



## **Economic Impact Analysis Virginia Department of Planning and Budget**

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**6 VAC 15-40 – Minimum Standards for Jails and Lockups**  
**Department of Corrections**  
January 10, 2013

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

The Board of Corrections proposes to establish in the regulations procedures pertaining to the use of restraints on pregnant inmates in jails and lockups.

### **Result of Analysis**

No significant costs or benefits are expected from the proposed changes.

### **Estimated Economic Impact**

The proposed changes establish procedures in regulations that address the use of restraints on offenders known to be pregnant during transportation outside the secure perimeter, during labor and delivery, postpartum recovery, and for medical treatment unrelated to labor and delivery. The proposed changes also require staff to annually review policy related to restraining pregnant inmates.

According to the Department of Corrections (DOC), the proposed procedures are already followed in practice based on facility policies. Thus, no significant economic impact is expected from the proposed regulations. Also, DOC plans to incorporate the proposed annual review requirement into its periodic training requirement and does not expect any additional costs for its implementation. While no significant direct economic impact is expected, the proposed language may improve the clarity and accessibility of the rules followed in practice.

### **Businesses and Entities Affected**

The proposed regulations apply to 68 jails and lockups. Less than 150 inmates in jails and lockups are estimated to be pregnant at any given time. The number of staff in jails and lockups is about 9,600, but not all will be required to be trained in the use of restraints.

## **Localities Particularly Affected**

The proposed regulations are not expected to affect any locality more than others.

## **Projected Impact on Employment**

No significant impact on employment is expected.

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

No significant effect on the use and value of private property is expected.

## **Small Businesses: Costs and Other Effects**

The proposed changes are not anticipated to create any costs or other effects on small businesses.

## **Small Businesses: Alternative Method that Minimizes Adverse Impact**

No adverse impact on small businesses is expected.

## **Real Estate Development Costs**

No effect on real estate development costs is expected.

## **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 14 (10). 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.