



Virginia  
Regulatory  
Town Hall

Periodic Review and  
Notice of Intended Regulatory Action  
Agency Background Document

<b>Agency Name:</b>	Board of Corrections
<b>VAC Chapter Number:</b>	6 VAC 15-80-10 et seq.
<b>Regulation Title:</b>	Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities
<b>Action Title:</b>	NOIRA
<b>Date:</b>	March 26, 2001

This information is required pursuant to the Administrative Process Act § 9-6.14:25, Executive Order Twenty-Five (98), and Executive Order Fifty-Eight (99) which outline procedures for periodic review of regulations of agencies within the executive branch. Each existing regulation is to be reviewed at least once every three years and measured against the specific public health, safety, and welfare goals assigned by agencies during the promulgation process.

This form should be used where the agency is planning to amend or repeal an existing regulation and is required to be submitted to the Registrar of Regulations as a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B).

Summary

*Please provide a brief summary of the regulation. There is no need to state each provision; instead give a general description of the regulation and alert the reader to its subject matter and intent.*

This regulation governs the planning, design and construction of local correctional facilities for which state reimbursement of costs is requested pursuant to Sections 53.1-80 through 82 of the Code of Virginia. The standards include, but are not limited to, submission schedules for reimbursement requests; requirements for submission of a Community-Based Corrections Plan; methods of reimbursement; project documentation; design requirements for secure local correctional facilities, community custody facilities and lockups.

## Basis

*Please identify the state and/or federal source of legal authority for the regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. Where applicable, explain where the regulation exceeds the minimum requirements of the state and/or federal mandate.*

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The Office of the Attorney General has certified that the agency has the authority to amend the current regulation. Sections 53.1-5, 53.1-68 and 53.1-80 through 53.1-82.3 of the Code of Virginia require the Board of Corrections to establish minimum standards for the construction, equipment, administration and operation of local correctional facilities along with regulations establishing criteria to assess need, establish priorities, and evaluate requests for reimbursement of construction costs to ensure fair and equitable distribution of state funds provided. Recent change to COV section 53.1-68 calls for clarification of the standards affecting square footage requirements to not exceed accepted national (ACA) standards.

## Public Comment

*Please summarize all public comment received as the result of the Notice of Periodic Review published in the Virginia Register and provide the agency response. Where applicable, describe critical issues or particular areas of concern in the regulation. Also please indicate if an informal advisory group was or will be formed for purposes of assisting in the periodic review or development of a proposal.*

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The Virginia Register of Regulations published the Board of Corrections "Periodic Review of Regulation" for the Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities in Volume 17, Issue 9 (1/15/2001). The initial public comment period extended from January 15, 2001 through February 16, 2001. No public comment was received. The advisory committee responsible for development of the proposed amendments consists of representatives from two regional jails, two sheriff's offices, three Department of Corrections employees, one representative from DCJS, two architects, one correctional consultant and one member from the Central Planning District Commission.

## Effectiveness

*Please provide a description of the specific and measurable goals of the regulation. Detail the effectiveness of the regulation in achieving such goals and the specific reasons the agency has determined that the regulation is essential to protect the health, safety or welfare of citizens. In addition, please indicate whether the regulation is clearly written and easily understandable by the individuals and entities affected.*

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The regulations fulfill the Board's obligation to establish standards that are necessary to provide requirements for both design and construction, as well as reimbursement guidelines, providing easier comprehension by localities which adhere to the regulations, as well as ensuring fair and equitable distribution of state funds provided. The submission of more detailed and specific

information submitted by localities helps to demonstrate that a given project can be completed and operated by the locality in a cost efficient manner. The regulations bring together in one document requirements for design, construction, equipment and reimbursement as well as provide easier comprehension by localities that adhere to the regulations. These standards have and will continue to be arranged in several sections to promote the general organization of the document, thus allowing it to be understandable by the local jurisdictions affected.

**Alternatives**

*Please describe the specific alternatives for achieving the purpose of the existing regulation that have been considered as a part of the periodic review process. This description should include an explanation of why such alternatives were rejected and this regulation reflects the least burdensome alternative available for achieving the purpose of the regulation.*

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Recommendations for changes to this regulation will require amendments promulgated through the Administrative Process Act (APA). No known alternative exists that will effectively enhance clarity, organization and consistency of the standards for localities to follow, however the board will consider alternatives that may be provided during the public comment period.

**Recommendation**

*Please state whether the agency is recommending the regulation be amended or terminated and the reasons such a recommendation is being made.*

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After initial review, both the board and the department recommend amending the regulation.

**Substance**

*Please detail any changes that would be implemented.*

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Several broad areas have been identified as needing revision or inclusion into the standards including: the need to address new technologies, campus style and direct supervision designs; relevant aspects of the Americans with Disabilities Act; revision of housing square footage requirements in accordance with the 2000 General Assembly's amendment and reenactment of COV section 53.1-68 to utilize American Correctional Association housing square footage requirement whenever current standards are in excess of the ACA; updating design and hardware specifications criteria; updating and revising design document requirements; and clarification of areas of the regulation lacking specificity (e.g. prohibition of public routing through security perimeters, requirements for tables/chairs in dayroom areas, separate air exhaust for facility armoirs, etc.)

**Family Impact Statement**

*Please provide a preliminary analysis of the proposed regulatory action that assesses the potential impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

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The contemplated amendments are not expected to have an impact on families.