



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

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### **6 VAC 35-140 – Department (Board) of Juvenile Justice Standards for Juvenile Residential Facilities September 9, 2002**

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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 prescriptive operating standards or procedural requirements for juvenile residential facilities. Residential facilities include juvenile correctional centers, detention homes, group homes, and boot camps. If a juvenile 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, and boot camps) 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.<sup>1</sup>

The proposed amendments will add new requirements to or modify existing requirements in over seventy sections of these regulations. A number of amendments are related to standards for post-dispositional detention homes. Pursuant to §16.1-284.1 of the Code of Virginia, 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. Prior to this statutory change, juveniles were placed into a detention home temporarily for a period less than thirty calendar days. With this change, detention homes may be used for post-dispositional placements over thirty days and up to six months. A group of changes 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, developing a program description, conducting background checks on employees working at community-based providers, limitations of employee contact with juveniles, developing written program policies and procedures, developing separate programs for 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 remaining changes are general requirements for all residential facilities and the rest will specifically apply to juvenile correctional centers. 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 on Correctional Health Care and tailored for facilities in Virginia while some others are substantially the same standards

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<sup>1</sup> Currently, there are no operating boot camps due to statewide expenditure reductions.

that were rescinded from regulations prior to January 1998 to give residential facilities greater operational flexibility at the time. The standards that will apply to all residential facilities are related to forwarding resident's mail, making mail policy available to juveniles, making medical records accessible to authorized staff, transporting juveniles for medical treatment in a safe and timely manner, requiring new employee fingerprint checks, Child Protective Services registry check, professional license or driver's license verification, requiring physical examination of employees who are in direct contact with juveniles, requiring training on rules of juvenile conduct and sanctions, and requiring supervision of outside personnel performing work in the facility.

All of the other changes apply to juvenile correctional centers and are related to developing a mission statement, organization structure, identifying collective service needs, requiring quarterly activity reports, establishing requirements for handling of money, accounting procedures, and for monitoring of fiscal activities, establishing rules for disciplinary detention and administrative segregation, requirements for supervision of youth, physical distance requirements between staff offices and juvenile living areas, requirements for media access, requirements for employment, restitution, and school release programs, developing rules for access to health care, requirements to conduct sick call, requirements for new employee training, requirements for canteen, hair care services, alternate power source, and for food services, etc.

The department indicates that, of the 23 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, 23 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 1,191 juveniles are currently placed at correctional centers, 630 placed in group homes, and none currently is placed in boot camps. In addition to these, in fiscal year 2000, the number of detention beds in the Commonwealth was 959. By fiscal year 2003, detention capacity in the Commonwealth is expected to be 1,478. 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.