

Unified Regulatory Plan of the Department of Criminal Justice Services for Fiscal Year 2023

Prepared on September 19, 2022



Agency Summary

The Department of Criminal Justice Services (DCJS) is one of 11 agencies that falls within the Secretariat of Public Safety and Homeland Security in the Commonwealth of Virginia. The agency is charged with planning and carrying out initiatives, programs, and services in order to improve the function and effectiveness of the criminal justice system as a whole, and does this through planning, coordination, program development and evaluation, data and policy analysis, technical and financial assistance, training for criminal justice personnel, educators and school and campus safety personnel, as well as victims service providers. The Criminal Justice Services Board is the agency's policy board, which is comprised of representatives from various facets of the criminal justice system on both the state and local levels of government, as well as citizens. DCJS' primary constituents and stakeholders are local and state criminal justice agencies and practitioners, but the agency also serves private security professionals and businesses, private nonprofit agencies and advocacy groups and associations, as well as the citizens of the Commonwealth. DCJS is authorized to promulgate regulations for the administration of its responsibilities, pursuant to the Code of Virginia, Title 9.1, Chapter 1, Article 1.

Individual Regulatory Activities

As of September 2022, DCJS currently has 10 regulatory actions underway which include 12 of the agency's 25 current regulations housed within Virginia Administrative Code, and three newly promulgated regulations that originate from legislative mandates dating back to the Special Session I of 2020. During Fiscal Year 2023, DCJS plans to open four additional actions—two that will repeal regulations and two that will revise a current regulation, for a total of 19 of the 25 to undergo amendment. The agency anticipates that no less than 119 regulatory sections will ultimately be affected. DCJS also plans to update its list of agency Guidance Documents and ensure that all periodic reviews are up-to-date to comply with EO14 and § 2.2-4017. All actions for FY23 are detailed below in the prescribed tables.

Title of Proposed Regulatory Action or Guidance Document

Comprehensive Review and Update of 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, affecting **Chapter 6 VAC 20-30**

Brief Overview

This regulatory action amends, revises, and enhances the current in-service training standards to reflect recently passed legislation, create cohesiveness with the compulsory minimum training standards for basic law enforcement recruits, and serves as a periodic review, as one has not been conducted in some time. The minimum number of hours of required for in-service training, as well as new areas of training such as working with individuals with disabilities, mental health needs or substance use disorders, and the lawful use of force and de-escalation techniques will also be included in the changes to 6 VAC 20-30-30. Additionally, a set minimum number of hours will also be dedicated to practical exercises, which is not currently within the regulation. DCJS is also anticipating the need to amend 6 VAC 20-30-50, to possibly include a form of allowable online in-service training as an option for certain topics, in addition to updating the FORMS section of this regulation to reflect relevant changes made. The process of revising this regulation is still ongoing, as the agency is currently meeting with workgroups comprised of subject matter experts, but the agency does expect to add an additional regulatory section for the in-service training requirements for dispatchers.

Deregulatory

Component

	•	published in the Volume 38, Issue 5 of	
the Virginia Register in October of 2021. DCJS anticipates submission to the Proposed Stage in the			
	nce the work is complete and additional s	takeholders have an opportunity to	
provide feedback.			
Regulatory Stage	□ NOIRA	☐ Emergency Rule	
(check one box)	☑ Proposed Rule	☐ Fast-Track Rule	
	☐ Final Rule		
Additional	☐ Expedited Rule	☐ Guidance Document	
Description	☐ Exempt Rule		
Legal Authority	☐ Action required by federal statute	□ Discretionary action	
	☐ Action required by state statute	,	
Deregulatory		requirements or compliance burdens but	
Component		the minimum number of hours required,	
•	and replaces the existing outdated FORI	•	
	the PIC-1 Form (rev. 11/05).	•	
Expected Date	January 2023		
(5 15			
•	egulatory Action or Guidance Document	arres Training Chandards for	
· ·	riew and Update of the Compulsory Minin	_	
Jailors/Courtroom Security/Civil Process Officers, affecting Chapter 6 VAC 20-50			
Drief Overview			
Brief Overview	on ravisas and anhances the compulsory r	minimum training standards for iail	
This regulatory action	on revises and enhances the compulsory r	-	
This regulatory action officers, courtroom	security, and civil process officers located	within 6 VAC 20-50-20, the time	
This regulatory action officers, courtroom requirement for cor	security, and civil process officers located mpletion in 6 VAC 20-50-40, and replaces	within 6 VAC 20-50-20, the time the existing DIBR, to align with the	
This regulatory action officers, courtroom requirement for cornewly-revised law e	security, and civil process officers located mpletion in 6 VAC 20-50-40, and replaces nforcement training standards. This action	within 6 VAC 20-50-20, the time the existing DIBR, to align with the on serves a periodic review, as one has	
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This action does not reduce regulatory requirements or compliance burdens but

rather, updates outdated language within the compulsory minimum training

	standards, as well as provides updates to the various forms that these professions utilize to document deputies'/officers' field training.
Expected Date	March 2023

Title	of I	Proposed	Regulatory	Action or	r Guidance	Document
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Comprehensive Review and Update of the Compulsory Minimum Training Standards for Dispatchers, affecting Chapter 6 VAC 20-60

Brief Overview

This anticipated regulatory action will revise the compulsory minimum training standards for dispatchers, located within 6 VAC 20-60-20, and update the FORMS and DIBR sections, as well as serve as a periodic review. Although the last review and update of these standards was completed in early 2019, DCJS has found numerous grammatical errors and has identified the need to make many of the enumerated tasks more easily measureable. DCJS is also prepared to make the necessary additions to include the new MARCUS Alert information that is relevant to all 911 dispatchers.

This potential action has not yet been submitted to the Criminal Justice Services Board for approval, but is expected to be on the agenda for such in the Spring of 2023.

Regulatory Stage	⊠ NOIRA	☐ Emergency Rule
(check one box)	☐ Proposed Rule	☐ Fast-Track Rule
	☐ Final Rule	
Additional	☐ Expedited Rule	☐ Guidance Document
Description	☐ Exempt Rule	
Legal Authority	☐ Action required by federal statute	□ Discretionary action
	☐ Action required by state statute	
Deregulatory	,	quirements or compliance burdens, but
Component	rather, will update outdated language within the compulsory minimum training	
	standards, fix grammatical errors and a lack of measurability in certain	
	performance outcomes and training objectives, as well as will provide updates to	
	the FORMS and DIBR sections within thi	s regulation.
Expected Date	May 2023	

Title of Proposed Regulatory Action or Guidance Document

Comprehensive Review and Update of the Rules Relating to Court-Appointed Special Advocates (CASA), affecting **Chapter 6 VAC 20-160**

Brief Overview

This anticipated action will revise and update all 10 sections of this regulation, ensuring that all Court-Appointed Special Advocates are in compliance with the most up-to-date requirements for training, meet the minimum screening and qualifications for appointment, and understand the confidential

nature of their volunteer duties and responsibilities. Many of these sections have not been updated			
since 2008, so a comprehensive review is necessary. This action will also serve as a periodic review of			
the regulation, as one has not been conducted in some time.			
Regulatory Stage	⊠ NOIRA	☐ Emergency Rule	
(check one box)	Proposed Rule	☐ Fast-Track Rule	
	☐ Final Rule		
Additional	☐ Expedited Rule	\square Guidance Document	
Description	☐ Exempt Rule		
Legal Authority	\square Action required by federal statute	☑ Discretionary action	
	☐ Action required by state statute		
Deregulatory	This action will not reduce the regulator	ry requirements of the agency, but	
Component	rather, will replace outdated language a	and simplify the requirements related to	
	Court Appointed Special Advocates in the	he Commonwealth.	
Expected Date	May 2023		
Title of Proposed R	egulatory Action or Guidance Document		
	Relating to School Security Officers, affect		
	,		
Brief Overview			
This action will seek to utilize the Fast-Track process to repeal Chapter 6 VAC 20-240, as it is expected			
to be non-controversial. The Virginia Center for School and Campus Security division of DCJS will be			
seeking to instead, promulgate updates to what is currently housed within this Chapter, as a guidance			
document, thus also reducing the regulatory burden on the agency. This action to repeal the			
regulation in its entirety will affect all 12 regulatory sections, and is anticipated to be brought to the			
CJSB for approval to move forward in mid-October 2022, with submission the following month.			
	T		
Regulatory Stage	☐ NOIRA	☐ Emergency Rule	
(check one box)	Proposed Rule	□ Fast-Track Rule	
	☐ Final Rule		
Additional	☐ Expedited Rule	\square Guidance Document	
Description	☐ Exempt Rule		
Legal Authority	\square Action required by federal statute	□ Discretionary action	
	☐ Action required by state statute		
Deregulatory	This action, which will repeal 6 VAC 20-	240 in its entirety, will reduce the	
Component	regulatory requirements and support th	ne overall efforts toward regulatory	
	reduction in the Commonwealth. It wil	l lead to the promulgation a new	
	guidance document for the agency, con	_	
	requirements related to School Security	Officers.	
Expected Date	November 2022		

Title of Proposed Regulatory Action or Guidance Document Repeal of the Rules Relating to Campus Security Officers, affecting Chapter 6 VAC 20-270

Brief Overview			
This action will seek	to utilize the Fast-Track process to repeal	Chapter 6 VAC 20-270, as it is expected	
to be non-controver	rsial. The Virginia Center for School and Ca	ampus Security division of DCJS will be	
seeking to instead, p	promulgate updates to what is currently he	oused within this Chapter, as a guidance	
document, thus also	reducing the regulatory burden on the ag	gency. This action to repeal the	
regulation in its enti	irety will affect all 14 regulatory sections, a	and is anticipated to be brought to the	
CJSB for approval to	move forward in mid-October 2022, with	submission the following month.	
Regulatory Stage	□ NOIRA	☐ Emergency Rule	
(check one box)	☐ Proposed Rule		
	☐ Final Rule		
Additional	☐ Expedited Rule	☐ Guidance Document	
Description	☐ Exempt Rule		
Legal Authority	\square Action required by federal statute	□ Discretionary action	
	\square Action required by state statute		
Deregulatory	This action, which will repeal 6 VAC 20-270 in its entirety, will reduce the		
Component	regulatory requirements and support the overall efforts toward regulatory		
	reduction in the Commonwealth. It will I	ead to the promulgation a new	
	guidance document for the agency, conta	aining the relevant information and	
	requirements related to Campus Security	Officers.	
Expected Date	November 2022		

Title of Proposed Ro	egulatory Action or Guidance Document		
Training Standards f	for School Resource Officers		
_			
Brief Overview			
The Virginia Center	for School and Campus Safety division of	DCJS has been working with subject	
matter experts and	facilitating a workgroup to establish train	ning standards for School Resource	
Officers (SROs) who	are sworn officers, employed by Sheriffs	' Offices or Police Departments in the	
·	d assigned to elementary, middle, high so	·	
	nulgation of this new guidance document		
approval is given.	, , ,		
Regulatory Stage	□ NOIRA	☐ Emergency Rule	
(check one box)	☐ Proposed Rule	☐ Fast-Track Rule	
	☐ Final Rule		
Additional	☐ Expedited Rule	☑ Guidance Document	
Description	☐ Exempt Rule		
Legal Authority	☐ Action required by federal statute	☐ Discretionary action	
	☐ Action required by state statute		
Deregulatory	This action will not reduce the regulator	ry requirements of the agency, but	
Component	rather, will enhance the safety of some	of the youngest citizens of Virginia by the	

promulgation of a guidance document containing standards and requiren be utilized by employing Sheriffs' Offices or Police Departments for their	
	working in/on school campuses.
Expected Date	March 2023

Title of Proposed Regulatory Action or Guidance Document			
Training Standards for School Security Officers			
Brief Overview			
	5 VAC 20-240, the Virginia Center for Scho	nol and Campus Safety division of DCIS	
· ·	ng to work with subject matter experts to	· · · · · · · · · · · · · · · · · · ·	
-	hool Security Officers (SSOs) who are civil	<u> </u>	
-	ges. DCJS anticipates the promulgation of		
	partmental approval is given.		
Regulatory Stage	□ NOIRA	☐ Emergency Rule	
(check one box)	☐ Proposed Rule	☐ Fast-Track Rule	
	☐ Final Rule		
Additional	☐ Expedited Rule	⊠ Guidance Document	
Description	☐ Exempt Rule		
Legal Authority	\square Action required by federal statute	\square Discretionary action	
	\square Action required by state statute		
Deregulatory	This action will not reduce the regulator		
Component	rather, will enhance the safety of some of the youngest citizens of Virginia by the		
		containing standards and requirements to	
_	be utilized by the employing schools and	d/or colleges.	
Expected Date	March 2023		
Title of Proposed Regulatory Action or Guidance Document			
Training Standards for Campus Security Officers			
Brief Overview			
Upon the repeal of 6			
anticipates continuing to work with subject matter experts to establish training standards and			
	•	establish training standards and	
requirements for Ca	ng to work with subject matter experts to mpus Security Officers (CSOs) who are civ	o establish training standards and vilian, non-sworn individuals employed	
requirements for Ca by schools and/or co	ng to work with subject matter experts to mpus Security Officers (CSOs) who are civ olleges. DCJS anticipates the promulgation	o establish training standards and vilian, non-sworn individuals employed	
requirements for Ca by schools and/or co	ng to work with subject matter experts to mpus Security Officers (CSOs) who are civ	o establish training standards and vilian, non-sworn individuals employed	
requirements for Ca by schools and/or co early 2023, after fina	ng to work with subject matter experts to impus Security Officers (CSOs) who are cir olleges. DCJS anticipates the promulgational departmental approval is given.	o establish training standards and vilian, non-sworn individuals employed on of this new guidance document in	
requirements for Ca by schools and/or co early 2023, after fina Regulatory Stage	ng to work with subject matter experts to mpus Security Officers (CSOs) who are civolleges. DCJS anticipates the promulgational departmental approval is given.	o establish training standards and vilian, non-sworn individuals employed on of this new guidance document in	
requirements for Ca by schools and/or co early 2023, after fina	ng to work with subject matter experts to impus Security Officers (CSOs) who are civolleges. DCJS anticipates the promulgational departmental approval is given. NOIRA Proposed Rule	o establish training standards and vilian, non-sworn individuals employed on of this new guidance document in	
requirements for Ca by schools and/or co early 2023, after fina Regulatory Stage	ng to work with subject matter experts to mpus Security Officers (CSOs) who are civolleges. DCJS anticipates the promulgational departmental approval is given.	o establish training standards and vilian, non-sworn individuals employed on of this new guidance document in	

Legal Authority	☐ Action required by federal statute ☐ Discretionary action ☐ Action required by state statute
Deregulatory Component	This action will not reduce the regulatory requirements of the agency, but rather, will enhance the safety of some of the youngest citizens of Virginia by the promulgation of a guidance document containing standards and requirements to be utilized by the employing schools and/or colleges.
Expected Date	March 2023

Title of Proposed Regulatory Action or Guidance Document CASA/CJA Advisory Committee Guidance Policies for Court Appointed Special Advocate Programs			
CASA/CJA AUVISOTY	Committee duidance Policies foi Court /	Appointed Special Advocate Programs	
Brief Overview			
	ment currently posted to Town Hall for t		
-	or Court Appointed Special Advocate Pro		
		technical amendments, was made in 2021,	
so this document w	ill be replaced.		
Regulatory Stage	□ NOIRA	☐ Emergency Rule	
(check one box)	☐ Proposed Rule	☐ Fast-Track Rule	
,	☐ Final Rule	_ , , , , , , , , , , , , , , , , , , ,	
Additional	☐ Expedited Rule	⊠ Guidance Document	
Description	☐ Exempt Rule		
Legal Authority	☐ Action required by federal statute	☐ Discretionary action	
	☐ Action required by state statute		
Deregulatory	This action will not reduce the regulate	ory requirements of the agency, but	
Component			
	receiving the most up-to-date informa	tion related to CASA.	
Expected Date	September 2022		
Title of Proposed Regulatory Action or Guidance Document			
Local Community-B	ased Probation and Pretrial Services Gra	nt Application Guide for Continuation	
Funding			
Brief Overview			
_		he Local Community-Based Probation and	
	ant Application Guide has not been upda		
		ed with the most current version, for FY24,	
•		sion for FY23 is available on DCJS' website,	
	cal amendments and rules for those age	he agency's part. The updated version will	
contain new technic	cal amendments and rules for those age	ncies seeking funding for 1 124.	
Regulatory Stage	□ NOIRA	☐ Emergency Rule	
(check one box)	☐ Proposed Rule	☐ Fast-Track Rule	

	☐ Final Rule	
Additional	☐ Expedited Rule	□ Guidance Document
Description	☐ Exempt Rule	
Legal Authority	☐ Action required by federal statute	☐ Discretionary action
	☐ Action required by state statute	
Deregulatory	This action will not reduce the regulator	y requirements of the agency, but
Component	rather, will update the current guidance document, ensuring all constituents are	
	receiving the most up-to-date information	on related to funding opportunities.
Expected Date	March 2023	