



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

6 VAC 20-230 Regulations Relating to Special Conservator of the Peace
Department of Criminal Justice Services
Town Hall Action/Stage: 5832 / 9557
June 2, 2023

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 (Code) and Executive Order 19. The analysis presented below represents DPB’s best estimate of the potential economic impacts as of the date of this analysis.¹

Summary of the Proposed Amendments to Regulation

Pursuant to Chapter 766 (Chapter 766) of the 2015 Acts of Assembly,² the Criminal Justice Services Board (Board) proposes to increase the required hours of DCJS-approved entry-level training for unarmed special conservators of the peace (SCOPs) from 24 to 98, and increase the required hours of DCJS-approved entry-level training for armed SCOPs from 40 to 130. Additionally, the Board proposes several other discretionary increases in training requirements.

Background

Special Conservators of the Peace

SCOPs are “individuals who have been appointed by a Circuit Court to perform only those powers, functions, duties and responsibilities authorized within such geographic limitations as the court may deem appropriate, for the security of property, or the peace and presentation of

¹ Code § 2.2-4007.04 requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the analysis should include but not be limited to: (1) the projected number of businesses or other entities to whom the proposed regulatory action would apply, (2) the identity of any localities and types of businesses or other entities particularly affected, (3) the projected number of persons and employment positions to be affected, (4) the projected costs to affected businesses or entities to implement or comply with the regulation, and (5) the impact on the use and value of private property.

² See <https://lis.virginia.gov/cgi-bin/legp604.exe?151+ful+CHAP0766>; Chapter 772 of the 2015 Acts of Assembly was identical to Chapter 766.

evidence.”³ The appointment may not exceed four years; but SCOPs may seek additional four-year appointments. According to the Department of Criminal Justice Services (DCJS), among the places that SCOPs work are hospitals, museums, theme parks, airports, local government, and private security firms.

Current Requirements

Among the requirements of the current regulation, unarmed SCOPs must obtain 24 hours of entry-level training from a DCJS-approved training course. Armed SCOPs must obtain those same 24 hours of training, plus 16 hours of DCJS-approved entry-level handgun training, and meet range qualification (which has no set hours). Under specified circumstances, persons previously employed as law-enforcement officers or as SCOPs may be partially exempt from these requirements.⁴ For each of the second, third, and fourth years of the appointment, SCOPs must obtain eight hours of in-service training from a DCJS-approved training course and firearms requalification if applicable.

Proposed Amendments

Pursuant to Chapter 766, the Board proposes to increase the required hours of DCJS-approved entry-level training for unarmed SCOPs from 24 to 98. According to DCJS, the additional required hours would cover topics such as “biased-based policing, implicit bias and increased cultural diversity and sensitivity awareness and training, increased verbal de-escalation and communication strategies, the cultivation of improved community-police relations, duty to intervene, increased training relevant to persons in crisis and mental health commitment orders, and mandated active shooter/attack training.”⁵ For armed SCOPs, the Board proposes to increase the required hours of entry-level handgun training from 16 to 32.

As discretionary changes, the Board proposes to increase the required annual number of in-service training hours from eight to 12, and newly require that all SCOPs maintain current CPR and first aid training.

³ See <https://www.dcjs.virginia.gov/licensure-and-regulatory-affairs/special-conservators-peace>.

⁴ See <https://law.lis.virginia.gov/admincode/title6/agency20/chapter230/section230/>.

⁵ The legislation mandated the increased hours, but did not specify the topics to be addressed.

Estimated Benefits and Costs

Some if not all of the additional training should be beneficial by improving public safety, to the extent that the SCOPs do not already have such proficiency and encounter situations where the training is applicable. There would also be increased cost, as discussed below.

The current 24-hour entry-level training for an unarmed SCOP costs on average \$325.⁶ As of yet, there is no 98-hour entry-level training for an unarmed SCOP; accordingly, no information is available on the average cost of such a course. However, \$325 for 24 hours of training is \$13.54 per hour. If an assumption was made that the charge per hour remained the same, the average cost for the 98-hour course would be \$1,327. The trainees would also lose the value of 74 more hours of their time, and may potentially incur additional travel and lodging costs.

The current additional 16-hour entry-level training for an armed SCOP costs on average \$170.⁷ As of yet, there is no 32-hour entry-level training for an armed SCOP; accordingly, no information is available on the average cost of such a course. However, \$170 for 16 hours of training is \$10.63 per hour. If an assumption was made that the charge per hour remained the same, the average cost for the 32-hour course would be \$340. The trainees would also lose the value of 16 more hours of their time, and may potentially incur additional travel and lodging costs.

The current eight-hour SCOP in-service training course costs on average \$105.⁸ As of yet, there are no 12-hour SCOP in-service training courses; accordingly, no information is available on the average cost of such a course. However, \$105 for eight hours of training is \$13.13 per hour. If an assumption was made that the charge per hour remained the same, the average cost for the 12-hour course would be \$157.50. The trainees would also lose the value of four more hours of their time, and may potentially incur additional travel and lodging costs.

American Red Cross courses that provide two-year certification for both CPR and first aid for adults cost about \$85.⁹ The courses combine about one and a half hours of in-person

⁶ This average was calculated by taking the first five DCJS-approved training schools found that both have a website listed on DCJS's website, and have this course listed with its price easily identified on their website.

⁷ Ibid.

⁸ Ibid.

⁹ The costs vary across the Commonwealth. This average was derived from 11 course fees from around the state.

classroom time and online education. Such courses that cover pediatric and adult CPR and first aid cost about \$100¹⁰ and combine about two hours of in-person classroom time and online education.

Businesses and Other Entities Affected

The proposed amendments affect the 221 armed SCOPs and 122 unarmed SCOPs in the Commonwealth, their employers and potential future SCOPs, as well as the 138 private security training schools that are certified by DCJS.¹¹ Additionally, providers of CPR and first aid courses would be affected.

The Code of Virginia requires DPB to assess whether an adverse impact may result from the proposed regulation.¹² An adverse impact is indicated if there is any increase in net cost or reduction in net revenue for any entity, even if the benefits exceed the costs for all entities combined. The Board proposes amendments that increase cost that are not mandated by legislation. Thus, an adverse impact is indicated.

Small Businesses¹³ Affected:¹⁴

Types and Estimated Number of Small Businesses Affected

The proposed amendments affect small firms that employ or train SCOPs. No data are available on the number of employing firms that qualify as small businesses.

¹⁰ The costs vary across the Commonwealth. This average was derived from 12 course fees from around the state.

¹¹ Data source: DCJS

¹² Pursuant to Code § 2.2-4007.04(D): In the event this economic impact analysis reveals that the proposed regulation would have an adverse economic impact on businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, the Department of Planning and Budget shall advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance. Statute does not define “adverse impact,” state whether only Virginia entities should be considered, nor indicate whether an adverse impact results from regulatory requirements mandated by legislation.

¹³ Pursuant to § 2.2-4007.04 of the Code of Virginia, small business is defined as “a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.”

¹⁴ If the proposed regulatory action may have an adverse effect on small businesses, Code § 2.2-4007.04 requires that such economic impact analyses include: (1) an identification and estimate of the number of small businesses subject to the proposed regulation, (2) 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, (3) a statement of the probable effect of the proposed regulation on affected small businesses, and (4) a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation. Additionally, pursuant to Code § 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 shall be notified.

Most of the 138 private security training schools that are certified by DCJS likely qualify as small businesses.

Costs and Other Effects

As described above, proposed amendments substantively increase training costs for SCOPs. To the extent that small businesses are among the employers of SCOPs, they may face additional cost in either paying for their employees' training costs directly, or by having to pay more to attract such employees.

On the other hand, small private training providers would likely earn additional revenue.

Alternative Method that Minimizes Adverse Impact

There are no clear alternative methods that both reduce adverse impact and meet the intended policy goals.

Localities¹⁵ Affected¹⁶

The Cities of Alexandria, Chesapeake, Hampton, Newport News, Portsmouth, and Richmond, the Counties of Arlington, Bedford, Buchanan, Dinwiddie, Fairfax, Frederick, Hanover, Isle of Wight, James City, Mathews, Pittsylvania, Prince William, Scott, Wise, and York, and the Towns of Branchville, Occoquan, Pulaski, Richlands, and Waverly all employ SCOPs.¹⁷ Thus, each of these localities are disproportionately affected and their governments would likely incur increased costs due to the proposed increased SCOP training requirements.

Projected Impact on Employment

The proposed substantive increase in training requirements may result in a reduction in the number of SCOPs. If the cost is borne by potential SCOPs, then some individuals may choose to not pursue the profession; conversely, if the cost is borne by the employer, some may choose to hire fewer SCOPs. On the other hand, the substantive increase in training requirements may increase the total hours of training demanded, which may lead some training providers to hire additional staff.

¹⁵ "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulatory change are most likely to occur.

¹⁶ § 2.2-4007.04 defines "particularly affected" as bearing disproportionate material impact.

¹⁷ Source: DCJS

Effects on the Use and Value of Private Property

The proposed increase in training requirements would likely increase costs for at least some private employers of SCOPs. The value of such firms may decrease commensurately. The proposed increase in training requirements would likely increase demand for the services of some private training providers. The value of such firms may increase commensurately. The proposed amendments do not affect real estate development costs.