



Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Board of Corrections
Virginia Administrative Code (VAC) citation	6 VAC15-40
Regulation title	Minimum Standards for Jails and Lockups
Action title	Amend Operational and Supervision Standards for Local and Regional Jails and Lockups
Date this document prepared	12/3/08

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 36 (2006) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Purpose

The current regulations have been in place since June 17, 2002. Probable amendments will include clarification of current standards (such as qualifying offender “regular access to physical exercise”); modification of medical co-payment sections to comply with COV §53.1-133.01; realignment of some standards for easier establishment of compliance documentation; as well as other changes recommended by the committee tasked to review these standards.

Legal basis

Section 53.1-68 of the Code of Virginia mandates that the Board of Corrections prescribe regulations to govern the administration and operation of local correctional facilities. Section 53.1-131 of the Code of Virginia mandates that the Board of Corrections prescribe regulations to govern local work release, educational, and other rehabilitative programs.

Need

These regulations apply to all regional and local jails within the Commonwealth, and detail the process by which these jails and lockups operate and are managed. Having uniform and concise rules and expectations across localities ensures the health, safety, and welfare of citizens, correctional staff and offenders by ensuring minimum standards are met.

Substance

The Board of Corrections intends to review and update as necessary the Minimum Standards for Jail and Lockups (6VAC 15-40) to address operational and supervision issues related to inmate access to physical activities, medical co-payments, staff training, frequency of inspections. Additionally, amendments may include document organization as it applies to audit and compliance documentation.

Alternatives

The recommendations for changes to the Minimum Standards for Jails and Lockups are substantive revisions that will require amendments promulgated through the Administrative Process Act (APA). No alternative exists that will effectively address these issues. When drafted, the proposed amendments will regulate only those necessary areas addressed in the Code of Virginia

Public participation

The agency is seeking comments on the intended regulatory action, including but not limited to 1) ideas to assist in the development of a proposal, 2) the costs and benefits of the alternatives stated in this background document or other alternatives and 3) potential impacts of the regulation. The agency is also seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments may do so by mail, email or fax to William Wilson, Virginia Department of Corrections, Compliance and Accreditation Unit, 6900 Atmore Drive, Richmond, VA 23225, william.t.wilson@vadoc.virginia.gov, phone(804) 674-3499 , FAX (804) 674-3587.

Written comments must include the name and address of the commenter. In order to be considered comments must be received by the last day of the public comment period.

Participatory approach

Due to several changes in the State's jail system, including establishment of new regional jails, closure of some jails and new case law, the Board of Corrections will initiate the process to include the establishment of a committee to review the Standards. The committee will be comprised of Department of Corrections' staff, and representatives from the Blue Ridge Regional Jail; the counties of Alleghany, Charlotte, Henrico, Henry, Loudoun, Arlington, Appomattox and Northampton; the cities of Bristol, Harrisonburg, Newport News, Petersburg; and Virginia C.U.R.E.

Family impact

This regulatory action is intended to amend internal procedures, which should have no impact on the authority and rights of parents, economic self-sufficiency, marital commitment or family income.