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Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Department of Criminal Justice Services
Virginia Administrative Code (VAC) citation(s)	6 VAC20-100
Regulation title(s)	Rules Relating to Compulsory Minimum Training Standards for Correctional Officers of the Department of Corrections, Division of Adult Institutions
Action title	Amend Corrections Officers Compulsory Minimum Training Standards – Performance outcomes and minimum hours required
Date this document prepared	1/21/2015

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*.

Subject matter and intent

Please describe briefly the subject matter, intent, and goals of the planned regulatory action.

The revised and updated regulations will bring the performance outcomes and minimum hours required for corrections officers to current, as well as replace outdated language.

Legal basis

Please identify the (1) the agency (includes any type of promulgating entity) and (2) the state and/or federal legal authority for the proposed regulatory action, including the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable. Your citation should include a specific

provision, if any, authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

Department of Criminal Justice Services (DCJS)

Pursuant to §9.1-102. Powers and duties of the Board and the Department.

The Department, under the discretion 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:

9. Establish compulsory minimum entry-level, in-service and advanced training standards, as well as the time required for completion of such training, for persons employed as deputy sheriffs and jail officers by local criminal justice agencies, correctional officers employed by the Department of Corrections under the provisions of Title 53.1, and juvenile correctional officers employed at a juvenile correctional facility as the term is defined in §66-25.3

Purpose

Please describe 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, please explain any potential issues that may need to be addressed as the regulation is developed.

In 2012 the Virginia Department of Criminal Justice Services (DCJS) contracted with the National Institute of Corrections in collaboration with the Virginia Department of Corrections (DOC) to conduct a job task analysis to assist DCJS in defining minimum entry level training standards for corrections officers. The job task analysis identified a need for enhanced training requirements. The proposed regulation will revise the minimum entry-level training standards as well as the hours needed for corrections officers' compulsory minimum training standards. The performance objectives for the compulsory minimum training standards will be removed from the regulation and individuals will be directed to the DCJS website to view the objectives. Additionally, language addressing the approval authority of the Criminal Justice Services Board and the Committee on Training will be added to the regulation. These proposed revisions are essential to ensure corrections officers receive the training necessary to protect the health, safety and welfare of inmates housed in Virginia Correctional Institutions, as well as that of the corrections officers.

Substance

Please briefly identify and explain the new substantive provisions that are being considered, the substantive changes to existing sections that are being considered, or both.

The purpose for this intended regulatory action is to revise and update current regulations governing the compulsory minimum training standards for corrections officers employed by the Department of Corrections. Substantive changes include updating outdated language. The new substantive provisions include:

Definitions – Will provide clarification on key or frequently used terms in the regulatory text.

Compulsory Minimum Training Standards – Will establish those standards required for corrections officers.

Approval Authority – The Criminal Justice Services Board shall be the approval authority for the training categories of the compulsory minimum training standards. The Committee on Training of the Criminal Justice Services Board shall be the approval authority for the performance outcomes, training objectives, criteria and lesson plan guides that support the performance outcomes.

Applicability – Will provide eligibility for those required to meet the training standards.

Time requirement for completion of training – Will detail and update the time requirement for corrections officers to meet the minimum training standards.

How minimum training may be attained – Will provide updated information regarding where and how minimum training will be attended and completed.

Approved training schools – Will provide updated guidance and provisions on approval of courses and records maintenance.

Grading – Will establish updated testing procedures to ensure the satisfactory completion of minimum training standards for corrections officers.

Failure to comply with rules and regulations – Will provide enforcement procedures of all rules and regulations.

Administrative Requirements – Will establish information regarding recording keeping and reporting requirements.

Effective Date – Will establish an effective date for updated compulsory minimum training standards for corrections officers.

Recertification – Will establish updated eligibility requirements for recertification of corrections officers.

Firearms Recertification – will establish updated eligibility requirements for firearms recertification of corrections officers.

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.

As previously noted DCJS had a job task analysis conducted to define minimum entry level training standards for corrections officers. The job task analysis identified a need for enhanced training requirements. Based on the job task analysis a revision to the regulations is necessary. DCJS considered two options for revising this regulation. 1) Revising the regulation and identifying the new enhanced performance objectives within the regulation. 2) Revising the regulation and identifying the categories of basic corrections officer training and removing the list of performance objectives from the regulation while still providing oversight over changes and an opportunity for public comment. The least burdensome alternative was to identify the categories of basic corrections officer training and remove the list of performance objectives from the regulation. Removing the performance objectives from the regulation allows DCJS to expedite revisions to the performance objectives as needed to address evolving standards within the field of corrections. The proposed section 6VAC20-100-25 requires the agency hold a public hearing and provides for oversight and approval of proposed revisions.

This regulation impacts the training of all corrections officers employed by the Department of Corrections. No small businesses are impacted.

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. Please include one of the following choices: 1) a panel will be appointed and the agency's contact if you're interested in serving on the panel is _____; 2) a panel will not be used; or 3) public comment is invited as to whether to use a panel to assist in the development of this regulatory proposal.

No comments were received at the public hearing of the Committee on Training of the Criminal Justice Services Board on December 11, 2014. The proposed regulation was approved by the Committee and the Criminal Justice Services Board on December 11, 2014. A public hearing will not be held and a panel will not be used.
