

PROPOSED REGULATIONS SUBMISSION PACKAGE

Statement of Basis, Purpose, Substance, Issues and Impact

1. Basis

Pursuant to the statutory authority set forth by Section 53.1-68 and Section 53.1-131 of the Code of Virginia, the Board of Corrections will amend and revise its Minimum Standards for Jails and Lockups, which governs the operation of local correctional facilities. The primary basis for amending the regulation is to reorganize and clarify the current language to be more consistent with actual practices in jails and lockups, related to administration, management, programs, services, operations and physical plants.

2. Purpose

The Board of Corrections seeks to amend its current Minimum Standards for Jails and Lockups. Since the adoption of the current regulation in 1995, there have been a significant number of regional jails opened. The supervision of inmates in those facilities, as well as other jails within the Commonwealth, is direct versus linear and the current standards do not address this type of supervision. These standards must be met by successful achievement of specific requirements for facility certification, which assures minimum compliance of jails and lockups throughout the Commonwealth.

3. Substance

The Board of Corrections proposes to amend more than 30 sections of 6 VAC 15-40-10 et seq. The proposed amendments are organizational in nature and will move certain requirements from one section to another and delete repetitive language covered under multiple sections. Additionally, the proposed changes will allow the board to collect all the standards related to one issue under a single section.

4. Issues

The advantages these regulations provide to the public are the assurance of a minimum level of compliance required by all jails and lockups throughout the Commonwealth. Recommendations of the proposed regulatory action will amend internal procedures. These regulations secure the public safety and welfare by enhancing methods of inmate control, while providing flexibility in daily operations and clarifying regulatory requirements for localities and regions.

5. Economic Impact

The proposed regulation will affect 23 regional jails, 66 local jails and 23 lockups in the Commonwealth. There is no estimate of fiscal impact, however anticipated costs are

expected to be minimal and primarily associated with staff time, and variable from locality to locality. The results of the certification, however, impact every person in the Commonwealth in terms of public safety and welfare.

6. Less Burdensome Alternatives

In proposing amendments to the Minimum Standards for Jails and Lockups, the board considered whether there was a less burdensome alternative. The standards need to be in place to comply with statutory requirements and to clarify language. The board believes that failure to adopt these changes will allow outdated requirements to remain in the regulations and block inclusion of new standards that address sound correctional practices.

7. Agency Response to the Impact Analysis

The Board of Corrections and the Department of Correction agree with the impact analysis; specifically that there will be no significant effect on employment or on the use and value of private property.