



Economic Impact Analysis Virginia Department of Planning and Budget

6 VAC 35-101 – Regulation Governing Juvenile Secure Detention Centers
Department of Juvenile Justice
November 6, 2009

Summary of the Proposed Amendments to Regulation

The Board of Juvenile Justice (Board) proposes to consolidate the provisions of two current regulations (6 VAC 35-51 and 6 VAC 35-140) into one new regulation that will govern juvenile secure detention centers. Most provisions in this new regulation will not vary in any substantive way from those mandated by current regulation, current Board policy and current law. There are, however, several new requirements in the new regulation. Specifically, the Board proposes to:

- Change requirements for resident sleeping areas to allow more than four residents to share a sleeping area,
- Change the number of CPR/first aid certified staff that are required to be on shift when there are residents present (this change will harmonize this regulation with current practice),
- Require copies of facilities' visitation procedures to be mailed to parents of new residents by the end of the business day immediately following the resident's admission,
- Institute an exception to the rule that requires staff to give residents privacy bathing, dressing or using the bathroom so that suicidal residents can be supervised at all times,
- Allow greater flexibility in the timing of yearly fire inspections and
- Eliminate the requirement that staff write an initial plan that outlines a structured program of care and a daily routine within three days of a resident's commitment.

Result of Analysis

The benefits likely exceed the costs for all proposed changes. The costs and benefits of these changes are discussed below.

Estimated Economic Impact

Current regulations require that no more than four residents sleep in one room. The Board proposes to remove the requirement that there be no more than four residents per bedroom because the Board now allows dormitory sleeping areas in facilities. Although no detention homes currently have this type of sleeping area, localities will benefit from this regulatory change as it allows greater flexibility in building new facilities where space is used more efficiently. This change will make the detention center regulation consistent with the regulation for juvenile correctional facilities.

Current regulations require that each detention home have one CPR/first aid certified staff member working whenever there are residents present in the home. Current practice, however, dictates that there be one certified staff member working for every 16 residents that are present. The Board proposes to amend this regulation to reflect current practice. No detention home will presently incur any costs but this regulatory change will remove the flexibility to change practice that these homes currently enjoy.

Current regulations require that copies of facilities' visitation procedures to be mailed to parents of new residents within 24 hours of the resident's admission. The Board proposes to change this requirement so that facility staff have until the end of the business day following an admission to mail this information. Facility staff will benefit from having slightly more flexibility to mail out information to parents on days when mail is picked up and as it fits into staff duties.

Current regulations require that residents be given privacy from sight supervision by staff of the opposite sex when they are bathing, dressing or using bathroom facilities. The Board proposes to allow an exception to this rule if constant supervision is needed because of a mental health condition. This change will benefit facility staff that currently cannot both follow the current regulatory requirement and ensure the safety of residents who wish to harm themselves. Suicidal residents may temporarily lose their right to privacy on account of this change but this cost is likely outweighed by the benefit of increased safety for these individuals.

Current regulations require detention centers to undergo a fire inspection at least every 13 months. Since fire inspectors, rather than facility staff, conduct these inspections, this puts staff in an untenable position of guaranteeing the timing of someone else's work. The Board proposes to change the regulation so that staff must attempt to arrange a fire inspection within 13 months of the previous inspection, maintain documentation of current certification and document attempts to schedule the fire inspection should that inspection not be completed within 13 months of the last inspection. This change will benefit detention center staff by only making them responsible for the actions that they can take.

Current regulations require detention home staff to draft a plan that outlines a structured program of care and a daily routine for new residents within three days of their commitment. The Board proposes to replace this requirement with a provision for new residents to participate in ongoing programs upon arrival (and until release). Since all aspects of life in a detention center are already structured, the Board believes that requiring a separate written plan for each resident is duplicative and unnecessary. Staff at detention centers are likely to benefit from this regulatory change because it allows them to eliminate a task that is likely unnecessary.

Businesses and Entities Affected

DJJ reports that this regulation will affect the 24 locally or commission operated juvenile secure detention centers.

Localities Particularly Affected

No locality will be particularly affected by this proposed regulatory action.

Projected Impact on Employment

This regulatory action will likely have no impact on employment in the Commonwealth.

Effects on the Use and Value of Private Property

This regulatory action will likely have no effect on the use or value of private property in the Commonwealth.

Small Businesses: Costs and Other Effects

Small businesses in the Commonwealth are unlikely to incur any costs on account of this regulatory action.

Small Businesses: Alternative Method that Minimizes Adverse Impact

Small businesses in the Commonwealth are unlikely to incur any costs on account of this regulatory action.

Real Estate Development Costs

This regulatory action will likely have no effect on real estate development costs in the Commonwealth.

Legal Mandate

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 2.2-4007.H of the Administrative Process Act and Executive Order Number 36 (06). Section 2.2-4007.H 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. Further, if the proposed regulation has adverse effect on small businesses, Section 2.2-4007.H requires that such economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the regulation. The analysis presented above represents DPB's best estimate of these economic impacts.