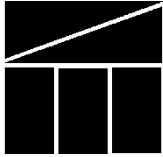


Adverse impact notification sent to Joint Commission on Administrative Rules, House Committee on Appropriations, and Senate Committee on Finance (COV § 2.2-4007.04.C): Yes Not Needed

If/when this economic impact analysis (EIA) is published in the *Virginia Register of Regulations*, notification will be sent to each member of the General Assembly (COV § 2.2-4007.04.B).



Virginia Department of Planning and Budget Economic Impact Analysis

6 VAC 35-71 Regulation Governing Juvenile Correctional Centers
Department of Juvenile Justice
Town Hall Action/Stage: 4608 / 8208
August 18, 2018

Summary of the Proposed Amendments to Regulation

The Board of Juvenile Justice (Board) proposes to amend the *Regulation Governing Juvenile Correctional Centers* to reflect the Department of Juvenile Justice's (DJJ) continued efforts to transform its approach to juvenile justice, including implementing the community treatment model (CTM) in its housing units, abolishing the use of segregation as a disciplinary measure in any existing and future juvenile correctional centers (JCCs), requiring additional monitoring of confined residents, enhancing training for DJJ personnel and staff, and increasing required staff-to-resident ratios in order to comply with federal law.

Result of Analysis

Overall, the benefits likely exceed the costs for the proposed changes.

Estimated Economic Impact

The *Regulation Governing Juvenile Correctional Centers* establishes the minimum standards to which staff in the JCCs must comply. The existing regulation addresses program operations, health care, personnel and staffing requirements, facility safety, residents' rights, and the physical environment. It contains additional provisions for boot camps and privately operated JCCs. The regulation seeks to promote the safety and security of residents, staff, volunteers,

interns, and contractors, while protecting the rights of youth committed to DJJ and preparing them for successful re-entry into the community following their commitment.

For the most part, the proposed amendments reflect current practice, conform regulatory language to federal or Virginia statutes, or are clarifications. Proposals that would have impact in practice include: 1) narrowing authority to apply physical restraints, 2) reducing the length of time a resident may be restrained mechanically before a consult with a QMHP is necessary, 3) expanding the tuberculosis screening requirement to contractors,¹ 4) adding ‘health-trained professionals’ as individuals authorized to clear staff to return to work once they are suspected of having tuberculosis, 5) increasing the frequency of the required checks of residents under room confinement from every 30 minutes to every 15 minutes, 6) removing the requirement that animals be housed a reasonable distance from sleeping, living, and eating areas, 7) reducing restrictions on telephone calls, and 8) narrowing the category of individuals who must review and be prepared to implement the resident’s behavior support contract.

Some of the proposals would require extra staff time. Examples of these are expanding the tuberculosis screening requirement to contractors and increasing the frequency of the required checks of residents under room confinement from every 30 minutes to every 15 minutes. Other proposals would reduce needed staff time. Adding ‘health-trained professionals’ as individuals authorized to clear staff to return to work once they are suspected of having tuberculosis, and narrowing the category of individuals who must review and be prepared to implement the resident’s behavior support contract fall into this category. Reducing restrictions on telephone calls and removing the requirement that animals be housed a distance from sleeping, living, and eating areas are both beneficial for residents without significantly affecting costs.

Businesses and Entities Affected

Currently, the regulation affects one state-operated JCC. Proposed revisions to this regulation will affect the facility’s administration, staff, and any contract service providers, in addition to the residents in the facility.

¹ According to DJJ, the tuberculosis screening is handled by internal staff, and would not increase cost beyond staff time.

Localities Particularly Affected

Currently, the regulation affects one state-operated JCC, which is located in Chesterfield County.

Projected Impact on Employment

The proposed regulation is unlikely to significantly affect total employment.

Effects on the Use and Value of Private Property

The proposed regulation is unlikely to significantly affect the use and value of private property.

Real Estate Development Costs

The proposed amendments do not adversely affect real estate development costs.

Small Businesses:**Definition**

Pursuant to § 2.2-4007.04 of the Code of Virginia, small business is defined as “a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.”

Costs and Other Effects

The proposed regulation is unlikely to significantly affect costs for small businesses.

Alternative Method that Minimizes Adverse Impact

The proposed regulation does not adversely affect small businesses.

Adverse Impacts:**Businesses:**

The proposed regulation does not adversely affect businesses.

Localities:

The proposed amendments do not adversely affect localities.

Other Entities:

The proposed regulation does not adversely affect other entities.

Legal Mandates

General: The Department of Planning and Budget has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia (Code) and Executive Order 14 (as amended, July 16, 2018). Code § 2.2-4007.04 requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the report should include but not be limited to: (1) the projected number of businesses or other entities to whom the proposed regulatory action would apply, (2) the identity of any localities and types of businesses or other entities particularly affected, (3) the projected number of persons and employment positions to be affected, (4) the projected costs to affected businesses or entities to implement or comply with the regulation, and (5) the impact on the use and value of private property.

Adverse impacts: Pursuant to Code § 2.2-4007.04(C): In the event this economic impact analysis reveals that the proposed regulation would have an adverse economic impact on businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, the Department of Planning and Budget shall advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance within the 45-day period.

If the proposed regulatory action may have an adverse effect on small businesses, Code § 2.2-4007.04 requires that such economic impact analyses include: (1) an identification and estimate of the number of small businesses subject to the proposed regulation, (2) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the proposed regulation, including the type of professional skills necessary for preparing required reports and other documents, (3) a statement of the probable effect of the proposed regulation on affected small businesses, and (4) a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation. Additionally, pursuant to Code § 2.2-4007.1, if there is a finding that a proposed regulation may have an adverse impact on small business, the Joint Commission on Administrative Rules shall be notified.