



Economic Impact Analysis Virginia Department of Planning and Budget

6 VAC 20-30 – Rules Relating to Compulsory In-Service Training Standards for Law Enforcement Officers, Jailors or Custodial Officers, Courtroom Security Officers, Process Service Officers and Officers of the Department of Corrections, Division of Institutional Services

Department of Criminal Justice Services

February 23, 2006

Summary of the Proposed Amendments to Regulation

The Criminal Justice Services Board (board) proposes to: 1) allow academy directors to approve all in-service training, 2) reduce the minimum length of a training session to two hours, 3) require that two hours of the in-service training for law-enforcement officers, jailors, custodial officers, courtroom security officers, process service officers, and officers of the Department of Corrections be on cultural diversity, 4) eliminate certain current limitations on extensions of the time limit for completion of in-service training, 5) eliminate the time limit on when the chief of police, sheriff or agency administrator may request authorization for attendance and successful completion by an employee of job-related courses to count for partial in-service credit, 6) eliminate the requirement that the local agency maintain records of in-service training attendance, 7) eliminate the limit on the number of credits that can be earned via electronic training, 8) permit that up to 16 credit hours per two-year in-service period may be earned via being an instructor, and 9) to update the annual firearms requirement to be consistent with the options available for entry-level training.

Result of Analysis

The benefits likely exceed the costs for one or more proposed changes. There is insufficient data to accurately compare the magnitude of the benefits versus the costs for other changes.

Estimated Economic Impact

Training approval

Under the current regulations training academies submit information about in-service training to Department of Criminal Justice Services field coordinators for approval. The board proposes to allow the certified academies, under direction of the board, to approve all in-service training. According to the department, this will make no difference in what in-service training is approved. The proposed change will save time for department staff, academy staff and officers. Since there apparently will be no effective change in which training is approved and there will be time savings, this proposal will produce a net benefit.

Minimum length of training

The board proposes to reduce the minimum length of a training session to two hours. The board determined that quality training can be conducted in as little as two hours. Some training may have been stretched to reach four hours, despite containing content that could be covered in less time, in order to qualify for in-service credits. The proposed change will reduce the incentive to do this and thus may reduce wasted time. Thus, the proposal produces a net benefit.

Required diversity training

Under both the current and proposed regulations, per two-year period, law-enforcement officers are required to complete 40 hours of in-service training; jailors and custodial officers are required to complete 24 hours of training; courtroom security officers and process service officers are required to complete 16 hours of training; correctional officers and sergeants in the Department of Corrections, Division of Institutional Services are required to complete 24 hours of training; and lieutenants through wardens in the Department of Corrections, Division of Institutional Services are required to complete 40 hours of training. The total number of required hours of training are not changing under the proposed regulations, but pursuant to Section § 9.1-102.38 of the Code of Virginia, the board proposes to require that all of the above-mentioned officers receive two hours of cultural diversity training per two-year period. Thus, if the officers and their employers do not wish to exceed the required minimum number of hours of training, then the officers will spend two less hours on some alternate form of training. It is not

definitively clear whether this proposal produces a net benefit or not. Good diversity training does have the potential to reduce the probability of conflict or inappropriate actions, but it is not clear what type of training and its associated benefits will be foregone.

Extensions

The current and proposed regulations both permit the director of the Department of Criminal Justice Services to grant an extension of the time limit for completion of in-service training under specified conditions including: a) illness, b) injury, c) military service, d) special duty assignment required and performed in the public interest, e) administrative leave involving the determination of worker's compensation or disability retirement issues, full-time educational leave or suspension pending investigation or adjudication of a crime, or f) any other reason documented by the agency administrator.¹ The current regulations state that extensions granted for "any other reason documented by the agency administrator" not exceed 90 days. The proposed regulations do not limit extensions under these circumstances to 90 days, but instead state that "The department will determine and approve a reasonable timeframe based upon the justification provided with the extension request."

The current regulations state that any extension granted for "administrative leave involving the determination of worker's compensation or disability retirement issues, full-time educational leave or suspension pending investigation or adjudication of a crime" require the individual to complete the in-service training prior to resuming job duties, and that the extension may not exceed 12 months. Both of these limitations are removed from the proposed regulations.

The proposals to remove these limitations will be beneficial if the board does use its discretion wisely in granting extensions and does not allow officers to indefinitely continue to work without up-to-date training.

Records

The director of the Department of Criminal Justice Services may authorize attendance and successful completion of job-related courses for partial in-service credit upon written request from a chief of police, sheriff or agency administrator. The current regulations require that

records be maintained (presumably by the applicant and/or her agency) concerning the training. The proposed regulations just require that documentation be submitted to the department, but do not require that records be maintained by the applicant. According to the department the board has had no use for such records. Thus eliminating this requirement will save filing and storage costs, and will not cause any reduction to public safety. Thus, this change will create a net benefit.

Electronically transmitted training

Under the current regulations training involving electronically transmitted programs cannot count for more than eight hours training credit per annum. The proposed regulations do not limit the number of credits that can be earned via electronic training. The proposed regulations do require that “A post-viewing objective-based examination covering the instructional material is administered to the student by the academy director or designee, or administered via the multi-media presentation, and the student has no access to the examination or ability to affect, alter, or destroy the examination questions or examination results.” Thus, there should not be an increased probability of reduced participation or focus in electronically transmitted programs versus in-person training. The current limitation of only eight hours training credit per annum for electronically transmitted programs therefore provides no clear benefit. The limitation does produce cost in that students must spend additional time and funds on travel and perhaps lodging for in-person training when only eight hours of credit per annum are accepted for electronically transmitted programs. Thus, the proposal to eliminate this limit will produce a net benefit.

In-service credits for instructors

Under the current regulations instructing does not count toward in-service credits. Under the proposed regulations up to 16 credit hours per two-year in-service period may be earned via being an instructor. Each topic may be credited toward in-service training only once per two year in-service period. This provision only applies to the instructor that prepares and conducts the training. In-service credit is expressly prohibited for role players and evaluators.

¹ Agency administrator is defined as “any chief of police, sheriff or agency head of a state or local law-enforcement agency or corrections agency.”

Teaching a class for the first time almost always involves acquiring deeper understanding of the topic at hand. The instructor must think of how to explain concepts in an understandable manner to students who likely do not have all the same experiences and background as the instructor or each other. Given the learning involved for the instructor as well as the likelihood that allowing teaching to count toward in-service credit will make it easier to attract qualified instructors, this proposal is beneficial. Repeatedly teaching the same course within a short period of time produces significantly less learning for the instructor than teaching a new course for the first time or a similar course after time has passed and new developments must be addressed. Therefore the proposal to permit each training topic to count toward in-service credits only once per two-year period is logical.

Firearms training

The board also proposes to update the annual firearms training requirement to be consistent with the options available for entry-level training. Updating firearm training requirements to better match current equipment and needs is clearly beneficial in that law-enforcement officers, jailors, custodial officers, courtroom security officers and process service officers will be better prepared to use current equipment.

Businesses and Entities Affected

The proposed regulations affect the 36, 961 Virginia law-enforcement officers, jailors, custodial officers, courtroom security officers and process service officers regulated by the Department of Criminal Justice Services.²

Localities Particularly Affected

The proposed regulations affect all Virginia localities.

Projected Impact on Employment

The proposed regulations are not likely to significantly affect numbers of jobs.

Effects on the Use and Value of Private Property

The proposed regulations do not significantly affect the value and use of private property.

² Source: Department of Criminal Justice Services

Small Businesses: Costs and Other Effects

The proposed regulations do not significantly affect small businesses.

Small Businesses: Alternative Method that Minimizes Adverse Impact

The proposed regulations do not significantly affect small businesses.

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 21 (02). 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.