



## Final Regulation Agency Background Document

<b>Agency name</b>	Department of Criminal Justice Services
<b>Virginia Administrative Code (VAC) citation</b>	6 VAC 20-180 et seq,
<b>Regulation title</b>	Crime Prevention Specialists
<b>Action title</b>	Crime Prevention Specialists
<b>Document preparation date</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 21 (2002) 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of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed.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. If applicable, generally describe the existing regulation.*

Effective July 1, 2002 the General Assembly enacted into law (HB 508) amending § [9.1-162](#) Code of Virginia, which spells out eligibility requirements for Crime Prevention Specialists. The intent of amended language is to expand the program to allow the chief executive of any local, state or federal government agency to designate staff, who serves in a law enforcement, crime prevention or criminal justice capacity, to become certified as Crime Prevention Specialists. The current law restricts certification to staff from local and state law enforcement agencies.

Training topics are updated to include current issues such as homeland security, and requirements are expanded to require addressing four topics on the list in the regulation rather than two topics. Training requirements for recertification are expanded from one to two topics on the list noted in the regulation

All non-law enforcement applicants will also be required to obtain permission from the law enforcement agency having jurisdiction where the Crime Prevention Specialist shall serve, and a decertification section has been added in cases of misrepresentation or conviction of a crime.

**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 Crime Prevention Specialist regulation was adopted by the Criminal Justice Services Board on September 9, 2004.

**Legal basis**

*Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter numbers, if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.*

§9.1-161 Code of Virginia provides the authority to the Criminal Justice Services Board to adopt and promulgate regulations related to the certification of crime prevention specialists.

**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 it 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 Crime Prevention Specialist program was established in 1994. At that time crime prevention was almost exclusively the responsibility of law enforcement. Since that time, however, there are many non-law enforcement professionals who may be involved in providing crime prevention services that should be provided the opportunity for certification. This includes individuals involved in school security, public housing security, crime prevention practitioners at Virginia’s military bases, and state agencies such as the Department of Criminal Justice Services (DCJS), the Attorney General’s Office, the Department of Juvenile Justice, the Department of Transportation, the Capitol Police and others. This program expansion is supported and in large part sponsored by Virginia’s crime prevention and law enforcement community. The purpose of the changes to this regulation is to now provide the opportunity for certification of non-law enforcement professionals involved in providing crime prevention services. The expansion of certification assures a minimum level of competency in public safety crime prevention efforts.

## Substance

*Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. A more detailed discussion is required under the "All changes made in this regulatory action" section.*

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Amended language expands the program to allow the chief executive of any local, state or federal government agency to designate staff, who serves in a law enforcement, crime prevention or criminal justice capacity, to become certified as Crime Prevention Specialists.

Training topics are updated to include current issues such as homeland security, and requirements are expanded to require addressing four topics on the list in the regulation rather than two topics.

Training requirements for recertification are expanded from one to two topics on the list noted in the regulation

All non-law enforcement applicants are required to obtain permission from the law enforcement agency having jurisdiction where the Crime Prevention Specialist shall serve.

A decertification section has been added in cases of misrepresentation or conviction of a crime.

Other changes may be deemed necessary based on public comment received during the APA process

## Fiscal Impact

*Please identify the anticipated fiscal impacts and at a minimum include: (a) the projected cost to the state to implement and enforce the proposed regulation, including (i) fund source / fund detail, (ii) budget activity with a cross-reference to program and subprogram, and (iii) a delineation of one-time versus on-going expenditures; (b) the projected cost of the regulation on localities; (c) a description of the individuals, businesses or other entities that are likely to be affected by the regulation; (d) the agency's best estimate of the number of such entities that will be affected; and e) the projected cost of the regulation for affected individuals, businesses, or other entities.*

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The Crime Prevention Specialist program (CPS) is totally a voluntary program. Although encouraged, no one is required to be a CPS in order to perform crime prevention duties in the Commonwealth. Agency heads can appoint a CPS without having to meet these requirements. It takes an applicant about 6 months to a year to complete the necessary requirements. The program does have a fiscal impact both for the Department of Criminal Justice Services (DCJS) and for localities that sponsor applicants to meet the program certification requirements.

DCJS expenses include costs to administer the program and costs to provide both basic and advanced crime prevention training. Currently, administrative costs include about 10% of a Program Administration Specialist time to process approximately 50 applications per year. This

amounts to about \$5,000 per year. We are estimating that this expansion of the program to non-law enforcement professionals will generate approximately 50 additional applications per year requiring another 10% of current staff's time. DCJS believes this additional cost and workload can be absorbed with current staff.

From the beginning of the CPS program, DCJS has taken the position that it will provide the training opportunities necessary to achieve the CPS. This position helps localities that could not otherwise afford to participate in the program. The Crime Prevention Center is mandated in the Virginia Code to provide crime prevention training. This includes both basic and advanced crime prevention training. Training costs include instructors, materials, meeting facilities, audio-visual equipment, and administrative overhead. Experience has shown that for a class of 25-30 participants the average cost per training day is approximately \$1,000. To meet this need DCJS has provided about \$75,000 from Byrne Grant Funds to the Virginia Crime Prevention Association to conduct about 25-30 training courses each year. This includes about 5 basic courses (5 days each) and 20-25 advanced courses (1-4 days each). With this volume and variety of training offerings, we feel there will be sufficient opportunities to meet the needs of the expansion of the program being proposed with these rules.

There are also costs (although minimal) to localities to participate in the program. DCJS covers the costs associated with conducting the training, but localities must cover any travel (lodging, per diem, transportation) costs for participants to attend. Most of the time training courses are offered close enough to home that this is not an issue, but it is a cost that localities must sometimes incur. There is also a CPS requirement to complete an "Instructor Development" course. Again although most localities can obtain this training at no or minimal cost through there a local or regional criminal justice academy, it is a requirement that the locality is responsible for. This will especially be true for non-law enforcement professionals who will now qualify for this program. Since the program is voluntary, however, we do not feel this is an undue burden.

## 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 Department of Criminal Justice Services recognized that many crime prevention practitioners have reached a new level of professional development. In response to legislation and with assistance from crime prevention practitioners across the state, DCJS created a program to certify specialists in the field of crime prevention. This program is now being expanded to include non-law enforcement professionals who provide crime prevention services.

This regulation outlines the duties of a crime prevention specialist, eligibility for this certification, training requirements for certification and recertification, and identifies circumstances under which a crime prevention specialist may be decertified.

The advantages to the public and the Commonwealth are the expansion of the numbers of professionals who may be certified in crime prevention as a specialty and the assurance of a minimum level of competency through this certification. There are no disadvantages to the public or the Commonwealth.

**Changes made since the proposed stage**

*Please describe all changes made to the text of the proposed regulation since the publication of the proposed stage. For the Registrar’s office, please put an asterisk next to any substantive changes.*

<b>Section number</b>	<b>Requirement at proposed stage</b>	<b>What has changed</b>	<b>Rationale for change</b>
6VAC20-180-10	No requirement included.	Add Section C. All Crime Prevention Specialist Applicants provided for in this chapter shall be approved only upon the recommendation of a law enforcement agency having jurisdiction where the crime prevention specialist shall serve.	This section was inadvertently omitted in the proposed stage. It is being reincorporated in the final stage.
6VAC20-180-30	The inclusion of college and university law enforcement officers being included was omitted.	Reword Section A and B as follows: Any employee (sworn, non-sworn or volunteer) of a local, state, federal government agency, and college or university law enforcement agencies sworn under Section 23-232.1 of the Code of Virginia.	This section was inadvertently omitted in the proposed stage. It is being reincorporated in the final stage.
6VAC20-180-20;	Used “his” as an inclusive term in the regulation.	Suggestion made to change “his” to “their” in Section 20.	Grammatical change.
6VAC20-180-60	Section B. Did not include the phrase “or volunteering for” after the phrase “no longer employed by.”	Suggestion made to add the phrase “or volunteering for” after the phrase “no longer employed by.”	Crime prevention specialists may be volunteers and when no longer volunteering in this capacity the certification will cease.

**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.*

<b>Commenter</b>	<b>Comment</b>	<b>Agency response</b>
John Jones, VA. Sheriffs Association	6 VAC 20-180-10. Comment was received relating to the omission in the regulation of the wording related to approval by the chief law enforcement officer of the locality or the campus police departments of institutions of higher education related to the certification of crime prevention specialists.	Agree with comments and changes made in final stage.
Lt. K.E. Beach Officer David Minns Smithfield PD; Chief Charlie Deane Prince William County PD; 1 <sup>st</sup> Sgt. Sal Torelli Fauquier County SO; Chief A.L. Gaskins Roanoke PD; Interim Chief Carl Burt Newport News PD	Comment received agreeing with the regulations as presented.	
Chief Robert Dillard University of Richmond	Comment received from Chief Robert Dillard expressing concern that the language in the proposed regulation that changes “law enforcement” to “local, state, or federal government agency” completely eliminates the possibility of police officers from private colleges and universities in Virginia from participating in this program. Historically, they participated based on the fact that they were sworn law enforcement officers	Agree with suggestion and changes made in final stage.

	in Virginia.	
Colonel Steve Flaherty VSP	Comment received recommending change of the word “his” to “their” in paragraphs 1-5; also rewording Section 60 paragraph B as follows: When the holder of a crime prevention specialist certification is no longer employed by <b>or volunteering for</b> a local, state, or federal government agency in a law enforcement, crime prevention, or criminal justice capacity, the certification is no longer valid.	Agree with suggestions and changes made in final stage.

Enter any other statement here

**All changes made in this regulatory action**

*Please detail all changes that are being proposed and the consequences of the proposed changes. Detail new provisions and/or all changes to existing sections.*

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
6 VAC 20-180-10	N/A	“Employee” means any sworn or civilian individual, including auxiliaries, employed by a local or state law enforcement agency.	“Employee” means any sworn or civilian individual, including auxiliaries, reserve deputies, and volunteers employed by a local, state, federal government agency, or college or university in the Commonwealth of Virginia.
6 VAC 20-180-20	N/A	Change “his” to “their” in paragraphs 1-5.	Change made in final regulation.
6 VAC 20-180-30	N/A	A. Any employee of a local or state agency is eligible to be trained and certified as a crime prevention specialist.	A. Any employee ( <u>sworn, or non-sworn, or volunteer</u> ) of a local, <del>or state, law enforcement agency, or auxiliary officer or deputy</del> <u>federal government agency and college or university law enforcement agencies sworn under Section 23-232.1 of the Code of Virginia who serve in a law enforcement, crime prevention, or criminal justice capacity, is</u>

			eligible to be trained and certified as a crime prevention specialist.
6 VAC 20-180- 30		B. The agency administrator of any local or state law enforcement agency may designate one or more employees in his department or office to be trained and certified as a crime prevention specialist. Applicants for certification shall be recommended by agency administrator or his designee. Application shall be made on the Crime Prevention Specialist Certification Application-Form A.	B. The agency administrator of any local, <del>or state, law enforcement</del> <u>federal government</u> agency and college or university law enforcement agencies sworn under Section 23-232.1 of the Code of Virginia may designate one or more employees in his department or office, <u>who serve in a law-enforcement, crime prevention, or criminal justice</u> to be trained and certified as a crime prevention specialist. Applicants for certification shall be recommended by agency administrator or his designee. Application shall be made on the Crime Prevention Specialist Certification Application-Form A.
6 VAC 20-180- 60	N/A	B. When the holder of a crime prevention specialist certification is no longer employed by a local, state, or federal government agency in a law enforcement, crime prevention, or criminal justice capacity, the certification is no longer valid.	B. When the holder of a crime prevention specialist certification is no longer employed by <u>or volunteering for</u> a local, state, or federal government agency in a law enforcement, crime prevention, or criminal justice capacity, the certification is no longer valid.

Enter any other statement here



## Family impact

*Please assess the impact of the proposed regulatory action on the institution of the family and family stability.*

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There is no impact on the family.