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Proposed Regulation Agency Background Document

Agency name	Department of Criminal Justice Services
Virginia Administrative Code (VAC) Chapter citation(s)	6 VAC 20 - 60
VAC Chapter title(s)	Rules Relating to Compulsory Minimum Training Standards for Dispatchers
Action title	Comprehensive Review and Update of the Compulsory Minimum Training Standards
Date this document prepared	12/05/2024

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

The Department of Criminal Justice Services (DCJS) intends to amend 6 VAC 20-60 to modify and update the compulsory minimum training standards contained within 6 VAC 20-60-20, update the required timeframe for completion of training in 6 VAC 20-60-40, and replace the existing DIBR with the compulsory minimum training standards and Field Training performance outcomes. In addition to adding in legislatively mandated training on Alzheimer's Disease and dementia stemming from HB933 from the 2024 Session of the General Assembly, this action also aligns the standards and requirements with revisions made to the regulations and compulsory minimum training standards for new law enforcement officer recruits, as well as Department of Corrections, jail, civil process, and courtroom/courthouse security officers. The intention of this regulatory revision is to not only revise and enhance the requirements for the minimum training standards for law enforcement dispatchers (which will also add the alternative name "public safety telecommunicator"), but to also create cohesiveness among all criminal

justice professions that DCJS regulates. This action will also serve as a periodic review of the regulation itself, as one has not been completed in some time.

Acronyms and Definitions

Define all acronyms used in this form, and any technical terms that are not also defined in the "Definitions" section of the regulation.

- DCJS - Department of Criminal Justice Services
- CJSB - Criminal Justice Services Board, DCJS' policy board
- Department - Department of Criminal Justice Services
- Board - Criminal Justice Services Board
- CRC – Dispatcher Curriculum Review Committee
- COT – Committee on Training
- SME – Subject Matter Expert

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in the ORM procedures, "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

The current compulsory minimum training standards and requirements for dispatchers were last updated in 2018 and finalized in 2019, but DCJS is promulgating this action to further update language and information contained within the standards themselves, and make technical amendments to better align with other criminal justice professions that the agency regulates. Additionally, HB933 was passed during the 2024 Session of the General Assembly, requiring DCJS to incorporate training for dispatchers in the area of Alzheimer's Disease and dementia. DCJS sought and obtained formal Board approval from the CJSB to begin the regulatory process on October 12, 2023 and a NOIRA was opened shortly thereafter. The training standards themselves were unanimously approved by the COT at the December 5, 2024 meeting, and the regulatory changes (to include the decrease from 24 to 18 months timeframe for required completion of training, mandated minimum of 40 hours of basic training and 160 hours of Field Training, as well as the inclusion of a Dispatcher Wellness category) were approved by the CJSB on the same date.

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

The promulgating agency for this regulation is the Department of Criminal Justice Services, which has the regulatory authority under § 9.1-102 to do so. As of March 1, 2021, and pursuant to § 9.1-102, the Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the administration of this chapter including the authority to require the submission of reports and information by law-enforcement officers within the Commonwealth. Any proposed regulations concerning the privacy, confidentiality, and security of criminal justice information shall be submitted for review and comment to any board, commission, or committee or other body which may be established by the General Assembly to regulate the privacy, confidentiality, and security of information collected and maintained by the Commonwealth or any political subdivision thereof. Additionally, DCJS has the authority under § 9.1-102(10) of the Code of Virginia, to establish compulsory minimum training standards for all dispatchers employed by or in any local or state government agency, whose duties include the dispatching of law-enforcement personnel. Such training standards shall apply only to dispatchers hired on or after July 1, 1988. Such training shall include training in the identification of, communication with, and facilitation of the safe return of individuals diagnosed with Alzheimer's disease and dementia, which shall include (i) techniques for respectful and effective communication with individuals with Alzheimer's disease and dementia and their caregivers; (ii) techniques for addressing the behavioral symptoms of Alzheimer's disease and dementia, including alternatives to physical restraint; (iii) protocols for identifying and reporting incidents of abuse, neglect, and exploitation of individuals with Alzheimer's disease and dementia to adult protective services; (iv) protocols for contacting caregivers when an individual with Alzheimer's disease or dementia is found wandering or during an emergency or crisis situation; (v) a reference list of local resources available for individuals with Alzheimer's disease and dementia; and (vi) a reference list of local and national organizations that assist law-enforcement personnel with locating missing and wandering individuals with Alzheimer's disease and dementia and returning them to their caregivers.

The CJSB is the policy board for the Department of Criminal Justice Services, and in the October 12, 2023 meeting, DCJS obtained formal approval to move forward with a NOIRA. On December 5, 2024, the COT and CJSB unanimously approved all proposed revisions to the training standards and regulatory text contained within this action.

Purpose

Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it is intended to solve.

DCJS deems this regulation is essential to protect the safety and welfare of citizens in the Commonwealth, as it has been codified in § 9.1-102(10). Individuals that dispatch for law enforcement personnel are a critical part of the criminal justice system in the Commonwealth of Virginia, and ensuring that they are trained adequately is essential. In addition to complying with legislative mandates, this action also creates and promotes cohesiveness between the compulsory minimum training standards and requirements for dispatchers (public safety telecommunicators), new law enforcement recruits at the academy-level and those entering a career a jailor, court security, or civil process service officer. DCJS has determined that the compulsory minimum training standards for dispatchers must be updated and revised, as currently listed in 6 VAC 20-60, which will now incorporate a new document by reference (containing the compulsory minimum training standards). The purpose of this regulatory change and review is to also ensure that language is statutorily correct, up-to-date with recently passed legislation, and to also utilize this time to conduct a comprehensive periodic review of the regulation in its entirety. It is for all of these reasons that DCJS has determined that the update of the regulation is essential to protect the safety and welfare of citizens in Virginia, as dispatchers (or public safety telecommunicators) are often the first line of contact with the criminal justice system for many Virginia citizens.

Substance

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.

Substantive changes that are being included with this action, in addition to the update of the compulsory minimum training standards, are the renumbering and updating of language and categories of training. The CJSB unanimously approved the inclusion of a Wellness category of training, as well as a minimum of 40 hours of basic training and a minimum of 160 hours in the category of Field Training. The specific performance outcomes, testing criteria, and objectives are all contained within the new DIBR. Additionally, and to ultimately align with updates for all criminal justice professions regulated by DCJS, the time requirement for completion of training will be reduced from 24 to 18 months, as recommended by the Dispatch CRC. DCJS' goal is to ensure that the language and specific topics of training prescribed by recently passed legislation are reflected in the updated regulation to ensure that those that dispatch for law enforcement personnel in the Commonwealth are better, more effectively trained.

Issues

Identify the issues associated with the regulatory change, 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, include a specific statement to that effect.

There are no disadvantages to the Department, the Commonwealth, or individual private citizens, businesses, or families. In fact, an advantage of promulgating such enhancements to the regulation relating to dispatcher training standards and requirements, in accordance with § 9.1-102 of the Code of Virginia, will improve both community and public safety throughout the Commonwealth.

Requirements More Restrictive than Federal

Identify and describe any requirement of the regulatory change which is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and 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 specific statement to that effect.

There are no federal requirements or no requirements that exceed applicable federal requirements associated with this regulation.

Agencies, Localities, and Other Entities Particularly Affected

Consistent with § 2.2-4007.04 of the Code of Virginia, identify any other state agencies, localities, or other entities particularly affected by the regulatory change. Other entities could include local partners such as tribal governments, school boards, community services boards, and similar regional organizations. "Particularly affected" are those that are likely to bear any identified disproportionate material impact which would not be experienced by other agencies, localities, or entities. "Locality" can refer to either local

governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.

Other State Agencies Particularly Affected

While this regulation may potentially affect law enforcement agencies employing dispatchers and the criminal justice training academies where they are trained, across the Commonwealth, no other state agencies are affected by this regulation.

Localities Particularly Affected

There are no localities particularly affected.

Other Entities Particularly Affected

There are no other entities particularly affected.

Economic Impact

Consistent with § 2.2-4007.04 of the Code of Virginia, identify all specific economic impacts (costs and/or benefits) anticipated to result from the regulatory change. When describing a particular economic impact, specify which new requirement or change in requirement creates the anticipated economic impact. Keep in mind that this is the proposed change versus the status quo.

Impact on State Agencies

<p><i>For your agency:</i> projected costs, savings, fees, or revenues resulting from the regulatory change, including: a) fund source / fund detail; b) delineation of one-time versus on-going expenditures; and c) whether any costs or revenue loss can be absorbed within existing resources.</p>	<p>N/A</p>
<p><i>For other state agencies:</i> projected costs, savings, fees, or revenues resulting from the regulatory change, including a delineation of one-time versus on-going expenditures.</p>	<p>N/A</p>
<p><i>For all agencies:</i> Benefits the regulatory change is designed to produce.</p>	<p>This regulatory action establishes for the public and DCJS' stakeholders, the rules, requirements, and training standards required of all individuals serving as dispatchers, or public safety telecommunicators.</p>

Impact on Localities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a or 2) on which it was reported. Information provided on that form need not be repeated here.

<p>Projected costs, savings, fees, or revenues resulting from the regulatory change.</p>	<p>N/A</p>
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Benefits the regulatory change is designed to produce.	N/A
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Impact on Other Entities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a, 3, or 4) on which it was reported. Information provided on that form need not be repeated here.

Description of the individuals, businesses, or other entities likely to be affected by the regulatory change. If no other entities will be affected, include a specific statement to that effect.	N/A
Agency’s best estimate of the number of such entities that will be affected. Include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that: a) is independently owned and operated, and; b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.	N/A
All projected costs for affected individuals, businesses, or other entities resulting from the regulatory change. Be specific and include all costs including, but not limited to: a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses; b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change; c) fees; d) purchases of equipment or services; and e) time required to comply with the requirements.	N/A
Benefits the regulatory change is designed to produce.	N/A

Alternatives to Regulation

Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. 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 regulatory change.

There are no existing viable alternatives to the establishment of this permanent regulation, nor does the Department believe it will prove burdensome or intrusive to any small businesses or other agencies in the Commonwealth. DCJS was mandated through the passage of HB933 in the 2024 Session of the General Assembly to incorporate training in the area of Alzheimer’s Disease and dementia for dispatchers, so this regulation achieves that. Training, after this regulatory change is effective, will be enhanced and more efficient for our public safety telecommunicator community across the Commonwealth.

If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.

Regulatory Flexibility Analysis

Consistent with § 2.2-4007.1 B of the Code of Virginia, 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) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing 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 regulatory change.

Pursuant to § 2.2-4007, the Department of Criminal Justice Services sees no alternative regulatory methods that will accomplish the objectives of applicable law, and this action does not have any adverse impact on small businesses in the Commonwealth of Virginia.

If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.

Periodic Review and Small Business Impact Review Report of Findings

If you are using this form to report the result of a periodic review/small business impact review that is being conducted as part of this regulatory action, and was announced during the NOIRA stage, indicate whether the regulatory change meets the criteria set out in EO 19 and the ORM procedures, e.g., is necessary for the protection of public health, safety, and welfare; minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and is clearly written and easily understandable. In addition, as required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency’s consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (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, discuss why the agency’s decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.

This action is being used to report the result of a periodic review. DCJS deems this regulation necessary for the protection of public health, safety, and welfare, consistent with EO19. The regulation itself bears no economic impact on small businesses.

Public Comment

Summarize all comments received during the public comment period following the publication of the previous stage, and provide the agency’s response. Include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. If no comment was received, enter a specific statement to that effect.

Commenter	Comment	Agency response
N/A	N/A	N/A

DCJS has not received any public comment about the regulation, in any previous stage.

Public Participation

Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below.

The Department of Criminal Justice Services is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal, (ii) any alternative approaches, (iii) the potential impacts of the regulation, and (iv) the agency's regulatory flexibility analysis stated in that section of this background document.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at: <https://townhall.virginia.gov>. Comments may also be submitted by mail, email or fax to Kristi Shalton, 1100 Bank St, 9th Floor, Richmond, VA 23219, (804)786-7801, Kristi.shalton@dcjs.virginia.gov. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will not be held following the publication of this stage of this regulatory action.

Detail of Changes

List all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Use all tables that apply, but delete inapplicable tables.

If an existing VAC Chapter(s) is being amended or repealed, use Table 1 to describe the changes between the existing VAC Chapter(s) and the proposed regulation. If the existing VAC Chapter(s) or sections are being repealed and replaced, ensure Table 1 clearly shows both the current number and the new number for each repealed section and the replacement section.

Table 1: Changes to Existing VAC Chapter(s)

Current chapter-section number	New chapter-section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
20-60-20	N/A	A. Pursuant to the provisions of subdivision 10 of § 9.1-102 of the Code of Virginia, the department under the	A. Pursuant to the provisions of subdivision 10 of § 9.1-102 of the Code of Virginia, the department under the direction of the board establishes the categories of training as listed in

		<p>direction of the board establishes the categories of training as listed in subsection B of this section as the compulsory minimum training standards for dispatchers whose duties include dispatching for law enforcement.</p> <p>B. Individuals hired as dispatchers shall meet or exceed the compulsory minimum training standards in the following categories at a certified criminal justice training academy:</p> <ol style="list-style-type: none"> 1. Communication; 2. Dispatcher judgment; 3. Legal; and 4. Professionalism. <p>C. Individuals hired as dispatchers shall meet or exceed the performance outcomes in the category of on-the-job training identified in the Virginia Department of Criminal Justice Services Field Training and On the Job Training Performance Outcomes.</p>	<p>subsection B of this section as the compulsory minimum training standards for dispatchers whose duties include dispatching for law enforcement.</p> <p>B. Individuals hired as dispatchers <u>(public safety telecommunicators) shall comply with the following requirements: meet or exceed the compulsory minimum training standards in the following categories at a certified criminal justice training academy:</u></p> <ol style="list-style-type: none"> 1. <u>Successfully complete basic training for dispatchers at a certified criminal justice training academy, which includes receiving a minimum of 40 hours of department-approved training by meeting or exceeding the performance outcomes identified in the Virginia Department of Criminal Justice Services Compulsory Minimum Training Standards and Performance Outcomes, draft dated November 1, 2024, hereby incorporated by reference, in the following categories:</u> <ol style="list-style-type: none"> 1. <u>a. Communication; Professionalism;</u> 2. <u>b. Dispatcher judgment; Legal;</u> 3. <u>c. Legal; and Communication;</u> 4. <u>d. Professionalism. Wellness</u> <p>C. Individuals hired as dispatchers shall meet or exceed the performance outcomes in the category of on-the-job training identified in the Virginia Department of Criminal Justice Services Field Training and On the Job Training Performance Outcomes <u>successfully complete a minimum of 160 hours of approved training in the category of Field Training by meeting or exceeding the field training performance outcomes identified in the Virginia Department of Criminal Justice Services Compulsory Minimum Training Standards and Performance Outcomes, draft dated November 1, 2024.</u></p>
20-60-40		<p>A. Dispatchers required to comply with the compulsory minimum training standards must satisfactorily complete</p>	<p>A. Dispatchers required to comply with the compulsory minimum training standards must satisfactorily complete the required training set forth in <u>6VAC20-60-20</u> within 24 18 months of the date of hire or appointment as a dispatcher,</p>

	<p>the required training set forth in 6VAC20-60-20 within 24 months of the date of hire or appointment as a dispatcher, unless provided otherwise in accordance with subsection B of this section.</p> <p>B. The director or the director's designee may grant an extension of the time limit for completion of the compulsory minimum training standards and requirements for the following reasons:</p> <ol style="list-style-type: none"> 1. Medical condition; 2. Injury; 3. Military service; or 4. Administrative leave involving the determination of workers' compensation or disability retirement issues or suspension pending investigation or adjudication of a crime. <p>C. The director or the director's designee may review and consider other reasons (e.g., natural disaster, family medical leave, etc.) for granting an extension. If approval is granted, the extension shall not exceed 90 days.</p>	<p>unless provided otherwise in accordance with subsection B of this section.</p> <p>B. The director or the director's designee may grant an extension of the time limit for completion of the compulsory minimum training standards and requirements for the following reasons:</p> <ol style="list-style-type: none"> 1. Medical condition; 2. Injury; 3. Military service; or 4. Administrative leave involving the determination of workers' compensation or disability retirement issues or suspension pending investigation or adjudication of a crime. <p>C. The director or the director's designee may review and consider other reasons (e.g., natural disaster, family medical leave, etc.) for granting an extension. If approval is granted, the extension shall not exceed 90 days.</p> <p>D. The director or the director's designee may review and consider requests to renew training extensions if the reason for the original training extension continues and the request occurs before the expiration of the original extension.</p> <p>E. The director shall not grant an extension for failing to pass compulsory minimum training standards and requirements within specified time limits.</p> <p>F. The agency administrator may request an extension from the director or the director's designee.</p> <ol style="list-style-type: none"> 1. The request shall be in writing and include written documentation articulating the reason the individual is unable to complete the required training within the specified time limits. 2. The request shall be submitted to the department before the expiration of the specified time limits. 3. Dispatchers who do not satisfactorily complete compulsory minimum training standards and on-the-job training within 24 18 months of appointment as a dispatcher and who do not receive an extension of the time limit for completion of the requirements shall be subject to the provisions of § 9.1-115 of the Code of Virginia.
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		<p>D. The director or the director's designee may review and consider requests to renew training extensions if the reason for the original training extension continues and the request occurs before the expiration of the original extension.</p> <p>E. The director shall not grant an extension for failing to pass compulsory minimum training standards and requirements within specified time limits.</p> <p>F. The agency administrator may request an extension from the director or the director's designee.</p> <p>1. The request shall be in writing and include written documentation articulating the reason the individual is unable to complete the required training within the specified time limits.</p> <p>2. The request shall be submitted to the department before the expiration of the specified time limits.</p> <p>3. Dispatchers who do not satisfactorily complete compulsory minimum training</p>	
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		standards and on-the-job training within 24 months of appointment as a dispatcher and who do not receive an extension of the time limit for completion of the requirements shall be subject to the provisions of § 9.1-115 of the Code of Virginia.	
DIBR	N/A	Virginia Department of Criminal Justice Services Field Training and On the Job Training Performance Outcomes, published September 2012, Virginia Department of Criminal Justice Services (Revised January 2018)	Virginia Department of Criminal Justice Services Compulsory Minimum Training Standards and Field Training, Performance Outcomes for Public Safety Telecommunicators, Virginia Department of Criminal Justice Services (Draft Dated December 5, 2024)

If a new VAC Chapter(s) is being promulgated and is not replacing an existing Chapter(s), use Table 2.

Table 2: Promulgating New VAC Chapter(s) without Repeal and Replace

New chapter-section number	New requirements to be added to VAC	Other regulations and laws that apply	Change, intent, rationale, and likely impact of new requirements
N/A	N/A	N/A	N/A

If the regulatory change is replacing an **emergency regulation**, and the proposed regulation is identical to the emergency regulation, complete Table 1 and/or Table 2, as described above.

If the regulatory change is replacing an **emergency regulation**, but changes have been made since the emergency regulation became effective, also complete Table 3 to describe the changes made since the emergency regulation.

Table 3: Changes to the Emergency Regulation

Emergency chapter-section number	New chapter-section number, if applicable	Current <u>emergency</u> requirement	Change, intent, rationale, and likely impact of new or changed requirements since emergency stage
N/A	N/A	N/A	N/A