Virginia
Regulatory
Town Hall

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Proposed Regulation
Agency Background Document

Agency name	Department of Criminal Justice Services
Virginia Administrative Code (VAC) citation	6 VAC20-280
Regulation title	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	July 15, 2013

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

In a short paragraph, please summarize all substantive provisions of new regulations or changes to existing regulations that are being proposed in this regulatory action.

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 the Department, under direction of the Criminal Justice Services Board, shall establish minimum training standards and qualifications for certification and recertification of law enforcement field training officers. The department 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 a total of nine individuals representing 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.

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 DJCS, 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 officer."

Purpose

Please explain the need for the new or amended regulation by (1) detailing the specific reasons why this regulatory action is essential to protect the health, safety, or welfare of citizens, and (2) discussing the goals of the proposal, the environmental benefits, and the problems the proposal is intended to solve.

The Board and Department 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, the Department is unable to enforce training standards that are necessary and required.

Substance

Please briefly identify and explain new substantive provisions (for new regulations), substantive changes to existing sections or both where appropriate. (More detail about all provisions or changes is requested in the "Detail of changes" section.)

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 officer 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 the regulatory action poses 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 the field by ensuring that 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 requirements of the proposal, which are more restrictive than applicable federal requirements. Include a rationale 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.

Public participation

Please include a statement that in addition to any other comments on the proposal, the agency is seeking comments on the costs and benefits of the proposal and the impacts of the regulated community.

A public hearing will be held after this regulatory stage is published in the *Virginia Register of Regulations* and notice of the hearing will be posted on the Virginia Regulatory Town Hall website (**http://www.townhall.virginia.gov**) and on the Commonwealth Calendar website (**http://www.virginia.gov/cmsportal3/cgi-bin/calendar.cgi**). Both oral and written comments may be submitted at that time.

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. Please keep in mind that we are looking at the impact of the proposed changes to the status quo.

Description of the individuals, businesses or other entities likely to be affected (positively or negatively) by this regulatory proposal. Think broadly, e.g., these entities may or may not be regulated by this board	There are no new costs ivolved.
Agency's best estimate of the number of (1) entities that will be affected, including (2) small businesses affected. Small business means a business, including affiliates, that is independently owned and operated, employs fewer than 500 full-time employees, or has gross annual sales of less than $6 million.	0
Benefits expected as a result of this regulatory proposal.	0
Projected cost to the state to implement and enforce this regulatory proposal.	0
Projected cost to localities to implement and enforce this regulatory proposal.	0
All projected costs of this regulatory proposal for affected individuals, businesses, or other entities. Please be specific and include all costs, including projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses, and costs related to real estate development.	0

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.

Regulatory flexibility analysis

Pursuant to §2.2-4007.1B of the Code of Virginia, 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.

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§ 9.1-102(3) of the Code of Virginia directs the Department of Criminal Justice Services to establish these minimum requirements as set forth in 6VAC20-280. Therefore, an alternative regulatory measure does not exist. There are no small businesses that will be affected by the proposed regulation.

Public comment

Please summarize all comments received during the public comment period following the publication of the NOIRA, and provide the agency response.

No public comments were received following the publication of the NOIRA.

Commenter	Comment	Agency response

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.

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

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.*

If a new regulation is being promulgated, use this chart:

Section number	Proposed requirements	Other regulations and law that apply	Intent and likely impact of proposed requirements
6VAC20-280-30 A	"Every law enforcement officer designated by the chief of police, sheriff, or agency administrator to serve as a field training officer must meet the compulsory minimum training standards established herein after December 31, 2013"		Revise to replace dated original language. "Every law enforcement officer…after **December 31, 2013**."
6VAC20-280-30 C	"All officers serving as field training officers on or before December 31, 2013 shall not be required to comply with these regulations other than recertification."		Revise to replace dated original language. "All officers serving… **December 31, 2013**…"
6VAC20-280-30 (D)	"D. Provisional field training officer certification means the individual performing field training officer functions who have not met the standards as prescribed under § VAC20-280-30, this certification: 1. Requires a high school diploma or high school equivalency certificate (GED); 2. Requires the field training officer has met the minimum training standards for the primary function for which employed by a criminal justice agency, if applicable; 3. Does not authorize an individual to instruct or qualify others in mandated firearms, defensive tactics, driver training, or radar courses; and 4. Is not valid for more than two years and is not renewable. Individuals may apply for field training officer certification upon meeting the requirements of meeting § 6VAC20-280."		"D. A provisional field training officer must be certified by the department. A provisional field training officer certification: 1. Requires a high school diploma or high school equivalency certificate (GED); 2. Requires the field training officer has met the minimum training standards for the primary function for which employed by a criminal justice agency, if applicable; 3. Does not authorize an individual to instruct or qualify others in mandated firearms, defensive tactics, driver training, or radar courses; and 4. Is not valid for more than one year and is not renewable. Individuals may apply for field training officer certification upon meeting the requirements of § 6VAC20-280"
6VAC20-280-40	"Effective January 1, 2014, each law enforcement officer designated by the chief of police, sheriff, or agency administrator shall comply with field training officer		Revise to replace dated original language. "Effective **January 1, 2014**…"

	training requirements prior to serving in the capacity of the position.”		