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## Fast-Track Regulation Agency Background Document

<b>Agency name</b>	Department of Criminal Justice Services
<b>Virginia Administrative Code (VAC) citation(s)</b>	6VAC20-180
<b>Regulation title(s)</b>	Crime Prevention Specialists
<b>Action title</b>	Revisions to Crime Prevention Specialists
<b>Date this document prepared</b>	September 19, 2016

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Brief summary

*Please provide a brief summary (preferably no more than 2 or 3 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of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed.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. If applicable, generally describe the existing regulation.*

The proposed amendments include corrected citations to the Virginia Administrative Code and the Code of Virginia, clarification of confusing language, and the removal of redundant language where appropriate. The amendments clarify the following:

- Employees of private colleges and universities are eligible to be trained and certified as a crime prevention specialist
- Agency heads may delegate the authority to designate employees to be trained and certified as crime prevention specialist.

The existing regulations identify the duties of crime prevention specialists and who may designate and approve eligible employees to serve as crime prevention specialists. Additionally, the regulation provides the requirements for certification and recertification and the basis for decertification.

## Acronyms and Definitions

*Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.*

DCJS – Department of Criminal Justice Services

CJSB – Criminal Justice Services Board

Certified Crime Prevention Community - A community that has implemented a defined set of community safety strategies as part of a comprehensive community safety/crime prevention effort.

## 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.*

On September 15, 2016, DCJS and the Committee on Training recommended the CJSB grant approval to file a fast-track action to amend 6VAC20-180 (Crime Prevention Specialist). The CJSB having been provided a draft of the proposed amendments, voted unanimously to grant permission to DCJS to file a fast-track action.

## Legal basis

*Please identify the state and/or federal legal authority to promulgate this proposed regulation, including: 1) the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable; and 2) promulgating entity, i.e., agency, board, or person. Your citation should include a specific provision authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency/board/person's overall regulatory authority.*

### **§ 9.1-161. (Effective until October 1, 2016) Crime prevention specialists; duties.**

The Board shall adopt regulations establishing minimum standards for certification of crime prevention specialists. Such regulations shall require that the chief law-enforcement officer of the locality or the campus police departments of institutions of higher education established by Chapter 17 (§ [23-232](#) et seq.) of Title 23 wherein the person serves shall approve the certification before a candidate for certification may serve as a crime prevention specialist. A crime prevention specialist shall have the duty to:

1. Provide citizens living within his jurisdiction information concerning personal safety and the security of property, and other matters relating to the reduction of criminal opportunity;
2. Provide business establishments within his jurisdiction information concerning business and employee security, and other matters relating to reduction of criminal activity;
3. Provide citizens and businesses within his jurisdiction assistance in forming and maintaining neighborhood and business watch groups and other community-based crime prevention programs;
4. Provide assistance to other units of government within his jurisdiction in developing plans and procedures related to the reduction of criminal activity within government and the community; and

5. Promote the reduction and prevention of crime within his jurisdiction and the Commonwealth.

**§ 9.1-161. (Effective October 1, 2016) Crime prevention specialists; duties.**

The Board shall adopt regulations establishing minimum standards for certification of crime prevention specialists. Such regulations shall require that the chief law-enforcement officer of the locality or the campus police departments of institutions of higher education established by Article 3 (§ [23.1-809](#) et seq.)

of Chapter 8 of Title 23.1 wherein the person serves shall approve the certification before a candidate for certification may serve as a crime prevention specialist. A crime prevention specialist shall have the duty to:

1. Provide citizens living within his jurisdiction information concerning personal safety and the security of property, and other matters relating to the reduction of criminal opportunity;
2. Provide business establishments within his jurisdiction information concerning business and employee security, and other matters relating to reduction of criminal activity;
3. Provide citizens and businesses within his jurisdiction assistance in forming and maintaining neighborhood and business watch groups and other community-based crime prevention programs;
4. Provide assistance to other units of government within his jurisdiction in developing plans and procedures related to the reduction of criminal activity within government and the community; and
5. Promote the reduction and prevention of crime within his jurisdiction and the Commonwealth.

**Purpose**

*Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Describe 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.*

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The regulation is being amended for the purpose and goal of correcting regulatory citations, providing clarifying language and removing redundant language. This regulation is essential to protect the health, safety, and welfare of citizens. The regulation sets forth the process for becoming a certified crime prevention specialist. Certified crime prevention specialists work with law enforcement, businesses, and citizens in their communities to: provide security assessments, training on topics such as personal safety, crime prevention for seniors, school safety and security and establish Neighborhood Watch programs. The work of crime prevention specialists reduces crimes within communities which protects the health, safety and welfare of citizens.

**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?*

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DCJS and the CJSB anticipate the proposed amendments to be non-controversial and appropriate for a fast track action because the amendments do not change the current requirements to become a certified crime prevention specialist.

## Substance

*Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of changes" section below.*

The proposed amendments clarify the following:

- Employees of private colleges and universities are eligible to be trained and certified as a crime prevention specialist.
- Agency heads may delegate the authority to designate employees to be trained and certified as crime prevention specialist.

Citation corrections

- Remove an incorrect citation, 6VAC20-80-10 referencing the definition section of Rules Relating to Certification of Criminal Justice Instructors and replace it with 6VAC20-80-20 which identifies the requirements for general instructor certification.
- Title 23 is changing to Title 23.1. The correct Code citation as of October 1, 2016 will be § 23.1-810.

## 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.*

The advantages to the public and the Commonwealth include the ability to reference the correct citations in the Virginia Administrative Code, clarification of confusing language, and the removal of redundant language where appropriate. 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 applicable federal requirements related to this regulation.

### 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.*

The proposed amendments do not change the requirements for certification of a crime prevention specialists therefore there are no localities particularly affected by the amendments to the regulation.

### Regulatory flexibility analysis

*Pursuant to § 2.2-4007.1B of the Code of Virginia, 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.*

As stated earlier, the Code of Virginia requires the CJSB to adopt regulations establishing minimum standards for certification of crime prevention specialists, therefore, the regulation is necessary. The proposed amendments do not change the current requirements for certification of a crime prevention specialist and there is no impact on small businesses.

### 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><b>Projected cost to the state to implement and enforce the proposed regulation, including:</b>  <b>a) fund source / fund detail; and</b>  <b>b) a delineation of one-time versus on-going expenditures</b></p>	<p>There are no projected costs to the state associated with the proposed amendments to this regulation.</p>
<p><b>Projected cost of the new regulations or changes to existing regulations on localities.</b></p>	<p>There are no projected costs to localities costs associated with the proposed amendments to this regulation.</p>
<p><b>Description of the individuals, businesses, or other entities likely to be affected by the new regulations or changes to existing regulations.</b></p>	<p>Individuals working in law enforcement sworn and nonsworn and those individuals working in schools, campuses, and universities who are certified as crime prevention specialists throughout Virginia.</p> <p>There are currently twelve (12) Certified Crime Prevention Communities throughout Virginia and each is required to have at least one certified crime prevention specialist.</p>

	<p>There are currently four (4) Certified Crime Prevention Campuses throughout Virginia and each is required to have at least one certified crime prevention specialist.</p>
<p><b>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.</b> Small business means a business entity, including its affiliates, that:</p> <p>a) is independently owned and operated and;</p> <p>b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.</p>	<p>There are over 450 individuals certified as crime prevention specialists throughout Virginia.</p> <p>There are currently twelve (12) Certified Crime Prevention Communities throughout Virginia.</p> <ul style="list-style-type: none"> <li>•City of Galax</li> <li>•City of Hampton</li> <li>•City of Newport News</li> <li>•City of Roanoke</li> <li>•City of Virginia Beach</li> <li>• Chesterfield County</li> <li>•Fairfax County</li> <li>•Hanover County</li> <li>•Henrico County</li> <li>•Town of Christiansburg</li> <li>•Town of Herndon</li> <li>•Town of Smithfield</li> </ul> <p>There are currently four (4) Certified Crime Prevention Campuses.</p> <ul style="list-style-type: none"> <li>•Virginia Commonwealth University</li> <li>•Virginia Tech</li> <li>•University of Richmond</li> <li>•Christopher Newport University</li> </ul>
<p><b>All projected costs of the new regulations or changes to existing regulations for affected individuals, businesses, or other entities. Please be specific and include all costs including:</b></p> <p>a) the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses; and</p> <p>b) 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>There are no projected costs associated with the proposed amendments to this regulation.</p>
<p><b>Beneficial impact the regulation is designed to produce.</b></p>	<p>The benefit of the proposed amendments is clarification for certified crime prevention specialist and those interested in becoming crime prevention specialists.</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 viable alternatives, the Code of Virginia (9.1-161) requires the Criminal Justice Services Board to adopt regulations establishing the minimum standards for the certification of crime prevention specialists.

**Public participation notice**

*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: 1) file notice of the objections with the Registrar of Regulations for publication in the Virginia Register; and 2) proceed with the normal promulgation process with the initial publication of the fast-track regulation serving as the Notice of Intended Regulatory Action.*

**Periodic review and small business impact review report of findings**

*If this fast-track is the result of a periodic review/small business impact review, use this form to report the agency's findings. 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

No public comments were received during the periodic review.

The Code of Virginia § 9.1-161 requires the Board to adopt regulations establishing minimum standards for certification of crime prevention specialists. The regulation identifies the eligibility criteria for and the duties of crime prevention specialists. In 1994, the General Assembly established the Crime Prevention Specialist Certification Program (CPS). In 2002, the General Assembly expanded the scope of the CPS program to provide the opportunity for certification of non-law enforcement professionals. This includes individuals involved in school security, public housing security, crime prevention practitioners at Virginia's military bases, and state agencies such as the DCJS, the Department of Juvenile Justice, the Department of Transportation, the Capitol Police and others. This program is designed to recognize accomplished professionals in the field of crime prevention by establishing minimum standards for training and experience.



The regulation sets forth the process for becoming a certified crime prevention specialist. Certified crime prevention specialists work with law enforcement, businesses, and citizens in their communities to among many other things: provide security assessments, training on topics such as personal safety, crime prevention for seniors and school safety and security and establish Neighborhood Watch programs. Crime prevention specialist reduce crimes within communities which protects the health, safety and welfare of citizens.

The regulation is not complex. Portions of this regulation duplicate the language in § 9.1-161.

### 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 regulatory action does not have any impact on the institution of family or family stability.

### Detail of changes

*Please list all changes that are being proposed and the consequences of the proposed changes; explain the new requirements and what they mean rather than merely quoting the proposed text of the regulation. If the proposed regulation is a new chapter, describe the intent of the language and the expected impact. Please describe the difference between existing regulation(s) and/or agency practice(s) and what is being proposed in this regulatory action. If the proposed regulation is intended to replace an emergency regulation, please follow the instructions in the text following the three chart templates below.*

For changes to existing regulation(s), please use the following chart:

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change, intent, rationale, and likely impact of proposed requirements
6VAC20-180-10		Provides a definition for Agency administrator. The Code citation needs to be updated  "Agency administrator" means any chief of police, sheriff, or any agency head of local, state, federal and college or university law-enforcement agencies sworn under § 23-232.1 of the Code of Virginia.	Title 23 is changing to Title 23.1. The correct Code citation as of October 1, 2016 will be § 23.1-810.



<p>6VAC20-180-10</p>		<p>Provides a definition of General law enforcement instructor and references the incorrect citation.</p> <p>"General law-enforcement instructor" means an individual who has complied with all of the applicable standards for certification or recertification, whichever applies, contained in 6VAC20-80-10, and is eligible to instruct, teach or lecture approved or mandated training.</p>	<p>Remove this citation, 6VAC20-80-10 is the definition section and defines the term instructor. 6VAC20-80-20 identifies the requirements for general instructor certification and should be the section that is referenced.</p>
<p>6VAC20-180-20</p>		<p>Identifies the duties of the crime prevention specialist</p>	<p>The duties of the crime prevention specialist are identified in the Code of Virginia. A reference to the appropriate Code citation § 9.1-161 was added. The reference to the Code section was added to ensure that in the event of future revisions to the Code section the regulation would still be current.</p>
<p>6VAC20-180-30 A</p>		<p>Identifies who is eligible to be trained and certified as a crime prevention specialist.</p> <p>A. Any employee (sworn, nonsworn, or volunteer) of a local, state or federal government agency who serves in a law-enforcement, crime prevention, or criminal justice capacity is eligible to be trained and certified as a crime prevention specialist.</p>	<p>Section A identifies who is eligible to be trained and certified as a crime prevention specialist. The definition of the term "local state or federal government" includes public universities but does not include private universities. It is clear the intent is to include private universities based on the language in 9.1-161 which reads in part</p> <p>The Board shall adopt regulations establishing minimum standards for certification of crime prevention specialists. Such regulations shall require that the chief law-enforcement officer of the locality or the campus police departments of institutions of higher education established by Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1 wherein the person serves shall approve the certification before a candidate for certification may serve as a crime prevention specialist.</p> <p>Article 3 addresses the establishment of campus police departments on both public and private universities and colleges. Section 23.1 -809 authorizes public institutions to establish campus police departments and § 23.1-810 authorizes private institutions to establish campus police departments.</p>

			<p>Removing section A eliminates the confusion. Section 6VAC20-180-30 B adequately addresses eligibility.</p> <p><del>A. Any employee (sworn, nonsworn, or volunteer) of a local, state or federal government agency who serves in a law-enforcement, crime prevention, or criminal justice capacity is eligible to be trained and certified as a crime prevention specialist.</del></p>
<p>6VAC20-180-30 B</p>		<p>B. The agency administrator or his designee of any local, state or federal government agency or college or university may designate one or more employees in his department or office who serve in a law-enforcement, crime prevention, or criminal justice capacity to be trained and certified as crime prevention specialists. Applicants for recertification shall be recommended by the agency administrator or his designee. Application shall be made on the Crime Prevention Specialist Certification Application-Form A.</p>	<p>Adding the phrase “or his designee” clarifies DCJS does not intend to restrict an agency administrator’s powers of delegation. Agency heads have the authority to delegate responsibilities to employees within their agency. DCJS receives a number of inquiries regarding the issue of delegation. The inquiries are based on the fact that language in this same section reads,</p> <p>“Applicants for recertification shall be recommended by the agency administrator <b>or his designee.</b>”</p> <p>The fact that the phrase “or his designee” is used only in conjunction with recertification has given those making initial application the impression that DCJS specifically restricts delegation for the initial application.</p> <p>The following language, “Applicants for recertification shall be recommended by the agency administrator or his designee” is already included in 6VAC20-180-50 Recertification. Removing the language eliminates redundancy.</p> <p><del>B. The agency administrator or his designee of any local, state or federal government agency or college or university may designate one or more eligible employees in his department or office who serve in a law-enforcement, crime prevention, or criminal justice capacity to be trained and certified as crime prevention specialists. Applicants for recertification shall be recommended by the agency administrator or his designee. Application shall be made on the Crime Prevention Specialist Certification Application-Form A.</del></p>

