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Proposed Regulation Agency Background Document

Agency name	Virginia Department of Criminal Justice Services
Virginia Administrative Code (VAC) citation(s)	6 VAC20-70
Regulation title(s)	Rules Relating to Compulsory Minimum Training Standards for Noncustodial Employees of the Department of Corrections
Action title	Enhance Compulsory Minimum Training Standards for Noncustodial Employees of the Department of Corrections
Date this document prepared	December 19, 2016

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of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed.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 proposed amendments to Rules Relating to Compulsory Minimum Training Standards for Noncustodial Employees of the Department of Corrections will update relevant Code citations and regulatory language and substantially increase and enhance the training requirements for noncustodial employees. Training will be increased from 8 hours to 80 hours. Proposed language will provide DCJS with the option to suspend or revoke a previously approved training. The existing regulation defines noncustodial employees and identifies the training requirements for this type of employee. Additionally, the regulation identifies the timeline for completion of training and the grading and administrative requirements.

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.

COT -Committee on Training is the approval authority for training standards for the Department of Corrections basic corrections officer training.

CRC - Curriculum Review Committee is the body designated by the COT to review and research proposed revisions to training standards.

Department of Criminal Justice Services- DCJS

Department of Corrections - DOC

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.

Virginia Department of Criminal Justice Services and the Criminal Justice Services Board

§ 9.1-102.

The Department, under the direction 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:

1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the administration of this chapter including the authority to require the submission of reports and information by law-enforcement officers within the Commonwealth. Any proposed regulations concerning the privacy, confidentiality, and security of criminal justice information shall be submitted for review and comment to any board, commission, or committee or other body which may be established by the General Assembly to regulate the privacy, confidentiality, and security of information collected and maintained by the Commonwealth or any political subdivision thereof;...

...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;...

§ 19.2-81.2.

A. A correctional officer, as defined in § 53.1-1, who has completed the minimum training standards established by the Department of Criminal Justice Services, or other noncustodial employee of the Department of Corrections who has been designated to carry a weapon by the Director of the Department

of Corrections pursuant to § 53.1-29 of the Code and who has completed the basic course in detention training as approved by the Department of Criminal Justice Services, may, while on duty in or on the grounds of a correctional institution, or with custody of prisoners without the confines of a correctional institution, detain any person whom he has reasonable suspicion to believe has committed a violation of §§ 18.2-473 through 18.2-475, or of aiding or abetting a prisoner in violating the provisions of § 53.1-203. Such detention shall be for the purpose of summoning a law-enforcement officer in order that the law-enforcement officer can arrest the person who is alleged to have violated any of the above sections.

B. Any employee of the Department of Corrections having the authority to detain any person pursuant to subsection A hereof shall not be held civilly liable for unlawful detention, slander, malicious prosecution, false imprisonment, false arrest, or assault and battery of the person so detained, whether such detention takes place within or without the grounds of a correctional institution, provided that, in causing the detention of such person, the employee had at the time of the detention reasonable suspicion to believe that the person committed a violation for which the detention was undertaken.

C. It is the purpose and intent of this section to ensure that the safety, stability, welfare and security of correctional institutions be preserved insofar as possible.

§ 53.1-29

It shall be lawful for any correctional officer and any noncustodial employee who has been designated by the Director of the Department, and who has completed the basic course in firearms for correctional officers as approved by the Department of Criminal Justice Services, to carry and use sufficient weapons to prevent escapes, suppress rebellion, and defend or protect himself or others in the course of his assigned duties.

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.

This regulation was last amended in July of 1987. DCJS worked with DOC to conduct a comprehensive review of this outdated regulation and the proposed amendments will update relevant Code citations and regulatory language and clearly outline, increase, and enhance the training requirements for noncustodial employees. This regulatory action is essential to protect the health, safety, and welfare of the citizens to ensure noncustodial employees who have been designated by the Director of DOC to carry a firearm and detain individuals have the proper training. Proper training in the handling and discharging of firearms and detaining individuals reduces the risk of serious injury or death to noncustodial employees, correctional officers, inmates, and the general public.

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.

6VAC20-70-10 Definitions

- Remove the term and definition of approved training school and replace with certified training academy.

- The term approved training school has been replaced with certified training academy throughout the regulation.
- Remove the term definition of school director and replace with academy director.
 - The term school director has been replaced with the academy director throughout the regulation.
- Add the term and definition for Curriculum Review Committee
- Add the term and definition for Committee on Training
- Add the term and definition for satellite facility
 - The term satellite facility has been used throughout the regulation

6VAC20-70-20 Compulsory minimum training standards for noncustodial employees

- Identify training categories
 - 1. Category 1 – Security and Supervision
 - 2. Category 2 – Communication
 - 3. Category 3 – Safety
 - 4. Category 4 – Emergency Response
 - 5. Category 5 – Conflict and Crisis Management
 - 6. Category 6 – Law and Legal Issues
 - 7. Category 7 – Duty Assignments and Responsibilities
 - 8. Category 8 – Professionalism
 - 9. Category 9 – Firearms Training
 - ACADEMY TRAINING HOURS – 80
- Increase training categories and the number of training hours required from 8 hours to 80 hours

6VAC20-70-25 Approval Authority

- Create a new section addressing approval authority for revisions to the training standards

6VAC20-70-30 Applicability

- Language added to clarify who is required to complete the compulsory minimum training standards
- Any employee who has not completed the training required for corrections officers identified in 6VAC20-100 will be required to complete the training requirements identified in this regulation.

6VAC20-70-40 Time required for completion of training

- Language added to address what training is required for individuals who have separated from the Department of Corrections and those who left noncustodial employee or corrections officer status.
- Noncustodial staff had 120 days to complete the training. This timeline will increase to 12 months to accommodate the proposed increase in training hours.
- Permits the director of DCJS the ability to grant an extension to the time limits for the completion of training.
- Noncustodial employees who separated from noncustodial employee status or correctional officer status for 24 months or less and complied with all mandatory training requirements shall be required to complete in-service training requirements.
- Noncustodial employees who separated from noncustodial employee status or correctional officer status for a period greater than 24 months shall be required to complete the training

6VAC20-70-50 How compulsory minimum training standards may be attained

- Changed the term approved training school to approved training academy
- Add the language "on post"

- Noncustodial employees are responsible for missed materials during excused absences.

6VAC20-70-60 Approved training schools

- Adding language to provide for business days rather than calendar days.
- Adding language that would provide DCJS with the option to suspend or revoke a previously approved training. Currently DCJS' only regulatory authority is to suspend or revoke the certification of the academy

6VAC20-70-70 Grading

- Remove language requiring a minimum of two questions for each hour of mandatory instruction. The original training requirement was minimal and only required 8 hours. The proposed amendments enhance the training requirements increase the hours to 80.
- Remove the language stating "testing and retesting as may be necessary"
- Permits the academy to require a score higher than 70%.
- Remove the language in section C and put it in 6VAC20-110 Administrative Requirements

6VAC20-70-80 Firearms

- Repeal this section which addresses firearm requirements. The category of Firearms is listed in 6VAC20-70-20. The firearm training requirements will be the same as those required for corrections officers.

6VAC20-70-90 Recertification

- Repeal section.
- Noncustodial employees must complete firearms training annually. Repealed language requires training every other calendar year. The firearm training requirements are the same as those required for corrections officers.

6VAC20-70-100 Failure to comply with rules and regulations

- Notification of expulsion is required to be made to the Director of DOC or his designee.

6VAC20-70-110 Administrative requirements

- Renumber the subsections
- Add language removed from section C of 6VAC20- 70 Grading
- References the DCJS electronic records management system and gives the academy director 60 days to submit documentation of completion of training. Current language allows 30 days for submission.
- Records are to be maintained by the academy and comply with the Virginia Public Records Act.

6VAC20-70-115 In-Service for noncustodial employees and annual firearms training

- New section
- In-service and firearms training requirements are identified.
- The in-service requirements are the same as those required by corrections officers.

6VAC20-70-120 Effective date

- Repeal

6VAC20-70- 130 Adopted: October 12, 1979

- Repeal

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.

The primary advantages of the proposed amendments to this regulation are the increased and enhanced training which serves to protect the health, safety, and welfare of the public, DOC employees and inmates and the Commonwealth. The training ensures noncustodial employees who have been designated by the Director of the Department to carry a firearm and detain individuals have the proper training. Proper training in the handling and discharging of firearms and detaining individuals reduces the risk of serious injury or death to noncustodial employees, correctional officers, inmates, and the general public.

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 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.

This regulation addresses training requirements for noncustodial staff employed by the Virginia Department of Corrections. No localities are particularly affected by the proposed regulation.

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 and the Criminal Justice Services Board are 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 Barbara Peterson-Wilson, 1100 Bank Street, Richmond, VA 23219, phone number (804) 225-4503, fax number (804) 786-0410 and Barbara.Peterson-Wilson@dcjs.virginia.gov.

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>The costs noted below are related to the proposed amendments which increase training requirements.</p> <p>The cost associated with the amendments to the regulation involves costs associated with ammunition purchases for initial handgun certification and changing from the bobber target to a scoring target. This cost will affect the Academy for Staff Development with the additional anticipated ammunition cost of \$159,213.95 per year and scoring target cost of \$1, 216.60 per year.</p> <p>The cost associated with meals served with an additional training will affect the Academy for Staff Development with the anticipated cost range of \$33,096 to \$35,000 annually.</p> <p>The fuel cost associated with travel by participants from the facility to the Academy for the additional week of training is dependent on the market price of fuel at the time participants are scheduled for training.</p>
<p>Projected cost of the new regulations or changes to existing regulations on localities.</p>	<p>There are no costs to localities associated with amending 6VAC20-70.</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>Amending 6VAC20-70 affects the DOC's institutions, corrections officers, noncustodial employees and inmates.</p>
<p>Agency's best estimate of the number of such</p>	<p>Small businesses are not affected by this</p>

<p>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:</p> <p>a) is independently owned and operated and;</p> <p>b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.</p>	<p>regulation.</p> <p>Amending 6VAC20-70 affects the DOC's institutions, corrections officers, noncustodial employees and inmates. The DOC operated 25 Major Institutions, 9 Field Units, 5 Work Centers, 3 Diversion Centers, and 3 Detention Centers in which 29,271 offenders were housed. DOC employs approximately 7,405 corrections officers. There are approximately 42 certified noncustodial employees. Per DOC the number of noncustodial staff may increase in the future due to the creation of a new unit and new positions.</p>
<p>All projected costs of the new regulations or changes to existing regulations for affected individuals, businesses, or other entities. Please be specific and include all costs including:</p> <p>a) the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses; and</p> <p>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>There are no costs associated with reporting, recordkeeping, or administrative costs for small business.</p> <p>There are no costs related to the development of real estate for commercial or residential purposes that are a consequence of the proposed regulatory changes.</p>
<p>Beneficial impact the regulation is designed to produce.</p>	<p>The beneficial impact of this regulation is increased and enhanced training which serves to protect the health, safety, and welfare of the public, DOC employees and inmates and the Commonwealth. The training ensures noncustodial employees who have been designated by the Director of the Department to carry a firearm and detain individuals have the proper training. Proper training in the handling and discharging of firearms and detaining individuals reduces the risk of serious injury or death to noncustodial employees, correctional officers, inmates, and the general public.</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 this regulation. The Code of Virginia requires noncustodial employees of the Department of Corrections who have been designated to carry a weapon by the Director of the Department of Corrections pursuant to § 53.1-29 and who have the authority to detain an individual pursuant to 19.2-81.2 to complete the basic course in firearms for correctional officers and basic course in detention training. This training must be approved by the Department of Criminal Justice Services.

This regulation has no impact on small businesses.

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.

The proposed regulation increases the training requirements for noncustodial employees from 8 hours to 80 hours. Eight hours of training is inadequate. DCJS reviewed the newly developed training requirements for corrections officers which require 600 hours of training and identified categories of training that were not necessary for noncustodial employees. The proposed regulation clarifies the reporting process and increases the time for reporting from 30 days to 60 days. Additionally, the time for noncustodial employees to complete training has been increased from 120 days to 12 months.

This regulation has no 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.

Not applicable.

Public comment

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

Commenter	Comment	Agency response

No public comments were received following the publication of the NOIRA.

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.

This regulatory action has no impact on the institution of the family or 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 follow the instructions in the text following the three chart templates below.

For changes to existing regulation(s), please use the following chart:

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change, intent, rationale, and likely impact of proposed requirements
6VAC20-70-10		Provides definitions for the following terms: Approved training school, Board, Department, Director, Noncustodial employee, school director	Remove the term and definition of approved training school and replace with certified training academy. <ul style="list-style-type: none"> • The term approved training school has been replaced with certified training academy throughout the regulation. Remove the term definition of school director and replace with academy director. <ul style="list-style-type: none"> • The term school director has been replaced with the academy director throughout the regulation. Add the term and definition for Curriculum Review Committee Add the term and definition for Committee on Training Add the term and definition for satellite facility
6VAC20-		Requires 8 hours of training	Identify training categories

70-20		<p>1 hours Orientation 4 hours Firearms 3 hours Legal</p> <p>Additional time is required on the firing range</p>	<p><u>Category 1 – Security and Supervision</u></p> <p><u>Category 2 – Communication</u></p> <p><u>Category 3 – Safety</u></p> <p><u>Category 4 – Emergency Response</u></p> <p><u>Category 5 – Conflict and Crisis Management</u></p> <p><u>Category 6 – Law and Legal Issues</u></p> <p><u>Category 7 – Duty Assignments and Responsibilities</u></p> <p><u>Category 8 – Professionalism</u></p> <p><u>Category 9 – Firearms Training</u></p> <p><u>ACADEMY TRAINING HOURS – 80</u></p> <p>Increase training categories and the number of training hours required from 8 hours to 80 hours</p>
	6VAC20-70-25		<p>Create a new section addressing approval authority for revisions to the training standards</p> <p>Conduct public hearing Provide 60 days’ notice of changes prior to the public hearing. Publish revisions in Virginia Register Revisions become effective 30 days after publication in Virginia Register</p>
6VAC20-70-30		<p>Every person employed in a noncustodial position who by appointment to that position has been designated by the Director of the Department of Corrections to carry a weapon must meet the compulsory minimum training standards herein established</p>	<p>Language added to clarify who is required to complete the compulsory minimum training standards</p> <p>Any employee who has not completed the training required for corrections officers identified in 6VAC20-100 will be required to complete the training requirements identified in this regulation.</p>
6VAC20-		Training required to be	Language added to address what training is

70-40		<p>completed within 120 days of assuming position</p>	<p>required for individuals who have separated from the Department of Corrections and those who left noncustodial employee or corrections officer status.</p> <p>Noncustodial staff had 120 days to complete the training. This timeline will increase to 12 months to accommodate the proposed increase in training hours.</p> <p>Permits the director of DCJS the ability to grant an extension to the time limits for the completion of training.</p> <p>Noncustodial employees who separated from noncustodial employee status or correctional officer status for 24 months or less and complied with all mandatory training requirements shall be required to complete in-service training requirements.</p> <p>Noncustodial employees who separated from noncustodial employee status or correctional officer status for a period greater than 24 months shall be required to complete the training</p>
6VAC20-70-50		<p>Training received at approved training school</p>	<p>Changed the term approved training school to approved training academy</p> <p>Add the language "on post"</p> <p>Noncustodial employees are responsible for missed materials during excused absences.</p>
6VAC20-70-60		<p>A. Noncustodial employees training schools must be approved by the department prior to the first scheduled class. Approval is requested by making application to the director on forms provided by the department. The director may approve those schools which on the basis of curricula, instructors, facilities, and examinations, provide the required minimum training. One application for all mandated training shall be submitted prior to the beginning of each fiscal year. A curriculum listing the subject matter, instructors, dates and times for the entire</p>	<p>Adding language to provide for business days rather than calendar days.</p> <p>Adding language that would provide DCJS with the option to suspend or revoke a previously approved training. Currently DCJS' only regulatory authority is to suspend or revoke the certification of the academy</p> <p>The term approved training school has been replaced with certified training academy throughout the regulation.</p> <p>The term school director has been replaced with the academy director throughout the regulation.</p>

		<p>proposed training session shall be submitted to the department 30 days prior to the beginning of each proposed session. An exemption to the 30 day requirement may be waived for good cause shown by the school director.</p> <p>B. Each school director will be required to maintain a current file of all current lesson plans and supporting material for each subject contained in the compulsory minimum training standards.</p> <p>C. Schools which are approved will be subject to inspection and review by the director or staff, or both.</p> <p>D. The department may suspend the approval of an approved training school upon written notice, which shall contain the reason(s) upon which the suspension is based, to the school's director. The school's director may request a hearing before the director or his designee. The request shall be in writing and must be received by the department within 15 days of the date of the notice of suspension. The school's director may appeal the decision of the director or his designee to the board. Such request shall be in writing and must be received by the board within 15 days of the date of the decision of the director or his designee.</p> <p>E. The department may revoke the approval of an approved training school upon written notice, which shall contain the reason(s) upon which the revocation is based, to the school's director. The school's director may request a hearing before</p>	
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		<p>the director or his designee. The request shall be in writing and must be received by the department within 15 days of the date of the notice of revocation. The school's director may appeal the decision of the director or his designee to the board. Such request shall be in writing and must be received by the board within 15 days of the date of the decision of the director or his designee.</p>	
<p>6VAC20-70-70</p>		<p>A. All written examinations shall include a minimum of two questions for each hour of mandatory instruction. This requirement likewise includes the classroom instruction on performance-oriented subject matter.</p> <p>B. All noncustodial employees shall attain a minimum grade of 70% in each grading category to satisfactorily complete the compulsory minimum training standards. Any noncustodial employee who fails to attain the minimum 70% in any grading category will be required to take all subjects comprising that grading category in a subsequent approved training school. A noncustodial employee may be tested and retested as may be necessary within the time limits of 6VAC20-70-40 and each academy's written policy. A noncustodial employee shall not be certified as having complied with the compulsory minimum training standards unless all applicable requirements have been met.</p> <p>C. Approved noncustodial employee training schools shall maintain accurate records of all tests, grades and testing procedures. Academy training records must be maintained in</p>	<p>Remove the language requiring 2 questions for each hour.</p> <p>Permits a training academy to require more than a 70% on tests.</p> <p>Removes the language related to records – this language has been added to the section on administrative requirements.</p> <p>The term approved training school has been replaced with certified training academy throughout the regulation.</p> <p>The term school director has been replaced with the academy director throughout the regulation.</p>

		<p>accordance with the provisions of these rules and §§ 42.1-76 through 42.1-91 of the Code of Virginia.</p>	
<p>6VAC20-70-80</p>		<p>The following firearms training will be applicable to noncustodial employees of the Department of Corrections who have been designated to carry a weapon:</p> <ol style="list-style-type: none"> 1. Classroom - Service handgun, shotgun and special weapons (four hours). <ol style="list-style-type: none"> a. Nomenclature and Care of Weapons b. Safety c. Legal Aspects of Firearms Use d. Principles of Shooting e. Special Weapons (as utilized by the Department of Corrections) - Familiarization, no firing 2. Range. <ol style="list-style-type: none"> a. Service Handgun. <ol style="list-style-type: none"> (1) combat course (double action) <ul style="list-style-type: none"> 60 rounds Silhouette Target Qualification - 70% (5 points per hit on silhouette) (Minimum 210 points out of a possible 300 points) (2) Course. <ul style="list-style-type: none"> 7 yards - two handed crouch - 6 rounds (one on whistle) 7 yards - two handed crouch - 6 rounds (two on whistle) 7 yards - two handed crouch - 12 rounds (30 seconds from whistle) 15 yards - two handed point shoulder - 6 rounds (one on whistle) 15 yards - two handed point shoulder - 6 rounds - (two on whistle) 15 yards - two handed point shoulder - 12 rounds (30 seconds from whistle) 25 yards - two handed point shoulder - 6 rounds (10 seconds/right hand) 25 yards - two handed point shoulder - 6 rounds (10 	<p>Repeal this section Firearms is listed as a category in 6VAC20-70-20 and the specific training requirements are in the manual located on the DCJS website. The firearm training requirements are the same as those required for corrections officers.</p>

		<p>seconds/left hand) b. Shotgun 10 rounds Bobber Target No. 4 Buck Qualification - 80% (10 points per hit on bobber target) 25 yards - shoulder position - 10 rounds</p>	
6VAC20-70-90		<p>A. All noncustodial employees shall recertify every other calendar year by satisfactorily completing the firearms training set forth in 6VAC20-70-80. The specific time frame for compliance by currently certified noncustodial employees is enumerated in subsections C and D. Any noncustodial employee who does not comply as set forth below in subsections C and D shall be subject to the provisions of § 9-181 of the Code of Virginia.</p> <p>B. All noncustodial employees shall be required to qualify annually with service handgun and shotgun in accordance with 6VAC20-70-80.</p> <p>C. All noncustodial employees whose recertification due date is in 1987 shall comply with the recertification requirements by December 31, 1987, and thereafter by December 31 of every other calendar year.</p> <p>D. All noncustodial employees whose recertification due date is in 1988 shall comply with the recertification requirements by December 31, 1988, and thereafter by December 31 of every other calendar year.</p>	<p>Repeal section. Noncustodial employees must complete firearms training annually. Repealed language requires training every other calendar year. The firearm training requirements are the same as those required for corrections officers.</p>
6VAC20-70-100		<p>Requires employees to follow the rules. Academy can expel an employee. Expulsion to be reported in writing to supervisor of expelled individual and the appropriate</p>	<p>Notification of expulsion is required to be made to the Director of DOC or his designee.</p> <p>The term approved training school has been replaced with certified training academy throughout the regulation.</p>

		DOC Division Director	The term school director has been replaced with the academy director throughout the regulation.
6VAC20-70-110		<p>A. Reports will be required from the school director on forms approved by the department and at such times as designated by the director.</p> <p>B. The school director shall, within 30 days upon completion of an approved training school, comply with the following:</p> <p>1. Submit to the department a roster containing the names of those noncustodial employees who have satisfactorily completed all training requirements and, if applicable, a revised curriculum for the training session.</p> <p>C. The school director shall furnish each instructor with a complete set of course resumes and objectives for the assigned subject matter.</p>	<p>Renumbered the subsections you can't have 1 without a 2</p> <p>Add language removed from section C of 6VAC20- 70 Grading</p> <p>Identifies the DCJS electronic records management system and gives academy director 60 days to submit documentation of completion of training. Current language allows 30 days for submission.</p> <p>Records are to be maintained by the academy and comply with the Virginia Public Records Act.</p> <p>The term approved training school has been replaced with certified training academy throughout the regulation.</p> <p>The term school director has been replaced with the academy director throughout the regulation.</p>
	6VAC20-70-115		<p>In-service and firearms training requirements are identified.</p> <p>The in-service requirements are the same as those required by corrections officers.</p>
6VAC20-70-120		These rules shall be effective on and after July 1, 1987, and until amended or repealed.	Repeal
6VAC20-70-130		<p>6VAC20-70-130. Adopted: October 12, 1979.</p> <p>Amended: April 1, 1987.</p>	Repeal