



Final Regulation Agency Background Document

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| Agency name | Department of Criminal Justice Services |
| Virginia Administrative Code (VAC) citation | 6 VAC 20 - 270 |
| Regulation title | Emergency Regulations Relating to Campus Security Officers |
| Action title | Regulations Relating to Campus Security Officers (New) |
| Date this document prepared | January 22, 2013 |

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of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed.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. If applicable, generally describe the existing regulation. Also, please include a brief description of changes to the regulation from publication of the proposed regulation to the final regulation.

The Board and the Department are required by §9.1-102(49) to establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula and certification requirements for campus security officers. Currently, there are no regulations in place regarding campus security officers. As a result the Department is unable to enforce training standards that are necessary for certification. The issue of safety and security on college campuses was addressed in the 2006 Crime Commission Study on Campus Safety. This study resulted in the statutory requirements under §9.1-102(49).

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 or board taking the action, and (3) the title of the regulation.

This final action was approved by the Criminal Justice Services Board on December 6, 2012 recommending that the Department of Criminal Justice Services proceed with the enclosed Regulations Relating to Campus Security Officers.

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.

The legal authority is found in §9.1-102 (49) of the Code of Virginia that authorizes the Department, under the direction of the Criminal Justice Services Board to “establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and certification requirements for campus security officers.”

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 it 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.

These regulations establish a certification process for campus security officers to include a background investigation to include a criminal history records inquiry, compulsory minimum training standards, administration of the regulatory system, administrative requirements and standards of conduct. They also authorize the Department to approve instructors to deliver compulsory minimum training and establish administrative requirements and standards of conduct for the instructors. These regulations provide the department with the authority to approve training waivers and suspend or decertify an individual as a campus security officer and establish an appeal process for the individual.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. A more detailed discussion is required under the “All changes made in this regulatory action” section.

Code of Virginia § 9.1-102 (49) directs the Department of Criminal Justice Services to establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and (iii) certification requirements for campus security officers. Such training standards shall include, but not be limited to, the role and responsibility of campus security officers, relevant state and federal laws, school and personal liability issues, security awareness in the campus environment, and disaster and emergency response. The campus security officer regulations address the necessary definitions, initial certification and training requirements and exemption from such procedures, suspension of certification, training waivers for experienced officers, standards of conduct, and recertification and decertification procedures. Additionally, instructor approval, administrative requirements, and standards of conduct are addressed.

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.*

Issues associated with the proposed regulatory action: (1) The primary advantage to the public will be a standard level of training for security officers working on college/university campuses. This will increase the professionalism and enhance the safety of the campus environment for students, faculty, staff, and visitors. The only perceived disadvantage is the increased cost associated with paying for officers to attend mandatory training. This unfunded mandate adds additional costs to the college/university budget. (2) The primary advantage to the Commonwealth is the enhanced safety of college/university campuses. The only disadvantage to the Commonwealth is the increased costs incurred in the administration and staffing of this training and certification program.

Changes made since the proposed stage

Please describe all changes made to the text of the proposed regulation since the publication of the proposed stage. For the Registrar’s office, please put an asterisk next to any substantive changes.

No changes have been made since the proposed stage.

Public comment

Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate.

| Commenter | Comment | Agency response |
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| Chief David Carlson, Hollins University Security Department | Not wanting to delay this process any further, but I would like to comment on the requirement for all CSOs to complete the Introduction to ICS for Higher Ed (IS-100.HE). State institutions are required to use the NIMS/ICS system for emergency management, but private institutions are not. My institution still uses a non-FEMA compliant Emergency Plan and the requirement for my officers to complete IS-100.HE is not cost effective for us (overtime, as the course takes a number of hours to complete and we cannot pull an officer off of patrol for that long a period while on duty). Maybe the wording can be changed to only be required IF the institution uses the NIMS/ICS system. Leave it up to the institution to decide like the First Aid | Thank you for your response. |

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| | requirement. | |
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All changes made in this regulatory action

Please list all changes that are being proposed and the consequences of the proposed changes. Describe new provisions and/or all changes to existing sections.

No changes were made to this regulation from the Proposed Stage to the current, Final Stage.