



## Fast Track Proposed Regulation Agency Background Document

<b>Agency name</b>	Department of Criminal Justice Services
<b>Virginia Administrative Code (VAC) citation</b>	6 VAC 20 – 20 - 21
<b>Regulation title</b>	RULES RELATING TO COMPULSORY MINIMUM TRAINING STANDARDS FOR LAW-ENFORCEMENT OFFICERS
<b>Action title</b>	Law Enforcement Compulsory Minimum Training Standards
<b>Date this document prepared</b>	

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 14 (2010) 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of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed.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.*

The proposed amendment will replace the Document Incorporated by Reference, December 1997 with the website link to the document of the compulsory 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.*

This final action was approved by the Criminal Justice Services Board on September 15, 2011.

**Legal basis**

*Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Your citation should include a specific provision authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency/board/person’s overall regulatory authority.*

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The legal authority of the Department, under the direction of the Board to establish compulsory minimum training standards subsequent to law enforcement officer in (i) permanent positions, and (ii) temporary or probationary status, and establish the time required for the completion of such training is found in 9.1-102(2) 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 the regulation 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.*

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The purpose of this intended regulatory action is to remove the “Document Incorporated by Reference” and replace with the web link to the document of compulsory minimum training standards. The requested revisions are essential to protect the safety and welfare of citizens to ensure that law enforcement officers are receiving the most current training. Currently, when training standards must be revised, the department has to seek such changes through the standard regulatory process requires a minimum of 12-18 months for completion, far too lengthy a wait when dealing with public and officer safety issues.

**Rationale for using fast track process**

*Please explain the rationale for using the fast track process in promulgating this regulation. Why do you expect this rulemaking to be noncontroversial?*

*Please note: If an objection to the use of the fast-track process is received within the 30-day public comment period from 10 or more persons, any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, the agency shall (i) file notice of the objections with the Registrar of Regulations for publication in the Virginia Register, and (ii) proceed with the normal promulgation process with the initial publication of the fast-track regulation serving as the Notice of Intended Regulatory Action.*

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This amendment will not affect our constituents. This will allow the department to seek changes to the compulsory minimum training standards through the process listed within 6VAC20-20; changes in training standards must go before the Law Enforcement Curriculum Review Committee, which is comprised of regional, state and independent criminal justice training academy directors. Upon recommendation for approval by the Law Enforcement Curriculum Review Committee, the recommendation is then presented to the Committee on Training of the Criminal Justice Services Board, and the Board makes the final approval.

**Substance**

*Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. (Provide more detail about these changes in the "Detail of changes" section.) Please be sure to define any acronyms.*

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6VAC20-20-21: Amends the language removing the Document Incorporated by Reference and replacing that language with the web link to the compulsory minimum training standards document.

**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.*

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The advantage is that any recruit completing the compulsory minimum training standards through a certified criminal justice training academy will be receiving the most current training standards approved by the Criminal Justice Services Board. There are no disadvantages since the oversight committee is composed of knowledgeable and experienced persons which make recommendations to members who are appointed to serve by the Governor through the Criminal Justice Services Board, and feel these revisions are in the best interest of our constituents and the Commonwealth.

**Requirements more restrictive than federal**

*Please identify and describe any requirement of the proposal which is more restrictive than applicable federal requirements. Include a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements or no requirements that exceed applicable federal requirements, include a statement to that effect.*

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There are no federal requirements related to this action.

**Localities particularly affected**

*Please identify any locality particularly affected by the proposed regulation. Locality particularly affected means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.*

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No particular locality is affected. This action affects the process in which the department seeks training standards through the Board instead of through the standard Administrative Process Act.

**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.

**Economic impact**

*Please identify the anticipated economic impact of the proposed new regulations or amendments to the existing regulation. When describing a particular economic impact, please specify which new requirement or change in requirement creates the anticipated economic impact.*

<b>Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source / fund detail, and (b) a delineation of one-time versus on-going expenditures</b>	0
<b>Projected cost of the new regulations or changes to existing regulations on localities.</b>	0
<b>Description of the individuals, businesses or other entities likely to be affected by the new regulations or changes to existing regulations.</b>	0
<b>Agency’s best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses affected.</b> Small business means a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.	No businesses affected. No individuals impacted by this change since the current minimum training standards have not been changed.
<b>All projected costs of the new regulations or changes to existing regulations for affected individuals, businesses, or other entities. Please be specific and include all costs. Be sure to include the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses. Specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the proposed regulatory changes or new</b>	0

<b>regulations.</b>	
<b>Beneficial impact the regulation is designed to produce.</b>	Provides for updating training in a more efficient manner.

## Alternatives

*Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action. 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 regulation.*

There are no alternatives to the proposed regulatory action.

## 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.*

Revising the regulations governing compulsory minimum training standards will enhance service to the citizens of the Commonwealth of Virginia by ensuring that law enforcement officers receive the most current training prior to graduating from a certified criminal justice training academy.

## Detail of changes

*Please list all changes that are being proposed and the consequences of the proposed changes. If the proposed regulation is a new chapter, describe the intent of the language and the expected impact. Please describe the difference between existing regulation(s) and/or agency practice(s) and what is being proposed in this regulatory action.*

*If the proposed regulation is intended to replace an emergency regulation, please list separately (1) all differences between the pre-emergency regulation and this proposed regulation, and (2) only changes made since the publication of the emergency regulation.*

For changes to existing regulation(s), use this chart:

Current section	Proposed new section	Current requirement	Proposed change, intent, rationale, and likely impact of proposed requirements
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number	number, if applicable		
6VAC20-20-21		A. The performance outcomes are detailed in the document entitled "Performance Outcomes for Compulsory Minimum Training for Law Enforcement Officers", December 1997, which is incorporated by reference and made part of this chapter."	A. Pursuant to the provisions of subdivision 2 of § 9.1-102 of the Code of Virginia, the board establishes the following standards for Compulsory Minimum Training Standards for Law Enforcement Officers. The complete document may be found on the Department of Criminal Justice Services' website at <a href="http://www.dcjs.virginia.gov">www.dcjs.virginia.gov</a> .