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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) citation(s)</b>	6 VAC20-290
<b>Regulation title(s)</b>	Rules Relating to Minimum Training Standards for Juvenile Corrections Officers
<b>Action title</b>	Juvenile Corrections Officers Compulsory Minimum Training Standards – Performance outcomes and minimum hours required
<b>Date this document prepared</b>	12/17/2014

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Subject matter and intent

*Please describe briefly the subject matter, intent, and goals of the planned regulatory action.*

The proposed new regulation will establish compulsory minimum training standards for juvenile corrections officers employed by the Department of Juvenile Justice.

## Legal basis

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

§9.1-102 (9) of the *Code of Virginia*

The Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to: ... 9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well as the time required for completion of such training, for persons employed as deputy sheriffs and jail officers by local criminal justice agencies, correctional officers employed by the Department of Corrections under the provisions of Title 53.1, and juvenile correctional officers employed at a juvenile correctional facility as the term is defined in § 66-25.3; ...

## Purpose

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

The proposed regulation will establish the minimum entry-level training standards for juvenile corrections officers as required by 2012 legislation HB 273 and SB 293.

## Substance

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

This regulatory action will implement a new regulatory chapter which will establish the created minimum entry-level training standards for juvenile corrections officers. This regulation is being modeled after similar regulatory requirements administered by this Agency. Substantive elements that will be established include:

Definitions – Will provide clarification on key or frequently used terms in the regulatory text.

Compulsory Minimum Training Standards – will establish those standards required for juvenile corrections officers.

Approval Authority – The Criminal Justice Services Board shall be the approval authority for the training categories of the compulsory minimum training standards. The Committee on Training of the Criminal Justice Services Board shall be the approval authority for the performance outcomes, training objectives, criteria and lesson plan guides that support the performance outcomes.

Applicability – Will provide eligibility for those required to meet the training standards.

Time requirement for completion of training – Will establish the time requirement for juvenile corrections officers to meet the minimum training standards.

How minimum training may be attained – Will provide information regarding where and how minimum training will be attended and completed.

Approved training courses – Will provide guidance and provisions on approval of courses and records maintenance.

Grading – Will establish testing procedures to ensure the satisfactory completion of minimum training standards for juvenile corrections officers.

Failure to comply with rules and regulations – Will provide enforcement procedures of all rules and regulations.

Administrative Requirements – Will establish information regarding recording keeping and reporting requirements.

Recertification – Will establish eligibility requirements for recertification of juvenile corrections officers.

## 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 viable alternatives to this proposal. The *Code of Virginia* requires the Department of Criminal Justice Services to establish compulsory minimum entry-level, in-service, and advanced training standards, as well as the time required for completion of such training, for juvenile correctional officers employed at a juvenile correctional facility.

This regulation impacts the training of all juvenile corrections officers employed by the Department of Juvenile Justice. No small businesses are impacted.

## Public participation

*Please indicate whether the agency is seeking comments on the intended regulatory action, including ideas to assist the agency in the development of the proposal and the costs and benefits of the alternatives stated in this notice or other alternatives. Also, indicate whether a public hearing is to be held to receive comments. Please include one of the following choices: 1) a panel will be appointed and the agency's contact if you're interested in serving on the panel is \_\_\_\_\_; 2) a panel will not be used; or 3) public comment is invited as to whether to use a panel to assist in the development of this regulatory proposal.*

Public comments were not made at the public hearing of the Meeting for the Committee on Training of the Criminal Justice Services Board on December 11, 2014. The Criminal Justice Services Board approved the submission of the Notice of Regulatory Action on December 11, 2014.

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