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Final Regulation Agency Background Document

Agency name	Department of Criminal Justice Services
Virginia Administrative Code (VAC) citation(s)	6 VAC20-280
Regulation title(s)	Rules Relating to Compulsory Minimum Training Standards for Law Enforcement Field Training Officers
Action title	Regulations Relating to Law Enforcement Field Training Officers (New)
Date this document prepared	March 31, 2015

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*.

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of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed.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.

In 1999, the Virginia Acts of Assembly amended Section 9-170 (recently recodified as section 9.1-102) of the *Code of Virginia* to add a requirement that DCJS, under the direction of the Criminal Justice Services Board, shall establish minimum training standards and qualifications for certification and recertification of law enforcement field training officers. DCJS began working with the Law Enforcement Curriculum Review Committee, which is appointed by the Committee on Training of the Criminal Justice Services Board, July of 2011 to develop the text of this regulation. This committee is comprised of nine directors of certified criminal justice training academies.

Acronyms and Definitions

Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.

DCJS: Department of Criminal Justice Services

All technical terms have been defined in the "Definition" section of the regulation.

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 Law Enforcement Field Training Officers on March 14, 2013.

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.

Chapter 495, 1999 Virginia Acts of Assembly (<http://leg1.state.va.us/cgi-bin/legp504.exe?991+ful+CHAP0495>) amended Section 9-170 (recently recodified as section 9.1-102) of the *Code of Virginia* to add a requirement that DCJS, under the direction of the Board, shall have the power to: "3. Establish minimum training standards and qualifications for certification and recertification for law enforcement officers serving as field training officers."

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Describe 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.

The Board and DCJS are required by §9.1-102(3) of the *Code of Virginia* to establish minimum training standards and qualifications for certification and recertification for law enforcement officers serving as field training officers. Currently, there are no regulations in place regarding field training officers. As a result, DCJS is unable to enforce training standards that are necessary and required.

Substance

Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both.

The *Code of Virginia*, §9.1-102(3) instructs the Department of Criminal Justice Services to establish minimum training standards and qualifications for certification and recertification for law enforcement officers serving as field training officers. Such standards shall include, but not be limited to, the role and responsibility of law enforcement field training officers, relevant to state laws. The law enforcement field training officers regulations address the necessary definitions, compulsory minimum training standards, applicability, compliance, grading, recertification, failure to comply and administrative requirements for certification and recertification procedures. A field training officer is responsible for training recent law enforcement academy graduates on departmental policies, procedures and operations.

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 primary advantage of the public and the Commonwealth will be a standard level of training for all law enforcement officers serving as field training officers. This will increase the professionalism of this occupation by ensuring all field training officers are receiving the same mandated training.

There are no disadvantages to the public or 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.

There are no requirements exceeding federal requirements.

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.

No localities are uniquely affected by the proposed regulations, as they will apply statewide.

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.

Establishing the training standards for law enforcement field training officers will enhance service to the citizens of the Commonwealth of Virginia by ensuring all field training officers are receiving the mandated training.

Changes made since the proposed stage

*Please list all changes that made to the text of the proposed regulation and the rationale for the changes; explain the new requirements and what they mean rather than merely quoting the proposed text of the regulation. *Please put an asterisk next to any substantive changes.*

Section number	Requirement at proposed stage	What has changed	Rationale for change

There have been no changes to the text of the proposed regulation during the proposed stage.

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. Please distinguish between comments received on Town Hall versus those made in a public hearing or submitted directly to the agency or board.

Commenter	Comment	Agency response

No public comments were received following the publication of the proposed stage.

All changes made in this regulatory action

Please list all changes that are being proposed and the consequences of the proposed changes. Describe new provisions and/or all changes to existing sections. Explain the new requirements and what they mean rather than merely quoting the proposed text of the regulation

This regulatory action is intended to promulgate a new regulation establishing minimum training standards and qualifications for the certification and recertification of law enforcement officers serving as field training officers as required by §9.1-102(3) of the *Code of Virginia*. The regulation addresses, compulsory minimum training standards, applicability, compliance, grading, recertification, failure to comply and administrative requirements for certification and recertification procedures. Upon the promulgation of this regulation field training officers will be required to complete a minimum of 32 hours of training for their initial certification and a minimum of two hours of training will be required for their recertification. Additionally, the regulation outlines the requirements for obtaining a provisional field training officer certification.