



Final Regulation 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	5/23/11

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

The current regulations have been in place since June 17, 2002. Probable amendments will include clarification of current standards to include terminology and procedures; extensive modification of chapter definitions; incorporation by reference two model plans (payment of costs associated with prisoner keep; jail prisoner medical treatment programs); the additions of sections to address compliance documentation, Automated External Defibrillator (AED), standards for inmate food service workers, fee for inmate keep, tools, supervisions of inmates, and self-contained breathing apparatus.

Statement of final agency action

The Board of Corrections adopted the final Minimum Standards for Jails and Lockups on May 18, 2011

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 work release, educational, and other rehabilitative programs. Section 53.1-133.01 of the Code of Virginia mandates the Board of Corrections to develop a model plan and develop regulations for jail prisoner medical treatment programs. Section 53.1-131.3 of the Code of Virginia mandates the Board of Corrections to develop a model plan and develop regulations for payment of costs associated with inmate keep.

Purpose

This regulatory action will apply to all local and regional jails and lockups within the Commonwealth. Amendments to existing regulations are intended to enhance and add to the current operational and supervision standards for jails and lockups, for which compliance and Board of Corrections certification is required. The standards consist of minimum rules to ensure local correctional facility adherence to Board of Corrections "life, health and safety standards", to ensure appropriate jail staffing levels, to provide sufficient local jail work release program bed space for the graduated release of state offenders back into society, and to ensure appropriate evaluation of court referrals for participation in Community Facility Programs.

The model plans for jail prisoner medical treatment programs and for the payment of costs associated with inmate keep are specifically mandated by the Code of Virginia.

Substance

6VAC 15-40-5 Compliance Documentation: The elements listed in the compliance documentation shall be interpreted as part of the standards.

6VAC 15-40-10 Definitions: Definitions have been inserted or amended to address the amendments and additions of specific information within the regulation, including "Automated External Defibrillator (AED), Civilian personnel as referenced in 6 VAC 15-40 840, compliance documentation, criminal history record information, disposition as referenced in 6VAC 15-40-910, emergency plant, indigent inmate, material safety data sheet (MSDS), medical co-payment, model plans, recognized certifying agency as referenced in 6VAC 15-40390, and regional jail as defined in COV §53.1-82.

6VAC15-40-110 Serious Incident Reports: Expanding the types of incidents for which serious incident reports are filed, to include erroneous releases, hostage situations and recapture of escapees.

6VAC 15-40-130 Written Grievance Procedure: Adding to existing standards that inmates shall be given a grievance form after exhausting all prerequisites of the grievance procedure.

6VAC 15-40-150 Inmate Exercise: Adding the requirement that facilities with specified exercise areas shall provide inmate exercise a minimum of 1 hour per week, and facilities without specified exercise areas shall provide equipment or an area within the dayroom for inmates to exercise large muscle groups on a daily basis. Shortage of staff shall not hinder inmate access to physical exercise.

6VAC 15-40-170 Written Procedures for Accountability of Inmate Participants: Specifying requirements for verifying an inmates location within the community, by adding the requirement that a minimum of 1 staff-initiated telephone contact per week, a minimum of 1 random field visit per month, or GPS monitoring shall be used.

6VAC 15-40-200 Furlough: §53.1-37 has been deleted, because inmates are no longer furloughed directly from DOC facilities.

6VAC 15-40-250 Participation in Religious Services or Counseling: A sentence added that the constitutional right to pursue any lawful and legitimate religious practice shall be guaranteed to all inmates consistent with maintaining the order and security of the facility.

6VAC 15-40-290 Provisions of Reading Materials: Deleted the requirement that periodicals must not be more than one year old.

6VAC 15-40-320 Licensed Physician: Added that facilities contracting with private medical facilities or vendors shall maintain a current copy of the agreement, unless employed by the facility.

6VAC 15-40-340 Licensing, certification and qualification of Health Care Personnel: Added that each facility shall have a minimum of one licensed or qualified health care provider who is accessible to inmates a minimum of one time per week.

6VAC 15-40-360 Twenty-Four Hour Emergency Medical and Mental Health Care: Added mental Health to this standard.

6VAC 15-40-370 Receiving and Medical Screening of Inmates: Added the requirement that all inmates shall receive a TB skin test within 7 days of admission to the facility

6VAC 15-40-410 Inmate Medical Records: Added that inmate medical records shall be kept separate from other facility records.

6VAC 15-40-420 Transfer of Summaries of Medical Record: Added the requirement that a specific DOC medical summary form transfer with the inmate and that additional pertinent medical information shall accompany the form

6VAC 15-40-440 Medical Care Provided by Personnel Other Than Physician: Adds the requirement that protocols or orders shall be reviewed and signed by the supervising physician every 12 months.

6VAC 15-40-450 Suicide Prevention and Intervention Plan: Adds the requirement that the plan, after initial review and documentation by a medical or mental health authority, be reviewed/documented every 3 years thereafter.

6VAC 15-40-460 Applicability of Medical Treatment Program Standards: Repeals this standard that only applies to facilities that have established a medical treatment program.

6VAC 15-40-480 Set Fees Required: Adds that the fees shall not exceed those fees established by the Board of Corrections in the Model Plan for jail Prisoner Medical Treatment Programs. (Model Plan is incorporated by reference)

6VAC 15-40-545 Standards for Inmate Food Service Workers: This is new and requires written policy, procedure and practice to ensure a visual medical examination of each inmate assigned to food service, which shall occur no more than 30 days prior to assignment and quarterly thereafter. Each inmate shall be given a TB skin test prior to food service assignment and such tests shall be documented. If an inmate tests positive for TB, the inmate shall not be granted assignment to food service.

6VAC 15-40-550 Food Service Program: Adds two additional requirements, 1) RDA evaluation of facility menus shall be completed by an independent registered dietician or certified nutritionist every three years, and 2) Additional evaluations shall be completed when a substantive change in the menu or food service provider occurs.

6VAC 15-40 560 Meals Prepared, Delivered and Served under Direct Supervision of Staff: Adds prepared and delivered.

6VAC 15-40-620 Postage Allowance: Clarifies definition of an indigent inmate as having less than the equivalent of the cost of five first class stamps in his or her account for 15 days.

6VAC 15-40 630 Outgoing and Incoming Mail: Amends the requirement that mail is collected and sent daily except Saturdays, Sundays and holidays, and changes it to collected and sent during normal United States Postal Service days of operation.

6VAC 15-40-650 Notice of Seizure of Mail Contraband: Deletes the requirement that notice be provided to the sender and that the sender shall be allowed to appeal to the facility administrator.

6VAC 15-40-690 Approved Items Visitors May Bring into Facility: Adds the requirement that the list be posted.

6VAC 15-40-720 Inmates Confined to Jail: Adds to the list that written policy, procedure and practice shall address that mattresses shall be provided to inmates.

6VAC 15-40-730 Telephone Calls During the Booking Process: Adds that reasonable accommodations shall be made for non-English speaking inmates, as well as hearing and visually impaired inmates.

6VAC 15-40-740 Requirements for Linen and Towels: Adds the word "Clothing" to the title to more accurately reflect the content of the section

6VAC 15-40-770 Provision of Hygiene Items: Adds the requirement that sanitary napkins shall be provided upon reasonable request to each female inmate assigned to the general population.

6VAC 15-40-790 Inventory of Cash and Personal Property: Adds prohibition against computerized officer identification in lieu of an actual signature.

6VAC 15-40-831 Fee for Inmate Keep: Adds that fees shall be up to, but not to exceed, the fee stated in the Board of Corrections Model Plan for Payment of Costs Associated with Inmate keep, and provides a list of minimum procedures that must be addressed in written policy, procedure and practice.

6VAC 15-40-920 Contraband: Adds that the policy shall be available to inmates via the inmate handbook or orientation.

6VAC 15-40-930 Key and Door Control: Adds that perimeter security door keys shall not be issued to staff unless authorized as per the approved emergency plans.

6VAC 15-40-945 Tools: Adds this section to require that written policy, procedure and practice shall govern the control and use of tools.

6VAC 15-40-950 Flammable, Toxic and Caustic Materials: Adds that inmate access to these materials shall be limited and closely supervised.

6VAC 15-40-980 Restraint Equipment: Adds the requirement that a written protocol be established to monitor inmates in restraint equipment.

6VAC 15-40-1020 Record of Activities in Disciplinary Detention and Administrative Segregation: Adds that documented activities shall include admissions, visits, showers, exercise periods, meals, unusual behavior, mail and release.

6VAC 15-40-1030 Assessment of Inmates in Disciplinary Detention and Administrative Segregation: Adds that if an inmate refuses to be evaluated, the refusal shall be documented.

6VAC 15-40-1040 Staff Training: Deletes the requirements for inmate housing area inspections from this section (information transferred to newly created section 1045 below)

6VAC 15-40-1045 Supervision of Inmates: New section. The requirements remain the same from section 1040 above.

6VAC 15-40-1080 Emergency Plans and Fire Drills: Additional requirement that each facility shall conduct and document quarterly fire drills.

6VAC 15-40-1100 Fire Safety Inspections: Grammatical corrections to title and section content.

6VAC 15-40-1111 Self Contained Breathing Apparatus: Adds this section. If the facility is equipped with one or more self-contained breathing apparatus, security staff shall be trained and quarterly drills shall be conducted and documented.

6VAC 15-40-1150 Vermin and Pest Control: Requires servicing by licensed pest control business or personnel certified by the Virginia Department of Agriculture and consumer Services.

6VAC 15-40-1270 Telephone Calls During the Admissions Process: Adds requirement that reasonable accommodations shall be made for non-English speaking detainees as well as hearing and visually impaired detainees.

6VAC 15-40-1280 Juvenile Detention: Adds requirement that juveniles shall have continuous, direct supervision.

6VAC 15-40-1315 Supervision of Detainees: New section. The requirements remain the same from section 1040 above.

6VAC 15-40-1350 Serious Incident Report: Expands the types of incidents for which serious incident reports are filed, to include erroneous releases, hostage situations and recapture of escapees. Changes initial reporting time from end of the next work day to within 24 hours.

Issues

The primary advantage will be to improve current operational and supervision standards, including life, health and safety, for local and regional jails and lockups. These minimum rules for compliance allow each jurisdiction to know exactly what is expected, and to abide by the standards set forth by the Board of Corrections. The compliance documentation, used as an evaluation tool during annual unannounced inspections for jail compliance with the Board’s life, health, and safety standards, provides objective benchmarks for evaluation. Having safe and secure jails and lockups enhances the safety of communities where these facilities are located.

There are no disadvantages to the public or the Commonwealth.

Changes made since the proposed stage

Section number	Requirement at proposed stage	What has changed	Rationale for change
6VAC15-40-10	Definitions	Clarifies and corrects existing definitions, adds “Security staff”	Necessary to support Chapter.
6VAC15-40-110	Serious Incident Reports	Adds reporting requirement for fires requiring evacuation of inmates	Conformity to DOC reporting requirements
6VAC15-40-170	Inmate Accountability	Specifies calendar week telephone contact frequency	Clarifies contact requirements
6VAC15-40-740	Title: Requirements for Linen and Towels	Adds Clothing	Clarify the intent of the section
6VAC15-40-980	Restraint Equipment	Adds requirement for monitoring inmates in restraint equipment	Ensure safe use of restraint equipment
6VAC15-40-1100	Title: Fire Safety Inspections	Title: Fire Safety Inspection Abbreviation removed	Only one inspection is required per year Simplify section

6VAC15-40-1315	Section Added	Supervision of detainees. All detainee housing areas shall be inspected a minimum of twice per hour at random intervals between inspections. All inspections and unusual incidents shall be documented. No obstructions shall be placed in the bars or windows that would prevent the ability of staff to view detainees or the entire housing area.	Ensure safe operation of detainee housing areas
6VAC15-40-1320	Log of medical activities. A permanent log shall be maintained on all medical findings, diagnoses, treatment, dispositions, prescriptions and administration of medications, as disclosable by the Code of Virginia.	Repeal this section	Requirement removed
6VAC15-40-1330	Addresses general visiting requirements	Address attorney visits only	Clarify attorney access to detainees
6VAC15-40-1350	Serious Incident Reports	Adds reporting requirement for fires requiring evacuation of inmates	Conformity to DOC reporting requirements and 6VAC15-40-110
6VAC15-40-1380	Section Added	Fire Safety Inspection	Conformity to 6VAC15-1100

Public comment

Commenter	Comment	Agency response
Jef Sevenker	6VAC15-40-170, #4: "A minimum of one staff-initiated telephone contact per week, a minimum of one random field visit per month, or GPS monitoring shall be conducted and documented used to verify the inmate's location within the community."	Incorporated
Forex Online Training	Hellow.. Great post i got assential information from it... Now i am fan of your Virginia Regulatory Town Hall... Please share me more about it.. Thanks.	Not Relevant

All changes made in this regulatory action

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change, rationale, and consequences
	6VAC 15-40-5		Compliance documentation shall be

			<p>interpreted as part of the standard. If facility policy exceeds the requirement of the standard, the facility will be held to the content of such policy.</p> <p>Note: Compliance documentation document is incorporated by reference.</p> <p>Compliance documentation is intended to serve as an effective assessment tool compliance and accreditation audits.</p>
6VAC 15-40-10		Definitions	<p>Add "Automated External Defibrillator (AED)" (new standard 6VAC15-40-405)</p> <p>Add "civilian personnel" (re: 6VAC 15-40-840; to address training for non-security staff)</p> <p>Add "Compliance and Accreditation Unit" (DOC unit name change)</p> <p>Add "Compliance documentation" definition for new section 6VAC 15-40-405)</p> <p>Add "correctional status information" (clarify records and data concerning a convicted person's custodial status)</p> <p>Add "criminal history record information" (clarify records and data collected by criminal justice agencies on adult individuals)</p> <p>Add "culinary items" (re 6VAC 15-40-940 distinguishes between "tools" and "culinary items")</p> <p>Add "current" defines as unexpired (updated from proposed)</p> <p>Add "disposition" (re 6VAC 15-40-910; clarifies end result of items found during facility searches)</p> <p>Add "duty post" (clarifies work location in which safety and security of facility and inmates is carried out)</p> <p>Add "educational release"</p> <p>Grammatical changes "emergency plans" and Material Safety Data Sheets"</p> <p>Redefine "policy" and "procedure"</p> <p>Add "security staff"</p>
6VAC 15-40-30		Requires written statement for philosophy, goals and objectives.	Adds requirement to develop policy and require written statement to be reviewed every 12 months by administrative staff.
6VAC 15-40-40		Requires policy and procedures to be available 24 hours per day to all staff, and to be reviewed, and updated as necessary, every 12 months by administrative staff	Changes are in language only, there is no change in current requirements.
6VAC 15-40-60		Requires written annual report of availability of services and programs to inmates and provided to sentencing courts and relevant community	Additional requirement for report to be reviewed by the facility administrator, prior to providing reports. This clarifies who at the facility is responsible for this task.

		agencies.	
6VAC 15-40-90		Requires certain content of personal records of inmates committed to the facility to include data form, court order, classification, disciplinary actions, unusual incidents, work and program records, personal property expenditure records and receipts, victim notification	Adds the requirement for inmates records to be kept confidential, maintained securely and in good order. This requirement ensures privacy and good order of records to facilitates timely access by staff.
6VAC 15-40-100		Requires daily logs to contain certain information to include inmate count and location, intake and release of inmates, entries and exits of physicians, attorneys, ministers, and other non-facility personnel, unusual incidents that result in physical harm or threaten safety.	Adds to this requirement that inmate counts and locations are to be verified with a minimum of one formal count per shift, observing flesh and movement. The requirement enhances accountability and security of the facility.
6VAC 15-40 110		Requires serious incident reports of deaths and escapes to be reported to the DOC local facilities unit or designee, and an initial report to be made within 24 hours and a full report made at the end of the investigation	Increases the list of reportable incidents to include erroneous releases, fires requiring evacuation of inmates, hostage situations, recapture of escapees. Changes the name of "local facilities unit" to "Local Facilities Supervisor of the Compliance and Accreditation Unit". The requirement enhances useful tracking and accountability of reports.
6VAC 15-40-120		Requires written policy procedure and practice to ensure objective classification of inmates.	All requirements remain the same, except it now allows exceptions to these requirements to be documented by methods other than in writing,
6VAC 15-40-130		Requires a written grievance procedure to be developed and made available to all inmates. Sets forth specific information that shall be included in the procedure	All current grievance procedure information remains, and the following requirement is added: "Inmates shall be given a grievance form after exhausting all prerequisites of the grievance procedure".
6VAC 15-40-150		Requires that inmates have access to regular physical exercise.	Replaces "regular" with specific requirements "facilities with specified exercise areas shall provide inmate exercise a minimum of 1 hour per week. Facilities without specified exercise areas shall provide equipment or an area within the dayroom for inmates to exercise large muscle groups on a daily basis. Shortage of staff shall not hinder inmate access to physical exercise.
6VAC 15-40-160		Written procedures for release program eligibility criteria.	Requirements do not change, only updates in terminology
6VAC 15-40-170		Sets forth requirements for minimum procedures to	Adds specific requirements to verify an inmate's location within the community by

		ensure accountability and provide for supervision of inmate participants in the community	adding "a minimum of 1 staff initiated telephone contact per calendar week, and a minimum of 1 random field visit per month" to be conducted and documented.
6VAC 15-40-180		Conditions for offender participation in a work release program	Changes "offender" to "inmate"
6VAC 15-40-190		Conditions for offender participation in educational release or rehabilitation release programs	Changes "offender" to "inmate"
6VAC 15-40-200		Participants in work release, educational release or rehabilitative release programs may be considered for furlough and written procedures shall govern granting furloughs in accordance with COV §53.1-37 and §53.1-132.	Changes "participant" to "inmate participant" And specifies that facility policy will not allow furloughs to exceed three days in length at any one time. Deletes reference to COV §53.1-37, however retains reference to COV §53.1-132. The reason for the deletion is that §53.1-37 refers to state correctional facilities, which this regulation does not cover.
6VAC 15-40-210		Earnings.	No change in content. Changes "participant" to "inmate participant"
6VAC 15-40-220		Removing participants from program.	No change in content. Changes "participant" to "inmate participant".
6VAC 15-40-230		Written agreement to director.	No change in content. Adds that agreement may be with the director or a "designee".
6VAC 15-40-240		Offender participation work release, educational release or rehabilitation release programs in compliance with appropriate criteria and approval	Amends "Department of Corrections work release criteria" to "appropriate criteria set forth by the Department of Corrections", because the DOC no longer offers work release to inmates in state correctional facilities.
6VAC 15-40-250		Requires facility to allow inmates to participate voluntarily in available religious services or counseling of their choice during scheduled hours at	Adds that "the constitutional right to pursue any lawful and legitimate religious practice shall be guaranteed to all inmates consistent with maintaining the order and security of the facility."
6VAC 15-40-280		Availability and administration of educational services. Last sentence states "The facility administrator shall coordinate and cooperate with local authorities for the provision of local community services and resources utilized for this purpose, where they are available".	Amends the last sentence to read "The facility administrator shall coordinate with local authorities for the provision of community services and resources utilized for this purpose, where available."
6VAC 15-40-290		States that the facility shall provide reading materials that include current periodicals (not more than one year old).	Amends the sentence to "the facility shall provide reading materials that include current periodicals."
6VAC 15-		Permission of reading	No content change. Changes "jail" to

40-300		materials	“facility”
6VAC 15-40-320		Requires a licensed physician to supervise the facility’s medical and health care services.	Retains current content and adds “Facilities that contract with private medical facilities or vendors shall maintain a current copy of the agreement, unless employed by the facility.”
6VAC 15-40-330		Restrictions on physician	No content change. Grammatical change.
6VAC 15-40-340		Licensing and certification of health care personnel.	Amends this section to “licensing, certification and qualification of health care personnel. Adds “ Each facility shall have a minimum of one licensed or qualified health care provider who is accessible to inmates a minimum of one time per week”
6VAC 15-40-360		Twenty four hour emergency medical care	Retains current content and adds mental health care
6VAC 15-40-370		Requires the facility to provide receiving and medical screening to be performed on all inmates upon admission to the facility	Retains current content and adds the additional requirement that all inmates shall receive a Tuberculosis (TB) skin test within 7 days of admission to the facility.
6VAC 15-40-380		Inmate access to medical services	Change “can” to “shall”
6VAC15-40-390		Requires all certified security staff to be trained and competent in rendering basic first aid and CPR	Deletes “certified”. Continues to require all security staff to be trained.
6VAC 15-40-393		Requires all regularly assigned facility staff to be trained, competent and knowledgeable in the use of universal precautions.	Deletes “regularly assigned facility”, and the sentence now reads “All staff who have contact with inmates” to be trained.
6VAC 15-40-395		Management of sharps.	All content remains the same. Changes “lancers” to “lancets”
6VAC 15-40-400		Requires management of pharmaceuticals to be established and approved by the facility’s physician or pharmacist. Requires 12 month review by medical authority.	Changes “facility’s physician or pharmacist” to “medical authority and/or pharmacist”. Continues to require 12 month review by medical authority, and adds review by pharmacist.
	6VAC 15-40-405		There shall be a minimum of one AED unit available in the facility. All security staff shall receive training in the operation of the unit. This requirement provides for enhanced First Aid during a crisis medical situation
6VAC 15-40-410		Requires inmate medical records to include completed screening form and all findings, diagnoses, treatment, dispositions, prescriptions and administrations of medication	Retains all current requirements and further requires that inmate medical records be kept separate from other facility records.
6VAC 15-40-420		Requires summaries of medical records to be	Retains current requirement and requires the completion of a DOC Form 726-B, as well as

		forwarded to the facility to which the inmate is transferred.	pertinent lab work, x-rays, etc. to accompany transfer.
6VAC 15-40-440		Medical care provided by personnel other than physician shall be pursuant to a written protocol or order.	Retains current requirement and adds requirement for protocols or orders to be reviewed and signed by the supervising physician every 12 months.
6VAC 15-40-450		Requires a written suicide prevention and intervention plan, and that the plan be reviewed and documented by an appropriate medical or mental health authority prior to implementation and reviewed every 12 months.	Changes the medical or mental health authority review to every 3 years after implementation, and requires staff having contact with inmates to review every 12 months.
6VAC 15-40-460		States that these standards apply on to facilities that have established a medical treatment program in which prisoners pay a portion of the costs per §53.1-133.01	Repeals this section and incorporates this information into 6VAC 15-40-480 (below)
6VAC 15-40-480		Requires inmate payment for medical services to be in accordance with set fees based on a portion of the costs of services.	Now states "Inmate payment for medical services shall be up to, but not exceed those fees established by the Board of Corrections in the Model Plan for Jail Prisoner Medical Treatment Programs per §53.1-133.01 Code of Virginia". (note: Model Plan is incorporated by reference_)
6VAC 15-40-520		Acknowledgement in writing	No content change. Changes "service" to "services"
	6VAC 15-40-545		Written policy, procedure and practice shall ensure a visual medical examination of each inmate assigned to food service occurs no more than 30 days prior to assignment and quarterly thereafter. Each inmate shall be given a TB skin test prior to food service assignment. Such tests shall be documented. In an inmate tests positive for TB, that inmate shall not be granted assignment to food service This requirement safeguards against the spread of communicable diseases.
6VAC 15-40-550		Food service program	Retains current requirements and adds requirement for RDA evaluation of facility menus to be completed by an independent registered dietician or certified nutritionist every three years; and for evaluations to be completed when a substantive change in the menu or food service provider occurs.
6VAC 15-40-560		Meals served under direct supervision of staff	Add requirement for policy procedure and practice to include preparation and delivery to service of meals.
6VAC 15-40-600		Correspondence privileges	No content change. Splits on sentence into two for grammatical clarification
6VAC 15-		Volume and content of	No content change. Changes "letter mail" to

40-610		inmate mail	"mail"
6VAC 15-40-620		Requires jail/lockup to provide limited free postage to an indigent inmate as defined by the local jail policy.	Deletes "indigent inmate (as defined by local jail policy)" and changes to "indigent inmate shall be defined as having less than the equivalent of the cost of five first class stamps in his or her account for 15 days".
6VAC 15-40-640		Incoming General Correspondence. Requires incoming general correspondence to be opened, searched and maybe read by authorized staff where there is a reasonable suspicion that a particular item threatens the safety and security of the facility, any person or furthers illegal activities; and that incoming legal correspondence shall be opened and searched in the presence of the inmate.	Changes the title to "General and legal correspondence". Deletes current wording and changes to "All general correspondence may be opened, examined and censored by authorized personnel, as per the USPS Administrative Support Manual, Section 274.96. All legal correspondence shall be opened and searched in the presence of the inmate."
6VAC 15-40-650		Requires notice of a seizure of mail contraband be given to the inmate and the sender with reason for seizure in writing. The sender shall be allowed to appeal to the facility administrator or designee. Unless needed for a criminal investigation or prosecution, property that can legally be possessed outside the facility shall be stored, returned to sender or destroyed.	Retains most of current requirement, except that it deletes requirement to provide notice to the sender or allows the sender to appeal the seizure.
6VAC 15-40-660		Access and expense of telephone facilities	Retains current language. Changes title to "Access to telephone facilities"
6VAC 15-40-670		Delivery of emergency messages to inmates	Regains current requirement. Changes "recorded" to "documented"
6VAC 15-40-690		Requires the facility to maintain a list of approved items that visitors may bring into the facility	Retains current requirement and adds that the list must be posted.
6VAC 15-40-710		Admitting individuals into jail.	Retains current requirement. Grammatical change only.
6VAC 15-40-720		Requires that policy, procedure and practice address the following: shower/search; issue of clean clothing/hygiene items/linen; classification and housing assignment; orientation	Retains current requirement and adds to the list "mattresses shall be provided"

6VAC 15-40-730		Requires that newly admitted inmates who are physically capable be permitted to complete at least two local or long-distance telephone calls during the booking process	Retains current requirement and adds "reasonable accommodations shall be made for non-English speaking inmates, as well as hearing and visually impaired inmates"
6VAC 15-40-740		Requirements for linens and towels	Retains current requirements. Grammatical changes only.
6VAC 15-40-760		Requires sufficient hot and cold water for bathing and that inmates shall be required to bathe twice a week.	Changes "required" to "allowed"
6VAC 15-40-770		Provision of hygiene articles.	Changes title to "Provision of hygiene items" Adds "sanitary napkins shall be provided upon reasonable request to each female inmate assigned to the general population?"
6VAC 15-40-780		Items inmates may retain.	Grammatical change only
6VAC 15-40-790		Requires a written itemized inventory of cash and personal property of each inmate to be made at the time of initial booking and that a copy signed by staff and inmate shall be furnished to the inmate.	Retains current requirement and adds that "computerized officer identification shall not substitute for a signature"
6VAC 15-40-800		Accounting of inmate expenditures and receipts of money	Grammatical change only
6VAC 15-40-810		Requires inmate property and funds to be returned upon release or transfer and a written receipt provided to the inmate when practical.	Retains requirement, but deleted "when practical"
6VAC 15-40-820		Conduct.	Grammatical change only
6VAC 15-40-830		Requires initially assigned inmates to be informed of receive and sign for a copy of the inmates rules of conduct, including sanctions; and policy and procedures governing inmate discipline	Changes "upon initial assignment " to "upon housing assignment"
	6VAC 15-40-831		If the facility has elected to establish a program to charge a fee for inmate keep, such fee shall be up to, but not to exceed, the fee stated in the Board of Corrections Model Plan for Payment of Costs Associated With Inmate Keep per §53.1-131.3 Code of Virginia. Written policy, procedure and practice shall include, at a minimum, the following: 1. The facility shall notify the

			inmate of such fee in writing upon admission/orientation; 2. Payment and refund procedures; 3. Accounting procedures; 4. Which, if any, inmates are exempt; 5. If the release date and the date of arrival are within 24 hours, the inmate shall be charged only the equivalent of one day's fee; and 6. Whenever an inmate has been charged the fee, the deduction shall be reflected on the inmate's account. Authorized by the Code of VA.
6VAC 15-40-833		Discipline	Retains current requirement. Grammatical change only
6VAC 15-40-835		Sanctions	Retains current requirement. Grammatical change only
6VAC 15-40-840		Post to control security of jail. Allows main facility control posts to be staffed by civilian personnel who have been provided on-the-job training in facility security procedures and emergency plans	Retains current requirements and adds "communications" to training requirement
6VAC 15-40-870		Requires policy and practice for security, storage and use of firearms, ammunition, chemical agents, and related security devices	Retains current requirement and clarifies that this section covers security devices "that are stored in and assigned to the facility"
6VAC 15-40-880		Requires policy and procedures to specify the conditions under which an officer can enter a security cell or cell block.	Retains current requirement and adds "...can enter a security cell or cell block during an emergency situation"
6VAC 15-40-910		Searches of facility and inmates	Retains current requirement and adds "A schedule of searches shall be developed to ensure all housing areas of the facility have been searched on a random, but at least quarterly, basis."
6VAC 15-40-920		Policy for searches of contraband. The facility shall post the policy regarding searches for the control of contraband or otherwise make it available to staff and inmates.	Changes title to "Contraband". Changes section to read "The facility shall have a policy regarding the control of contraband. The policy shall be available to inmates via the inmate handbook or orientation.
6VAC 15-40-930		Requires policy, procedure and practice to govern key and door control.	Retains current requirement and adds "Perimeter security door keys shall not be issued to staff unless authorized as per the approved emergency plans.
6VAC 15-40-940		Tools and culinary items.	Changes title to "Culinary Items". Deletes reference to "tools" in section. (note: new section (945) created for tools)
	6VAC 15-40-945		Tools. Written policy, procedure and practice shall govern the control and use of tools.

			This is an existing requirement. A new section was created to address this subject separately.
6VAC 15-40-950		Flammable, toxic and caustic materials.	Retains current requirement and adds "Inmate access shall be limited and closely supervised"
6VAC 15-40-960		Written post orders or position descriptions shall clearly describe the functions of each duty post in the facility and include copies in the policy and procedures manual.	Changes section to read "Each duty post or position shall maintain a clear description of the functions of that duty post or position. A copy of the post orders shall be readily available."
6VAC 15-40-970		Restriction of physical force	Retains current requirement and clarifies that written incident reports shall be submitted to the "facility administrator or designee"
6VAC15-40-980		Restraint equipment	Retains current requirement and adds the requirement for monitoring of inmates in restraint equipment.
6VAC 15-40-1000		Physical living conditions for disciplinary detention and administrative segregation.	Retains current requirement. Changes "general inmate population" to "general population"
6VAC 15-40-1010		Mental Health Inmates.	Grammatical change only.
6VAC 15-40-1020		Requires policy procedure and practice to ensure that a record is kept of scheduled activities in disciplinary detention and administrative segregation units.	Retains current requirement and adds "documented activities shall include the following: admissions, visits, showers, exercise periods, meals, unusual behavior, mail and release."
6VAC 15-40-1030		Assessment of inmate in administrative segregation or disciplinary detention.	Change title to "Assessment of inmates in disciplinary detention administrative segregation" Retain current requirement and adds "If an inmate refuses to be evaluated, such refusal shall be documented"
6VAC 15-40-1040		Supervision of inmates. The facility shall provide for 24 hour supervision of all inmates by trained personnel. All inmate housing areas shall be inspected a minimum of twice per hour at random intervals between inspections All inspection and unusual incidents shall be documented. No obstructions shall be placed in the bars or windows that would prevent the ability of jail staff to view inmates or the entire housing area.	Deletes: "All inmate housing areas shall be inspected a minimum of twice per hour at random intervals between inspections All inspection and unusual incidents shall be documented. No obstructions shall be placed in the bars or windows that would prevent the ability of jail staff to view inmates or the entire housing area" (note: A new section (1045) was created to address this. See below)
	6VAC 15-40-1045		Supervision of inmates. All inmate housing areas shall be inspected a minimum of twice per hour at random intervals between

			inspections. All inspections and unusual incidents shall be documented. No obstructions shall be placed in the bars or windows that would prevent the ability of staff to view inmates or the entire housing area. This is an existing requirement. A new section was created to address this subject separately.
6VAC 15-40-1050		Institution inspection. Supervisory staff shall inspect the institution daily. Such inspections shall be documented. Unusual findings shall be indicated in writing and submitted to the senior supervisor on duty for review.	Title changed to "Supervisory inspection". Section changed to "Supervisory staff shall conduct a general, daily inspection of the facility. Such inspections shall be documented. Unusual findings shall be documented and submitted to the senior supervisor, or designee, on duty for review."
6VAC 15-40-1080		Emergency Situations. Requires emergency plans to include responses to fire, chemical release, loss of utilities, natural disaster, taking of hostages, riots, disturbances, escape, bomb threats and mass arrest.	Changes title to "Emergency plans and fire drills." Changes sentence to read: "emergency plans shall include responses in the event of fire, hazardous material release, loss of utilities, natural disaster, hostage situations, riots, disturbances, escapes, bomb threats and mass arrest". Adds sentence "Each facility shall conduct and document quarterly fire drills"
6VAC 15-40-1090		Release of inmate	Grammatical change only.
6VAC 15-40-1100		Fire safety inspections	Changes Title to Fire Safety Inspection. Retains current requirement. Changes "Office of the State Fire Marshal" to "State Fire Marshal's Office"
	6VAC 15-40-1111		Self-contained breathing apparatus. If the facility is equipped with one or more self-contained breathing apparatus, security staff shall be trained and quarterly drills shall be conducted and documented in the use of this equipment. This requirement provides for enhanced first response to emergency situations.
6VAC 15-40-1150		Vermin and pest control. Requires the facility to be services for pest control at least quarterly by professional pest control personnel certified by the VA Pesticide Control Board.	Changes "professional pest control personnel certified by the Virginia Pesticide Control Board", to "a licensed pest control business or personnel certified by the Virginia Department of Agriculture and Consumer Services"
6VAC 15-40-1160		Appropriate lighting and heating.	Format change only.
6VAC 15-40-1180		Special purpose area.	Grammatical change only.
6VAC 15-40-1193		Separation of juveniles.	Retains current content. Changes "prisoners" to "inmates"

6VAC 15-40-1195		Contact with juveniles.	Retains current content. Changes "persons" to "employees"
6VAC 15-40-1210		Responsibility. The chief of police, town sergeant, or in case of a county's operating a lockup, the sheriff shall be responsible for seeing that the lockup is operated in full conformity with this chapter.	Changes section to read "the chief of police, or the sheriff shall be responsible for ensuring the lockup is operated in full conformity with this chapter."
6VAC 15-40-1220		Coverage. When the lockup is occupied, at least one employee shall be on duty at the lockup at all times.	Changes section to read: "When the lockup is occupied, at least one employee shall be present at all times."
6VAC 15-40-1240		Inspection requirements. Weekly inspections shall be made and recorded of bars, locks and all security devices. Weekly inspections shall be documented.	Changes section to read: "Weekly inspections shall be conducted and documented of bars, locks and all security devices."
6VAC 15-40-1250		Commitment and release. A written record shall be maintained to include name, date and time of commitment and release of all detainees confined in the lockup.	Changes section to read: "A written record shall be maintained of all detainees confined in the lock-up. The written record shall include name, date and times of commitment and release."
6VAC 15-40-1260		Property. Requires inventory and control of detainee property.	Changes title to "Property and funds". Adds "...and funds" to section
6VAC 15-40-1270		Telephone. Requires policy procedure and practice to specify that newly admitted inmates who are physically capable to complete at least two local or long distance telephone calls during the admissions process.	Changes title to "Telephone calls during the admissions process". Retains current requirement. Changes "inmates" to "detainees". Adds sentence "reasonable accommodations shall be made for non-English speaking detainees as well as hearing and visually impaired detainees."
6VAC 15-40-1280		Requires lockup to detain juveniles in compliance with §16.1-249.	Retains current requirement and adds "and shall include continuous, direct supervision"
6VAC 15-40-1300		Protection of inmates.	Changes title to "Protection of detainees". Changes "inmates" to "detainees" in section.
6VAC 15-40-1310		Emergency medical and mental health care.	Retains current requirement. Grammatical change only.
	6VAC15-40-1315		Supervision of detainees. All detainee housing areas shall be inspected a minimum of twice per hour at random intervals between inspections. All inspections and unusual incidents shall be documented. No obstructions shall be placed in the bars or windows that would prevent the ability of staff to view detainees or the entire housing area. This is an existing requirement. A new section was created to address this subject

			separately.
6VAC15-40-1320		Log of Medical Activities	Repeals this section as not required
6VAC 15-40-1330		Visiting	Changes title to "Attorney Visits" removes requirements related to other visits.
6VAC 15-40-1340		Inmate control	Changes title to "Detainee control". In section changes "teargas, chemical mace, or similar devices" to "chemical agents". Allows for use when there is an imminent threat of physical injury "or property damage"
6VAC 15-40-1350		Requires serious incident reports of deaths and escapes to be reported to the DOC local facilities unit or designee, and an initial report to be made within 24 hours and a full report made at the end of the investigation	Changes title to "Serious incident report". Increases the list of reportable incidents to include erroneous releases, fires requiring evacuation of detainees, hostage situations, recapture of escapees. Changes the name of "local facilities unit" to "Local Facilities Supervisor of the Compliance and Accreditation Unit". The requirement enhances useful tracking and accountability of reports.
6VAC 15-40-1360		Inmate Cleanliness.	Changes title to "Detainee cleanliness"
	6VAC15-40-1380		Adds requirement for fire safety inspection consistent with 6VAC15-40-1100

Enter any other statement here

Regulatory flexibility analysis

None of the facilities that are governed by these regulations would be considered small businesses. The regulations provide some requirements for specific local and regional jails and lockups, however many of the regulations require the jails/lockups to develop policies and procedures, and to implement practices accordingly within the facilities.

Family impact

These regulations govern internal operations and management of local and regional jails and lockups, and do not have a direct impact on the family unit. Indirectly, several standards may impact an inmate's family such as the requirement that the facility have a posted list of approved items that visitors may bring into the facility and that items brought into the facility by visitors for inmates are subject to inspection and approval; that written policy, procedure and practice ensure that emergency messages to inmates are delivered promptly and are documented; that written policy, procedure and practice ensure inmates have reasonable access to telephone facilities, except where safety and security considerations are documented; and that written policy, procedure and practice ensure that all inmates, regardless of their jail status, be afforded the same correspondence privileges and that the privileges are not be withdrawn as punishment.