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Final Regulation Agency Background Document

Agency name	Department of Criminal Justice Services
Virginia Administrative Code (VAC) citation(s)	6VAC20-30
Regulation title(s)	Rules Relating to Compulsory In-Service Training Standards for Law Enforcement Officers, Jailors or Custodial Officers, Courtroom Security Officers, Process Service
Action title	Amend Firearms Training 6VAC20-30-80. Amend Compulsory In-Service Training Standards 6VAC-20-30-30.
Date this document prepared	March 24, 2016

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of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed.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

The proposed revisions amend the regulation requiring corrections officers with the Department of Corrections (DOC) to comply with those rules relating to compulsory in-service training standards for law enforcement officers. Corrections officers and sergeants are currently required to complete 24 hours of in-service training. The proposed revisions will increase in-service requirements to 40 hours every two years. Language referencing the ranks of DOC officers will be removed from the regulation and all corrections officers regardless of rank will be required to complete 40 hours of in-service. The list of firearms courses required for annual range qualification will be removed from the regulation. A reference to the DCJS website will be included to assist constituents to locate the firearm courses. Confusing language addressing how firearm training is applied to in-service hours has been removed. Additionally,

dated and unnecessary language referencing effective dates, adoption dates, and dates of amendments will be removed.

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.

COT – Committee on Training §9.1-112 There is created a permanent Committee on Training under the Board that shall be the policy-making body responsible to the Board for effecting the provisions of subdivisions 2 through 17 of § 9.1-102.

DCJS – Department of Criminal Justice Services

DOC – Department of Corrections

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 March 24, 2016, the Criminal Justice Services Board voted to approve the submission of 6VAC20-30 Rules Relating to Compulsory In-Service Training Standards for Law Enforcement Officers, Jailors or Custodial Officers, Courtroom Security Officers, Process Service to the Final Stage of the regulatory process.

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.

§ 9.1-102. Powers and duties of the Board and the Department.

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:

- 1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the administration of this chapter including...
- 4. Establish compulsory minimum curriculum requirements for in-service and advanced courses and programs for schools, whether located in or outside the Commonwealth, which are operated for the specific purpose of training law-enforcement officers;...
- 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;

§ 9.1-107. Powers and duties of Director.

A. The Director shall be charged with executive and administrative responsibility to (i) carry out the specific duties imposed on the Department under § 9.1-102 and (ii) maintain appropriate liaison with federal, state and local agencies and units of government, or combinations thereof, in order that all programs, projects and activities for strengthening and improving law enforcement and the administration of criminal justice may function effectively at all levels of government.

B. In addition, the Director shall have the power and duty to: ...

... 3. Do all acts necessary or convenient to carry out the purpose of this chapter and to assist the Board in carrying out its responsibilities under § 9.1-102. ...

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 Rules Relating to Compulsory in-Service Training Standards for Law-Enforcement Officers, Jailors or Custodial Officers, Courtroom Security Officers, Process Service as currently enacted requires DOC employees to participate in a set number of hours of in-service training based on rank. Correctional officers and sergeants are required to complete 24 hours of in-service training while officers with a rank of lieutenant through the warden are required to complete 40 hours of in-service training. All corrections officers and security staff, regardless of rank are responsible for the care and custody of inmates and the safety and security of the facility. The proposed revisions to the regulation standardizes the required training hours to ensure all corrections officers receive a sufficient number of hours of in-service training to maintain and enhance their skills. The proposed amendments are essential to ensure corrections officers receive the training necessary to protect the health, safety and welfare of inmates housed in DOC institutions, as well as that of the corrections officers.

The amended regulation will remove the list of firearms courses and replace the list with a hyperlink to the DCJS website where the most current firearms courses can be located. The proposed amendments are essential to ensure corrections officers receive the training necessary to protect the health, safety and welfare of inmates housed in Virginia Correctional Institutions, as well as that of the corrections officers.

The Criminal Justice Service Board's committees provide a forum for public comment and oversight of changes to training standards. Any changes to the training requirements are first reviewed and vetted by a Curriculum Review Committee (CRC). The CRC then makes a recommendation to the COT which is the policy-making body responsible to the Board for approving revisions to the training standards. Prior to approving changes to training requirements the COT must hold a public hearing and sixty days prior to the public hearing, the proposed changes must be distributed to all affected parties for the opportunity to comment.

Substance

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

The proposed revisions amend the regulation requiring corrections officers with the Department of Corrections (DOC) to comply with those rules relating to compulsory in-service training standards for law enforcement officers. Corrections officers and sergeants are currently required to complete 24 hours of in-service training. The proposed revisions will increase in-service requirements to 40 hours every two years. Language referencing the ranks of DOC officers will be removed from the regulation and all corrections officers regardless of rank will be required to complete 40 hours of in-service. The list of firearms courses required for annual range qualification will be removed from the regulation. A reference to the DCJS website will be included to assist constituents to locate the firearm courses. Confusing language addressing how firearm training is applied to in-service hours has been removed. Additionally, dated and unnecessary language referencing effective dates, adoption dates, and dates of amendments will be removed.

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.

There are no disadvantages to the public or the Commonwealth.

The primary advantages for the public, DCJS, DOC and the Commonwealth is standardizing the required training hours to ensure all corrections officers receive a sufficient number of hours of in-service training to maintain and enhance their skills. This ensures corrections officers receive the training necessary to protect the health, safety and welfare of the public, inmates housed in DOC institutions, as well as that of the corrections officers.

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 that exceed applicable 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.

There are no localities particularly affected by the proposed amendments to the regulation.

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.

The proposed regulatory action does not have an impact on the institution of family or family stability.

Changes made since the proposed stage

*Please list all changes 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

No changes were made to the text of the 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
Curt Shaffer, Hanover County Emergency Communications Department	Comments on Rules Related to Compulsory Minimum Training Standards for Dispatchers [6 VAC 20–60] Hanover County, Virginia supports the establishment and adoption of more comprehensive public safety training standards than are currently promulgated through the DCJS compulsory minimum training standards.	This public comment is not relevant to 6VAC20-30 Rules Relating to Compulsory In-Service Training Standards for Law Enforcement Officers, Jailors or Custodial Officers, Courtroom Security Officers, Process Service. The public comment appears to have been intended to be submitted in response to DCJS public comment period for a Periodic Review of 6 VAC 20–60Rules Related to Compulsory Minimum Training Standards for Dispatchers.

	<p>Specifically, the Association of Public Safety Communications Officials, International (APCO) has published a series of comprehensive training manuals and guidelines that are outstanding resources. Hanover recommends that the DCJS consider the incorporating APCO's Minimum Training Standards for Public Safety Telecommunicators as part of the review process. These recommended minimum training standards for new public safety communications officers include standards that address the tasks of public safety call taking, emergency medical dispatch, fire dispatch, as well as law dispatch, thereby creating a baseline making the current Commonwealth training standards more comprehensive and thereby addressing all aspects of public safety dispatch.</p> <p>Also, the current DCJS standards lack requirements regarding on-going in-service training. The APCO curriculum, Minimum Training Standards for Public Safety Telecommunicators includes a requirement for annual in-service training.</p> <p>Finally, Hanover County, Virginia supports the efforts of the Virginia APCO ProCHRT (Professional Communications Resource) Committee and the recommendations submitted on behalf of Virginia APCO. While overall the regulations and standards included in the DCJS Rules to Compulsory Minimum Training Standards for Dispatchers have served localities and those personnel serving as Public Safety Telecommunicators in dispatch centers adequately in the past, there is an opportunity and a need to update and amendment the curriculum and other aspects of the standards.</p>	
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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

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
6VAC20-30-20		D. Every person employed as an officer of the Department of Corrections, Division of Operations as defined herein shall meet compulsory in-service training standards as set forth in 6VAC20-30-30 D A.	This is a technical change to cite the correct subsection within the regulation.
6VAC20-30-30		<p>Pursuant to the provisions of subdivisions (1), (3), (4), (5), (6) and (7), (8), and (9) of § 9.1-102 of the Code of Virginia, the board establishes the following as the compulsory in-service training standards for law-enforcement officers, jailors or custodial officers, courtroom security officers, process service officers and officers of the Department of Corrections, Division of Operations.</p> <p>A. Law-enforcement officers are required to complete a total of 40 hours of in-service.</p> <p>There is similar language in subsections A(3), B(3), and C(3).</p> <p>3. Career</p>	<p>The referenced sections to 9.1-102 required updating. Section (4), (8), and (9) of § 9.102 specifically address in-service, and section (6) was repealed during the 2015 Generally Assembly Session and should be removed.</p> <p>Corrections officers must now meet the same 40 hour in-service requirement as law enforcement officers. DCJS worked with DOC on the amendments to these regulations. DOC supports the enhanced in-service requirements.</p> <p>Modifying the language in A(3), B(3) and C(3) provides clarification for the field. Regardless of how many hours a training academy spends on the annual instruction in firearms, DCJS only accepts four hours of firearms qualification to count towards meeting the 40 hours required for in-service.</p>

	<p>development/elective training... 10 Hours</p> <p>(May include subjects provided in subsections B and C of this section.)</p> <p>a. Subjects to be provided are at the discretion of the academy director of a certified training academy. No more than eight hours of firearms training shall be approved as elective subjects. Firearms training shall be applied as follows:</p> <p>(1) b. No more than four hours may be applied to firearms qualification as provided in 6VAC20-30-80; and</p> <p>(2) Remaining hours eligible for situational or decision-making training</p> <p>D. Officers of the Department of Corrections, Division of Operations.</p> <p>Total Hours for Correctional Officers and Sergeants... 24 Hours</p> <p>Total Hours for Lieutenants through Wardens... 40 Hours</p> <p>1. Cultural diversity training... 2 Hours</p> <p>2. Legal training... 4 Hours</p> <p>The subjects to be provided are at the discretion of the Director of the Department of Corrections or his designee and shall be designated as legal</p>	<p>All of subsection D language will be deleted. All corrections officers and security staff, regardless of rank are responsible for the care and custody of inmates and the safety and security of the facility. The proposed revisions to the regulation standardizes the required training hours to ensure all corrections officers receive a adequate (40 hours) in-service training to maintain and enhance their skills.</p>
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		<p>training.</p> <p>3. Career development/elective training.</p> <p>Correctional officers and sergeants... 18 Hours</p> <p>Lieutenants through wardens... 34 Hours</p> <p>a. Subjects to be provided are at the discretion of the Director of the Department of Corrections, or his designee. No more than eight hours of firearms training shall be approved as elective subjects. Firearms training shall be applied as follows:</p> <p>(1) No more than four hours applied to firearms qualification as provided in 6VAC20-30-80; and</p> <p>(2) Remaining hours eligible for situational or decision making training.</p>	
<p>6VAC20-30-80</p>		<p>A- Law-enforcement officers, jailors or custodial officers, courtroom security officers, and process service officers shall qualify annually with a minimum passing score of 70% on one of the following courses</p> <ol style="list-style-type: none"> 1. Virginia Modified Double Action Course for Semi-Automatic Pistols and Revolvers. 2. Virginia Modified Combat Course I. 3. Virginia Modified Combat Course II. 4. Virginia Qualification Course I. 	<p>The list of firearm courses has been removed from the regulation. The list of courses can be located in the Virginia Criminal Justice Services Training Manual and Compulsory Minimum Training Standards. A hyperlink to the DCJC website will be added to the regulation.</p>

		<p>5. Virginia Qualification Course II.</p> <p>6. Virginia Tactical Qualification Course I.</p> <p>7. Virginia Tactical Qualification Course II.</p>	
6VAC20-30-110		Identifies effective date of regulation as July 1, 1992	After consulting with the staff from the Regulatory Information System it was determined that this language was dated and unnecessary.
6VAC20-30-120		Identifies adoption date of chapter as July 11, 1974	After consulting with the staff from the Regulatory Information System it was determined that this language was dated and unnecessary.
6VAC20-30-130		Identifies a series of dates the regulation was amended.	After consulting with the staff from the Regulatory Information System it was determined that this language was dated and unnecessary.