

Department of Planning and Budget 2020 Fiscal Impact Statement

1. Bill Number: HB5109S1

House of Origin ☐ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☒ Substitute ☐ Enrolled

2. Patron: Hope

3. Committee: Senate Finance and Appropriations Committee

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 add training in de-escalation techniques to its existing training standards and model policies for law-enforcement personnel.

Furthermore, DCJS is required to develop a 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 Department when conducting training.

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 bill allows approved criminal justice training academies to petition the Department to approve the use of an alternative curriculum and lesson plans developed by such academy.

6. Budget Amendment Necessary: Yes, Item 403. 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(58) 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 satellite academy facilities are either correctly utilizing the curriculum or that the curriculum is substantially similar to the uniform curriculum. Additionally, section 9.1-112.1(C) requires DCJS to entertain waiver requests exempting an academy from the uniform curriculum and to base any determination on whether their curriculum and lesson plans (i) meet or exceed the compulsory minimum entry-level, in-service, and advanced training standards established by the Criminal Justice Services Board pursuant to § 9.1-102 and (ii) are substantially similar to the uniform curriculum and lesson plans developed by DCJS, pursuant to § 9.1-102. 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 six additional field services coordinators since these activities cannot be absorbed within existing personnel resources. DCJS estimates that these six full-time positions will cost \$726,222 (\$65,000 per position for salary, and \$121,037 including salary, fringe benefits, and equipment costs). The Governor's introduced budget (HB5005/SB5015) (Item 403) provides five of the six positions and general fund support of 504,321 in the first year and \$605,185 in the second year; however, the agency believes that it will need one additional position estimated first year is \$100,864 and the second year cost is estimated to be \$121,037 (including salary, fringe benefits, and equipment costs).

Costs that can be absorbed within existing resources:

- Section 9.1-102(38) requires DCJS to establish compulsory training standards for basic training and the recertification of law-enforcement officers covering de-escalation techniques. DCJS reports that de-escalation techniques are already incorporated into basic training and can be implemented into recertification standards with no fiscal impact.

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

- Section 9.1-102(58) 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 contract services cannot be determined at this time.

The proposed legislation also provides that the hiring law-enforcement agency or jail may require a candidate for employment to undergo a psychological examination, subsequent to a conditional offer of employment, conducted under the supervision of a licensed clinician. To the extent that such an examination is not already part of an agency's hiring procedure, and a hiring agency elects to require such an examination, there may be a fiscal impact on state agencies.

- The Virginia State Police reports that psychological examinations are consistent with the agency's current hiring practices.
- Capitol Police reports that conducting psychological examinations on non-certified incoming law-enforcement personnel is consistent with the agency's current hiring practices.
- According to the Department of Corrections (DOC), the provisions of §15.2-1705 only apply to its Special Investigations Unit. DOC believes, at this time, that if psychological examinations would be implemented, such costs could be absorbed within existing resources.
- The Office of the State Inspector General reports that because the implementation of psychological examinations for law-enforcement personnel is discretionary, no fiscal impact is expected.
- To the extent that psychological examinations are conducted by the Marine Resources Commission (MRC), the agency is expected to absorb the cost within its special fund balances for Law Enforcement. 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.
- To the extent that psychological examinations are conducted by the Department of Conservation and Recreation, the agency anticipates that it will be able to absorb the fiscal impact within existing resources.
- The Virginia Lottery reports that because the implementation of psychological examinations for law-enforcement personnel is discretionary, no fiscal impact is expected.
- Virginia Alcoholic Beverage Control Authority reports that conducting psychological examinations for incoming law-enforcement personnel is consistent with the agency's current hiring practices.

Information from the Department for Aging and Rehabilitative Services, 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.