



Virginia  
Regulatory  
Town Hall

## Notice of Intended Regulatory Action Agency Background Document

<b>Agency Name:</b>	Department of Criminal Justice Services
<b>VAC Chapter Number:</b>	6 VAC 20-5-10 et seq.
<b>Regulation Title:</b>	Rules Relating to Compulsory Minimum Training Standards for Jailors or Custodial Officers, Courthouse and Courtroom Security Officers and Process Service Officers
<b>Action Title:</b>	Jail, Court Security, Civil Process Minimum Training Standards
<b>Date:</b>	4/1/05

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B). Please refer to Executive Order Twenty-Five (98) and Executive Order Fifty-Eight (99) for more information.

### Purpose

*Please describe the subject matter and intent of the planned regulation. This description should include a brief explanation of the need for and the goals of the new or amended regulation.*

The standards and regulations governing the training and certification of jailors, courthouse and courtroom security officers in Virginia currently in effect were completed in 1987 with some amendments in 1990. The Department of Criminal Justice Services conducted a comprehensive job task analysis for these officers during 2002-03 and is updating standards and training objectives to be consistent with performance expectations for jailors, courtroom and courthouse security officers and process service officers in the Commonwealth.

The Job Task Analysis has a direct bearing on standards and these, in turn, directly impact the training by which jailors, courtroom and courthouse security officers and process service officers may be held accountable for ensuring public safety and welfare. Without these requirements, which must be updated on a periodic basis, the safety and welfare of the public may be compromised. Therefore, the amendments to the regulations are being proposed specifically to ensure that training and certification of jailors, courtroom and courthouse security officers and

process service officers are based on timely data. The goal of responding to the public safety and welfare of citizens of the Commonwealth is most strongly supported by standards that are reviewed and updated by the process utilized herein.

### Basis

*Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory action and the legal authority identified above should be explained. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided.*

The Code of Virginia requires that jailors, courtroom and courthouse security officers and process service officers must comply with established minimum training standards in order to be certified. Legislative authority to promulgate regulations relating to dispatchers is granted to the Criminal Justice Services Board (CJSB) pursuant to **Section 9.1-102, paragraphs 7, 8, and 9 of the Code of Virginia.**

### Substance

*Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.*

The proposed amendments to the regulation revise it in four significant areas:

- (1). The regulation is amended to incorporate changes to the minimum training standards in a format that is consistent with the changes made to the minimum training standards for law enforcement officers and dispatchers.
- (2). The regulation is amended to separately identify the minimum training required for each type of position governed by this regulation in order to provide a method to certify such officers separately. This allows sheriffs the opportunity to hire and train qualified personnel for duties that relate to court security or process service without requiring these personnel to become certified as a jailor.
- (3). The regulation is amended to add a standing Curriculum Review Committee with responsibilities for an annual review of the minimum training standards and utilization of a process for adopting suggested changes that is less expensive and that provides a timely method for incorporating needed changes in training.
- (4). The regulation is amended to incorporate field training requirements.

All amendments are designed to update the minimum training standards so that persons serving as jailors, courthouse or courtroom security officers, or process service officers are able to meet the safety and welfare needs of citizens of the Commonwealth as required under the Code of Virginia .

**Alternatives**

*Please describe, to the extent known, the specific alternatives to the proposal that have been considered or will be considered to meet the essential purpose of the action.*

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There are no alternatives available that meet requirements of the Code of Virginia.

**Family Impact Statement**

*Please provide a preliminary analysis of the potential 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.*

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The regulations indirectly impact the family who may come into contact with a jailor, courtroom or courthouse security officer, or process service officer by providing a regulatory requirement that protects the public from incompetent or unqualified persons from serving in these positions.