

Law Reviews

Treading the Thin Blue Line: Military Special-Operations Trained Police Swat Teams and the Constitution. Note, 9 Wm. & Mary Bill Rts. J. 673 (2001).

6VAC20-80-10. Definitions.

The following words and terms, when used in this chapter, shall have the following meaning, unless the context clearly indicates otherwise.

"Academy director" means the chief administrative officer of a certified training academy.

"~~Academy i~~Instructor" means an individual who has complied with all of the applicable standards for certification or recertification, whichever applies, contained herein and is eligible to instruct, teach or lecture for more than three hours of ~~approved or~~ mandated training at a certified training academy.

~~"Agency instructor" means any previously certified instructor who has complied with all of the applicable standards for instructor recertification contained herein, except 6VAC20-80-70 A 5.~~

"Apprenticeship" means a period of supervised instruction, occurring after satisfactory completion of an approved instructor development course, wherein the instructor applicant is evaluated by a certified instructor during mandated ~~or approved~~ instruction.

"Certified training academy" means a certified training academy which provides instruction of at least the minimum training standards mandated by the board and has been approved by the department for the specific purpose of training criminal justice personnel.

"Criminal justice agency" means any government agency or identifiable subunit which has as its principal duty(s): the prevention, detection, and investigation of crime; the apprehension, detection, and prosecution of alleged offenders; the confinement or correctional supervision of accused or convicted persons; or the administrative or technical support of these functions, and is designated by the Code of Virginia as coming under the purview of the Department of Criminal Justice Services.

"Department" means the Department of Criminal Justice Services.

"Director" means the chief administrative officer of the department.

"Instructional staff" means any individual employed in training on a full-time basis who shall instruct ~~approved~~ mandated training.

"Mandated Training" means training which satisfies compulsory minimum training requirements such as entry-level training and in-service training.

Statutory Authority

§9.1-102 of the Code of Virginia.

Historical Notes

Derived from VR240-01-12 §1, eff. July 1, 1986; amended, Virginia Register Volume 6, Issue 16, eff. July 1, 1990; Volume 8, Issue 16, eff. July 1, 1992.

Editor's Note

Pursuant to the revision authority of the Virginia Code Commission, the statutory authority was updated in February 2003.

6VAC20-80-20. Compulsory Minimum standards for instructors.

Individuals instructing ~~approved~~ mandated training shall possess one of the following certifications authorized by the department, excluding those enumerated in 6VAC20-80-50:

~~A. Provisional instructor certification.~~

~~For the individual who has not previously met the requirements for instructor certification, this certification:~~

- ~~1. Requires a high school diploma or high school equivalency certificate (GED);~~
- ~~2. Requires that the individual has met the compulsory minimum training standards for the primary function for which employed by a criminal justice agency, if applicable;~~
- ~~3. Does not authorize an individual to instruct or qualify others in mandated firearms, defensive tactics, driver training, or radar courses; and~~
- ~~4. Is valid for not more than two years and is not renewable. An individual may apply for instructor certification upon meeting the requirements of 6VAC20-80-20 and 6VAC20-80-60.~~

~~B.A.~~ General instructor certification.

For individuals who have professional or proficiency skills in a field directly related to criminal justice, this certification:

1. Requires a high school diploma or high school equivalency certificate (GED);
2. Requires the applicant to be instructional staff, an employee of a Virginia criminal justice agency, or an academy director;
3. Requires a minimum of two years' experience in a criminal justice agency or two years experience in the subject area the individual will instruct;
4. Requires the applicant to have successfully completed an instructor development course which meets or exceeds the standards of the instructor development course enumerated in 6VAC20-80-30;

5. Is valid for not more than three years, but may be renewed;
6. Requires the applicant to serve an apprenticeship, as specified in 6VAC20-80-40, with a certified instructor until the applicant can demonstrate the ability to successfully instruct without supervision. The certified instructor shall document this successful completion of the apprenticeship ~~on the instructor application form~~ which shall be documented at the appropriate certified academy; and
7. Does not authorize an individual to instruct or qualify others in mandated firearms, defensive tactics, driver training, or radar operator courses.

EB. Firearms instructor certification.

For the individual who has had extensive firearms training and experience, this certification:

1. Requires a high school diploma or high school equivalency certificate (GED);
2. Requires the applicant to be instructional staff, an employee of a Virginia criminal justice agency, or an academy director;
3. Requires a minimum of two years' experience in a criminal justice agency;
4. Requires the applicant to have attended and successfully completed an instructor development course which meets or exceeds the standards of the instructor development course enumerated in 6VAC20-80-30;
5. Requires the applicant also to have successfully completed a firearms instructors course which meets or exceeds the standards of the firearms instructors course approved by the department;
6. Is valid for not more than three years, but may be renewed;
7. Requires prequalification on a department "Modified Double Action Course or Virginia Tactical Qualification Course" with a minimum score of 90%;
8. Requires the applicant to serve an apprenticeship, as specified in 6VAC20-80-40, with a certified instructor until the applicant can demonstrate the ability to successfully instruct without supervision. The certified instructor shall document ~~this~~ successful completion of the apprenticeship. ~~on the instructor application form~~ This documentationz shall be maintained at the appropriate certified academy; and
9. Authorizes an individual to instruct mandated firearms training courses and to conduct annual firearms qualifications only.

DC. Defensive tactics certification.

For the individual who has had extensive training and experience in the area of defensive tactics, this certification:

1. Requires a high school diploma or a high school equivalency certificate (GED);

2. Requires the applicant to be instructional staff, an employee of a Virginia criminal justice agency, or an academy director;
3. Requires a minimum of two years experience in a criminal justice agency;
4. Requires the applicant to have attended and successfully completed an instructor development course which meets or exceeds the standards of the instructor development course enumerated in 6VAC20-80-30.
5. Requires the applicant also to have successfully completed a defensive tactics instructors course which meets or exceeds the standards of the defensive tactics instructors course approved by the department;
6. Is valid for not more than three years, but may be renewed;
7. Requires the applicant to serve an apprenticeship, as specified in 6VAC20-80-40, with a certified instructor until the applicant can demonstrate the ability to successfully instruct without supervision. The certified instructor shall document this successful completion of the apprenticeship ~~on the instructor application form~~ which shall be maintained at the appropriate certified academy; and
8. Authorizes the individual to instruct defensive tactics subjects only.

ED. Driver training instructor certification.

For the individual who has had extensive training and experience in the area of driver training, this certification:

1. Requires a high school diploma or a high school equivalency certificate (GED);
2. Requires the applicant to be instructional staff, an employee of a Virginia criminal justice agency, or an academy director;
3. Requires a minimum of two years experience in a criminal justice agency;
4. Requires the applicant to have attended and successfully completed an instructor development course which meets or exceeds the standards of the instructor development course enumerated in 6VAC20-80-30;
5. Requires the applicant also to have successfully completed a driver training instructors course which meets or exceeds the standards of the driver training instructors course approved by the department;
6. Is valid for not more than three years, but may be renewed;
7. Requires the applicant to serve an apprenticeship, as specified in 6VAC20-80-40, with a certified instructor until they can demonstrate the ability to successfully instruct without supervision. The certified instructor shall document this successful completion of the apprenticeship ~~on the instructor application form~~ which shall be maintained at the appropriate certified academy; and

8. Authorizes the individual to instruct driver training subjects only.

~~FE~~. Radar instructor certification.

This certification:

1. Requires a high school diploma or high school equivalency certificate (GED);
2. Requires the applicant to be instructional staff, an employee of a Virginia criminal justice agency, or an academy director.
3. Requires a minimum of two years experience in a criminal justice agency, including two years experience in radar operation;
4. Requires the applicant to have attended and successfully completed an instructor development course which meets or exceeds the standards of the instructor development course enumerated in 6VAC20-80-30;
5. Requires the applicant to have attended and successfully completed a radar instructor school which meets or exceeds the standards established by the department;
6. Is valid for not more than three years, but may be renewed;
7. Requires the applicant to serve an apprenticeship, as specified in 6VAC20-80-40, with a certified instructor until the applicant can demonstrate the ability to successfully instruct without supervision. The certified instructor shall document this successful completion of the apprenticeship ~~on the instructor application form~~ which shall be maintained at the appropriate certified academy; and
8. Authorizes an individual to instruct radar subjects only.

Statutory Authority

[§9.1-102](#) of the Code of Virginia.

Historical Notes

Derived from VR240-01-12 §2, eff. July 1, 1986; amended, Virginia Register Volume 6, Issue 16, eff. July 1, 1990; Volume 8, Issue 16, eff. July 1, 1992.

Editor's Note

Pursuant to the revision authority of the Virginia Code Commission, the statutory authority was updated in February 2003.

6VAC20-80-30. Compulsory minimum training standards for instructor development and recertification courses.

The board establishes the following compulsory minimum training standards:

1. An instructor development course shall include a minimum of 40 hours of training and must address each of the following subjects:

Role of the Instructor/Adult Learner

Fundamentals of Communication

Liability and Ethics of Instructors

Research and Development

Instructional Performance Objectives

Preparation and Use of Lesson Plans

Methods of Instruction for Adult Learners

Preparation and Use of Audio-Visual Material

Criteria Testing and Test Construction

Student Presentations

Optional Topics (subject(s) selected at the discretion of the academy director, if applicable, but must pertain to instructor development.);

2. An instructor recertification course shall include a minimum of ~~six-two~~ hours of training each for general instructor and all specialty designations. The director of a certified academy shall establish re-certification criteria for that academy and maintain documentation of completion of re-certification training. Documentation of completion of recertification shall be audited during academy recertification and as necessary during routine visits or monitoring of training by the department. ~~and must address the following mandated subjects:~~

~~a. Curriculum:~~

~~(1) Core subjects (4 hours minimum).~~

~~(a) Review of Instructional Techniques and Methods~~

~~(b) Review of Liability and Ethics of Instructors~~

~~(c) Training Innovations and Technology~~

~~(d) Testing and Measurements~~

~~(e) Record Keeping and Documentation~~

~~(2) Skill specific subjects (2 hours minimum)~~

~~(a) Review of Current Basic and In-Service Course Requirements (Skills Areas to Emphasize and Review Current Mandates)~~

~~(b) Skill Specific Liability Issues;~~

~~3. Application(s) to conduct approved instructor development and recertification courses shall be submitted on forms provided by the department and within the time limit prescribed by the department.~~

Statutory Authority

§9.1-102 of the Code of Virginia.

Historical Notes

Derived from VR240-01-12 §3, eff. July 1, 1986; amended, Virginia Register Volume 6, Issue 16, eff. July 1, 1990; Volume 8, Issue 16, eff. July 1, 1992.

Editor's Note

Pursuant to the revision authority of the Virginia Code Commission, the statutory authority was updated in February 2003.

6VAC20-80-40. Instructor apprenticeship requirements.

A. The apprenticeship shall:

1. Occur after the successful completion of a Virginia certified or other equivalent instructor development course which meets or exceeds the standards of the instructor development course established by the department;
2. Be conducted under the supervision and evaluation of a Virginia certified instructor, who possesses at least three years of experience as a certified instructor in the topic of apprenticeship instruction; and
3. Consist of instructional presentation which shall total no less than four hours in duration for general instructor and no less than sixteen hours in any specialty or skill area except for radar which shall consist of four hours. For the specialty or skill area the individual must demonstrate proficiency in both classroom and skills presentations. However, firearms instructor apprenticeship shall total no less than eight hours, four hours classroom and four hours range presentation.

B. The certified instructor shall document the successful completion of the apprenticeship in a manner prescribed by the certified academy that is conducting the apprenticeship on the "Instructor Certification Application."

Statutory Authority

§9.1-102 of the Code of Virginia.

Historical Notes

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Derived from VR240-01-12 §4, eff. July 1, 1986; amended, Virginia Register Volume 6, Issue 16, eff. July 1, 1990; Volume 8, Issue 16, eff. July 1, 1992.

Editor's Note

Pursuant to the revision authority of the Virginia Code Commission, the statutory authority was updated in February 2003.

6VAC20-80-50. Exemptions to certification requirements.

The following individuals are exempted from the certification requirements set forth in 6VAC20-80-20:

1. Individuals who instruct three hours or less in any approved-mandated training session in a certified training academy;
2. An individual assigned by the academy director to instruct in emergency situations;
3. Individuals who possess professional or proficiency skills directly related to the subject matter in which they are instructing. This may include but not be limited to members of the bar, medical profession, public administrators, teachers, social service practitioners, etc. Documentation of skills may be requested and final approval, if necessary, rests with the department;
4. Subdivision 3 of 6VAC20-80-50 may apply to employees of criminal justice agencies of this Commonwealth and its political subdivisions if approved by the department;
5. Certified emergency care and first aid instructors; and
6. Individuals who serve as field training officers or on-the-job training officers for purposes of providing field training as required by minimum training standards. Such exemption shall not be construed to apply to training promulgated by the department other than field training or on-the-job training.
7. Individuals who have conducted training as a subject matter expert may continue to conduct training in their area of expertise only for two years after being hired by an agency designated by the Code of Virginia as coming under the purview of the Department of Criminal Justice Services.

Statutory Authority

§9.1-102 of the Code of Virginia.

Historical Notes

Derived from VR240-01-12 §5, eff. July 1, 1986; amended, Virginia Register Volume 6, Issue 16, eff. July 1, 1990; Volume 8, Issue 16, eff. July 1, 1992.

Editor's Note

Pursuant to the revision authority of the Virginia Code Commission, the statutory authority was updated in February 2003.

6VAC20-80-60. Application for instructor certification.

A. A properly completed "Instructor Certification Application" is required from each instructor prior to being considered for certification. The application shall conform to the format and requirements specified by the department. ~~must be received by the department within 12 months of completion of the instructor course for which certification is requested. The application shall be accompanied by a recommendation from the chief of police, sheriff, agency administrator or his designee, and endorsed by the academy director.~~

~~B. If a properly completed "Instructor Certification Application" is not received within the 12-month application period, the applicant must attend the applicable recertification course and must be reevaluated in accordance with the apprenticeship requirements set forth in 6VAC20-80-40 prior to consideration for certification.~~

Statutory Authority

§9.1-102 of the Code of Virginia.

Historical Notes

Derived from VR240-01-12 §6, eff. July 1, 1986; amended, Virginia Register Volume 6, Issue 16, eff. July 1, 1990; Volume 8, Issue 16, eff. July 1, 1992.

Editor's Note

Pursuant to the revision authority of the Virginia Code Commission, the statutory authority was updated in February 2003.

6VAC20-80-70. Instructor recertification.

A. Instructor certifications, ~~other than those issued to provisional instructors, will shall~~ be valid for not more than three years. Individual instructors must meet all applicable recertification requirements by December 31 of the third calendar year following issuance of certification. The certified academy shall maintain documentation of recertification and current instructor status for each instructor. In addition, the academy director shall maintain documentation related to each instructor's qualification to instruct specific topics. ~~Applications for recertification will be submitted on forms provided by the department.~~

~~1. Applicants for recertification shall be recommended by the chief of police, sheriff, agency administrator or his designee, and endorsed, where applicable, by the academy director.~~

~~2. A recertification application for departmental firearms instructors does not require endorsement by the academy director.~~

~~3. Applicants shall attend and successfully complete a recertification course which shall be approved by the department for each type of certification held. This requirement must be completed prior to December 31 of the calendar year in which the instructor is required to be recertified unless provided otherwise in accordance with subdivision 6 of 6VAC20-80-70.~~

~~Completion of one or more of the skills recertification seminars (firearms, defensive tactics, driver training, or radar training) will qualify an instructor for recertification in the general category.~~

~~4. Individuals whose certification expires shall comply with all requirements of 6VAC20-80-60 and meet any certification requirements that are in effect at that time.~~

~~5. Individuals who instruct in a certified training academy shall have taught a minimum of eight hours of mandated or approved instruction during the current period of certification, and shall have been evaluated by staff or students in order to be eligible for recertification as an academy instructor.~~

~~6. Individuals who have not taught a minimum of eight hours of mandated or approved instruction during the current period of certification and have not been evaluated by staff or students shall be designated as agency instructors. Agency instructors may become an academy instructor upon completion of the requirements set forth in paragraph 5 above under the supervision of a certified instructor.~~

~~7. The director may grant an extension of the time limit for completion of the recertification requirements under the following conditions:~~

~~a. The chief of police, sheriff or agency administrator shall present written notification that the officer was unable to complete the required training within the specified time limit due to:~~

~~(1) Illness;~~

~~(2) Injury;~~

~~(3) Military service;~~

~~(4) Special duty assignment required and performed in the public interest;~~

~~(5) Leave without pay or suspension pending investigation or adjudication of a crime; or~~

~~(6) Any other reason documented by the agency administrator. Such reason must be specified and any approval granted shall not exceed 90 days.~~

~~b. Requests for extension of the time limit shall be requested prior to certification expiration.~~

Statutory Authority

§9.1-102 of the Code of Virginia.

Historical Notes

Derived from VR240-01-12 §7, eff. July 1, 1986; amended, Virginia Register Volume 6, Issue 16, eff. July 1, 1990; Volume 8, Issue 16, eff. July 1, 1992.

Editor's Note

Pursuant to the revision authority of the Virginia Code Commission, the statutory authority was updated in February 2003.

6VAC20-80-80. Suspension and revocation of instructor certification.

A. The department may suspend or revoke any instructor certification issued under these rules if it is determined that an individual has:

1. Falsified any department report, application, form or roster;
2. Demonstrated instructional incompetence based upon observation and assessment; or
3. Otherwise misused the authority granted herein.

B. An instructor's certification may be recommended for suspension or revocation for cause upon written request of the chief of police, sheriff, agency administrator, or academy director.

C. When a certified instructor terminates employment with the criminal justice agency ~~which that~~ recommended certification, the instructor certification shall become null and void upon written request of the chief of police, sheriff, agency administrator, or academy director. Upon reemployment with a Virginia criminal justice agency, the instructor's certification may be reinstated upon the written request of the chief of police, sheriff or agency administrator. Requests for reinstatement shall be authorized by an academy director. ~~Any reinstatement of certification shall not exceed the original date of expiration.~~

D. Any instructor whose certification is revoked as provided in subsection A shall not be eligible to reapply for certification for a period of three years from the date of revocation.

Statutory Authority

§9.1-102 of the Code of Virginia.

Historical Notes

Derived from VR240-01-12 §8, eff. July 1, 1986; amended, Virginia Register Volume 6, Issue 16, eff. July 1, 1990; Volume 8, Issue 16, eff. July 1, 1992.

Editor's Note

Pursuant to the revision authority of the Virginia Code Commission, the statutory authority was updated in February 2003.

6VAC20-80-90. Administrative requirements.

Reports will be required from the school director, chief of police, sheriff, or agency administrator on forms provided by or approved by the director and at such times as designated by the director.

Statutory Authority

[§9.1-102](#) of the Code of Virginia.

Historical Notes

Derived from VR240-01-12 §9, eff. July 1, 1986; amended, Virginia Register Volume 6, Issue 16, eff. July 1, 1990; Volume 8, Issue 16, eff. July 1, 1992.

Editor's Note

Pursuant to the revision authority of the Virginia Code Commission, the statutory authority was updated in February 2003.

6VAC20-80-100. Effective date.

These rules shall be effective on and after July 1, 1992, and until amended or repealed.

Statutory Authority

[§9.1-102](#) of the Code of Virginia.

Historical Notes

Derived from VR240-01-12 §10, eff. July 1, 1986; amended, Virginia Register Volume 6, Issue 16, eff. July 1, 1990; Volume 8, Issue 16, eff. July 1, 1992.

Editor's Note

Pursuant to the revision authority of the Virginia Code Commission, the statutory authority was updated in February 2003.

6VAC20-80-110. Adopted: July 6, 1983.

Amended: April 1, 1992.

Statutory Authority

[§9.1-102](#) of the Code of Virginia.

Historical Notes

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Derived from VR240-01-12 §11, eff. July 1, 1986; amended, Virginia Register Volume 6, Issue 16, eff. July 1, 1990; Volume 8, Issue 16, eff. July 1, 1992.

Editor's Note

Pursuant to the revision authority of the Virginia Code Commission, the statutory authority was updated in February 2003.

FORMS

Criminal Justice Instructor Application for Certification/Recertification, eff. 7/1/92.

Criminal Justice Training Roster, Form 41, eff. 1/93.
