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Regulatory
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Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Department of Corrections
Virginia Administrative Code (VAC) citation	6 VAC 15-80
Regulation title	Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities
Action title	Review and revise as necessary 6 VAC 15-80 <i>Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities</i>
Date this document prepared	1/27/2009

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

This regulation governs the planning, design, construction and reimbursement 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: design requirements for secure local correctional facilities, community custody facilities and lockups; submission schedules for reviews, reimbursement requests; requirements for submission of a Community-Based Corrections Plans and Planning Study; methods of reimbursement; project documentation;

Legal basis

In accordance with §2.2-4007.01. of the Code of Virginia, the Board of Corrections seeks to amend existing *Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities*. Sections 53.1-5, 53.1-68 and 53.1-80 through 53.1-82.3 of the Code of Virginia require the Board to establish minimum standards for the construction, equipment, administration and operation of local correctional facilities. Amendments will impact assessment of needs, establishment of priorities, evaluation of requests for reimbursement of construction costs to ensure fair and equitable distribution of State funds provided.

Need

The Standards fulfill the Board's obligation to establish requirements for planning, design and construction of local and regional correctional facilities, as well as reimbursement guidelines. The revised regulations will provide for easier comprehension by those localities directly affected, and ensure fair and equitable distribution of state funds provided. These regulations bring together in one document requirements for planning, design, construction, equipment and reimbursement, as well as provide easier comprehension by localities that adhere to the regulations, through document organization.

Substance

Several subject areas have been identified for revision or addition to the Standards, including but not limited to the need to address new technologies; direct supervision designs; updating design and hardware specifications criteria; updating and revising design document requirements; and clarification of areas of the Standards lacking specificity or clarity (e.g. prohibition of public routing through security perimeters, requirements for tables/chairs in dayroom areas, separate air exhaust for facility armoires, ceiling heights, allowed materials, etc.)

Alternatives

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.

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 Brooks Ballard, *Architectural & Engineering Services*, 6900 Atmore Drive, Richmond, VA 23225, Telephone: 804-674-3102, Fax: 804-674-3529 and Brooks.ballard@vadoc.virginia.gov. 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.

A public hearing will not be held.

Participatory approach

The Board of Corrections will use a participatory approach to develop a proposal if it receives at least 25 written requests prior to the end of the public comment period. Persons requesting a participatory approach and interested in assisting in the development of a proposal should notify the Department contact by the end of the comment period and provide their name, address, phone number, email address and their organization (if any). Notification of the composition of an advisory committee will be sent to all applicants.

Family impact

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