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## Notice of Intended Regulatory Action (NOIRA) Agency Background Document

<b>Agency name</b>	Department of Criminal Justice Services
<b>Virginia Administrative Code (VAC) citation</b>	6 VAC20-280
<b>Regulation title</b>	Rules Relating to Compulsory Minimum Training Standards for Law Enforcement Field Training Officers
<b>Action title</b>	Regulations Relating to Law Enforcement Field Training Officers (New)
<b>Date this document prepared</b>	September 11, 2012

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*.

### Purpose

*Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.*

The Board and Department are required by § 9.1-102(3) of the Code of Virginia to establish minimum training standards and qualifications for certification and recertification for law enforcement officers serving as field training officers. Currently, there are no regulations in place regarding field training officers. As a result, the Department is unable to enforce training standards that are necessary and required.

### 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.*

Chapter 495, 1999 Virginia Acts of Assembly (<http://leg1.state.va.us/cgi-bin/legp504.exe?991+ful+CHAP0495>) amended Section 9-170 (recently recodified as section 9.1-102) of the Code of Virginia to add a requirement that DJCS, under the direction of the Board, shall have the power to: “ 3. Establish minimum training standards and qualifications for certification and recertification for law-enforcement officers serving as field training officer.”

**Need**

*Please detail the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. In addition, delineate any potential issues that may need to be addressed as the regulation is developed.*

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The proposed regulatory action will establish the rules for certification and recertification for law enforcement field training officers to include. This regulation is essential to protect the health, safety and welfare of citizens of the Commonwealth by ensuring field training officers receive the most up-to-date training.

**Substance**

*Please detail any changes that will be proposed. Be sure to define all acronyms. For new regulations, include a summary of the proposed regulatory action. Where provisions of an existing regulation are being amended, explain how the existing regulation will be changed.*

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The Code of Virginia, § 9.1-102 (3) instructs the Department of Criminal Justice Services to establish minimum training standards and qualifications for certification and recertification for law enforcement officers serving as field training officers. Such standards shall include, but not be limited to the role and responsibility of law enforcement field training officers, relevant to state laws. The law enforcement field training officer regulations address the necessary definitions, compulsory minimum training standards, applicability, compliance, grading, recertification, failure to comply and administrative requirements for certification and recertification procedures. A field training officer is responsible for training recent law enforcement academy graduates on departmental policies, procedures and operations.

**Alternatives**

*Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action. Also, please describe the process by which the agency has considered or will consider other alternatives for achieving the need in the most cost-effective manner.*

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There are no alternatives to the proposed regulatory action.

**Public participation**

*Please indicate whether the agency is seeking comments on the intended regulatory action, including ideas to assist the agency in the development of the proposal and the costs and benefits of the alternatives stated in this notice or other alternatives. Also, indicate whether a public hearing is to be held to receive comments on this notice.*

*Please also indicate, to the extent known, if standing or ad hoc advisory panels (also known as regulatory advisory panels) will be involved in the development of the proposed regulation. Indicate whether 1) the agency is not using the participatory approach in the development of the proposal because the agency has authorized proceeding without using the participatory approach; 2) the agency is using the participatory approach in the development of the proposal; or 3) the agency is inviting comment on whether to use the participatory approach to assist the agency in the development of a proposal.*

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The agency began working with the Law Enforcement Curriculum Review Committee July of 2011 to develop the text of this regulation. This committee is comprised of a total of nine individuals representing certified criminal justice training academies; four members of the committee represent regional criminal justice training academies, four members of the committee represent independent criminal justice training academies, and one member of the Department of State Police Training Academy.

At this time, we are not planning to have a public hearing.

### Family impact

*Assess the potential 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.*

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Establishing training standards for law enforcement field training officers will enhance service to the citizens of the Commonwealth of Virginia by ensuring that all field training officers are receiving the mandated training.