



Virginia Department of Planning and Budget **Economic Impact Analysis**

6 VAC 20-50 Rules Relating to Compulsory Minimum Training Standards for Jailors or Custodial Officers, Courthouse and Courtroom Security Officers and Process Service Officers

Department of Criminal Justice Services

Town Hall Action/Stage: 5726 / 10157

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The Department of Planning and Budget (DPB) 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 19. The analysis presented below represents DPB’s best estimate of the potential economic impacts as of the date of this analysis.¹

Summary of the Proposed Amendments to Regulation

The Criminal Justice Services Board (Board) proposes to: 1) add “Wellness” to the required categories of training to be completed by jail officers; 2) replace the requirement to complete courthouse and courtroom security officers training and instead require that courthouse and courtroom security officers successfully complete either law enforcement or jail officer basic training, plus the Courtroom Security Operations category of training; 3) replace the requirement to complete process service officer training and instead require that civil process officers successfully complete either law enforcement or jail officer training, plus the Civil Process Operations category of training; 4) increase the maximum amount of time within which training must be completed from 12 months to 18 months; and 5) establish a 120 minimum number of hours for jail officer field training.

¹ Code § 2.2-4007.04 requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the analysis 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.

Background

Deputy sheriffs, jail officers, courthouse/courtroom security officers, and civil process officers (deputy sheriffs designated to serve process) all must complete both basic training and field training for certification. The subsections below describe the current basic training requirements and the proposed changes to those requirements. Basic training is conducted at certified criminal justice training academies.

Field training requirements are in documents incorporated by reference (DIBRs). The proposed regulation includes links to new DIBRs. Field training is typically conducted by the hiring agency.

Deputy Sheriffs and Jail Officers

The current regulation states that:

B. Individuals hired as deputy sheriffs or jail officers as defined in § [53.1-1](#) of the Code of Virginia shall meet or exceed compulsory minimum training standards at a certified criminal justice training academy and complete field training requirements. Certification requires deputy sheriffs and jail officers comply with the following:

1. Successfully complete jail officer department approved training at a certified criminal justice training academy in the following categories:

- a. Professionalism;
- b. Legal;
- c. Communication;
- d. Jail Operations;
- e. Investigations;
- f. Defensive Tactics and Use of Force;
- g. Weapons; and
- h. Driver Training and Transportation.

The Board proposes to add “Wellness” to the category list.

As defined in Code § 53.1-1,² deputy sheriffs and jail officers are distinct, but their training requirements are identical. In this document when jail officers are mentioned it can be inferred that deputy sheriffs are also included.

Courthouse/Courtroom Security Officers

The current regulation states that:

C. Individuals hired as courthouse/courtroom security officers shall meet or exceed compulsory minimum training standards at a certified criminal justice training academy and complete field training requirements. Certification requires courthouse and courtroom security officers comply with the following:

1. Successfully complete courthouse and courtroom security officers department approved training at a certified criminal justice training academy in the following categories:

- a. Professionalism;
- b. Legal;
- c. Communication;
- d. Court Security Operations;
- e. Investigations;
- f. Defensive Tactics and Use of Force;
- g. Weapons; and
- h. Driver Training and Transportation.

The Board proposes to remove the listed courthouse/courtroom security officers department approved training and instead require that courthouse and courtroom security officers successfully complete either approved law enforcement or jail officer training, and the Courtroom Security Operations category of training.

Civil Process Officers

The current regulation states that:

D. Individuals hired as deputy sheriffs and designated to serve process shall meet or exceed compulsory minimum training standards at a certified criminal justice

² See <https://law.lis.virginia.gov/vacode/title53.1/chapter1/section53.1-1/>

training academy and complete field training requirements. Certification requires [deputy sheriffs designated to serve process]³ comply with the following:

1. Successfully complete process service officer department approved training at a certified criminal justice training academy in the following categories:
 - a. Professionalism;
 - b. Legal;
 - c. Communication;
 - d. Civil Process Operations;
 - e. Defensive Tactics and Use of Force;
 - f. Weapons; and
 - g. Driver Training.

The Board proposes to remove the listed civil process officer department approved training and instead require that civil process officers successfully complete either approved law enforcement or jail officer training, and the Civil Process Operations category of training.

Training Deadline

Under the current regulation, deputy sheriffs, jail officers, courthouse and courtroom security officers, and civil process officers must satisfactorily complete basic training and field training within 12 months of the date of appointment or hire, unless the Department of Criminal Justice Services (DCJS) director or the director's designee grants an extension of the time limit for completion of the compulsory minimum training standards and requirements. An extension can be granted for the following reasons: 1) medical condition, 2) injury, 3) military service, or 4) administrative leave involving the determination of worker's compensation or disability retirement issues or suspension pending investigation or adjudication of a crime. The director or director's designee may review and consider other reasons (e.g., natural disaster, family medical leave, etc.) for granting an extension. If approval is granted, the extension shall not exceed 90 days. The director shall not grant an extension for failing to pass compulsory minimum training standards within the specified time limits.

³ The actual text has "courthouse and courtroom security officers" here. DCJS acknowledged that was in error and the regulation has been applied as if the text had "deputy sheriffs designated to serve process."

Deputy sheriffs, jail officers, courthouse and courtroom security officers, and civil process officers who do not satisfactorily complete the requirements (i.e., compulsory minimum training standards, field training, and other requirements) within 12 months of hire or appointment, or who do not receive an extension of the time limit for completion of the requirements, forfeit their office. Such forfeiture creates a vacancy in the office, and all pay and allowances to that individual shall cease.⁴

The Board proposes to extend the deadline to 18 months.

Estimated Benefits and Costs

Addition of Wellness Training

The proposed new jail officer training category of “Wellness” includes a) physical fitness standards, b) identifying the causes of stress, its impacts, as well as reduction strategies, and c) identifying signs related to suicidal ideation (of inmates as well as fellow officers). According to DCJS, some academies have already incorporated wellness into their curriculums. To the extent that some have not, adding instruction on physical fitness, stress reduction strategies, and identifying signs related to suicidal ideation would likely be beneficial for jail officers, particularly since it is a high-stress occupation. DCJS does not believe that any of the academies would need to hire additional or different staff to teach the components of Wellness. Those academies that are not already teaching Wellness would still require additional staff time if they do not reduce time spent on other subjects.

Training for Courthouse/Courtroom Security Officers and Civil Process Officers

With one exception, in the current regulation jail officer training, courthouse/courtroom security officer training, and civil process officer training have the same required categories. The exception is that jail officer training includes Jail Operations, while courthouse/courtroom security officers training includes Courtroom Security Operations, and civil process officer training includes Civil Process Operations.

The training requirements for law-enforcement officers are in a different regulation, 6VAC20-20 *Rules Relating to Compulsory Minimum Training Standards for Law-Enforcement Officers*. Similarly, with one exception, the current required categories of training for law-

⁴ See Code § 9.1-115: <https://law.lis.virginia.gov/vacode/title9.1/chapter1/section9.1-115/>

enforcement officers, jail officers, courthouse/courtroom security officers, and civil process officers are the same. The exception is that law-enforcement officer training includes Patrol, versus jail officer training's Jail Operations, courthouse/courtroom security officer training's Courtroom Security Operations, and civil process officer training's Civil Process Operations.

Thus, by requiring that courthouse/courtroom security officers complete law enforcement or jail officer basic training plus Courtroom Security Operations, rather than the existing required courtroom security officers training, courthouse/courtroom security officers would be required to complete one additional category (either Patrol or Jail Operations). Analogously, by requiring that civil process security officers complete law enforcement or jail officer basic training plus Civil Process Operations, rather than the existing required civil process officer training, civil process officers would be required to complete one additional category (either Patrol or Jail Operations). According to DCJS, this is what already occurs at the training academies, and would therefore have no impact.

There is a concurrent regulatory action to amend 6VAC20-20 *Rules Relating to Compulsory Minimum Training Standards for Law-Enforcement Officers* that would, along with other amendments, add Wellness to the law-enforcement officer training categories.⁵ Thus, if approved, both the jail officer training and the law-enforcement officer training would include Wellness. Consequently, courthouse/courtroom security officers and civil process officers would also be required to have training on Wellness. All of the implications of the required Wellness training described in the above subsection would apply to courthouse/courtroom security officers and civil process officers, as well as jail officers.

Extension of Training Deadline

According to DCJS, the department currently receives many requests for extensions of the training deadline. Consequently, in addition to giving greater flexibility to employing agencies and their newly hired officers, the proposal to extend the timeframe within which newly hired officers must complete all certification requirements from 12 months to 18 months would also likely reduce the workload of DJCS field representatives who review such submissions. On the other hand, this proposal would allow individuals who are incapable of demonstrating the

⁵ See <https://townhall.virginia.gov/L/ViewAction.cfm?actionid=5665>

knowledge and skills that are presumably considered necessary for competent practice to remain employed as a deputy sheriff, jail officer, courthouse and courtroom security officer, or civil process officer for six additional months.

Field Training

DCJS has indicated that field training has been revised and improved for all three functions, but a comparison of existing and proposed requirements was not available. The agency did state that it believes that the proposed changes would not increase the amount of time needed for training.

In the current regulation and DIBR there are no minimum number of hours of to be spent on field training. The proposed DIBR for jail officers establishes a 120-hour minimum for field training. As there is no current minimum, DCJS is not aware whether any employing agencies currently provide fewer than 120 hours of jail officer field training. If there any such employers, they would have to increase their training hours under the proposed regulation.

Businesses and Other Entities Affected

The proposed amendments affect the 39 certified criminal justice training academies, their staff, newly hired deputy sheriffs, jail officers, courthouse and courtroom security officers, and civil process officers, and their employing agencies. According to DCJS, basic training was successfully completed at the training academies by 784 jail officers and deputy sheriffs, and by 420 courthouse/courtroom security officers and civil process officers in 2022.

The Code of Virginia requires DPB to assess whether an adverse impact may result from the proposed regulation.⁶ An adverse impact is indicated if there is any increase in net cost or reduction in net revenue for any entity, even if the benefits exceed the costs for all entities combined. Though there appear to be substantial benefits introduced in the proposed regulation, there also appear to be some costs. Employers of jail officers who are currently providing fewer than 120 hours of field training would need to expend additional staff time to provide that

⁶ Pursuant to Code § 2.2-4007.04(D): 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. Statute does not define “adverse impact,” state whether only Virginia entities should be considered, nor indicate whether an adverse impact results from regulatory requirements mandated by legislation.

amount of training. Also, allowing individuals who are incapable of demonstrating the knowledge and skills that are considered necessary for competent practice to remain employed as a deputy sheriff, jail officer, courthouse and courtroom security officer, or civil process officer for six additional months could be problematic and costly. Thus, an adverse impact is indicated for employers of jail officers who are currently providing fewer than 120 hours of field training and for anyone negatively impacted by having some less than fully competent officers working an additional six months.

Small Businesses⁷ Affected:⁸

The proposed amendments do not appear to adversely affect small businesses.

Localities⁹ Affected¹⁰

Localities that have jails that currently provide fewer than 120 hours of field training would be particularly affected.

Projected Impact on Employment

The proposed amendments do not appear to substantively affect total employment.

Effects on the Use and Value of Private Property

The proposed amendments are unlikely to substantively affect the use and value of private property. The proposed amendments do not affect real estate development costs.

⁷ 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.”

⁸ 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.

⁹ “Locality” can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulatory change are most likely to occur.

¹⁰ § 2.2-4007.04 defines “particularly affected” as bearing disproportionate material impact.