,476	\$8,269	\$39,745
Procurement Specialist	Grade 10, Step 7	\$26,339	\$6,919	\$33,258
Fiscal Director	Grade 14, Step 7	\$37,615	\$9,881	\$47,496
Personnel Officer	Grade 11, Step 7	\$28,793	\$7,564	\$36,357
Nurse Consultant	Grade 13, Step 7	\$34,409	\$9,039	\$43,448
Information Officer	Grade 8, Step 7	\$22,040	\$5,790	\$27,830
6 Clerical Specialists	Grade 5, Step 7	\$16,870	\$4,432	\$127,812
Mechanic	Grade 7, Step 7	\$20,161	\$5,296	\$25,457
4 Maintenance Specialists	Grade 6, Step 7	\$18,442	\$4,845	\$93,148
1 Electrician	Grade 8, Step 7	\$22,040	\$5,790	\$27,830
Cafeteria Services	\$134 per officer (Source: VSP)		12,824	<u>\$1,718,416</u>
<b>*TOTAL</b>	<b>55 FTE's</b>			<b>\$3,753,504</b>

**\*Does not include overhead costs (253,950 square feet)**

Estimate B, Continued

**Central Training Academy  
Estimated Construction Costs  
(Site: Elko Tract, Eastern Henrico County)**

Facility	Construction Cost (State)	Design Cost (State)	Total
Infrastructure	\$7,000,000	\$200,000	\$7,200,000
Public Safety Training Academy (w/o housing)	\$13,782,000	\$861,000	\$14,643,000
Public Safety Training Academy Housing	\$7,979,000	\$339,000	\$8,318,000
Public Safety Outdoor Training Facilities	\$5,183,000	\$286,000	\$5,469,000
Driver Training Facility (w/ observ. towers and garage)	\$4,548,000	\$245,000	\$4,793,000
Ammunition Igloos	<u>\$461,000</u>	<u>\$8,000</u>	<u>\$469,000</u>
<b>Total</b>	<b>\$38,953,000</b>	<b>\$1,739,000</b>	<b>\$40,692,000*</b>

\*Construction and Design Costs do not include furnishings and equipment, owner construction contingencies, project inspection services, test borings, testing, advertisements, etc. all of which contribute to the total project budget as defined by the Planning and Budget Project Request Process.

Initial start-up costs (i. e., desk, bookcase, file cabinet, computer, computer stand, visitor chair, desk chair)	\$4,000 per FTE	\$220,000
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<b>Grand Total</b>	<b>\$40,912,000</b>
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