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Exempt Action Proposed Regulation Agency Background Document

Agency name	Department of Criminal Justice Services
Virginia Administrative Code (VAC) citation(s)	6VAC20-20, 6VAC20-50, 6VAC20-60, 6VAC20-70, 6VAC20-90, 6VAC20-100
Regulation title(s)	<ul style="list-style-type: none"> § 6VAC20- 20 Rules Relating to Compulsory Minimum Training Standards for Law-Enforcement Officers § 6VAC20-50 Rules Relating to Compulsory Minimum Training Standards for Jailors or Custodial Officers, Courthouse and Courtroom Security Officers and Process Service Officers § 6VAC20-60 Rules Relating to Compulsory Minimum Training Standards for Dispatchers § 6VAC20-70 Rules Relating to Compulsory Minimum Training Standards for Noncustodial Employees of the Department of Corrections § 6VAC20-90 Rules Relating to Regional Criminal Justice Training Academies § 6VAC20-100 Rules Relating to Compulsory Minimum Training Standards for Correctional Officers of the Department of Corrections, Division of Adult Institutions
Action title	Separation of Regulatory Responsibilities
Date this document prepared	May 21, 2018

While a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Administrative Process Act (APA), the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of The Virginia Register Act, 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of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed.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.

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.

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.

This regulation has no impact on the institution of the family or family stability.

Periodic review/small business impact review report of findings

This section may be used to report the results of a periodic review/small business impact review. Otherwise, delete this section.

Please (1) summarize all comments received during the public comment period following the publication of the Notice of Periodic Review and (2) indicate whether the regulation meets the criteria set out in

Executive Order 17 (2014), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable. In addition, as required by 2.2-4007.1 E and F, please 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.
- § No comments or complaints have been received regarding this regulation.
- § This regulation does not overlap, duplicate, or conflict with federal or state law or regulation.
- § The regulation was last reviewed in 2013.