

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

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### **6 VAC 20-100 – Rules Relating to Compulsory Minimum Training Standards for Correctional Officers of the Department of Corrections, Division of Adult Institutions**

**Department of Criminal Justice Services**

**Town Hall Action/Stage: 4315/7499**

February 1, 2017

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#### **Summary of the Proposed Amendments to Regulation**

The Criminal Justice Services Board (Board) proposes to amend its regulation that governs training for the Department of Corrections (DOC) corrections officers to 1) update definitions, 2) remove performance objectives from the regulation and clarify that the Board's Committee on Training (COT) has authority to revise performance objectives, 3) clarify that the Board retains authority to amend training categories that will remain in the regulation and 4) increase required initial training for corrections officers from 216 hours to 600 hours of total training.

#### **Result of Analysis**

Benefits likely outweigh costs for most proposed changes. For one proposed change, there is insufficient data to ascertain whether benefits will outweigh costs.

#### **Estimated Economic Impact**

Several of the regulatory changes proposed by the Board do not change any substantive requirement or duty for any entity but, instead, are aimed at making the regulatory text easier to read and understand. Changes to the definitions in the regulation, as well as language that specifies the authority of the Board over training categories and the authority of the COT over

performance objectives, fall into this category of change. No affected entity is likely to incur costs on account of changes such as these. To the extent that the current regulation contains outdated definitions, or might be otherwise confusing or opaque, these changes will benefit readers by making the regulation more easily understood.

In addition to these clarifying changes, the Board proposes several substantive changes to this regulation. The substantive changes proposed would remove performance objectives from the regulation and increase required initial training hours for corrections officers.

Currently, both performance objectives and training categories are in the regulation. Training categories are broad topics in which the Board mandates training for corrections officers while performance objectives are the sub-categories within the training categories that serve as a guide for lesson plans. For instance, the Board mandates that officers receive firearms training as one training category and the performance objectives specify how many rounds must be fired during training as well as what types of targets that will be used and the accuracy score that an officer must achieve to be proficient. The Board proposes to remove the performance objectives from this regulation and replace them with a reference to the guidance document for performance objectives that is on the Department of Criminal Justice Services (DCJS) website.

This change may cost interested parties some small amount of extra search time to find the performance objectives on the DCJS website. Those costs are likely outweighed by the benefits that will likely accrue from the COT being able to change the performance outcomes more easily and quickly<sup>1</sup> when necessary to address identified training deficiencies or changes in law that affect the duties of corrections officers. Since training hours and categories will still be set in regulation, DOC is unlikely to incur additional costs on account of this change.

The Board also proposes to raise the number of training hours initially required for new corrections officers in this regulation. The current regulation requires 80 hours of field training, 120 hours of core curriculum training and 16 hours of sub-core curriculum training (216 total training hours). Board staff reports that in order to address inconsistencies in training across facilities identified by DOC, to account for training recommendations from the job task analysis

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<sup>1</sup> Currently, any changes to the performance objectives have to go through a lengthy regulatory process that may take several years. Although DCJS will still have a process for public notice of, and public participation in, any future amendments to the performance objectives after they are removed from regulation, this process will likely take months instead of years.

conducted by the National Institute of Corrections and to implement new physical training requirements, the number of training hours were substantially increased for any new corrections officers hired after July 1, 2015. By agreement with DCJS, DOC increased training for new officers hired after July 1, 2015 to include 400 academy training hours and 200 field training hours (600 total training hours). The Board now proposes to require this increased training in regulation.

Increasing training hours, particularly academy hours where new corrections officers would be away from their assigned facilities and unavailable to perform any job tasks, will likely increase costs for DOC as they will have to both pay the new officers in training and pay additional officers to complete the tasks in facilities that the new officers would be doing if they were not completing academy hours. DOC did not ask for additional money to cover these costs when training increased in 2015 so they were likely absorbed and covered by DOC's then current budget. DOC also reported that they anticipate incurring additional annual costs for ammunition (\$159,213.95)<sup>2</sup>, firearms training scoring targets (\$1,216.60) and meals for corrections officers completing additional training (\$33,000 to \$35,000). New corrections officers may also incur additional fuel costs associated with additional trips from their assigned facilities to the training academies.

These costs would need to be weighed against the benefits that have accrued or may accrue from corrections officers receiving more training. For instance, new firearms training standards in the performance objectives guidance document referenced in the proposed regulation require new corrections officers to fire more rounds in order to become proficient which will be more costly. Those costs, however, may be outweighed by the benefits of this change if more officers pass their firearms training the first time without having to repeat it or if firing a greater number of rounds allows them to more effectively handle any crisis in their assigned facility where firearms use is necessary. Some other benefits that may accrue on account of increasing training hours are lower turnover rates for employment of corrections officers (if corrections officers feel they are better equipped to complete their job tasks) and fewer numbers of injuries for both corrections officers and prisoners (if corrections officers are better trained to spot brewing conflicts and intervene sooner). At this time, there is insufficient

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<sup>2</sup> Current regulation only requires corrections officers to shoot 60 rounds of ammunition but new standards in the 2015 agreement require them to shoot 200 round of ammunition.

data to identify the magnitude of either all the costs or all the benefits of increased training hours so benefits cannot effectively be weighed against costs.

### **Businesses and Entities Affected**

Board staff reports that these proposed regulatory changes will affect DOC institutions, corrections officers in the employ of DOC and all inmates in DOC prisons. Board staff further reports that there are approximately 38,760 state responsible prisoners housed in various DOC facilities and that DOC employs approximately 7,400 corrections officers.

### **Localities Particularly Affected**

No locality will be particularly affected by these proposed regulatory changes.

### **Projected Impact on Employment**

These proposed regulatory changes are unlikely to affect employment in the Commonwealth.

### **Effects on the Use and Value of Private Property**

These proposed regulatory changes are unlikely to affect the use or value of private property in the Commonwealth.

### **Real Estate Development Costs**

These proposed regulatory changes are unlikely to affect real estate development costs in the Commonwealth.

### **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**

These proposed regulatory changes are unlikely to affect any small business in the Commonwealth.

### **Alternative Method that Minimizes Adverse Impact**

No small businesses will be adversely affected by these proposed regulatory changes.

#### **Adverse Impacts:**

##### **Businesses:**

Businesses in the Commonwealth are unlikely to experience any adverse impacts on account of this proposed regulation.

##### **Localities:**

No localities are likely to incur costs on account of these proposed regulatory changes.

##### **Other Entities:**

These proposed regulatory changes are unlikely to affect other entities in the Commonwealth.

#### **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 Number 17 (2014). 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.

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