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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>	6 VAC20-20, 6 VAC20-50, 6 VAC20-60, 6 VAC20-70, 6 VAC20-90, 6 VAC20-100
<b>Regulation title(s)</b>	6 VAC20-20 Rules Relating to Compulsory Minimum Training Standards for Law-Enforcement Officers 6 VAC20-50 Rules Relating to Compulsory Minimum Training Standards for Jailors or Custodial Officers, Courthouse and Courtroom Security Officers and Process Service Officers 6 VAC20-60 Rules Relating to Compulsory Minimum Training Standards for Dispatchers 6 VAC20-70 Rules Relating to Compulsory Minimum Training Standards for Noncustodial Employees of the Department of Corrections 6 VAC20-90 Rules Relating to Regional Criminal Justice Training Academies 6 VAC20-100 Rules Relating to Compulsory Minimum Training Standards for Correctional Officers of the Department of Corrections, Division of Adult Institutions
<b>Action title</b>	Separation of Regulatory Responsibilities
<b>Final agency action date</b>	May 9, 2019
<b>Date this document prepared</b>	May 21, 2019

While a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the *Code of Virginia*, the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. However, the agency may still be required to comply with the Virginia Register Act, Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

### Brief Summary

*Please provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.*

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DCJS has proposed a series of revisions to the existing regulations (6VAC20-20, 6VAC20-50, 6VAC20-60, 6VAC20-70, 6VAC20-90 6VAC20-100) to: correct and update Code citations; address inconsistent terminology, definitions, and processes; codify DCJS practice and policy; clarify training extensions will not be granted for failing to pass/meet compulsory minimum training standards and requirements; and to separate agency responsibility and academy responsibility.

DCJS will start a regulatory action in 6VAC20-90 Rules Relating to Regional Criminal Justice Training Academies to provide training academies clear instructions on the requirements for certification and recertification. The title will be changed to Rules Relating to Criminal Justice Training Academies. The proposed language codifies the current Department policy and practice which requires academies meet 100% of the certification standards identified in the Certified Criminal Justice Training Academy Certification Checklist and Report for initial certification and the Certified Criminal Justice Training Academy Re-certification Checklist and Report for re-certification. The process, responsibilities, and timeline for reassessment and the application of enforcement actions which include probation, suspension and revocation have been described in detail. Finally, the appeal process has been described and includes an initial appeal to the director of the Department. In the event the academy director does not agree with the director of the Department, a second opportunity to appeal to the Executive Committee of the Board has been included.

The existing regulations identify the training requirements for civil process officers, court security officers, dispatchers whose duties include dispatching for law enforcement, jail deputies and officers, law enforcement officers, and basic corrections officers and noncustodial employees of the Department of Corrections. Additionally, the regulations identify the process for creating a regional academy, those regional academies eligible to receive state funding, and the Department's ability to suspend or revoke the certification of a certified training academy.

## Mandate and Impetus

*Please identify the mandate for this regulatory change, and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, board decision, etc.). "Mandate" is defined as "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."*

This regulatory change is not prompted by any mandate.

## 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.*

On May 9, 2019, the Criminal Justice Services Board approved the submission of these regulatory changes to the final stage of the regulatory process. At the May 9, 2019, meeting, the Board did not adopt the amendments to 6 VAC20-70 that had been initially approved at the Board's meeting on December 6, 2018; all other amendments initially approved by the Board in December were again approved by the Board on May 9, 2019.

## Periodic Review Small Business Impact Review Report of Findings

*If you are using this form to report the result of a periodic review/small business impact review that is being conducted as part of this regulatory action, and was announced during the proposed stage, please indicate whether the regulatory change meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), e.g., is necessary for the protection of public health, safety, and welfare; minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and is clearly written and easily understandable.*

*In addition, as required by § 2.2-4007.1 E and F of the Code of Virginia, include a discussion of the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation.*

Commenter	Comment	Agency response

A periodic review for 6VAC20- 20 Rules Relating to Compulsory Minimum Training Standards for Law Enforcement Officers was previously published in Volume 33 Issue 23 of the Virginia Register of Regulations.

- No public comments were received during the periodic review.
- The regulation is necessary for the protection of public health, safety, and welfare. Revisions to the substance of this regulation are necessary to update incorrect Code citations and to clarify the

responsibilities of the professional/agency and the responsibilities of the certified training academy.

- The regulation remains necessary as the Code of Virginia requires the Department under the direction of the Board to establish compulsory minimum training standards subsequent to employment as a law-enforcement officer in (i) permanent positions, and (ii) temporary or probationary status, and establish the time required for completion of such training.
- This regulation does not overlap, duplicate, or conflict with federal or state law or regulation.
- The regulation was last reviewed in 2013.