



Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Department of Criminal Justice Services
Virginia Administrative Code (VAC) citation	6 VAC 20-80-10 et al.
Regulation title	Rules Relating to Certification of Criminal Justice Instructors
Action title	Instructor Certification Rules
Document preparation date	07-12-05

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) 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 regulation needed a critical review because it was determined that certain current requirements were not effective. The addition of new speed measurement devices also necessitated a title and content change for these instructors. An Advisory Committee assisted with this review. Members are Chief Charles Bennett, Lynchburg PD; Chief Mike Yost, Williamsburg PD; Sheriff Kermit Osborne, Wythe County; Sheriff B.J. Woodley, Brunswick County; Mr. Vince Ferrara, Hampton Roads Regional Criminal Justice Academy; Lt. Mike Dodson, Virginia Beach Police Academy; Captain W. Ken Paul, VSP; Mr. Gerald Eggleston, DOC; Mr. John Isom, Regional Jails Association.

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 Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

§ 9.1-10(5) Code of Virginia, amended April 1, 1992.

Substance

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

Current recertification requirements do nothing to enhance instructor capability. An approach allowing certified law enforcement academies to formulate their own program for recertification of instructors is believed to be more effective. This program will be subject to scrutiny during academy recertification. A change from radar instructor to speed measurement instructor is being made because of the addition of new speed measurement devices for use by law enforcement.

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.

Consideration was given to exploring possible deregulation in this area. However, this was not recommended nor condoned by the Advisory Committee. The Committee chose to recommend an individual academy approach to determine if or what methods may be appropriate for statewide use at a later time.

Family impact

The impact on the family is indirect. Quality instruction in any area of law enforcement training is desired and requiring instructors to meet minimum requirements for recertification in order to deliver quality training is the goal. Good instructors tend to produce better trained officers who may have an impact on a family.