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Proposed Regulation Agency Background Document

Agency name	Department of Criminal Justice Services
Virginia Administrative Code (VAC) Chapter citation(s)	6 VAC20-105
VAC Chapter title(s)	Rules Relating to the Compulsory Minimum Training Standards for Detector Canine Handlers Employed by the Department of Corrections; Standards for the Training and Retention of Detector Canines used by the Department of Corrections
Action title	New Regulation for the Establishment of Compulsory Minimum Training Standards for Detector Canine Handlers and Standards for Detector Canines Employed by the Department of Corrections
Date this document prepared	03/25/2026

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

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.

This action originates with a legislative mandate that occurred as a result of the 2020 Special Session of the General Assembly, requiring DCJS to establish compulsory minimum training standards for detector canine handlers employed by the Department of Corrections, standards for the training and retention of detector canines used by the Department of Corrections, and a central database for the performance and effectiveness of such detector canines. SB5030 (2020) also required that the Department of Corrections submit comprehensive information on each canine handler and detector canine. These requirements were added to § 9.1-102 in subsection 56 of the Code of Virginia, effective March 1, 2021. DCJS initially

began promulgating this as an Emergency action, but after consulting with the Attorney General's Office in early 2023, the agency thought it best to move forward with a NOIRA and thus began a new action.

Acronyms and Definitions

Define all acronyms used in this form, and any technical terms that are not also defined in the "Definitions" section of the regulation.

Board – Criminal Justice Services Board
 CJSB - Criminal Justice Services Board, DCJS' policy board
 COT- Committee on Training
 DCJS - Department of Criminal Justice Services
 Department - Department of Criminal Justice Services
 DOC – Department of Corrections
 SME - Subject Matter Expert

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in the ORM procedures, "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."

Legislation was passed (SB5030) during the 2020 Special Session of the General Assembly, and the provisions contained within this regulatory action are listed in § 9.1-102, subsection 56 of the Code of Virginia. DCJS completed its work with SMEs and DOC personnel, and the compulsory minimum training standards for detector canines and their handlers were developed and approved by the Board. DCJS sought and obtained formal Board approval to move forward with this action to establish a brand new regulation for such standards on May 20, 2021. The training standards themselves were approved in December of 2021 by the COT and the CJSB, and the regulatory text that will be listed in 6VAC20-105 was approved on March 17, 2022.

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

The promulgating agency is DCJS, which has the regulatory authority under § 9.1-102 to do so. Pursuant to § 9.1-102, the Department, under the direction of the Board, which is the policy-making body charged with carrying out its duties and powers, has the power and duty to adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.). Additionally, as of March 1, 2021, the Department has the authority to establish compulsory minimum training standards for detector canine handlers employed by the Department of Corrections, standards for the training and retention of detector canines used by the Department of Corrections, and a central database on the performance and effectiveness of such detector canines that requires the Department of Corrections to submit comprehensive information on each canine handler and detector canine, including the number and types of calls and searches,

substances searched for and whether or not detected. This includes the number of false positives, false negatives, true positives, and true negatives.

Purpose

Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it is intended to solve.

DCJS has determined that this regulation is essential to protect the safety and welfare of citizens in the Commonwealth, and as of March 1, 2021, its provisions have been codified in the Code of Virginia. The purpose of this new regulation is to establish and adopt compulsory minimum training standards for detector canine handlers employed by the DOC, and standards for the training and retention of their detector canines. While detector canines currently utilized by DOC are already protecting the health, safety, and welfare of citizens, this will ensure that all parties involved will meet the same standards and receive the same minimum training, no matter which facility the canine and its handler will ultimately work at.

Substance

Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of Changes" section below.

There are no substantive changes to existing sections of any chapter of any regulation because this will be a brand new regulation promulgated by DCJS. The Department has been legislatively mandated through the passage of SB5030 during the 2020 Special Session of the General Assembly to adopt such standards into regulation.

Issues

Identify the issues associated with the regulatory change, 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, include a specific statement to that effect.

Primary advantages to the public are improved clarity and transparency in training, conformity with current law, and more efficient and cohesive training within the Department of Corrections.

There are no identifiable disadvantages to the public, government officials, the governing agency or to the Commonwealth overall that will result from this regulatory change.

Requirements More Restrictive than Federal

Identify and describe any requirement of the regulatory change which is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and 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 specific statement to that effect.

There are no applicable federal requirements.

Agencies, Localities, and Other Entities Particularly Affected

Consistent with § 2.2-4007.04 of the Code of Virginia, identify any other state agencies, localities, or other entities particularly affected by the regulatory change. Other entities could include local partners such as tribal governments, school boards, community services boards, and similar regional organizations. "Particularly affected" are those that are likely to bear any identified disproportionate material impact which would not be experienced by other agencies, localities, or entities. "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.

No other state agencies are particularly affected by the regulatory change, other than the Virginia Department of Corrections. No localities or other entities are particularly affected by the regulatory change.

Economic Impact

Consistent with § 2.2-4007.04 of the Code of Virginia, identify all specific economic impacts (costs and/or benefits) anticipated to result from the regulatory change. When describing a particular economic impact, specify which new requirement or change in requirement creates the anticipated economic impact. Keep in mind that this is the proposed change versus the status quo.

Impact on State Agencies

<p><i>For your agency:</i> projected costs, savings, fees, or revenues resulting from the regulatory change, including: a) fund source / fund detail; b) delineation of one-time versus on-going expenditures; and c) whether any costs or revenue loss can be absorbed within existing resources.</p>	<p>There are no associated costs, savings, fees, or revenues resulting from this regulatory action. The DOC already has a detector canine unit and this action creates minimum training standards ensuring all handlers and canines are trained in the same manner.</p>
<p><i>For other state agencies:</i> projected costs, savings, fees, or revenues resulting from the regulatory change, including a delineation of one-time versus on-going expenditures.</p>	<p>There are no known projected costs, savings, or revenues resulting from this regulatory change.</p>
<p><i>For all agencies:</i> Benefits the regulatory change is designed to produce.</p>	<p>The primary benefit of this regulatory change is compliance with the Code of Virginia and related legislative mandates.</p>

Impact on Localities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a or 2) on which it was reported. Information provided on that form need not be repeated here.

<p>Projected costs, savings, fees, or revenues resulting from the regulatory change.</p>	<p>N/A</p>
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Benefits the regulatory change is designed to produce.	N/A
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Impact on Other Entities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a, 3, or 4) on which it was reported. Information provided on that form need not be repeated here.

Description of the individuals, businesses, or other entities likely to be affected by the regulatory change. If no other entities will be affected, include a specific statement to that effect.	N/A
Agency’s best estimate of the number of such entities that will be affected. Include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that: a) is independently owned and operated, and; b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.	N/A
All projected costs for affected individuals, businesses, or other entities resulting from the regulatory change. Be specific and include all costs including, but not limited to: a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses; b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change; c) fees; d) purchases of equipment or services; and e) time required to comply with the requirements.	N/A
Benefits the regulatory change is designed to produce.	N/A

Alternatives to Regulation

Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. 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 regulatory change.

There are no viable alternatives to the proposed regulatory change, as it has been legislatively mandated with the passage of SB5030 (2020).

If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.

Regulatory Flexibility Analysis

Consistent with § 2.2-4007.1 B of the Code of Virginia, 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) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing 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 regulatory change.

There are no applicable agency analyses of alternative regulatory methods that have the ability to accomplish objectives while minimizing adverse impact on small businesses.

If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.

Periodic Review and 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 NOIRA stage, indicate whether the regulatory change meets the criteria set out in EO 19 and the ORM procedures, 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, discuss the agency’s consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (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. Also, discuss why the agency’s decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.

As this action is promulgating a new regulation, it is not the result of a periodic review or small business impact review.

Public Comment

Summarize all comments received during the public comment period following the publication of the previous stage, and provide the agency’s response. Include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. If no comment was received, enter a specific statement to that effect.

Commenter	Comment	Agency response
N/A	N/A	N/A

The public comment period began on 04/21/2025 and ended 05/21/2025. No public comments were received.

Public Participation

Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below.

The Department of Criminal Justice Services (DCJS) is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal, (ii) any alternative approaches, (iii) the potential impacts of the regulation, and (iv) the agency's regulatory flexibility analysis stated in that section of this background document.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at: <https://townhall.virginia.gov>. Comments may also be submitted by mail, email or fax to: Kristi Shalton, 1100 Bank St, Richmond, VA 23219, (804) 987-0332, or Kristi.shalton@dcjs.virginia.gov. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will not be held following the publication of this stage of this regulatory action.

Detail of Changes

List all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Use all tables that apply, but delete inapplicable tables.

If an existing VAC Chapter(s) is being amended or repealed, use Table 1 to describe the changes between the existing VAC Chapter(s) and the proposed regulation. If the existing VAC Chapter(s) or sections are being repealed and replaced, ensure Table 1 clearly shows both the current number and the new number for each repealed section and the replacement section.

Table 1: Changes to Existing VAC Chapter(s)

Current chapter-section number	New chapter-section number, if applicable	Change, intent, rationale, and likely impact of new requirements
N/A	N/A	N/A

If a new VAC Chapter(s) is being promulgated and is not replacing an existing Chapter(s), use Table 2.

Table 2: Promulgating New VAC Chapter(s) without Repeal and Replace

New chapter-section number	New requirements to be added to VAC	Other regulations and laws that apply	Change, intent, rationale, and likely impact of new requirements
6 VAC 20-105-10	<p>Definitions.</p> <p>The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:</p> <p>"Agency administrator" means any chief of police, sheriff, agency head of a state or local law-enforcement agency, or the director of the Department of Corrections.</p> <p>"Approved training" means training approved by the Department to meet minimum training standards.</p> <p>"Board" means the Criminal Justice Services Board.</p> <p>"Compulsory minimum training standards" means the written performance outcomes approved by the Committee on Training and the minimum training hours approved by the Criminal Justice Services Board.</p> <p>"Committee on Training" or "COT" means the standing committee of the Board that is charged with reviewing proposed changes to the standards, receiving and reviewing public comments, and approving changes to the standards as needed.</p> <p>"Curriculum Review Committee" means the committee consisting of nine individuals</p>	6 VAC 20-100 applies to all DOC corrections officers prior to becoming detector canine handlers.	The intent of the inclusion of this section is to clearly define all terms and acronyms utilized throughout the proposed regulation.

	<p>representing the Department of Corrections. Two members of the committee shall represent the western region, two members shall represent the eastern region, two members shall represent the central region, and three members shall represent administration.</p> <p>"Department" means the Department of Criminal Justice Services.</p>		
<p>105-20</p>	<p>Compulsory minimum training standards.</p> <p>A. Pursuant to the provisions of subdivision 9 of § 9.1-102 of the Code of Virginia, the Department under the direction of the Board establishes the compulsory minimum training standards for full-time or part-time correctional officers of the Department of Corrections.</p> <p>B. Pursuant to the provisions of subdivision 56 of § 9.1-102 of the Code of Virginia, the Department shall establish compulsory minimum training standards for detector canine handlers employed by the Department of Corrections. Officers employed as detector canine handlers with the Department of Corrections shall comply with the following:</p> <ol style="list-style-type: none"> 1. Successfully complete approved training identified in 6VAC20-100, the Compulsory Minimum Training Standards and Performance Outcomes for Basic Corrections Officers. 2. Successfully complete approved training identified in the Virginia Department 	<p>N/A</p>	<p>The intention of the inclusion of this section is to standardize requirements for the training of detector canines and their handlers within the DOC. While DOC already has a detector canine program within its agency to work within its prisons and facilities, this section complies with legislative mandates codified several years ago and ensures all canines and their handlers are trained in the same manner and with the same requirements and expectations. This is similar to the regulation of all other criminal justice professions whose compulsory minimum training standards are encompassed within Code and regulation.</p>

	<p>of Criminal Justice Services Compulsory Minimum Training Standards and Performance Outcomes for Detector Canines and Handlers.</p>		
<p>105-30</p>	<p>Approval authority.</p> <p>A. The Committee on Training shall be the approval authority for the performance outcomes, training objectives, criteria, and lesson plan guides that support the performance outcomes. Performance outcomes, training objectives, criteria, and lesson plan guides supporting the compulsory minimum training standards may be added, deleted, or amended by the COT based upon written recommendation of the director of the Department of Corrections or the Curriculum Review Committee.</p> <p>B. Before approving changes to the performance outcomes, training objectives, criteria, or lesson plan guides, the COT shall schedule an opportunity for public comment during a meeting of the COT. A minimum of 60 days before the meeting of the COT, the proposed changes shall be distributed for an opportunity to comment. Notice of changes to the performance outcomes, training objectives, criteria, and lesson plan guides shall be filed for publication in the Virginia Register of Regulations.</p> <p>C. The Department shall notify The Department of</p>	<p>N/A</p>	<p>Same as above.</p>

	<p>Corrections' training academy in writing of any COT approved revisions. COT approved revisions require a minimum of 30 days' notice prior to becoming effective.</p>		
<p>105-40</p>	<p>Applicability.</p> <p>A. A person employed as a full-time or part-time correctional officer with the Department of Corrections, working as a detector canine handler, shall satisfactorily complete the compulsory minimum training standards identified in 6VAC-20-105-20.</p> <p>B. The Director of Criminal Justice Services may grant an exemption or partial exemption from the compulsory minimum training standards and the requirements set forth in 6VAC20-105-20 to a correctional officer employed as a detector canine handler who has had previous experience and training as a canine handler, as provided in § 9.1-116 of the Code of Virginia.</p> <p>C. A person not employed as a full-time or part-time correctional officer, working as a detector canine handler with the Department of Corrections, who remains out of Department of Corrections employment for more than 24 months, upon reappointment, shall be required to comply with the compulsory minimum training standards and the requirements identified in 6VAC20-105-20.</p>	<p>N/A</p>	<p>Same as above.</p>

<p>105-50</p>	<p>Attendance and testing.</p> <p>A. Attendance.</p> <p>1. Correctional officers attending approved training are required to attend all classes and shall not be placed on duty or on call as a detector canine handler, except in cases of an emergency. If there is an emergency (e.g., natural disaster, catastrophic event, etc.) the agency administrator or designee shall determine if it is appropriate to place such an officer on duty or on call, and shall notify the Chief of Corrections Operations within 24 hours.</p> <p>2. Officers shall be responsible for any material missed during an excused absence.</p> <p>B. Testing.</p> <p>1. Officers shall comply with the testing requirements set forth by the Department of Corrections.</p> <p>2. Officers shall meet all of the training objectives and pass each criteria for testing related to every performance outcome approved by the Committee on Training.</p> <p>3. An officer may be tested and retested at the discretion of the Department of Corrections, and in accordance with the Department of Corrections' written policy.</p>	<p>N/A</p>	<p>Same as above.</p>
<p>105-60</p>	<p>Administrative requirements.</p> <p>A. Records and documentation shall be open to audit, inspection, and review by the department upon request.</p>	<p>N/A</p>	<p>Same as above.</p>

	<p>B. Training records shall be maintained in accordance with the provisions of this chapter and the Virginia Public Records Act (§ 42.1-76 et seq. of the Code of Virginia).</p>		
105-70	<p>Failure to comply with rules and regulations.</p> <p>A. Any individual attending training for the Department of Corrections detector canine handler training program shall comply with the rules and regulations promulgated by the department. The director of training shall be responsible for enforcement of all rules and regulations established to govern the conduct of attendees.</p> <p>B. Individuals violating the rules and regulations governing the Department of Corrections determined to be detrimental to the welfare of the academy, the safety of other officers, the canines, visitors, or other personnel may be expelled from the program.</p> <p>C. Notification of an expulsion will immediately be reported, in writing, to the agency administrator and the department.</p>	N/A	Same as above.
DIBR	<p>Documents Incorporated by Reference</p>	N/A	<p>Incorporating the training standards themselves into regulation creates increased transparency to the public and stakeholders. All requirements and standards related to DOC detector canines and their handlers will also be easier to locate if they are housed within the same regulation that</p>

			governs related rules and requirements.

If the regulatory change is replacing an **emergency regulation**, and the proposed regulation is identical to the emergency regulation, complete Table 1 and/or Table 2, as described above.

If the regulatory change is replacing an **emergency regulation**, but changes have been made since the emergency regulation became effective, also complete Table 3 to describe the changes made since the emergency regulation.

Table 3: Changes to the Emergency Regulation

Emergency chapter-section number	New chapter-section number, if applicable	Current <u>emergency</u> requirement	Change, intent, rationale, and likely impact of new or changed requirements since emergency stage
N/A	N/A	N/A	N/A