



Fast Track Proposed Regulation Agency Background Document

Agency name	Department of Criminal Justice Services
Virginia Administrative Code (VAC) citation	6VAC20-50
Regulation title	Rules Relating to Compulsory Minimum Training Standards for Jailors, Courthouse and Courtroom Security Officers, and Process Service Officers
Action title	Jail/Court Security/Civil Process Service Rules Related to Compulsory Minimum Training
Date this document prepared	10-1-10

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed.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.

The amendments add two definitions, revise the layout of the Rules due to the reorganization and renumbering of the standards, and repeal section 110 that listed performance outcomes. An annual review of the training standards has been conducted and the Jail/Court Security/Civil Process Service Curriculum Review Committee determined that a separation of the three areas was needed and that the only items needed in the regulation were training categories. Numbering is likely to be changed with annual reviews and should not be part of the regulation. All changes that are approved are posted with the standards on the Department of Criminal Justice Services website.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

The current regulation was adopted by the Criminal Justice Services Board on December 14, 2006.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., the agency, board, or person. Describe the scope of the legal authority and the extent to which the authority is mandatory or discretionary.

§9.1-102(7)(8)(9)

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons the regulation is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

The purpose of the amendments is to reorganize the training into three distinctive areas – Jail, Court Security, and Civil Process Service. When the current regulation was adopted, there had been a request to combine those three areas and this was done. However, changes in the economy and a need to hire personnel to perform only court security functions or only civil process functions brought another request to separate the areas so that new hires could be trained for only those functions. This reorganization has been done and the Rules need to reflect this.

Rationale for using fast track process

Please explain the rationale for using the fast track process in promulgating this regulation. Why do you expect this rulemaking to be noncontroversial?

Please note: If an objection to the use of the fast-track process is received within the 30-day public comment period from 10 or more persons, any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, the agency shall (i) file notice of the objections with the Registrar of Regulations for publication in the Virginia Register, and (ii) proceed with the normal promulgation process with the initial publication of the fast-track regulation serving as the Notice of Intended Regulatory Action.

The process for reorganizing the training standards has been going on for about a year and all parties are in accord that the Rules should reflect these changes.

Substance

Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. (Provide more detail about these changes in the "Detail of changes" section.)

The proposed changes include:

- adding a definition for the Committee on Training and revising a definition on the standards for greater accuracy and consistency
- providing information on how to find the standards on the DCJS website
- removing references to Performance Outcome Numbers as these are subject to change annually
- removing the list of Performance Outcomes as these are subject to change annually

Issues

Please identify the issues associated with the proposed regulatory action, 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, please indicate.*
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The primary advantages to the public, the agency, and the Commonwealth are greater clarity in reading the Rules; greater ease in complying with the process for revising standards that must be reviewed annually and revised as necessary; and lower cost in this process.

There are no disadvantages to the public or the Commonwealth.

Requirements more restrictive than federal

Please identify and describe any requirement of the proposal which is more restrictive than applicable federal requirements. Include 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 statement to that effect.

There are no requirements more restrictive than federal requirements.

Localities particularly affected

Please identify any locality particularly affected by the proposed regulation. Locality particularly affected means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.

This is a regulation that impacts training of jail/court security/civil process officers statewide. No locality is disproportionately impacted.

Regulatory flexibility analysis

Please 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) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of 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 proposed regulation.

There are no alternative regulatory methods. The Code of Virginia mandates that training standards for entry-level jail/court security/civil process service officers be set by the Criminal Justice Services Board.

Economic impact

Please identify the anticipated economic impact of the proposed new regulations or amendments to the existing regulation. When describing a particular economic impact, please specify which new requirement or change in requirement creates the anticipated economic impact.

<p>Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source / fund detail, and (b) a delineation of one-time versus on-going expenditures</p>	<p>No new costs are involved. An annual meeting of the Curriculum Review Committee is currently included in the budget and the cost is approximately \$1300.</p>
<p>Projected cost of the new regulations or changes to existing regulations on localities.</p>	<p>0</p>
<p>Description of the individuals, businesses or other entities likely to be affected by the new regulations or changes to existing regulations.</p>	<p>Those persons who are interested in training to become a jailor/court security/civil process officer are impacted by the training standards and any revisions thereto.</p>
<p>Agency’s best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.</p>	<p>No small businesses are affected.</p>

<p>All projected costs of the <i>new regulations or changes to existing regulations</i> for affected individuals, businesses, or other entities. Please be specific and include all costs. Be sure to include the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses. Specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the proposed regulatory changes or new regulations.</p>	<p>No new costs are involved.</p>
<p>Beneficial impact the regulation is designed to produce.</p>	<p>The proposed amendments simply provide for additional clarity and ease of conducting annual reviews and revisions as needed. This benefits everyone in this area of criminal justice training since legislative changes, technology issues impacting training, and any other issues impacting training have a method for consideration and potential adoption.</p>

Alternatives

Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action. 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 regulation.

There are no alternatives to the current training system in Virginia. It would require a major reorganization of the current delivery of training to develop an alternative method.

Family impact

Please assess the 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.

The impact on the family is the sense of safety and welfare that comes from knowing that criminal justice operations are being carried out by qualified and trained personnel.

Detail of changes

Please list all changes that are being proposed and the consequences of the proposed changes. If the proposed regulation is a new chapter, describe the intent of the language and the expected impact in each section. Please describe the difference between the requirements of the new provisions and the current practice or if applicable, the requirements of other existing regulations in place.

If the proposed regulation is intended to replace an emergency regulation, please list separately (1) all provisions of the new regulation or changes to existing regulations between the pre-emergency regulation and the proposed regulation, and (2) only changes made since the publication of the emergency regulation.

For changes to existing regulations, use this chart:

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
6VAC20-50-10			Add definition regarding the Committee on Training; revise definition on compulsory minimum training standards to specify the four parts of the standard.
6VAC20-50-20 A			Adds the information on where to find the standards on the DCJS website.
6VAC20-50-20 B		Notes performance outcomes detailed later in the regulation.	Eliminates this.
6VAC20-50-20C, D, E, F, G, H	6VAC20-50-20B, C, D, E, F, G	Lists academy training categories with performance outcome numbers;	Moves academy training categories from C to B; removes performance outcome numbers.
6VAC20-50-110		Lists performance outcomes.	Eliminates this.

For new chapters, use this chart:

Section number	Proposed requirements	Other regulations and law that apply	Intent and likely impact of proposed requirements

Enter any other statement here