



Periodic Review / Retain Regulation Agency Background Document

Agency name	Department of Criminal Justice Services
Virginia Administrative Code (VAC) citation	6 VAC 20 - 180
Regulation title	Crime Prevention Specialists
Document preparation date	July 26, 2012

This form is used when the agency has done a periodic review of a regulation and plans to retain the regulation without change. This information is required pursuant to Executive Orders 14 (2010) and 58 (1999).

Legal basis

Please identify the state and/or federal legal authority for the regulation, including (1) the most relevant law and/or regulation, and (2) promulgating entity, i.e., agency, board, or person.

Statute authority set forth by § 9.1-161.

Alternatives

Please describe all viable alternatives for achieving the purpose of the existing regulation that have been considered as part of the periodic review process. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving the purpose of the regulation.

There are no alternatives to the proposed regulatory action.

Public comment

Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

Commenter	Comment	Agency response
John Nagel	<p>6VAC20-180-30 D- Eligibility: personnel appointed to crime prevention tasks should be certified within 5 years of appointment. It is inappropriate for chief executives to permit personnel to perform these tasks indefinitely with no expectation of proper training/certification. Uncertified practitioners put the general public and businesses at risk.</p> <p>6VAC20-180-60 B- Decertification: holders of the certification should be allowed to keep their certification for the full duration of the certification period (currently 3 years) even if they leave their employment/volunteer capacity - but with no possibility for renewal unless they return to an appropriate capacity.</p>	Thank you for your comment.

The Notice of Periodic Review was published in the *Virginia Register of Regulation* on July 2, 2012. It was also published on the Virginia Regulatory Town Hall website. The public comment period was from July 2, 2012 thru July 23, 2013. The agency does not feel that we can mandate that anyone following crime prevention procedures be a certified specialist. The agency also has no way of knowing which specialists have changed employers until it is time for them to re-certify their specialization.

Effectiveness

Please indicate whether the regulation meets the criteria set out in Executive Order 14 (2010), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.

This regulation meets the criteria set forth in Executive Order 14 (2010), and is necessary for the protection of public safety, and is clearly written and easily understood.

Result

Please state that the agency is recommending that the regulation should stay in effect without change.

The agency is recommending that the regulation stay in effect without change.

Small business impact

In order to minimize the economic impact of regulations on small business, please include, pursuant to § 2.2-4007.1 E and F, 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. Also, include a discussion of the agency's determination whether the regulation should be amended or repealed, consistent with the stated objectives of applicable law, to minimize the economic impact of regulations on small businesses.

(1) The continued need for this regulation is to ensure compliance of the certification of crime prevention specialists, as required in § 9.1-161. (2) The comment(s) received would cause concern for constituents, as we do not feel we can mandate anyone carrying out crime prevention tasks be certified as a specialist. Also, there are times when we do not know which specialists have changed employers until they are notified that they are due for re-certification. (3) This regulation was written as simply as possible. (4) This regulation does not overlap, duplicate, or conflict with federal or state law. (5) This regulation was last reviewed in 2005. There have been no changes in technology, economic conditions, or other factors that would necessitate an amendment or repeal of this regulation.

The agency has determined that this regulation does not need to be amended or repealed, consistent with the stated objectives of applicable law, to minimize the economic impact of regulations on small businesses.

Family impact

Please provide an analysis of the regulation's impact on the institution of the family and family stability.

The impact on the family is the sense that the regulations governing crime prevention specialists are current with the Code of Virginia.