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

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

MR. GEORGE GOTSCHALK: Members of the Commission, on behalf of IADLEST, I want to thank you for including us in this. We want to be at the table of as many things as we can that involve training. My employment is with the Chief of Standards and Training with the Virginia Department of Criminal Justice Services. IADLEST is a national organization comprised of people who do the things I do among the 50 states.

The issue you are addressing is a complicated issue, of which training personnel, as you're aware, is only a part. From my previous experience shortly in my career working at the Richmond City Jail and the Richmond Sheriff's Office, factors such as employee selection criteria, manpower
needs, supervision of both those incarcerated and
staff, facility design, programs, and other factors
all combine to influence the abilities to provide a
safe environment for those in custody and those
incarcerated.

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

One of the major and ongoing changes to
that function and one of the interests of IADLEST has
been the addition of -- by many states of what is
known through certification and decertification of
criminal justice officers. And I would suggest to you
that Ms. Ritchie, in her earlier testimony, referred
to Florida. Florida has a very strong program whereby
the state of Florida, anybody can contact them, file a
complaint, and they investigate claims against
criminal justice officers independently of the agency
itself. And then at their post-commission hearings,
they conduct hearings at which they can do anything
from suspend the individual for a certain amount of
time or forbid them from performing a function in the
state of Florida again. So that's something that you
may want to choose to look at.

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

Each state determines this criteria as
previously stated. The authority of each POST or POST
commission is determined by its state's enabling
legislation. Using Virginia as an example, state law establishes what is known as the Criminal Justice Services Board, responsible for the final adoption of training regulations. As an offshoot to the Criminal Justice Services Board, legislation establishes what is known as the Committee on Training, whose membership is established by code, and that body is responsible for recommending rules to the Criminal Justice Services Board for adoption. And they do that by using the Administrative Process Act, Executive Orders of the Governor, and the Criminal Justice Services Board's own public participation in guidelines.

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

Other regulated entities include school resource officers, field training officers, crime prevention specialists, and campus security officers. Virginia does not have the authority to regulate
training for probation and parole officers, animal
control officers, juvenile correctional officers, and
others.

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

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

As to the issue of training delivery
systems for criminal justice officers from state to
state. Again, it varies. Many of the training
delivery systems were developed in the late 1960s and
early 1970s, with Federal funding from the Law
Enforcement Assistance Administration, known as LEAA,
which no longer exists. Each state made a
determination as to the structure of its system. Some
states have single statewide academies for all personnel. Some states have a system utilizing a blend of statewide academies and the community college system. Some states have a blend of training academies operated by larger urban jurisdictions as well as the state academy. And some states have a system of academies operated by larger agencies and other academies operated by an executive board comprised of member jurisdictions to form regional academies to meet the needs of the many small to medium-sized departments in a geographic region.

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

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

In regards to the issue of prison rape elimination, that is part of a much broader ethical issue of maintaining and individual in custody in a secure manner in which the person is free from safe
and any further harm. Persons whose liberty has been
deprived should have the expectation that no further
intimidation or harm may befall them once they have
been taken into custody. Law enforcement officers
possess the responsibility to maintain custody and
security of an individual to prevent any physical harm
from befalling them once they have been arrested. If
an individual arrested is needing medical attention,
the officer or department has the responsibility of
addressing that individual's needs.

In terms of transportation, and I go
back to 1971 with some of this. This is an issue that
has been slightly addressed since 1971. Quite
frankly, at least from my experience of 30-something
years, this has not been on the table much or on the
radar much of the law enforcement community. If
you -- and I would suggest to you that, even
legislatively, it's a world of competing interests.
And in the last few years, one of the big issues has
been homeland security. The Department of Homeland
Security has required all officers to be trained in
incident command. They've been -- ICS, NIMS, National
Incident Management System, and the NRP, the National
Response Plan. That's been a push, and a lot of -- in
the state of Virginia the big push has been on
minority-based policing and how do we train for
minority-based policing. There are several issues
that are being addressed. Quite frankly, until I
received the information on this body and asked to
testify, I was unaware of it and unaware of it as an
issue. So you've brought something to my attention
just by having me here today.

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

I included in the packet, testimony
related to information of who -- or how many states
have the authority to establish curriculum for jailers
and correctional officers. And what I'm going to
do -- this is what is -- the IADLEST 2005 source book,
this is all the information from the states that
responded related to law enforcement training, their
own various types of training, and I will give this to
staff to use in any manner they feel appropriate.

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

CHAIRMAN WALTON: Thank you.

In reference to the work that you do,

how receptive have the -- has the law enforcement community been to your efforts?

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

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