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Regulatory
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Final Regulation Agency Background Document

Agency name	Department of Criminal Justice Services
Virginia Administrative Code (VAC) citation	6VAC20-50-10 et seq.
Regulation title	Rules Relating to Compulsory Minimum Training Standards for Jailors or Custodial Officers, Courthouse and Courtroom Security Officers and Process Service Officers
Action title	Jail, Court Security, Civil Process Minimum Training Standards
Date this document prepared	09/25/2006

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation. Also, please include a brief description of changes to the regulation from publication of the proposed regulation to the final regulation.

The standards and regulations governing the training and certification of jailors, courthouse and courtroom security officers in Virginia currently in effect were completed in 1987 with some amendments in 1990. The Department of Criminal Justice Services conducted a comprehensive job task analysis for these officers during 2002-03 and is updating standards and training objectives to be consistent with performance expectations for jailors, courtroom and courthouse security officers and process service officers in the Commonwealth.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

The Criminal Justice Services Board adopted the proposed Rules Relating to Compulsory Minimum Training Standards for Jailors or Custodial Officers, Courthouse and Courtroom Security Officers and Process Service Officers with four modifications noted in the final stage on September 13, 2006.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter numbers, if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

The Code of Virginia requires that jailors, courtroom and courthouse security officers and process service officers must comply with established minimum training standards in order to be certified. Legislative authority to promulgate regulations relating to jailors, courtroom and courthouse security officers and process service officers is granted to the Criminal Justice Services Board (CJSB) pursuant to **Section 9.1-102, paragraphs 7, 8, and 9 of the Code of Virginia.**

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons it is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

The Jail, Court Security, Civil Process Service Job Task Analysis provides a direct connection between the work of a job and the training for that work. Training standards directly impact the training by which jailors, courtroom and courthouse security officers and process service officers may be held accountable for ensuring public safety and welfare. Without these requirements, which must be updated on a periodic basis, the safety and welfare of the public may be compromised. Therefore, the amendments to the regulations are being proposed specifically to ensure that training and certification of jailors, courtroom and courthouse security officers and process service officers are based on timely data. The goal of responding to the public safety and welfare of citizens of the Commonwealth is most strongly supported by standards that are reviewed and updated by the process utilized herein.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. A more detailed discussion is required under the “All changes made in this regulatory action” section.

The proposed amendments to the regulation revise it in four significant areas:

- (1). The regulation is amended to incorporate changes to the minimum training standards in a format that is consistent with the changes made to the minimum training standards for law enforcement officers and dispatchers.
- (2). The regulation is amended to separately identify the minimum training required for each type of position governed by this regulation in order to provide a method to certify such officers separately. This allows sheriffs the opportunity to hire and train qualified personnel for duties that relate to court security or process service without requiring these personnel to become certified as a jailor.
- (3). The regulation is amended to add a standing Curriculum Review Committee with responsibilities for an annual review of the minimum training standards and utilization of a process for adopting suggested changes that is less expensive and that provides a timely method for incorporating needed changes in training.
- (4). The regulation is amended to incorporate field training requirements.

Issues

Please identify the issues associated with the proposed regulatory action, including:

- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
- 2) the primary advantages and disadvantages to the agency or the Commonwealth; and*
- 3) other pertinent matters of interest to the regulated community, government officials, and the public.*

If there are no disadvantages to the public or the Commonwealth, please indicate.

The advantage to the public, employers, and the Commonwealth is having trained personnel serving as jailors, court security officers, and civil process service officers to assure a minimum level of competency in these areas of public safety. There is no disadvantage to this.

Changes made since the proposed stage

Please describe all changes made to the text of the proposed regulation since the publication of the proposed stage. For the Registrar’s office, please put an asterisk next to any substantive changes.

Section number	Requirement at proposed stage	What has changed	Rationale for change
20-50-10*	Definition of the Curriculum Review Committee.	Addition of the statement that the Committee on Training shall appoint	This was inadvertently left out of the definition at the

		the members of the Curriculum Review Committee.	proposed stage.
20-50-20B(9), D(9), F(9)*	Category 9, Physical Training Performance Outcomes	These requirements were removed from the category list and performance outcome list.	Physical tasks were incorporated into the performance outcomes in other categories where they were identified by the Job Task Analysis Advisory Committee as belonging. In additions, public comment opposed physical training as a separate requirement.
20-50-21B*	This section explained the process for reviewing changes to the training objective, criteria, and lesson plan guides by the Curriculum Review Committee.	The following two sentences were added to further explain the process: Any suggestions received related to training objectives, criteria and lesson plan guides shall be reviewed at the regularly scheduled meeting of the Curriculum Review Committee to provide recommendations to the Committee on Training. If comment is received at any public hearing, the Committee on Training may make a decision at that time.	These sentences provide additional explanation of how the annual review process is intended to work.
20-50-90*	This section explains the administrative requirements for the academies.	The language incorporated in the proposed version was outdated and this was unknown at the time of preparing the proposed version. The correct requirement has been incorporated into the final version of the regulation.	Administrative requirements had been simplified and changed in 2002 and this change is now reflected in the final version of the regulation.
20-50-110*	Performance Outcomes	Category 9 performance outcomes have been removed and Category 10 Field Training performance outcomes have all been renumbered to 9.	Removal of Category 9 necessitated renumbering of Category 10.

Public comment

Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate.

**SUMMARY MATRIX OF COMMENTS AND RECOMMENDATIONS REGARDING
RULES RELATING TO COMPULSORY MINIMUM TRAINING STANDARDS FOR
JAILORS OR CUSTODIAL OFFICERS, COURTHOUSE AND COURTROOM
SECURITY OFFICERS AND PROCESS SERVICE OFFICERS**

PART 1	DEFINITIONS		
<i>Regulation Cite</i>	<i>Comments/Issues/Recommendations</i>	<i>Respondent(s)</i>	<i>Agency Response</i>
	General comment that Category 9 related to physical training will be removed according to the cover memo sent out with the proposed rules and standards.	Sheriff Beth Arthur, Arlington Sheriff's Office	The recommendation continues to be to remove this category.
P.O. 1.2 and 1.9	General comment that respondent didn't realize there was a problem with gambling since his agency no longer maintains a jail.	Chief Deputy Mike McWilliams, Clarke County Sheriff's Office	The JTA indicated this was an area of concern that needed a training response. We recommend that it remain.
P.O. 1.2	General comment that there is no information on the Federal Prison System. Asks if there is a need to include this in training.		The JTA Committee discussed this and did not believe this was warranted as part of jails training.
P.O. 1.5	General comment that respondent likes the fact that both negative and positive influences are relayed during the training with good explanations.		Thank you.
P.O. 2.8	Asks if the Freedom of Information Act should be explained in this part of the training.		We believe this is sufficiently covered in 2.8 and is in the appropriate place.
P.O. 7.4	General comment on proposed firearms changes: It would be nice to see DCJS provide agencies with an approved shotgun, carbine, and bolt gun course that could be used on a 50 yard range. I feel this is long overdue. The majority of the departments in our area issue these weapons to their officers. Is there anything in the works?		We recommend that the COT refer this comment to the standing firearms committee for their review.

<p>6VAC20-50-21</p>	<p>It is recommended that the same wording used in 6VAC20-20-21 (Law Enforcement) and 6VAC20-60-21 (Dispatchers) be included here for consistency.</p>	<p>Virginia Association of Directors of Criminal Justice Training, Vince Ferrar, President</p>	<p>This portion of the regulation refers to interested parties or members of the community being able to make suggestions. The language in 6VAC20-50-21 was required by the Dept. of Planning and Budget in order to further the regulations to the Secretary of Public Safety and the Governor. The review of these jail regulations under the APA brought to light that the wording in 6VAC20-20-21 and 6VAC20-60-21 is not in accordance with the APA requirements for public participation. The wording in this regulation is correct. The other regulations will need to be amended in the future.</p>
<p>6VAC20-50-60</p>	<p>This section deals with certified training academies. It is recommended that these rules be included in the administrative section dealing with rules for certified training academies. Presently this section is repeated in several different rules sections (i.e. 20-50-60, 20-20-21, 20-60-60, etc.). It would be easier to follow and find if these rules were all inclusive in one section. At the very least they should all be the same, so if 6VAC20-50-60 changes then all other related sections should change accordingly.</p>		<p>There are no academy certification rules. These requirements are in each set of training regulations to address administrative issues and provide consistency on these issues among the rules.</p>

<p>6VAC20-50-90C(2)</p>	<p>Section C, number 2 requires the academy director to submit to the department a final curriculum with training objectives, hours, and instructor names listed. This requirement is in direct conflict with a memo dated June 10, 2002, from John Byrd that states that the submittal of the final curriculum is no longer required and that the final curricula will be checked during the academy recertification process. This should also be corrected in other sections such as the law enforcement rules.</p>		<p>This section will be changed to read as follows: “Maintain a final curriculum that includes performance outcomes, hours and instructor names.”</p>
<p>P.O. 7.7.</p>	<p>The Association feels that this performance outcome belongs in Category 2 and not in Category 7.</p>		<p>The Sheriff’s Association requested consistency in the areas of defensive tactics and weapons use between law enforcement and jail/court security/ civil process service officer training. The proposed version provides consistency. Additionally, the legal basis for the use of force is already covered in 2.15.</p>
<p>Category 9</p>	<p>The Association recommends that Category 9 related to physical training be kept as an option as in law enforcement.</p>		<p>Even without a physical category, most physical tasks are incorporated into those performance outcomes where these tasks are used. Therefore, we believe a separate category is not needed.</p>
	<p>General Comments Notes that new standards contain a lesson plan guide and that testing criteria are more specific, both of which are good. Appear to be more mandates and more</p>	<p>Scott Leonard, Curriculum Specialist, NVCJA</p>	<p>Thank you. To improve</p>

	<p>structured practicals that require an academy to free up more time for these.</p> <p>Believes there is a great deal of overlap with law enforcement criteria.</p> <p>Believes there will be combination options as there are currently but this document does not address that.</p>		<p>professionalism and minimize liability it is critical to update these rules and standards. Because of this there is a need for additional time to accomplish these goals.</p> <p>There is overlap because the intent is to provide greater consistency in some areas (such as professionalism and communications) for all public safety personnel.</p> <p>Combination options will continue.</p>
	<p>General Comment Supports the positions of the Virginia Association of Directors of Criminal Justice Training concerning the proposed regulatory changes.</p>	<p>Richard Schumaker, Director, Cardinal CJA</p>	<p>Thank you for your comment.</p>
<p>6VAC20-50-20B(8), D(8), F(8)</p>	<p>Concern expressed about agencies making transport vehicles available for driver training.</p> <p>Performance Outcome 8.1, criteria 8.1.17, Concern expressed about requiring training on skid control techniques with a limited number of skid cars and areas to train available. Recommends that this be made an in-service requirement. Believes this provides training to transportation officers who will actually use it and lessons impact on academy resources.</p>	<p>Tim Kendrick, Central Shenandoah CJA</p>	<p>It is a liability issue to have personnel trained on vehicles they will operate.</p> <p>This is one of the highest liability areas in the state. We believe this should stay as written.</p>

<p>6VAC20B (9), D(9), F(9)</p>	<p>Concern expressed that unless a standardized physical standard exists in the profession it is very difficult for an academy to fulfill any type of physical training requirement. Recommends this training if listed should be optional by an academy.</p>		<p>Responded to previously.</p>
<p>6VAC20-50-50C</p>	<p>Notes that this currently reads “All certified training academies that begin on or after July 1, 2006 shall. . . and recommends that it read “date to be included later.”</p>		<p>An estimated date was required as part of the APA process although it is recognized that this date may change before the APA process is finished. The anticipated effective date will be July 1, 2007 with a one-year implementation period provided.</p>
<p>6VAC20-50-60</p>	<p>Notes this section deals with certified academies and recommends removing them here and including them in the administrative section of rules dealing with certified academies.</p>		<p>Responded to previously.</p>
<p>6VAC20-50-90</p>	<p>A change in 2002 reflected that curriculum would be checked during the recertification process. Recommends this statement be corrected to note that final curricula will be checked during the academy certification process.</p>		<p>This section will be changed to read as follows: “Maintain a final curriculum that includes performance outcomes, hours and instructor names.”</p>
<p>6VAC20-50-21</p>	<p>It is recommended that the same wording used in 6VAC20-20-21 (Law Enforcement) and 6VAC20-60-21 (Dispatchers) be included here for consistency.</p>	<p>Chief Charles Bennett for the Board of Directors, Central Virginia CJA</p>	<p>Responded to previously.</p>
<p>6VAC20-50-10</p>	<p>Recommends that 6VAC20-50-10 (Definitions) for a Jail/Court Security/Civil Process Service Curriculum Review Committee should read similarly to Law</p>		<p>The make-up of the Curriculum Review Committee for each regulated position has</p>

<p>6VAC20-50-90</p>	<p>Enforcement and Dispatchers. The only modifications that should be addressed are to substitute the Department of Corrections as one of the entities that will make up the committee and to state that the Committee on Training shall appoint members of the Curriculum Review Committee.</p> <p>A change in 2002 reflected that curriculum would be checked during the recertification process. Recommends this statement be corrected to note that final curricula will be checked during the academy certification process.</p>		<p>been recommended by the JTA Committee for that regulation. This JTA Committee recommends that the composition of the Curriculum Review Committee for 6VAC20-50 remain as proposed. The phrase that the Committee on Training shall appoint members of the Curriculum Review Committee will be added.</p> <p>Responded to previously.</p>
<p>Category 9, Physical Training</p> <p>6VAC20-50-90(C)</p>	<p>Recommends that this physical standard should be made mandatory while noting that this may pose a significant training issue for other academies.</p> <p>Notes that a change in 2002 reflected that curriculum would be checked during the recertification process. Recommends this statement be corrected to note that final curricula will be checked during the academy certification process.</p>	<p>Major Tyrone Morrow, Fairfax County CJA</p>	<p>Responded to previously.</p> <p>Responded to previously.</p>

All changes made in this regulatory action

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail new provisions and/or all changes to existing sections.

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale

See previous section on “Changes made since proposed stage.”

Regulatory flexibility analysis

Please describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

There are no alternative regulatory methods that will accomplish the goals of this regulation.

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The impact on the family is indirect. Improving training for personnel in any public safety position contributes to public safety.