



COMMONWEALTH of VIRGINIA

Department of Criminal Justice Services

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MEMORANDUM

TO: Criminal Justice Services Board

FROM: Department of Criminal Justice Services

SUBJECT: Separation of Regulatory Responsibilities - Submission of Exempt Action to the Final Stage of the Regulatory Process

Regulations:

- ❖ *6VAC20-20 Rules Relating to Compulsory Minimum Training Standards for Law-Enforcement Officers*
- ❖ *6VAC20-50 Rules Relating to Compulsory Minimum Training Standards for Jailors or Custodial Officers, Courthouse and Courtroom Security Officers and Process Service Officers*
- ❖ *6VAC20-60 Rules Relating to Compulsory Minimum Training Standards for Dispatchers*
- ❖ *6VAC20-70 Rules Relating to Compulsory Minimum Training Standards for Noncustodial Employees of the Department of Corrections*
- ❖ *6VAC20-90 Rules Relating to Regional Criminal Justice Training Academies*
- ❖ *6VAC20-100 Rules Relating to Compulsory Minimum Training Standards for Correctional Officers of the Department of Corrections, Division of Adult Institutions*

Statutory Authority for an Exempt Action:

Although required to comply with § 2.2-4103 of the Virginia Register Act (§ 2.2-4100 et seq.), the following agencies shall be exempted from the provisions of this chapter, except to the extent that they are specifically made subject to §§ 2.2-4024, 2.2-4030, and 2.2-4031:...

...The Virginia Department of Criminal Justice Services when developing, issuing, or revising any training standards established by the Criminal Justice

Summary of Substantive Amendments Made After the Proposed Stage:

Regulatory language (see attached proposed language)

1. The term certified training academy changed to certified criminal justice training academy throughout the regulatory project.
2. The phrase “approved training academies” as it relates to training academies has been changed to “certified criminal justice training academies”.
3. Modified the term and definition of external classroom to external training location. The definition has been amended to address the use of both full and part-time academy staff.
4. Language has been added allowing the Department to review and consider requests to renew training extension.
5. Language has been added to clarify field training and other requirements, such as passing the certification exam and successfully completing training at an academy, must be completed within 12 months of the date of hire or appointment.
6. Language has been added to clarify on-the-job training must be completed within 24 months of a dispatchers hire or appointment.
7. Proposed language referencing the agencies receiving a roster has been removed.
8. Proposed language requiring the signed field training form be submitted within 12 months of hire or appointment has been removed.
9. The definition of the term certified criminal justice training academy has been modified to include a campus.
10. The term and definition of compulsory minimum training standards has been added to 6VAC20-70, 6VAC20-100.
11. The term, definition, and use of the term external training location has been added to 6VAC20-70, 6VAC20-90, and 6VAC20-100.
12. The definition of the term noncustodial employee was modified to mirror the language in the Code of Virginia throughout 6VAC20-70.
13. Code language referencing a noncustodial employee’s authority to detain an individual has been referenced throughout 6VAC20-70.
14. The definition of the term agency administrator has been modified in 6VAC20-90 to include the agency head of local correctional facilities.
15. Language requiring the department and COT review and consider assessments after reviewing the mutual agreement signed by the separating academies.
16. Reference to meeting 100% of the academy certification standards has been removed from 6VAC20-90-80.
17. Clarifying language regarding the corrective plan has been added.
18. Language has been added to 6VAC20-100 noting the superintendent or warden shall sign and submit the completed field training form.

Forms (see attached draft template)

A cover page providing instructions and documenting verification of completion has been added to each of the Field Training and On-the-Job Training forms.

Documents Incorporated by Reference (See attached drafts)

The electronic resource located on the Department's website titled *Virginia Criminal Justice Services Training Manual and Compulsory Minimum Training Standards* has undergone significant revisions. Topics that are no longer part of the electronic resource are now addressed within the proposed academy regulation or are now identified as policy. The remaining language has been condensed and reformatted. The only revisions made to the performance outcomes are the addition of the dispatcher performance outcomes approved by the COT on June 14, 2018. No other revisions have been made to the performance outcomes. The electronic resource will become a document incorporated by reference and has been retitled to *Virginia Department of Criminal Justice Services Compulsory Minimum Training Standards and Requirements*. The electronic resource will consist of the following chapters:

- Chapter 1: Terms and Definitions
- Chapter 2: Certified Criminal Justice Training Academy Requirements
- Chapter 3: Instructor Certification and Recertification Requirements
- Chapter 4: Employment Reporting and Requirements
- Chapter 5: Performance Outcomes
- Chapter 6: Auxiliary Police

Field training and On-the-Job training performance outcomes have been compiled in a separate electronic resource located on the Department's website. The new dispatcher performance outcomes approved by the COT on June 14, 2018 have been added to the electronic resource.

Action to be Taken by the Board:

DCJS respectfully requests the Board vote to approve the submission of 6VAC20-20, 6VAC20-50, 6VAC20-60, 6VAC20-70, 6VAC20-90 and 6VAC20-100 to the Final Stage of the regulatory process.