

**REVISED**  
**Department of Planning and Budget**  
**2020 Special Session I Fiscal Impact Statement**

**1. Bill Number:** HB5066

<b>House of Origin</b>	<input checked="" type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
<b>Second House</b>	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

**2. Patron:** Price

**3. Committee:** House Committee on Public Safety

**4. Title:** Department of Criminal Justice Services; law-enforcement officer training and qualifications.

**5. Summary:** The proposed legislation requires the Department of Criminal Justice Services (DCJS) to develop uniform curriculum and lesson plans for the compulsory minimum entry-level, in-service, and advanced training standards to be employed by criminal justice training academies approved by the agency when conducting training. The proposed legislation also requires DCJS to include the recognition of implicit biases in interacting with persons who have a mental illness, substance use disorder, or developmental disability in its (i) training standards and model policies; (ii) compulsory training standards for basic training and recertification of law-enforcement officers; and (iii) operating procedures, guidelines, and standards for community policing in order to ensure sensitivity to and awareness of systemic and individual racism, cultural diversity, and the potential for biased policing.

The proposed legislation also requires DCJS to establish requirements for compulsory mental health examinations for law-enforcement officers, jail officers, and correctional officers that include guidelines on the implementation of such mental health examinations. Additionally, the proposed legislation adds to the minimum qualifications to become a law-enforcement officer or a jail officer the requirement that such person undergo a psychological examination, subsequent to a conditional offer of employment, conducted under the supervision of a licensed psychologist or other licensed mental health professional.

Finally, the bill requires any criminal justice training academy approved by DCJS to employ such uniform curriculum and lesson plans and requires the DCJS to conduct annual evaluations of each criminal justice training academy's compliance with uniform curriculum and lesson plans. The proposed legislation has a delayed effective date of July 1, 2022.

**6. Budget Amendment Necessary:** The Governor's introduced budget (HB5005/SB5015) provides \$1 million to support contractual services for the development of a uniform curriculum in Item 403. Item 403 of the Governor's introduced budget also provides general fund support of \$603,146 in the first year and \$718,975 in the second year for five positions.

**7. Fiscal Impact Estimates:** Preliminary (see Item 8 below).

**8. Fiscal Implications:** According to DCJS, the proposed changes to the listed sections of current law would result in the following impacts:

Costs primarily funded in the Governor's introduced budget (HB5005/SB5015):

- Section 9.1-102(59) requires DCJS to develop uniform curriculum and lesson plans for the compulsory minimum entry-level standards. DCJS estimates that it would cost \$1,000,000 to hire a contractor to accomplish this requirement. This estimate is based on information from other states that have developed a uniform curriculum and lesson plans for minimum entry-level standards. This funding is included in the Governor's introduced budget (HB5005/SB5015) (Item 403).
- Section 9.1-112.1(B) requires DCJS to conduct an annual evaluation of each criminal justice training academy's compliance with uniform curriculum and lesson plans and provide assistance to any academies not meeting compliance. DCJS reports that it will need additional staffing to ensure that the 38 academies (not including the DCJS academy) and the satellite academy facilities are correctly utilizing the uniform curriculum. DCJS reports that, currently, an evaluation of compliance with existing minimum training standards and performance outcomes occurs once every three years through a recertification process. DCJS reports that conducting annual evaluations of training academies will require five additional field services coordinators since these activities cannot be absorbed within existing personnel resources. DCJS estimates that these five full-time positions will cost \$605,185 (\$65,000 salary, total cost \$121,037 salary, benefits, fringe and equipment). This funding is included in the Governor's introduced budget (HB5005/SB5015) (Item 403).

Costs that can be absorbed within existing resources:

- Section 9.1-102(39) requires DCJS to review and evaluate community-policing programs in the Commonwealth, and make recommendations for programs in addressing sensitivity to, and awareness of, systemic and individual racism, to include recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or developmental disability. DCJS reports that existing resources can be used to address this requirement.
- Sections 9.1-102(42) and (54) require DCJS to establish new training standards for school resource officers and school security officers on awareness of systemic and individual racism. DCJS reports that existing training standards developed for law enforcement officers which include this topic can be used for this purpose without any fiscal impact to the agency.

Additionally, the fiscal impact on certain provisions of the bill cannot be determined as follows:

- Section 9.1-102(38) requires DCJS to establish new compulsory training standards for basic training and the recertification of law-enforcement officers to ensure sensitivity to

and awareness of systemic and individual racism and recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or developmental disability. DCJS reports that the compulsory minimum training standards are currently being reviewed and updated, and the agency is not anticipating any fiscal impact on its operations. According to DCJS, it is not known if these changes would increase costs for training academies and law enforcement agencies as it may lengthen their existing curriculum and thus increase the training time for law enforcement.

- Section 9.1-102(58) requires DCJS to establish requirements for compulsory mental health examinations for law-enforcement officers, deputy sheriffs and jail officers, and correctional officers that include guidelines for the implementation of such mental health examinations. DCJS reports that it does not have any staff with the requisite subject matter expertise to comply with this requirement and, therefore, will need to hire a contractor to fulfill this requirement. To accomplish this, a Request for Proposal (RFP) would need to be issued, and therefore, the immediate fiscal impact cannot be determined at this time. Additionally, the fiscal impact on agencies which employ law-enforcement officers, deputy sheriffs, jail officers, and correctional officers is not known at this time because the guidelines for this legislation have not yet been developed by DCJS.
- Section 9.1-102(59) also requires DCJS to develop uniform curriculum and lesson plans for in-service and for advanced training standards. DCJS anticipates that a contractor will be needed to update the minimum training standards; however, the cost for such contract services cannot be determined at this time.
- The Virginia State Police reports that, depending on the curriculum developed by DCJS, the agency may incur additional training costs. These costs would include expenditures related to the possible extension of the amount of time it requires to train both new law-enforcement officers and in-service officers, and possible expenditures for additional training equipment. However, because it is not possible to determine this cost prior to the development of the specified uniform curriculum by DCJS, this cost cannot be determined at this time.

Finally, Section 15.2-1705 requires all law enforcement officers to undergo a psychological examination, subsequent to a conditional offer of employment, conducted under the supervision of a licensed psychologist or other licensed mental health professional. To the extent that such an examination is not already part of an agency's hiring procedure, this requirement is likely to result in a fiscal impact on state agencies that have law enforcement personnel.

- The Department for Aging and Rehabilitative Services (DARS) reports that it may incur a fiscal impact as a result of the proposed legislation due to the requirement to ensure that all law enforcement staff at the Wilson Workforce and Rehabilitation Center (WWRC) meet the provisions of the legislation. However, DARS cannot provide an estimate of this amount at this time because it is still assessing these requirements and which costs would be directly borne by WWRC.

- Capitol Police (CP) reports that it conducts psychological examinations through an agreement with a private medical professional for new law-enforcement officers; however, if an officer is transferring to the agency, CP does not conduct a psychological examination. Should the intent of the proposed legislation be to require psychological examinations for such law-enforcement officers as well, CP estimates that it would cost approximately \$1,800 annually (assuming ten law-enforcement officers at a cost of \$180 per officer). The agency has a contract with a local service provider.
- Virginia State Police does not anticipate a fiscal impact as a result of the requirement related to psychological examinations because this is consistent with the agency's current practice.

According to the Department of Corrections (DOC), the provisions of §15.2-1705 only apply to its Special Investigations Unit. The agency currently has 21 officers in this unit. DOC believes, at this time, that the costs associated with implementing the provisions of this section of the bill can be absorbed within their existing resources.

- The Office of the State Inspector General (OSIG) estimates that psychological examinations would cost approximately \$500 annually, based on the assumption that one or two new agents would be hired by the agency annually. However, the OSIG has indicated that it will be able to absorb this fiscal impact, to the extent that costs do not exceed this estimate. These figures are based on the agency's interpretation of the proposed legislation.
- According to the Marine Resources Commission (MRC), the proposed legislation will have an expenditure impact of \$2,250 annually, which the agency expects to be able to absorb within existing resources. The agency reports that the average turnover rate for law enforcement is 12 percent annually. Given the number of officers MRC employs, the agency estimates an annual need for approximately 10 tests annually in order to fill vacant positions. This would cost \$2,250 per year. MRC reports that it can absorb this expense within its special fund balances for Law Enforcement, which are used to purchase replacement vessels and specialized equipment, to match grants, and to purchase replacement vehicles as needed.
- The Department of Conservation and Recreation (DCR) estimates that conducting psychological examinations will cost the agency approximately \$7,000 annually, based on the assumption that ten officers are hired by the agency annually; however, the agency anticipates that it will be able to absorb this fiscal impact within existing resources. These estimates are based on the agency's interpretation of the proposed legislation.
- According to the Virginia Lottery, the agency hires an average of two agents on an annual basis who would be subject to the requirement in §15.2-1705. However, additional information regarding the costs that will result for the agency as a result of compliance with this requirement is not currently available.
- Virginia Alcoholic Beverage Control Authority does not anticipate a fiscal impact as a result of the requirement related to psychological examinations because this is consistent with the agency's current practice.

- Information from the Department of Wildlife Resources, the Department of Motor Vehicles, institutions of higher education with a campus law-enforcement department, and the Department of Juvenile Justice is not available at this time. The fiscal impact statement will be updated upon receiving information from affected agencies as needed.

- Information is not available to determine the fiscal impact on local law enforcement agencies at this time.

**9. Specific Agency or Political Subdivisions Affected:** The Department of Criminal Justice Services, state and local law-enforcement agencies.

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** None.