



Economic Impact Analysis Virginia Department of Planning and Budget

6 VAC 20-80 – Rules Relating to Certification of Criminal Justice Instructors
Department of Criminal Justice Services
March 10, 2006

Summary of the Proposed Regulation

The Department of Criminal Justice Services (department) proposes to amend instructor certification rules to increase the number of instructor apprenticeship hours needed for specialty training, allow training academy directors to determine criteria for instructor recertification and eliminate the need for training academies to report recertification hours to the board on paper forms. The proposed regulation will also allow individuals who are otherwise qualified as instructors, but are newly hired by an agency or department, to conduct training without having to work for the agency or department for two years first.

Result of Analysis

The benefits likely exceed the costs for all proposed changes encompassed by the proposed regulation.

Estimated Economic Impact

Current regulation requires that individuals seeking criminal justice instructor certification in all topics but firearms enter into a four-hour apprenticeship under an instructor already certified in the relevant subject area. Firearms instructor certification requires an eight-hour apprenticeship, four hours for classroom instruction and four hours of range presentation. The proposed regulation will extend the eight hour apprenticeship requirement to all specialty and skill area certification but speed measurement. The length of apprenticeships for driver training instructors and defensive tactics instructors will effectively double under the proposed regulation. The department believes it necessary to lengthen apprenticeships in these particular areas because they represent a high liability risk for officers in the field. Because of the

importance of these skill areas and the fact that, even doubled, these apprenticeships are only one working day long, the benefits very likely outweigh the costs for this change in policy.

Current regulation also explicitly lists the topics that must be covered during instructor recertification and requires that proof of completion of recertification training be submitted on department forms. The proposed regulation increases the minimum hours of retraining from six to ten hours, including two hours of general instructor training and two hours in each of the four skill areas, but allows academies to set their own recertification criteria. Both the department and the regulated community believe that this will allow academies to focus attention on areas where there may be local weaknesses in officer training that can be addressed through retraining of instructors. Again, the increase in training hours required is small enough that the benefits of the extra training will almost certainly outweigh the opportunity costs of that time not being available for other tasks. To the extent that local academies are able to identify, and adjust for, weaknesses in instructor training, the public will also benefit from the department giving up the management of recertification topics. Since recertification training can be, and is now, tracked online, language that requires proof of training completion on paper forms is obsolete and is being removed as a part of this regulatory action.

Current regulation requires that employees of criminal justice agencies have two years of work experience at a criminal justice agency before they are eligible for instructor certification training. This requirement leaves instructors who hold certification because they have subject matter expertise, but who have never worked for a criminal justice agency, in limbo. If these individuals accept employment at an agency, they will lose their certification to teach until they meet the experience requirement. The proposed regulation will allow these individuals to continue teaching in the subject areas in which they are expert for two years at which point they will be qualified to go through general instructor training as an agency employee. Instructors and criminal justice agencies will both benefit from this change. Instructors will gain greater freedom to accept the employment opportunity that best suits their needs and agencies will have a larger pool of potential employees to choose from.

Businesses and Entities Affected

The proposed regulation will affect all of the approximately 435 instructors currently licensed to teach at criminal justice academies. Individuals who may seek licensure in the future will also be affected.

Localities Particularly Affected

All localities in the Commonwealth are affected by the proposed regulation.

Projected Impact on Employment

Because the time required to complete specialization apprenticeships under new strictures is only marginally more than that required under current rules and because all regulated entities are public employees whose public employers are, within the confines of their budget, largely motivated by considerations other than costs, this proposed regulation is not likely to have a measurable effect on employment.

Effects on the Use and Value of Private Property

The proposed regulation affects public entities that train police officers. No private entities, or their property, will be affected.

Small Businesses: Costs and Other Effects

No small businesses are directly affected by the proposed regulation.

Small Businesses: Alternative Method that Minimizes Adverse Impact

No small businesses are directly affected by the proposed regulation.

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.