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Proposed Regulation Agency Background Document

Agency name	Department of Criminal Justice Services
Virginia Administrative Code (VAC) citation(s)	6VAC20-30
Regulation title(s)	Rules Relating to Compulsory In-Service Training Standards for Law Enforcement Officers, Jailors or Custodial Officers, Courtroom Security Officers, Process Service
Action title	Amend Firearms Training 6VAC20-30-80. Amend Compulsory In-Service Training Standards 6VAC-20-30-30.
Date this document prepared	4/22/2015

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*.

Brief summary

Please provide a brief summary (preferably no more than 2 or 3 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of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed.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.

The revised regulations will add an additional three courses of fire for criminal justice academies to choose from when offering annual firearms in-service qualification. This action will also remove the firearms courses and replace with the web link to the document where the firearms courses can be located.

The revised regulations will amend the language to add corrections officers with the Department of Corrections to those rules relating to compulsory in-service training standards for law enforcement officers; increasing the current 24 hours required to 40 every two years. Current language intended for corrections officers will be stricken.

Acronyms and Definitions

Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.

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 Department, under direction of the Board has the authority to review, amend or revise regulations relating to in-service training standards as found in §9.1-102(4), (7) (8) and (9) of the Code of Virginia. The Criminal Justice Services Board approved recommendations for 6VAC20-30-80(A) June 12, 2014. The Criminal Justice Services Board approved recommendations relating to 6VAC20-30-30 and 6VAC20-30-80(B) specific to Corrections Officers employed by the Department of Corrections December 11, 2014.

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Describe the specific reasons the regulation 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.

6VAC20-30-80 (A) The amended regulation will add an additional three courses of fire for criminal justice academies to choose from when offering annual firearms in-service qualification. This action will also remove the firearms courses and replace with the web link to the document of where the firearms courses can be located. The proposed amendments are essential to protect the safety and welfare of citizens, and officers themselves, by ensuring criminal justice officers are receiving the most up-to-date training.

6VAC20-30-80 (B) The amended regulation will remove the firearms courses and replace with the link to the document of where the firearms course can be located. The proposed amendments 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. There is a forum for public comment and oversight through the Criminal Justice Service Board's committees. Any changes to the training requirements are first reviewed and vetted by a Curriculum Review Committee (CRC). The CRC then makes a recommendation to the Committee on Training (COT) which is the policy-making body responsible to the Board for approving revisions to the training standards. Prior to approving changes to training requirements the COT must hold a public hearing and sixty days prior to the public hearing, the proposed changes shall be distributed to all affected parties for the opportunity to comment.

6VAC20-30-30 (A) & (D) The amended regulation will reflect the compulsory in-service training standards for corrections officers approved by the Criminal Justice Services Board. This action will also remove outdated compulsory in-service standards for corrections officers. The proposed amendments 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, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of changes" section below.

6VAC20-30-80(A) & (B): Amends the language to remove the courses of fire, and instead will direct constituents to the DCJS website to the document where the firearms courses can be located

6VAC20-30-30(A) & (D): Amends the language to remove out-dated hours previously required for corrections officers by adding them to Section (A) to reflect the same hours required by law enforcement.

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.

There are no disadvantages to the public with implementing the amended provisions to either regulation. The primary advantages to the public of implementing the amended regulation for compulsory minimum in-service training standards will be that of having public safety officers trained in order to provide protection for the public, as well as the officers themselves.

There are no disadvantages to the agency or the Commonwealth with implementing the amended provision to either regulation. The primary advantages to the agency or the Commonwealth is assuring the most up-to-date training is being regulated in order to hold the public safety officers within the Commonwealth to the highest standards of training for public and officer safety.

There are no disadvantages to the public or the Commonwealth.

Requirements more restrictive than federal

Please identify and describe any requirement of the proposal which is more restrictive than applicable federal requirements. Include a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements or no requirements that exceed applicable federal requirements, include a statement to that effect.

There are no requirements that exceed applicable federal requirements.

Localities particularly affected

Please identify any locality particularly affected by the proposed regulation. Locality particularly affected means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.

There is no one particular locality affected by the proposed amended regulations.

Public participation

Please include a statement that in addition to any other comments on the proposal, the agency is seeking comments on the costs and benefits of the proposal and the impacts of the regulated community.

In addition to any other comments, the Department of Criminal Justice Services is seeking comments on the costs and benefits of the proposal and the potential impacts of this regulatory proposal. Also, the agency/board is seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments for the public comment file may do so by mail, email or fax to Cindy Campbell, 1100 Bank Street, Richmond, VA 23219, Barbara.Peterson-Wilson@dcjs.virginia.gov; or fax: (804) 225-4503. Comments may also be submitted through the Public Forum feature of the Virginia Regulatory Town Hall web site at: <http://www.townhall.virginia.gov>. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period. A public hearing will not be held following the publication of this stage of this regulatory action.

Economic impact

Please identify the anticipated economic impact of the proposed new regulations or amendments to the existing regulation. When describing a particular economic impact, please specify which new requirement or change in requirement creates the anticipated economic impact.

<p>Projected cost to the state to implement and enforce the proposed regulation, including: a) fund source / fund detail; and b) a delineation of one-time versus on-going expenditures</p>	<p>There is no projected cost to the state to implement and enforce the proposed amended regulation.</p>
<p>Projected cost of the new regulations or changes to existing regulations on localities.</p>	<p>There are no projected costs on localities for the changes to the existing regulations.</p>
<p>Description of the individuals, businesses, or other entities likely to be affected by the new regulations or changes to existing regulations.</p>	<p>Local Law Enforcement Agencies and Criminal Justice Academies will be affected by the changes to the existing regulations.</p>
<p>Agency’s best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that: a) is independently owned and operated and; b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.</p>	<p>Entities affected: 38, 10 of which are Regional Academies, which are a) independently owned and operated and b) employ fewer than 500 full-time employees or has gross annual sales of less than \$6 million.</p>
<p>All projected costs of the new regulations or changes to existing regulations for affected</p>	<p>There are no projected costs to the changed regulations for the entities affected.</p>

<p>individuals, businesses, or other entities. Please be specific and include all costs including: a) the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses; and b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the proposed regulatory changes or new regulations.</p>	
<p>Beneficial impact the regulation is designed to produce.</p>	<p>The beneficial impact for the amended regulations is that there are no additional costs in order for public safety officers to meet the compulsory in-service minimum training standards.</p>

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.

There are no viable alternatives to these proposed amended regulations. These amendments are neither burdensome or intrusive.

Regulatory flexibility analysis

Pursuant to § 2.2-4007.1B of the Code of Virginia, 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 for the proposed amended regulations. There is no adverse impact on small businesses.

Periodic review and small business impact review report of findings

If you are using this form to report the result of a periodic review/small business impact review that was announced during the NOIRA stage, please indicate whether the regulation meets the criteria set out in Executive Order 17 (2014), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable. In addition, as required by 2.2-4007.1 E and F, please include a discussion of the agency’s consideration of: (1) the continued need for the regulation; (2) the

nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation.

This action is not result of a periodic review or a small business review.

Public comment

Please summarize all comments received during the public comment period following the publication of the NOIRA, and provide the agency response.

No comments were received during the public comment period.

Family impact

Please assess the impact of this 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.

There is no impact of the proposed regulatory action on the institution of the family and family stability.

Detail of changes

*Please list all changes that are being proposed and the consequences of the proposed changes; explain the new requirements and what they mean rather than merely quoting the proposed text of the regulation. If the proposed regulation is a new chapter, describe the intent of the language and the expected impact. Please describe the difference between existing regulation(s) and/or agency practice(s) and what is being proposed in this regulatory action. If the proposed regulation is intended to replace an emergency regulation, please list separately: (1) all differences between the **pre-emergency** regulation and this proposed regulation; and 2) only changes made since the publication of the emergency regulation.*

For changes to existing regulation(s), use this chart:

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change, intent, rationale, and likely impact of proposed requirements
6VAC20-30-30.(A)		Current Section only lists Law Enforcement officers who are required to meet a Total of 40	Proposed changed is to amend the language to add corrections officers to the 40 hour compulsory in-service training

		hours for compulsory in-service training standards.	standard.
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6VAC20-30		Pursuant to the provisions of subdivisions (1), (3), (5), (6) and (7), of § 9.1-102 of the Code of Virginia, the board establishes the following as the 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 Operations.	<p>The referenced sections to 9.1-102 needed to be revised and updated. Section (4), (8), and (9) specifically address in-service, and section (6) was repealed during the 2015 Generally Assembly Session and should be removed.</p> <p>Pursuant to the provisions of subdivisions (1), (3), (4), (5), (6) and (7), (8), and (9) of § 9.1-102 of the Code of Virginia, the board establishes the following as the 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 Operations.</p>
6VAC20-30 A(3) B(3) C(3)		Current language addresses the firearms training. Section a. reads ... "No more than eight hours of firearms training shall be approved as elective subjects." and section (1) reads, "No more than four hours applied to firearms qualification ..." Section (2) reads, "Remaining hours eligible for situational decision making training."	<p>The proposed changes clarify confusing and unnecessary language in sections A(3), B(3), and C(3). Regardless of how many hours a training academy spends on the annual instruction in firearms, DCJS only accepts four hours of firearms qualification to count towards meeting the 40 hours required for in-service. Section a. references eight hours and section (2) references remaining hours which is confusing given the most credit an individual can obtain from DCJS is four hours.</p> <p>a.-Subjects to be provided are at the discretion of the academy director of a certified training academy. No more than</p>

			<p>eight hours of firearms training shall be approved as elective subjects. Firearms training shall be applied as follows:</p> <p>(1) b. No more than four hours <u>may be</u> applied to firearms qualification as provided in 6VAC20-30-80; and.</p> <p>(2) Remaining hours eligible for situational or decision-making training.</p>
6VAC20-30-30.(D)		Current Section lists the breakdown of hours required by ranks of corrections officers within the Department of Corrections as to how many career development, legal and cultural diversity hours are required for compulsory in-service training standards.	Proposed change is to delete this section; adding corrections officers to 6VAC20-30-30.(A) (as above)
6VAC20-30-80.(A)		Current Section lists courses of fire to qualify annually with a passing score of 70%.	Proposed change is to amend language to direct those courses of fire to be located in the Minimum Training Standards Manual found on the DCJS website.
6VAC20-30-30.(B)		Current Section lists the course of fire for corrections officers to qualify annually with their handgun.	Proposed change is to amend language to direct those courses of fire to be located in the Minimum Training Standards Manual for the Department of Corrections found on the DCJS website.