



## Final Regulation Agency Background Document

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| <b>Agency name</b>                                 | Department of Criminal Justice Services   |
| <b>Virginia Administrative Code (VAC) citation</b> | 6 VAC 20-30, et seq.  |
| <b>Regulation title</b>                            | Rules Relating to Compulsory In-Service Training Standards for Law Enforcement Officers, Jailors or Custodial Officers, Courtroom Security Officers, Process Service Officers and Officers of the Department of Corrections, Division of Institutional Services |
| <b>Action title</b>                                | DCJS In-Service Training Standards  |
| <b>Date this document prepared</b>                 | 9/28/2006   |

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*.

### 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of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed.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 following changes are adopted

- Academy directors have the authority to approve video/computer/multi-media/satellite-based training, rather than DCJS.
- Academies shall submit information about in-service training to field coordinators for information rather than approval. This allows the certified academy, under direction of the board, to approve and conduct all in-service training. At the discretion of the board, the academy may approve in-service training to be conducted at a member agency.
- Two-hour sessions-Currently the minimum requirement for a training session is reduced to two hours rather than four hours.

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

The Criminal Justice Services Board adopted the proposed Rules Relating to Compulsory In-Service Training Standards for Law Enforcement Officers, Jailors or Custodial Officers, Courtroom Security Officers, Process Service Officers and Officers of the Department of Corrections, Division of Institutional Services on September 14, 2006.

**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 numbers, 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.*

- (1) Relevant law: § 9.1-102 (1), (3), (5), (6), (7), (8) (9) (39) Code of Virginia
- (2) Promulgating entity: Criminal Justice Services Board
- (3) The board has the authority to establish training standards as necessary.

**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 rules were last amended in 1992. Since then technology has changed. Some of the standards are not compatible with the most efficient way to conduct training. The purpose of these changes is to facilitate training while maintaining the quality of training. The goal of these changes is to make training and reporting requirements easier for certified academies to accomplish.

**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.*

The criteria for use of multi-media for training has been re-defined, the minimum requirement for a classroom training session has been reduced from 4 hours to 2 hours, the firearms requirements for in-service training have been made consistent with the requirements for entry-level training and a specific requirement for training to ensure sensitivity to and awareness of cultural diversity in accordance with §

9.1-102, (39), Code of Virginia. The 60 day reporting requirement for Partial In-Service Training was eliminated in the proposal and re-instated in the final action by the Criminal Justice Services Board.

**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.*

- 1) The public should benefit from the requirement that all officers receive training to ensure sensitivity to and awareness of cultural diversity. Generally, the public should benefit because these changes make the provision of training by criminal justice academies more efficient while maintaining the quality of training.
- 2) The primary advantage of these changes is to facilitate training conducted by criminal justice academies.
- 3) There are no disadvantages to the general public or the Commonwealth.

**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.*

| Section number | Requirement at proposed stage  | What has changed   | Rationale for change   |
|----------------|--|--|--|
| 20-30-30       | In-service training would be approved by the academy director instead of the agency administrator or board.          | The phrase “agency administrator or the board” was change to read “academy director” in several places in order to be consistent | Clarification of the actual practice   |
| 20-30-50       | Eliminate the requirement to submit requests for Partial In-service credit within 60 days of completion of training. | The requirement was re-instated.   | The Association of Directors of Criminal Justice Academies supported this requirement citing the hardship it would cause with record keeping if it was eliminated. |

**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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| Mr. Richard L. Schumaker, Director, Cardinal Criminal Justice Academy                               | 6 VAC 20-30-I wish to inform you that I support the positions of the Virginia Association of Directors of Criminal Justice Training concerning the proposed regulatory changes  | NA  |
| Chief Bruce P. Marquis, Norfolk Police Department   | 6 VAC 20-30-The proposal removes many of the obstacles that were in place and has streamlined the rules   | NA  |
| Captain Tonya Vincent, Human Resources Commander, Arlington Police Department                       | 6 VAC 20-30-The Arlington County Police Department’s training supervisors have reviewed the proposed rules relating to compulsory in-service training standards for law enforcement officers and we support the recommendations as outlined in the document.  | NA  |
| Mr. Tim Kindrick, Director, Central Shenandoah Academy  | 6 VAC 20-30-20-Currently reads “Shall meet compulsory in-service training standards as set forth in 6 VAC 20-30-30.” It should read, shall meet compulsory in-service training standards as set forth in 6VAC20-30-30 B.”   | DCJS agrees with this recommendation.   |
| Allen Rogers, In-Service Training Manager, No. VA. CJA  | 6 VAC 20-30-30-Does “compulsory” mean the same thing as “mandated” which is listed in 6VAC20-30-40B? There are several places in the document where these terms seem to be used synonymously but it is unclear.   | Yes   |
| Mr. Vince Ferrara, President of the Virginia Association of Directors of Criminal Justice Training. | 6 VAC 20-30-30-Adds an addition specification for 2 hours of cultural diversity training to be included to the in-service requirements. It is recommended that the ACETRAK system be updated to track cultural diversity training. Otherwise, it will be virtually impossible for academies to track and document this specific training. | <p>DCJS is neutral on this issue. § 9.1-102, 39.of the <u>Code of Virginia</u> requires the Board to “Establish compulsory training standards for basic training and recertification of law enforcement officers to ensure sensitivity to and awareness of cultural diversity.” The requirement of the Code is problematic in that we have standards for entry-level training but we have never had standards for in-service training. We require a certain number of hours of training to satisfy in-service requirements. The academy director is responsible for determining the types of training that are appropriate for in-service credit. In the past, an effort has been made to limit the types of in-service training to legal and career development. This allows the academy director great flexibility to schedule training that best suits the needs of the members of that academy.</p> <p>Because of this situation DCJS initially proposed to require that agencies conduct cultural diversity training for their officers sufficient to ensure</p> |

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|  |   | <p>sensitivity and awareness of cultural diversity. Documentation of this training would be kept by the agency the same way annual firearms training is documented. All firearms and cultural diversity training records would be subject to review by DCJS personnel. This proposal was rejected by the recertification committee (2 chiefs, 2 sheriffs, a representative of the regional jail association, regional, independent, and state academy directors). The committee recommended that the academies be responsible for cultural diversity training. Since there is no guarantee that all officers of a given agency would attend cultural diversity at an academy, the only way to track cultural diversity training at the academy level is to require 2 hours of cultural diversity training in addition to 4 hours legal and 34 hours career development. This was the ultimate recommendation of the committee.</p> <p>At one point the Secretary of Public Safety wanted to require that cultural diversity training be tested. DCJS contacted several chiefs and sheriffs. They felt that testing on the law or demographic statistics does not guarantee an officer’s attitude will change to such a degree as to automatically eliminate biased policing. Attitudinal change accompanied by strong supervision is likely to have more impact than training on the law and statistics alone. It is impossible to test affective training such as efforts to change attitudes. Testing is not required for any other in-service topic, so why should this topic be different? There are no performance objectives or performance outcomes for in-service. In-service credit is based upon category of training and number of hours. Simply requiring testing for training that has no criteria except for number of hours would not yield consistent results across the state. Therefore, the Secretary rescinded the proposal to test cultural diversity training.</p> <p>DCJS does not have any funds for reprogramming of the ACETRAK system to include cultural diversity hours. DCJS encourages academies to use the certification portion of ACETRAK to track cultural diversity training.</p> |
| <p>Major Tyrone Morrow, Director, Fairfax Criminal Justice Academy</p> | <p>6 VAC 20-30-30-I agree with the addition of 2 hours of cultural diversity training to the in-service requirement for every officer and deputy.</p> <p>I agree with the proposal that testing for in-service is still optional. However, if we do test, we must provide remedial for those that don’t</p> |   |

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|   | <p>receive a passing score.</p> <p>I disagree with 6 VAC 20-30-30 as it relates to the ACE Track System. ACE Track will need to be updated so that the addition of two hours of diversity training can be properly tracked.</p>   |   |
| <p>A. L. Gaskins,<br/>Chief, Roanoke<br/>Police Department</p>            | <p>6 VAC 20-30-30-My single concern is the requirement of two hours of cultural diversity training for officer recertification. I agree that it is necessary that we require cultural diversity in our training program. However, it is equally important that this training requirement meet strict standards and guidelines to avoid the possibility that agencies are simply filling up space. I am interested in determining what assistance the Department of Criminal Justice Services will provide in training instructors and providing media assistance to training agencies. Currently we provide both in-house and contractual training in cultural diversity. However, finding quality trainers in this topic is expensive for our agency. It would be helpful for your agency to either provide instructors or an updated certification for trainers of this program to include media sources. My purpose for these suggestions is to ensure that the cultural diversity program will become a united program for all law enforcement in Virginia.</p> | <p>DCJS does not currently have funds available to address this comment. However, from 1995 to 1999, DCJS provided eight train-the-trainer sessions conducted by a nationally recognized expert in cultural diversity. A curriculum and lesson plans were provided to all participants. The curriculum and lesson plans are available to agency or academy.</p> |
| <p>Mr. Tim Kindrick,<br/>Director, Central<br/>Shenandoah<br/>Academy</p> | <p>6 VAC 20-30-30C -Courtroom security officers and process service officers subpara 2 and 3a. Currently reads “Subjects to be provided at the discretion of the academy director of a certified academy and shall be designated as legal training.” And “Subjects to be provided at the discretion of the agency administrator or the board of a certified academy....”</p> <p>Recommendation: Change to read, “Subjects to be provided are at the discretion of the agency administrator or the board of a certified training academy and shall be designated as legal training.” and “Subjects to be provided are at the discretion of the academy director of a certified</p>   | <p>The intent is to replace the words “agency administrator or the board,” with “academy director,” throughout all of 6 VAC 20-30-30.</p>   |

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|  | <p>academy.....”</p> <p>Reason: In 6VAC 20-30-30C they are listed the opposite as in 6 VAC 20-30-30 B and C. All three should be consistent.</p>   |  |
| <p>Chief Deputy<br/>Mike<br/>McWilliams,<br/>Clarke County<br/>Sheriff’s Office</p>  | <p>6 VAC 20-30-40-Is it correct that if an officer completes his/her 40 hours of training within one year, then they get a new date for completion of training?</p>  | <p>Yes. The two-year period for completion of in-service means two consecutive years. If you complete in-service requirements in one year, the due date is advanced two years. If you receive additional training in the same year, those hours count toward the next two-year cycle.</p>  |
| <p>Mr. Vince Ferrara,<br/>President of the<br/>Virginia<br/>Association of<br/>Directors of<br/>Criminal Justice<br/>Training.</p> | <p>6 VAC 20-30-50B-Partial in-service credit-The Association recommends that the time requirement to submit job-related courses for in-service credit remain no later than 60 days. Removing this requirement will cause recordkeeping problems and cause much more work for academy staff. With no time limit for submittal of in-service credit, officers will be submitting for months/years after the program has been completed. With the way that the ACE TRAK software system is designed this will cause the academies to be continually opening and closing classes to accommodate officers who can’t submit their request in a timely fashion.</p>   | <p>DCJS is neutral on this issue. The ACETRAK system was designed to monitor training according to our rules. The design was intended to prevent users from arbitrarily manipulating data. The ACETRAK system tracks the number of required hours for in-service training. The ACETRAK system does an excellent job of tracking hours, <u>as long as training is entered sequentially</u>. If Partial In-service credit (PIC) training is submitted months after it occurred, it causes problems when entered into ACETRAK out of sequence. It may cause the officer to lose hours or may require the academy an inordinate amount of time to correct an officer’s records. The academy directors association wants to maintain the 60-day requirement in order prevent many wasted hours correcting errors caused by late submission. On the other hand, many agencies claim that the training received is just as valid no matter when the paperwork is submitted.</p> |
| <p>Major Tyrone<br/>Morrow, Director,<br/>Fairfax Criminal<br/>Justice Academy</p>   | <p>6 VAC 20-30-50 C-I agree with the elimination of the minimum 8 hours of credit for multimedia training such as on-line training. This would be very good in support of our on-line efforts.</p> <p>I agree with the testing requirement for multimedia training and the minimum requirement for a minimum passing score of 70%</p> <p>I agree that the academy director or designee would approve which multimedia training would be offered by an academy. Additionally, they would also determine the actual number of hours of credit to be awarded.</p> <p>I disagree with 6 VAC 20-30-50 section B: Partial in-service credit. I recommend that the time requirement to submit job-related courses for in-</p> |  |

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|   | service credit remain no later than 60 days. Removing this requirement will cause recordkeeping problems and cause much more work for academy staff.  |  |
| Allen Rogers, In-Service Training Manager, No. VA. CJA          | 6 VAC 20-30-60A-Does “academy staff member” include those agency staff persons identified as the site coordinator for satellite locations? Does the coordination mean the academy staff coordinator must be present and on-site at the location while training is being conducted? This may present logistical problems.  | No. For training to be conducted at a site that is not a satellite facility, it must be conducted by the academy. At a minimum that means an academy staff person must be on site during the training and all instructors must be currently certified instructors.   |
| Major Tyrone Morrow, Director, Fairfax Criminal Justice Academy | 6 VAC 20-30-60A-I agree with the proposal that off-site training approval time was reduced from 30 to 7 days (to DCJS)  | This provision applies to all training. The purpose is to eliminate the requirement of using the Memo of Transmittal as an approval instrument and use it as a notification instrument.  |
| Allen Rogers, In-Service Training Manager, No. VA. CJA          | 6 VAC 20-30-80A-The target and scoring guidelines have been removed so scoring could be different from range to range. For example, one academy could score only the rounds inside the line and other continue to score anything on the cardboard. Simple solution would be to score each round on any of the approved courses as 1 point inside the scoring area to reach a value of 70% or greater to qualify. Outside the lines are misses and receive 0 points. | The in-service rules allow only one choice of a firearms course. The entry-level rules have 8 different courses to choose from. The purpose here was to allow the same choices in in-service. The specific requirements are listed in Category 7, Performance Outcomes, Training Objectives, Criteria and Lesson Plan Guides for Compulsory Minimum Training for Law Enforcement Officers. |
| Mr. Tim Kindrick, Director, Central Shenandoah Academy          | 6 VAC 20-30-80 (8)-Currently reads “Vvirginia Tactical Qualifications Course II, 36 rounds”Recommendation: Change to “Virginia Tactical Qualification Course II, 36 rounds ...” Reason: Spelling  | DCJS agrees with this recommendation.  |
| Mr. Ron Staton, Director, Central Virginia Academy              | 6 VAC 20-30-80 (8)-Virginia is not spelled correctly.   | DCJS agrees with this recommendation   |

**All changes made in this regulatory action**

*Please detail all changes that are being proposed and the consequences of the proposed changes. Detail new provisions and/or all changes to existing sections.*

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| Current section number | Proposed new section number, if | Current requirement | Proposed change and rationale |
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|  | <b>applicable</b> |  |  |
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See previous section on “Changes made since proposed stage.”

**Regulatory flexibility analysis**

*Please 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) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of 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 proposed regulation.*

There are no alternative regulatory methods that will accomplish the goals of this regulation.

**Family impact**

*Please assess the 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.*

The impact on the family is indirect. Improving training for personnel in any public safety position contributes to public safety.