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## Exempt Action Final Regulation Agency Background Document

<b>Agency name</b>	Department of Criminal Justice Services
<b>Virginia Administrative Code (VAC) citation(s)</b>	6VAC20-40
<b>Regulation title(s)</b>	Rules Relating to Compulsory Minimum Training Standards for Undercover Investigative Officers
<b>Action title</b>	Repeal of 6VAC20-40
<b>Final agency action date</b>	September 17, 2015
<b>Date this document prepared</b>	September 18, 2015

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA) or an agency's basic statute, the agency is not required, however, is encouraged to provide information to the public on the Regulatory Town Hall using this form. Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Brief summary

*Please provide a brief summary of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed.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.*

This regulatory action is intended to repeal 6VAC20-40 Rules Relating to Compulsory Minimum Training Standards for Undercover Investigative Officers in its entirety. During the 2015 General Assembly Session, Delegate Jackson H. Miller introduced [HB2112](#) which removes the following language from §9.1-102 (6) of the *Code of Virginia*:

Establish compulsory training courses for law-enforcement officers in laws and procedures relating to entrapment, search and seizure, evidence, and techniques of report writing, which training shall be completed by law-enforcement officers who have not completed the compulsory training standards set out in subdivision 2, prior to assignment of any such officers

to undercover investigation work. Failure to complete the training shall not, for that reason, constitute grounds to exclude otherwise properly admissible testimony or other evidence from such officer resulting from any undercover investigation.

The bill eliminates the requirement that the Department of Criminal Justice Services (DCJS) establish training courses for undercover investigation work that is designed to be conducted for law enforcement officers who have not completed the compulsory law enforcement officer minimum training standards. This legislation was signed by the Governor on March 17, 2015 and became effective July 1, 2015. Although DCJS regulates 225 police departments, 123 sheriff's offices, 28 independently operated academies and 10 regional academies, this change in law will have no effect on these entities. Due to the increased risk of liability and officer safety issues there are no academies offering training courses for undercover investigation work to law enforcement officers that have not completed the compulsory law enforcement officer minimum training standards.

### 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.*

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On September 17, 2015, the Criminal Justice Services Board granted DCJS approval to file an exempt action pursuant to § 2.2-4006(4) (a) of the *Code of Virginia* to repeal 6VAC20-40 Rules Relating to Compulsory Minimum Training Standards for Undercover Investigative Officers.

### Family impact

*Please assess the impact of this 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.*

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Repealing 6VAC20-40 will have no impact on the institution of the family or family stability.