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## Notice of Intended Regulatory Action (NOIRA) Agency Background Document

<b>Agency name</b>	Department of Criminal Justice Services
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	6 VAC20-20
<b>VAC Chapter title(s)</b>	Rules Relating to Compulsory Minimum Training Standards for Law Enforcement Officers
<b>Action title</b>	Amendments to the Compulsory Minimum Training Standards
<b>Date this document prepared</b>	12/11/2020

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

### Brief Summary

*Provide a brief summary (preferably no more than 2 or 3 paragraphs) of the subject matter, intent, and goals of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation).*

Chapter 6 VAC20-20-21 specifies that the department, under the direction of the board, establish the compulsory minimum training standards for full-time and part-time law enforcement officers in Virginia. As such, an individual hired as a law enforcement officer (as defined in § 9.1-101 of the Code of Virginia) shall comply with and meet or exceed, the law enforcement certification requirements enumerated in 6VAC20-20-21. Through this action, these minimum training standards will (with the assistance of subject matter experts and the Law Enforcement Curriculum Review Committee) be amended to improve performance outcomes, testing criteria, and lesson plan guides. As these standards have not been updated in approximately 20 years, outdated language will also be updated for effectiveness and efficiency in the training of new academy recruits. Revisions include increased training in community policing, verbal de-escalation, implicit bias, duty to intervene, conflict resolution skills with a concentration on individuals with mental illness, and historical events that have influenced citizen and police relationships, to name a few. The overarching goal of this regulatory action is to enhance both officer and public safety in the Commonwealth of Virginia.

## Acronyms and Definitions

*Define all acronyms or technical definitions used in this form.*

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Board- Criminal Justice Services Board  
 DCJS- Department of Criminal Justice Services  
 Department- Department of Criminal Justice Services  
 LE CRC- Law Enforcement Curriculum Review Committee  
 SME- Subject Matter Expert

## Mandate and Impetus

*Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, “mandate” has the same meaning as defined in Executive Order 14 (as amended, July 16, 2018), “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”*

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In the 2017 session of the General Assembly, HB1500 was approved, mandating the compulsory minimum training standards for law enforcement officers (6 VAC20-20) be reviewed and updated. The Department of Criminal Justice Services has been working closely with the LE CRC to revise and enhance the standards in all ten categories of training for some time now. This includes working extensively with SMEs from around the Commonwealth while also being mindful of the requirements set forth in HB1500. Although this was mandated by the General Assembly, board approval to move forward with this regulatory action was obtained on December 10, 2020.

## Legal Basis

*Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency’s overall regulatory authority.*

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In addition to the approval of HB1500 in 2017, Chapter 6 VAC20-20 specifies that, pursuant to the provisions of subdivision 2 of § 9.1-102 of the Code of Virginia, the department, under the direction of the board, establishes the compulsory minimum training standards for full-time and part-time law-enforcement officers. An individual hired as a law-enforcement officer, as defined in § 9.1-101 of the Code of Virginia, shall comply with the law-enforcement certification requirements, as enumerated in 6VAC20-20-21. Law-enforcement officers become certified upon meeting all compulsory minimum training standards and other requirements that include documented completion of all performance outcomes, the law enforcement certification exam, and field training. DCJS is the appropriate promulgating agency based on the statutory authority stated in § 9.1-102.

## Purpose

*Describe the specific reasons why the agency has determined that this regulation is essential to protect the health, safety, or welfare of citizens. In addition, explain any potential issues that may need to be addressed as the regulation is developed.*

Updating the compulsory minimum training standards for law enforcement officers in Virginia is essential in protecting the safety and welfare of both officers and citizens. Although mandated in 2017 by HB1500, DCJS has not updated the performance outcomes, testing criteria, and lesson plan guides in the ten categories of training in approximately 20 years. Working with SMEs from a myriad of agencies throughout the Commonwealth, in conjunction with the LE CRC, will allow these standards to be greatly enhanced and improved upon for new law enforcement officers. This action will also serve as a periodic review, as one has not been conducted in some time.

### Substance

*Briefly identify and explain the new substantive provisions that are being considered, the substantive changes to existing sections that are being considered, or both.*

Substantial changes and improvements will be made and applied to the performance outcomes, training objectives, testing criteria, and lesson plan guides in each individual category of training. These changes will include enhanced training in community policing, verbal de-escalation, implicit bias, duty to intervene, conflict resolution skills with a concentration on individuals with mental illness, historical events that have influenced citizen/police relationships, and a greater concentration on officer wellness, to name just a few. These changes will reflect improved and updated language, in addition to amending the existing number of field training hours required for new law enforcement officers in Virginia.

### Alternatives to Regulation

*Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.*

No viable alternatives exist to this regulatory change. In addition to the 2017 General Assembly mandate, the agency maintains that this action will be neither burdensome nor intrusive to academies nor citizens, and, on the contrary, will improve the efficiency and effectiveness of training for new law enforcement officers.

### Periodic Review and Small Business Impact Review Announcement

The agency is utilizing this regulatory action to also conduct a periodic review of this regulation. In addition, pursuant to Executive Order 14 (as amended, July 16, 2018) and § 2.2-4007.1 of the Code of Virginia, the agency is conducting a periodic review and small business impact review of this regulation to determine whether this regulation should be terminated, amended, or retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare; (ii) minimizes the economic impact

on small businesses consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

## Public Participation

*Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below. In addition, as required by § 2.2-4007.02 of the Code of Virginia describe any other means that will be used to identify and notify interested parties and seek their input, such as regulatory advisory panels or general notices.*

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The Department of Criminal Justice Services is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal, (ii) any alternative approaches, and (iii) the potential impacts of the regulation.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at: <https://townhall.virginia.gov>. Comments may also be submitted by mail, email or fax to Kristi Shalton, Division of Law Enforcement; 1100 Bank Street, Richmond, Virginia 23219, or at (804) 786-7801 or via email to [kristi.shalton@dcjs.virginia.gov](mailto:kristi.shalton@dcjs.virginia.gov). In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will not be held following the publication of the proposed stage of this regulatory action.