



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

Department of Criminal Justice Services

June 10, 2015

Summary of the Proposed Amendments to Regulation

The Criminal Justice Services Board (Board) proposes to increase the number of annual training hours that correctional officers and sergeants employed in the state prison system must complete from 24 hours to 40 hours. The Board also proposes to remove the lists of firearms qualification courses from this regulation and, instead, direct interested parties to the Department of Criminal Justice Services' website to find them.

Result of Analysis

There is insufficient information to ascertain whether benefits will outweigh costs for these proposed regulatory changes.

Estimated Economic Impact

Currently, correctional officers (prison guards) and sergeants in the correctional system must complete 24 hours of in-service training per year. This training currently includes two hours of cultural diversity training, four hours of legal training and 18 hours of career development/elective training. Board staff reports that they have been working with the Department of Corrections (DOC) to modify these training requirements because DOC believes they are inadequate. The Board now proposes to require correctional officers and sergeants to complete 40 hours of in-service training each year which will bring them in line with the training requirements for law enforcement officers and officers in the correctional system with ranks higher than sergeant (lieutenants through wardens). All of the additional 16 hours of annual training that the Board proposes to require would fall under the category of career

development/elective training. Board staff reports that the choice of classes lies with DOC rather than the individual correctional officers/sergeants; presumably, this will allow DOC to tailor classes to address training deficits in their staff.

DOC will incur costs on account of this change because they will have to pay the correctional officers/sergeants for the two additional days each year that they are attending training in addition to paying the salary for other correctional officers/sergeants to cover the shifts that would be missed on account of training. As this change will affect over 6,000 correctional officers and sergeants, the costs to DOC will be considerable. Board staff reports, however, that DOC will not have to hire additional staff to provide current levels of coverage once the proposed requirement becomes effective. Without more information on the problems that DOC hopes to forestall with more training and the efficacy of that training, the Department of Planning and Budget is unable to ascertain whether the benefits for this training will outweigh all costs incurred.

Current regulation includes two lists of firearms training courses that regulated entities may use to complete their firearms qualification; one list is for law enforcement officers, jailors or custodial officers, courtroom security officers and process service officers and the other list is for officers of DOC's Division of Operations. The Board proposes to remove both of these lists from the regulation and substitute notices that a list of the qualification courses can be found on Department of Criminal Justice Services' (DCJS) website. Board staff reports that these changes are being proposed to allow the Board to change qualification courses when necessary without going through the regulatory process. Entities that are regulated under these rules, as well as members of the public who might be interested in learning what firearms training may be used by officers to qualify to carry a firearm as a part of their job, will incur search costs and possible confusion because they will not have all information provided in the regulation but will have to go and search DCJS' website instead. The Board might partially alleviate any confusion caused by providing a link in this regulation to the actual documents in question rather than to the DCJS website home page. In any case, there is insufficient information to know whether the benefits that may accrue to the Board and the public from being able to quickly change these courses will outweigh the costs incurred by affected regulated entities and the public because they will have to search for information that is currently provided in the regulation.

Businesses and Entities Affected

Board staff reports that 38 prisons, and the approximately 6,000 correctional officers and sergeants that they employ, will be affected by the proposed increase in compulsory annual training. All entities that must complete firearms training under this regulation, as well as interested members of the public, will likely be affected by the firearms qualification courses being removed from the regulatory text and listed instead in a document on the Department of Criminal Justice Services' website.

Localities Particularly Affected

No locality will be particularly affected by this proposed regulation.

Projected Impact on Employment

Board staff reports that DOC will not have to hire additional staff to implement training requirements that will likely add over 100,000 training hours for correctional officers and sergeants. Assuming this, these proposed regulatory changes are unlikely to have any impact on employment in the Commonwealth.

Effects on the Use and Value of Private Property

These proposed regulatory changes are unlikely to have any impact on the use or value of private property in the Commonwealth.

Small Businesses: Costs and Other Effects

No small businesses will likely be affected by this proposed regulation.

Small Businesses: Alternative Method that Minimizes Adverse Impact

No small businesses will likely be affected by this proposed regulation.

Real Estate Development Costs

Real estate development costs are unlikely to be affected by this proposed regulation.

Legal Mandate

General: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia and Executive Order Number 17 (2014). Section 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:

- the projected number of businesses or other entities to whom the proposed 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.

Small Businesses: If the proposed regulation will have an adverse effect on small businesses, § 2.2-4007.04 requires that such economic impact analyses include:

- an identification and estimate of the number of small businesses subject to the proposed regulation,
- 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,
- a statement of the probable effect of the proposed regulation on affected small businesses, and
- a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

Additionally, pursuant to § 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 (JCAR) is notified at the time the proposed regulation is submitted to the *Virginia Register of Regulations* for publication. This analysis shall represent DPB's best estimate for the purposes of public review and comment on the proposed regulation.

AMH

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