



Economic Impact Analysis Virginia Department of Planning and Budget

6 VAC 35-140 – Board (Department) of Juvenile Justice Standards for Juvenile Residential Facilities April 2, 2004

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 2.2-4007.G of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007.G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the Proposed Regulation

The proposed regulations will modify or establish numerous healthcare, personnel, resident safety, physical environment, and operating standards for the juvenile residential facilities.

Estimated Economic Impact

These regulations contain many operating standards or procedural requirements for juvenile residential facilities. Residential facilities include juvenile correctional centers, detention homes, group homes, boot camps, and halfway houses. If a juvenile is found guilty of a criminal offense, a number of alternatives are available and a decision is made to whether (1) to impose community sanctions such as warnings, restitution, or fines, (2) to impose a conditional disposition such as probation, referral to local services or facilities, to other agencies, to private or boot camp placement, or to post-dispositional detention, or (3) to commit the juvenile to state care. Juveniles committed to state care are placed into a juvenile correctional center where they receive 24-hour supervision, education, treatment services, recreational services, and a variety of

special programs. The other residential facilities (detention homes, group homes, boot camps, and halfway houses) are community based and are operated locally. The detention homes provide temporary safe, secure, and physically restricted custody for juveniles charged with or found guilty of criminal offenses. The detention homes may offer educational, recreational, counseling, and social services to juveniles. The residential group homes provide family counseling, education programs, referral services, transportation, and recreation services to juveniles with delinquent behavior. Boot camps provide short-term military-style disciplining and physical conditioning in a secure or non-secure environment.¹ Halfway houses provide residency for juveniles in transition from direct care.

The proposed amendments will add new requirements to or modify existing requirements in over ninety sections of these regulations. A number of amendments are related to standards for post-dispositional detention homes. Juvenile and Domestic Relations District Courts may now order the juvenile confined in a detention home or other secure facility for a period up to six months. Previously, juveniles were placed into a detention home temporarily for a period less than thirty calendar days. Currently, detention homes may be used for post-dispositional placements over thirty days and up to six months. Pursuant to §16.1-284.1 of the Code of Virginia, the Board of Juvenile Justice proposes new standards that will apply to these post-dispositional detention homes hosting juveniles with placements over thirty days. The proposed changes under this group establish requirements for obtaining board certification, requesting a written agreement with the court services unit, developing a program description, allowing and setting standards for paid employment, checking license status of professionals in private practice, limitations of employee contact with juveniles, developing written program policies and procedures for pre-dispositionally and post-dispositionally detained juveniles, developing self-medication procedures, and complying with other procedures for health care, medical examination and treatment, management of resident behavior, work and employment, visitations, and for many other operations.

Some of the changes are general requirements for all residential facilities. A number of standards in this second category are new or expanded standards adopted from national accrediting organizations such as American Correctional Association and National Commission

¹ Currently, there are no operating boot camps due to statewide expenditure reductions.

on Correctional Health Care and tailored for facilities in Virginia while some others are substantially the same standards that were rescinded from regulations prior to January 1998 to give residential facilities greater operational flexibility at the time. The main changes with overall applicability include deeming compliance with national accreditation when these regulations are followed and providing authority that the board may experiment with performance standards in lieu of the standards in this regulation. The standards that will apply to all residential facilities are related to inspection and censoring of ward mail for security purposes, permitting informal communication in visiting areas, providing authorized treatment by nursing personnel, expanding treatment requirement to include treatment outside the facility, establishing procedures for new employee fingerprint checks and Child Protective Services registry checks, requiring annual physical examination of employees who are in direct contact with juveniles, requiring training on rules of juvenile conduct and sanctions, developing policy for code of ethics, campaigning, lobbying, and political activities; and requiring quarterly testing of emergency and communication systems.

Several changes will apply to halfway houses. These changes will require development of a mission statement and role, triennial review of service needs of the juveniles housed, encouragement of positive behavior, and compliance with department's policies with respect to reporting incidents, population data, employee vacancies, and financial practices.

A number of changes are proposed for all secure facilities. These include clarifying that a medical exam upon admission is not required if a results of a recent exam is already available, allowing disposal of unclaimed personal property, developing a policy to provide youth access to published materials, adding a requirement to provide an indoor recreation area and equipment, establishing rules for staff supervision of residents, control of the movement of juveniles, supervised transportation, supervision of service personnel; clarifying the rules for staffing pattern and the disciplinary process, reducing the frequency of visual checks of juveniles in confinement, clarifying that permission must be obtained for questioning of residents, requiring an alternate power source, clarifying what is meant by the control of the facility perimeter, removing the specific authorization to use tear gas and mace, and allowing the use of restraints for medical purposes.

All of the other changes apply to juvenile correctional centers and are related to staff training, providing performance review to employees, describing organizational structure, creating a community-facility advisory committee, establishing organizational communication requirements for facility administrators, requiring single occupancy rooms for certain wards in need of such an arrangement, requiring annual review of post orders and requiring assignment awareness from staff who are permanently assigned to a security post, and requiring compliance with administrative guidance documents of the department's central office.

The department indicates that, of the 24 currently operating detention homes, almost half already established "post-d programs" for detainees serving six months and already have in place procedures similar to those proposed. It is expected that all of the facilities will have post-dispositional programs in the future. Similarly, the juvenile correctional centers and all other residential facilities are believed to follow in practice, for the most part, similar standards to those proposed. However, it is not known which standards will introduce a change in practice and may be significant to create additional costs or benefits. Only general statements can be made on potential economic effects.

Potential costs of the proposed changes include costs associated with the level of increase in the quality of service received by juveniles, administrative costs to comply with increased inspections, documentations, and reports, costs associated with additional equipment repair, and maintenance that may be necessary to comply with the proposed requirements, and costs associated with reduced operational flexibility.

On the other hand the benefits may include improving the quality of services provided to juveniles, increasing the ability of the department to evaluate actual operations at residential facilities based on the standards established in the regulations, making juveniles at different facilities subject to the same set of standards which may improve the distribution of available resources among juveniles, broadening the standards for which the public may provide valuable input, and potentially reducing liability of the department against losses from litigation.

Businesses and Entities Affected

The proposed regulations apply to juvenile residential facilities. Currently, there are 8 juvenile correctional centers, 3 state operated halfway houses, 24 detention homes, approximately 38 group homes, and no operating boot camps. Juveniles living in these facilities

as well as voluntary and paid employees may also be affected. According to department, approximately 1,035 juveniles are currently placed at correctional centers, 630 placed in group homes, and none currently are placed in boot camps. In addition to these, detention capacity in the Commonwealth is estimated to be 1,356. The total number of employees working at these facilities is estimated at 2,780.

Localities Particularly Affected

The proposed regulations apply throughout the Commonwealth.

Projected Impact on Employment

There may be an increased demand for labor employed by the facilities because of the probable increase in the quality or the quantity of services offered, increase in required inspections, documentations, reports, equipment repair, and maintenance that may be necessary to comply with the proposed requirements. Facilities may be able to meet a portion of increased demand by utilizing unpaid volunteers, which would reduce the demand for paid employees by some amount.

Effects on the Use and Value of Private Property

The proposed regulations are not expected to affect the value of private property unless these changes significantly increase the profits of service providers, equipment repair and maintenance businesses.