



## 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: 5649 / 9355**

October 29, 2021

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

The Criminal Justice Services Board (Board) proposes to: 1) reduce the minimum number of basic correctional officer training hours from 400 to 320, 2) reduce the minimum number of field training hours from 200 to 120, and 3) amend specific training requirements in a separate document incorporated by reference (DIBR), which is considered to be part of the regulatory text.

### **Background**

The current regulation states that correctional officers shall comply with the following:

1. Successfully complete basic correctional officer training at a certified criminal justice training academy, external training location, or satellite facility, which includes receiving a minimum of 400 hours of department approved training in the following categories:

- a. Security and supervision;
- b. Communication;
- c. Safety;
- d. Emergency response;
- e. Conflict and crisis management;
- f. Law and legal;
- g. Duty assignments and responsibilities;
- h. Professionalism;
- i. Basic corrections officer firearms training; and

j. Physical fitness training.

2. Successfully complete a minimum of 200 hours of approved training in the category of field training identified in the Virginia Department of Criminal Justice Services Field Training and On the Job Training Performance Outcomes.

The Board proposes to change the “minimum of 400 hours” to “minimum of 320 hours” for basic correctional officer training, and change “minimum of 200 hours” to “minimum of 120 hours” for field training.

Additionally, in the DIBR, the Board proposes to amend the specific training requirements for the ten categories listed for basic correctional officer training and also the eleventh category of field training.

The training addressed by the proposed amendments is provided or overseen by the Department of Corrections’ Academy for Staff Development, which conducts all basic correctional officer training using DOC employees.

### **Estimated Benefits and Costs**

By reducing the total required minimum number of hours of training by 160, trainees may be able to start work as correctional officers approximately four weeks sooner. To the extent that under the proposed requirements that correctional officers are at least as well trained and prepared as they are under the current requirements, the proposed amendments would be substantially beneficial. According to the Department of Criminal Justice Services (DCJS), the proposed requirements improve efficiency and effectiveness. DOC reports that the agency is facing unprecedented staffing shortages, with approximately 1,600 correctional officer vacancies, and that the proposal would enable the vacancies to be filled more quickly.<sup>1</sup>

In the DIBR, the Board proposes to no longer require 200 firearm practice rounds for each student, and instead move toward a skill-based practice format. DCJS and DOC believe many students would be able to show competency while expending a smaller amount of live ammunition. DOC expects this would result in about a 10 percent reduction in ammunition usage in initial training. Further, DOC estimates that with current pricing this would result in an approximate savings of \$11,500 over the course of a 12-month period. According to DCJS, the proposed amendments would not affect the need for any other items including equipment.

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<sup>1</sup> Source: Department of Corrections

As indicated by the agency background document (ABD),<sup>2</sup> several other changes are being proposed throughout the DIBR. However, the information in the ABD is not sufficiently detailed to indicate whether the proposed changes constitute additions or deletions of existing text, or a reorganization of existing text. As a result, a comprehensive assessment of the total number and type of changes, and their potential economic impact, is not possible.

### **Businesses and Other Entities Affected**

The proposed amendments affect DOC, and in particular their three training academies and those institutions that have a large number of vacancies for correctional officers. Suppliers of ammunition to the training academies would also be affected.

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. Since the proposal would likely result in reduced purchases of ammunition, those firms that sell ammunition to DOC would likely encounter reduced revenue. Thus, an adverse impact is indicated.

### **Small Businesses<sup>3</sup> Affected:**

#### Types and Estimated Number of Small Businesses Affected

The proposed amendments affect two small firms that have contracts with DOC to provide ammunition.<sup>4</sup>

#### Costs and Other Effects

As described above, the proposal to no longer require 200 firearm practice rounds for each student, and instead move toward a skill-based practice format, would likely result in about \$11,500 less spent on ammunition annually. DOC has contracts with two small firms to purchase its ammunition. These firms would hence likely together have about \$11,500 less in sales annually.

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<sup>2</sup> See [https://townhall.virginia.gov/l/GetFile.cfm?File=51\5649\9355\AgencyStatement\\_DCJS\\_9355\\_v4.pdf](https://townhall.virginia.gov/l/GetFile.cfm?File=51\5649\9355\AgencyStatement_DCJS_9355_v4.pdf)

<sup>3</sup> 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.”

<sup>4</sup> Data source: Virginia Employment Commission

### Alternative Method that Minimizes Adverse Impact

There are no clear alternative methods that both reduce adverse impact and meet the intended policy goals.

### **Localities<sup>5</sup> Affected<sup>6</sup>**

According to DCJS, localities with a DOC facility within their jurisdiction may benefit through enhanced training of corrections officers keeping their community safer. The following localities have at least one DOC facility: the Cities of Chesapeake and Harrisonburg and the Counties of Augusta, Bland, Brunswick, Buchanan, Buckingham, Campbell, Chesterfield, Culpeper, Fluvanna, Goochland, Greensville, Grayson, Halifax, Hanover, Henry, Lunenburg, Mecklenburg, Nottoway, Pittsylvania, Powhatan, Richmond, Russell, Smyth, Southampton, Stafford, Sussex, Tazewell, and Wise. The proposed amendments may also indirectly affect the localities where the three training academies are situated, which are the Counties of Goochland, Smyth, and Southampton.

The proposed amendments do not appear to affect costs for localities.

### **Projected Impact on Employment**

According to DCJS, the proposed reduction in minimum training hours is not expected to affect employment for trainers. As mentioned above, the proposal would enable trainees to start working as correctional officers about four weeks sooner. This would likely enable vacancies to be filled more quickly, and consequently more correctional officers would likely be working at any given time.

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

The two firms that sell ammunition to the training academies would likely encounter reduced revenue. According to DOC, though the reduction in ammunition purchases would be about 10 percent of that currently used in initial training, it would only represent about one percent or less of all the ammunition purchased by DOC from those firms,<sup>7</sup> and the firms have

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<sup>5</sup> "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.

<sup>6</sup> § 2.2-4007.04 defines "particularly affected" as bearing disproportionate material impact.

<sup>7</sup> Other DOC ammunition expenditure purposes include annual recertification training, instructor level training and duty ammunition purchases.

large contracts that are used by all state level law enforcement entities. Thus any impact on the value of the firms would be quite small.

The proposed amendments do not appear to affect real estate development costs.

## 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 14 (as amended, July 16, 2018). 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(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 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.