

CHAPTER 40 MINIMUM STANDARDS FOR JAILS AND LOCKUPS

**PART I.
GENERAL PROVISIONS.****6VAC15-40-10. Definitions.**

The following words and terms when used in this chapter shall have the following meaning unless the context clearly indicates otherwise:

"Administrative segregation" means a form of separation from the general population when the continued presence of the inmate in the general population would pose a serious threat to life, property, self, staff or other inmates, or to the security or orderly running of the institution. Inmates pending investigation for trial on a criminal act or pending transfer can also be included.

"Annually" means an action performed each calendar year.

"Appeal" means the procedure for review of an action by a higher authority.

"Audit" means the determination of facility compliance with standards through an examination of records and operations by a team of qualified professionals.

"Certification" means an official approval by the Board of Corrections that allows a facility to operate.

"Chief executive" means the elected or appointed individual who, by law or position, has the overall responsibility for the facility's administration and operation.

"Classification" means the process for determining inmate housing, custody and program assignments.

"Communication system" means a mechanical audio transmission such as telephone, intercom, walkie-talkie or T.V. monitor.

"Contraband" means any item possessed by inmates or found within the jail or lockup that is illegal by law or not specifically approved for inmate possession by the administrator of the facility.

"Daily log" means a written or electronic record for the recording of daily activities or unusual incidents.

"Department" means the Department of Corrections.

"Detainee" means any person confined but not serving a sentence.

"Director" means the Director of the Department of Corrections.

"Disciplinary detention" means the separation of an inmate from the general population for misconduct and/or violations of regulations.

"Facility" means the actual physical setting in which a program or agency functions.

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"Fire prevention practices and emergency plans" mean the activities and written procedures utilized and rehearsed to ensure the safety of staff, inmates and public.

"Fire safety inspection" means an inspection conducted by the Office of State Fire Marshal or local fire department.

"Good time" means earned credits that will reduce an inmate's time served.

"Grievance procedure" means the method by which inmates may formally address complaints to the facility administration.

"Health care personnel" means individuals whose primary duties are to provide health services to inmates.

"Health inspection" means an inspection conducted by the local or State Department of Health.

"Impartial officer or committee" means individual(s) who are unbiased and are not directly involved in the particular incident or situation being reviewed.

"Inmate handbook" means a manual, pamphlet or handout that contains information describing inmate activities and conduct.

"Inmate records" means written or electronic information concerning the individual's personal, criminal and medical history, behavior and activities while in custody.

"Juvenile" means a person less than 18 years of age who is not adjudicated as an adult.

"Legal mail" means mail addressed to or received from an attorney or court.

"Local offender" means an individual who has a conviction but who is not a state offender in accordance with §53.1-20 of the Code of Virginia.

"Lockup" means a temporary detention facility where detainees are held for not more than 12 hours.

"Medical authority" means physician or nurse.

"Medical screening" means an observation and interview process within the booking procedure designed to obtain pertinent information regarding an individual's medical or mental health condition.

"Permanent record" means a written or electronic record of a facility's activities that cannot be altered or destroyed subject to state law.

"Pharmaceuticals" means prescription and non-prescription drugs.

"Policy and procedures manual" means a written or electronic record containing all policies and procedures needed for the operation of the facility in accordance with the law and the minimum standards for local jails and lockups.

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"Post order" means a list of specific job functions and responsibilities required of each duty position.

"Program" means the plan or system through which a correctional agency works to meet its goals; often the program requires a distinct physical setting.

"Protective custody" means a form of separation from the general population for inmates requesting or requiring protection from other inmates.

"Quarterly" means an action that occurs once every three months within a calendar year.

"Recreational activities" means any out-of-cell activity ranging from scheduled outside or inside recreation to informal tabletop games.

"State offender" means an individual sentenced to a term of incarceration in accordance with Section 53.1-20 of the Code of Virginia. For the purpose of 6VAC 15-40-230 and 6 VAC 15-40-240 relative to work release, educational release or rehabilitative release, a state offender shall be defined in terms of the intake schedule pursuant to §53.1-20 of the Code of Virginia.

"Universal precautions" means a set of procedural directives and guidelines detailing placing barriers between staff and all blood and body fluids. These directives include provision of protective barrier devices, standardized labeling of biohazards, mandatory training of employees in universal precautions, management of exposure incidents, and availability to employees of immunization against Hepatitis B.

"Volunteer" means an individual who provides services to the detention facility without compensation.

"Work day" means Monday through Friday.

6VAC15-40-20. Responsibility.

The primary responsibility for application of these standards shall be with the sheriff or chief executive officer of the jail or lockup.

**PART II.
JAIL ADMINISTRATION.****6VAC15-40-30. Requirement for written statement.**

The facility shall have a written statement discussing its philosophy, goals and objectives.

6VAC15-40-40. Policy and procedures manual.

Written policy and procedures shall be maintained and shall be available 24 hours a day to all staff. The facility's policies and procedures shall be reviewed every 12 months by the administration and updated to keep current with changes.

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6VAC15-40-50. Chief executive officer.

Written policy shall provide that each facility shall be headed by a single chief executive officer to whom all employees and functional units are responsible.

6VAC15-40-60. Annual report.

A written annual report of the availability of services and programs to inmates in a facility shall be reviewed and provided to the sentencing courts and may be provided to relevant community agencies.

**PART III.
GENERAL ADMINISTRATION AND MANAGEMENT.**

6VAC15-40-70. Release of information.

Written policies and procedures covering the release of information shall be developed in accordance with the Regulations Relating to Criminal History Record Information Use and Security (6VAC20-120-10 et seq.), as promulgated by the Criminal Justice Services Board.

6VAC15-40-80. Current and accurate inmate records.

Written policy, procedure and practice shall ensure that inmate records are current and accurate.

6VAC 15-40-90. Content of personal inmate records.

Personal records shall be maintained on all inmates committed or assigned to the facility. These records shall contain, but not be limited to:

1. Inmate data form;
2. Commitment form or court order, or both;
3. Records developed as a result of classification;
4. All disciplinary actions, or unusual incidents;
5. Work record and program involvement; and
6. Copies of inmates' property expenditure records and receipts.
7. Victim notification when required.

6VAC15-40-100. Daily logs.

The facility shall maintain a daily log(s) that records the following information:

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1. Inmate count and location;
2. Intake and release of inmates;
3. Entries and exits of physicians, attorneys, ministers, and other non-facility personnel;
4. Any unusual incidents such as those that result in physical harm to or threaten the safety of any person, or the security of the facility.

6VAC15-40-110. Serious incident report.

A report setting forth in detail the pertinent facts of deaths, escapes, and discharging firearms shall be reported to the Local Facilities Unit, Department of Corrections, or designee. The initial report should be made within 24 hours with a full report submitted at the end of the investigation.

6VAC15-40-120. Classification.

A. Written policy, procedure and practice shall ensure the following:

1. Classification of inmates as to level of housing assignment and participation in correctional programs;
2. Separate living quarters for males, females, and juveniles;
3. Inmates are not segregated by race, color, creed or national origin;
4. Security permitting, equal access to all programs and activities, through separate scheduling, or other utilization of combined programs under supervision; and
5. Any exception to the above to be documented in writing.

B. If the facility is using objective classification, then the following shall be followed:

1. Classification is conducted upon intake and prior to final housing assignment;
2. Classification determines the custody level and housing assignment;
3. Classification is conducted through prisoner interviews and the use of data collection instruments or forms, which are maintained on file;
4. Classification instruments enable objective evaluation and/or scoring of:
 - a. Current offenses
 - b. Prior convictions
 - c. History of assaultive behavior
 - d. Escape history
 - e. Prior institutional adjustment
 - f. Court status and pending charges
 - g. Mental health or medical treatment history or needs
 - h. Identified stability factors

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5. The classification system includes administrative review of decisions; periodic reclassifications and override procedures, that are documented and maintained on file;

6. The classification system addresses both the potential security risks posed and treatment needs of the inmate;

7. Male, female and juvenile inmates are housed separately;

8. Inmates are not segregated by race, color, creed or national origin.

6VAC15-40-130. Written grievance procedure.

A written grievance procedure shall be developed and made available to all inmates with the following elements:

1. Grievance shall be responded to within nine work days of receipt;
2. Written responses including the reason for the decision shall be made to all grievances;
3. A review shall be made by someone not directly involved in the grievance;
4. All inmates shall have access to the procedures with guaranty against reprisal; and
5. All inmates shall be afforded the opportunity to appeal the decision.

**PART IV.
PROGRAMS AND SERVICES.**

6VAC15-40-140. Awareness of programs.

The facility administrator or designee shall make each inmate aware of available programs.

6VAC15-40-150. Inmate exercise.

Written policy, procedure and practice shall provide that all inmates have access to regular physical exercise. Any exception shall be documented in writing.

6VAC15-40-155. Access to recreational activities.

Written policy, procedure and practice shall provide inmates access to recreational activities.

6VAC15-40-160. Written procedures for release program eligibility criteria.

Written procedures outlining the eligibility criteria for participation in a work release, educational release, electronic monitoring, or rehabilitation release program shall be developed by each facility with a work release, educational release, electronic monitoring or rehabilitation

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program. Offenders shall meet the established eligibility requirements prior to being released to participate in the program.

6VAC15-40-170. Written procedures for accountability of participants.

Written procedures shall ensure the accountability of participants and provide for supervision in the community. Such procedures shall include at a minimum:

1. Provisions for a daily inmate count;
2. Methods for determining and identifying inmates who are authorized to leave the facility;
3. Provisions for a controlled sign-out and sign-in process; and
4. Methods of verifying the inmate's location within the community, both by telephone and random field visits.

6VAC15-40-180. Conditions for offender participation in a work release program.

Offender participation in a work release program shall conform to the following specific conditions unless ordered otherwise by an appropriate court.

1. Participation by the inmate shall be on a voluntary basis;
2. The following conditions shall be met where the employer has a federal contract.
 - a. Representatives of local union central bodies or similar labor union organizations shall have been consulted;
 - b. Employment shall not result in the displacement of employed workers, or be applied in skills, crafts or trades in which there is a surplus of available gainful labor in the locality, or impair existing contracts for services; and
 - c. Rates of pay and other conditions of employment shall not be less than those paid or provided for work of a similar nature in the locality in which the work is being performed.

6VAC15-40-190. Conditions for offender participation in educational release or rehabilitative release program.

Offender participation in an educational release or rehabilitative release program shall conform to the following specific conditions unless ordered otherwise by an appropriate court.

1. Participation by the inmate may be voluntary or court ordered;
2. Meetings or classes shall be on a regularly scheduled basis; and
3. Other conditions shall not be more restrictive on the offender than those required by other participants.

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6VAC15-40-200. Furlough.

Participants in the work release, educational release or rehabilitative release programs may be considered for furlough. Written procedures shall govern the granting of furloughs, in accordance with the provisions of §53.1-37 and 53.1-132 of the Code of Virginia.

6VAC15-40-210. Earnings.

Written procedures shall be developed to ensure the accountability of all earnings received, disbursed, to whom and reason on behalf of the participant. Procedures shall be in accordance with §53.1-131 of the Code of Virginia.

6VAC15-40-220. Removing participants from program.

Written procedures shall establish the criteria and process for removing a participant from the program.

1. Procedures shall include provisions for an impartial hearing for the participant.
2. Procedures shall include provisions for the appeal of the removal.
3. Documentation shall reflect that this information was explained to all participants when they were assigned to the program.

6VAC15-40-230. Written agreement with director.

Each facility having a work release, educational release or rehabilitation release program that includes state offenders as defined in §53.1-20 of the Code of Virginia shall have a written agreement with the director.

6VAC15-40-240. Offender participation in compliance with appropriate criteria and approval.

State offenders assigned to a work release, educational release or rehabilitation release program shall meet the Department of Corrections work release criteria and be approved by the department's Central Classification Board and the department's management review process pursuant to a written agreement as provided for in accordance with §53.1-131 of the Code of Virginia.

6VAC15-40-250. Participation in religious services or counseling.

Written policy procedure and practice shall allow inmates to participate voluntarily in available religious services or counseling of their choice during scheduled hours within the facility.

6VAC15-40-260. Social services and volunteer programs.

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Where volunteers provide direct services to inmates in the facility written policies and procedures shall describe each available service or program. The facility shall secure and support available social services and volunteer programs from the community.

6VAC15-40-270. Coordination of volunteer program.

The volunteer program shall be coordinated and administered in accordance with written policies and procedures. Each volunteer shall sign a statement agreeing to abide by facility rules and regulations.

6VAC15-40-280. Availability and administration of educational services.

Written policy, procedure and practice shall govern the availability and administration of educational services for inmates, including a written agreement with the local school authority for the provision of Special Education. 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.

6VAC15-40-290. Provisions of reading materials.

The facility shall provide reading materials that include current periodicals (not more than one year old).

6VAC15-40-300. Permission of reading materials.

Reading materials, including newspapers, magazines and books, shall be permitted in the jail unless the material poses a threat to security or is not in compliance with other jail restrictions or guidelines.

6VAC15-40-310. Commissary services.

The facility shall make available to inmates commissary services where they may purchase from an approved list of items at a minimum of one time per week. Written policy and procedure shall describe the circumstances and duration under which inmates may be restricted from this privilege.

6VAC15-40-320. Licensed physician.

A licensed physician shall supervise the facility's medical and health care services.

6VAC15-40-330. Restrictions on physician.

No restrictions shall be imposed on the physician by the facility in the practice of medicine; however, administrative and security regulations applicable to facility personnel shall apply to medical personnel as well.

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6VAC15-40-340. Licensing and certification of health care personnel.

Health care personnel shall meet appropriate and current licensing or certification requirements.

6VAC15-40-350. Private examination and treatment of inmates.

Where in-house medical and health care services are provided there shall be space for the private examination and treatment of inmates.

6VAC15-40-360. Twenty-four-hour emergency medical care.

Written policy, procedure and practice shall provide 24-hour emergency medical care availability.

6VAC15-40-370. Receiving and medical screening of inmates.

Written policy, procedure and practice shall provide that receiving and medical screening be performed on all inmates upon admission to the facility. The medical screening shall:

1. Specify screening for current illnesses, health problems and conditions, and past history of communicable diseases;
2. Specify screening for current symptoms regarding the inmate's mental health, dental problems, allergies, present medications, special dietary requirements, and symptoms of venereal disease;
3. Include inquiry into past and present drug and alcohol abuse, mental health status, depression, suicidal tendencies, and skin condition; and
4. For female inmates, include inquiry into possible pregnancy or gynecological problems.

6VAC15-40-380. Inmate access to medical services.

Written policy, procedure and practice shall be developed whereby inmates can be informed, at the time of admission to the facility, of the procedures for gaining access to medical services

6VAC15-40-390. Training and competency of staff.

All certified security staff shall be trained and competent in rendering basic first aid and CPR by a recognized certifying agency. All training shall be documented.

6VAC15-40-393. Universal precautions.

All regularly assigned facility staff shall be trained, competent and knowledgeable in the use of universal precautions. All training shall be documented.

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6VAC 15-40-395. Management of sharps.

Written policy, procedure, and practice shall govern the control, storage, and use of sharps including at a minimum needles, scalpels, lancers, and dental tools.

6VAC15-40-400. Management of pharmaceuticals.

Written standard operating procedures for the management of pharmaceuticals shall be established and approved by the facility's physician or pharmacist. Written policy, procedure and practice shall provide for the proper management of pharmaceuticals, including receipt, storage, dispensing and distribution of drugs. Such procedures shall be reviewed every 12 months by the medical authority. Such reviews shall be documented.

6VAC15-40-410. Inmate medical record.

The medical record for each inmate shall include:

1. The completed screening form; and
2. All findings, diagnoses, treatment, dispositions, prescriptions, and administration of medication.

6VAC15-40-420. Transfer of summaries of medical record.

Summaries of the medical record file shall be forwarded to the facility to which the inmate is transferred.

6VAC15-40-430. Medical or pharmaceutical testing for experimental or research purposes.

Written policy and practice shall prohibit medical or pharmaceutical testing for experimental or research purposes.

6VAC15-40-440. Medical care provided by personnel other than physician.

Medical care performed by personnel other than a physician shall be pursuant to a written protocol or order.

6VAC15-40-450. Suicide prevention and intervention plan.

There shall be a written suicide prevention and intervention plan. These procedures shall be reviewed and documented by an appropriate medical or mental health authority prior to implementation and reviewed every 12 months by all staff. These reviews shall be documented.

6VAC15-40-460. Applicability of medical treatment program standards.

The standards in this part apply only to those facilities that have established a medical treatment program in which prisoners pay a portion of the costs as per §53.1-133.01 of the Code of Virginia.

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6VAC15-40-470. Medical co-payment.

Jail medical treatment programs wherein inmates pay a portion of the costs for medical services shall be governed by written policy and procedure.

6VAC15-40-480. Set fees required.

Inmate payment for medical services shall be in accordance with set fees based upon only a portion of the costs of these services.

6VAC15-40-490. Policy and procedure information.

Written policy and procedure shall specify, at a minimum, the following information:

1. Medical services that are subject to fees;
2. Fee amounts;
3. Payment procedures;
4. Medical services that are provided at no cost;
5. Fee application to medical emergencies, chronic care and pre existing conditions; and
6. Written notification to inmates of proposed fee changes.

6VAC15-40-500. Inmates advised of procedures.

Inmates shall be advised of medical service fees and payment procedures at the time of admission/orientation.

6VAC15-40-510. Ability to pay.

Written policy, procedure and practice shall provide that no inmate will be denied access to medically necessary services based upon ability to pay.

6VAC15-40-520. Acknowledgment in writing.

Medical service fee debits to inmate accounts shall be acknowledged by the inmate in writing. The acknowledgement shall be signed by a witness if the inmate refuses to sign.

6VAC15-40-530. Accounting process.

A separate bank account, or accounting process, shall be established and used exclusively for the deposit and disbursement of medical service fees. Fee collections and disbursements shall be governed by generally accepted accounting principles.

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6VAC15-40-540. Standards for food service equipment and personnel.

Written policy, procedure and practice shall ensure that the facility's food service equipment and personnel meet the established safety and protection standards and requirements as set forth by the State Board of Health's Food Regulations. The facility shall have a Virginia Department of Health (VDH) inspection conducted every 12 months. Written reports of the VDH inspection shall be on file with the facility administrator.

6VAC15-40-550. Food service program.

Written policy, procedure and practice shall ensure a food service program that meets the following:

1. The menu meets the dietary allowances as stated in the Recommended Dietary Allowances, National Academy of Sciences;
2. There is at least a one-week advance menu preparation; and
3. Modifications in menus are based on inmates' medical or reasonable religious requirements. Medical or dental diets shall be prescribed by the facility's medical authority.

6VAC 15-40-560. Meals served under direct supervision of staff.

Written policy, procedure and practice shall ensure meals are served under the direct supervision of staff.

6VAC15-40-570. Records of meals served.

Written policy, procedure and practice shall ensure that records of meals served are kept for a minimum of three years.

6VAC15-40-580. Food service program not a disciplinary measure.

Written policy, procedure and practice shall ensure a food is not used as a disciplinary measure.

6VAC15-40-590. Number and spacing of meals.

Written policy, procedure and practice shall provide for at least three meals daily with no more than 14 hours between evening meal and breakfast, and a minimum of two hot meals within every 24 hours.

6VAC15-40-600. Correspondence privileges.

Written policy, procedure and practice shall ensure that all inmates, regardless of their jail status, shall be afforded the same correspondence privileges; correspondence privileges shall not be withdrawn as punishment.

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6VAC15-40-610. Volume and content of inmate mail.

Written policy, procedure and practice shall ensure that there is no limit on the volume of letter mail an inmate may send or receive, or on the length, language, content or source of such letter mail, except where there is clear and convincing evidence to justify such limitations.

6VAC15-40-620. Postage allowance.

Written policy, procedure and practice shall make available when requested by an indigent inmate (as defined by local jail policy), a postage allowance of at least five first class rate (one ounce) letters per week, including legal mail.

6VAC15-40-630. Outgoing and incoming letters.

Written policy, procedure and practice shall ensure that outgoing letters shall be collected and sent daily except Saturdays, Sundays, and holidays. Incoming letters to inmates shall be delivered no later than 24 hours after arrival at the facility or shall be forwarded or returned to sender.

6VAC15-40-640. Incoming General Correspondence.

In accordance with United States Postal Regulations, all incoming general correspondence will be opened, searched and may be read by authorized staff where there is a reasonable suspicion that a particular item of correspondence threatens the safety and security of the facility, the safety of any person, or is being used for furtherance of illegal activities. All incoming legal correspondence shall be opened and searched in the presence of the inmate.

6VAC15-40-650. Notice of seizures of mail contraband.

Written policy, procedure and practice shall assure that notice of the seizures of mailed contraband be given to the inmate and the sender together with the written reason for the seizure. The sender shall be allowed the opportunity to appeal the seizure to the facility administrator or a designee empowered to reverse seizure. Unless it is needed for a criminal investigation or prosecution, property that can legally be possessed outside the facility shall be stored, returned to sender, if known, or destroyed.

6VAC15-40-660. Access and expense of telephone facilities.

Written policy, procedure and practice shall ensure inmates reasonable access to telephone facilities, except where safety and security considerations are documented.

6VAC15-40-670. Delivery of emergency messages to inmates.

Written policy, procedure and practice shall ensure that emergency messages to inmates are delivered promptly and recorded.

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6VAC15-40-680. Visiting opportunities.

Written policy, procedure and practice shall ensure maximum visiting opportunities limited only by facility schedules, space, personnel constraints and inmate disciplinary status. Attorneys shall be permitted to have confidential visits with their clients.

6VAC15-40-690. Approved items that visitors may bring into facility.

The facility shall have a list of approved items that visitors may bring into the facility. Items brought into the facility by visitors for inmates shall be subject to inspections and approval.

6VAC15-40-700. Requirements of visitor registration and visitor searches.

Written policy, procedure and practice shall specify requirements for visitor registration and the circumstances and methods under which visitors may be searched.

**PART V.
JAIL OPERATIONS.**

6VAC15-40-710. Admitting individuals into jail.

Written policy, procedure and practice for admitting individuals into the jail shall address the following:

1. Verification of commitment;
2. Complete search of the individual and his possessions;
3. Disposition of clothing and personal possessions;
4. Interview for obtaining identifying data;
5. Photograph; and
6. Telephone calls.

6VAC15-40-720. Inmates confined to jail.

Written policy, procedure and practice for those inmates to be confined in the jail shall address the following:

1. Shower/search;
2. Issue of clean clothing/hygiene items/linen;
3. Classification and housing assignment; and
4. Orientation.

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6VAC15-40-730. Telephone calls during the booking process.

Written policy, procedure and practice shall specify that newly admitted inmates who are physically capable are permitted to complete at least two local or long-distance telephone calls during the booking process.

6VAC15-40-740. Requirements for linens and towels.

Written policy, procedure and practice shall provide that a record is kept to show that clean linen and towels be supplied once a week, a clean change of clothing be provided twice a week and inmates shall be held accountable for their use.

6VAC15-40-750. Issuance of special and protective clothing.

The facility shall provide for the issuance of special and protective clothing to inmates assigned to food services, farm, sanitation, mechanical services, and other special work functions.

6VAC15-40-760. Bathing.

There shall be sufficient hot and cold water for bathing. Each inmate shall be required to bathe twice a week.

6VAC15-40-770. Provision of hygiene articles.

The facility shall provide soap, a toothbrush, and toothpaste or tooth powder to each inmate upon admission to the general population. Notwithstanding security considerations, shaving equipment, including a mirror, and haircuts shall be made available, and hygiene needs of all inmates shall be met.

6VAC15-40-780. Items inmates may retain.

Written policy and procedures shall state what items the inmate may retain in his possession.

6VAC15-40-790. Inventory of cash and personal property.

A written itemized inventory of cash and personal property of each inmate shall be made at the time of initial booking. A copy signed by both staff and inmate shall be furnished the inmate.

6VAC15-40-800. Accounting of inmate expenditures and receipts of money.

Inmates' personal funds held by the facility are controlled by accepted accounting procedures. The facility shall provide the inmate with a copy of his/her itemized account upon reasonable request.

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6VAC15-40-810. Return of inmate property and funds.

Inmate's property and funds shall be returned to him upon his release or transfer and receipted for by the inmate in writing, when practical.

6VAC15-40-820. Conduct.

Written policy, procedure and practice shall govern inmate discipline, to include:

1. Rules of conduct, including sanctions for rule violations;
2. Procedures and provisions for pre-hearing disciplinary detention, and
3. Procedures for processing violators that may include pleas agreements that may waive the inmates' right to appeal.

6VAC15-40-830. Inmate Handbook.

Upon initial assignment to a housing status following intake and reception processing, each inmate shall be informed of, receive, and sign for:

1. A copy of the inmate rules of conduct, including sanctions;
2. The policy and procedures governing inmate discipline.

6VAC15-40-833. Discipline

The minimum procedural requirements whenever an inmate may be deprived of goodtime, or placed on disciplinary segregation include:

1. The accused inmate shall be given written notice of the charge and the factual basis for it at least 24 hours prior to hearing of the charge;
2. The charge shall be heard in the inmate's presence by an impartial officer or committee, unless that right is waived in writing by the inmate or through the inmate's behavior. The accused inmate may be excluded during the testimony of any inmate whose testimony must be given in confidence. The reasons for the inmate's absence or exclusion shall be documented.
3. The accused inmate shall be given an opportunity to have the assistance of a staff member or fellow inmate in defending the charge.
4. The inmate shall be given a written statement by the fact finders as to the evidence relied upon and the reasons for the disciplinary action; and
5. The inmate shall be permitted to appeal any finding of guilt to the facility administrator or designee.

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6VAC15-40-835. Sanctions.

The minimum procedural requirements whenever an inmate is punished, such as reprimand or loss of privileges, include:

1. The accused inmate shall have an opportunity to explain or deny the charge; and
2. The inmate shall have the opportunity to appeal any finding of guilt to the facility administrator or designee.

6VAC15-40-840. Post to control security of jail.

The facility shall maintain a designated post, staffed 24 hours a day, which controls activities and flow of people in and out of the secure area of the jail. Main facility control posts may be staffed by civilian personnel who have been provided on-the-job training in facility security procedures and emergency plans, which shall be documented in writing with the same frequency as required by standards for all facility employees. Civilian personnel assigned to control posts shall not be assigned to other posts requiring direct prisoner contact and supervision.

6VAC15-40-850. Security of outside recreation.

The facility's outside recreation area shall be secure so that inmates shall not have physical access to the general public without authorization.

6VAC15-40-860. Security of entrances and doors.

Written policy, procedure and practice shall require that all security perimeter entrances, control center doors, cell block doors and all doors opening into a corridor are kept locked except when used for admission or exit of employees, inmates or visitors, or in emergencies.

6VAC15-40-870. Security and storage of security devices.

Written policy, procedure and practice shall govern the security, storage and use of firearms, ammunition, chemical agents, and related security devices to ensure that:

1. The facility shall provide secure storage for firearms, ammunition, chemical agents, and related security equipment accessible to authorized personnel only and located outside the security perimeter or the inmate housing and activity areas.
2. Personnel who carry firearms and ammunition are assigned positions that are inaccessible to inmates (with the exception of emergencies).
3. Personnel who discharge firearms or use chemical agents other than for training purposes, submit written reports to the administrator or designated subordinate no later than the conclusion of the shift during which same are discharged or used.

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6VAC15-40-880. Officer entry.

Written policy and procedures shall specify the conditions under which an officer can enter a security cell or cell block.

6VAC15-40-890. Mechanical audio communications system.

The facility shall provide a mechanical audio communications system, allowing staff to communicate with each other to facilitate staff supervision.

6VAC15-40-900. Examination and maintenance of security devices.

Written policy, procedure and practice shall specify that, at least once daily, a careful examination is made of all security devices and that maintenance is routinely performed to ensure their proper operation.

6VAC15-40-910. Searches of facility and inmates.

Written policy, procedure and practice provide for searches of facilities and inmates to control contraband and provide for the disposition of contraband. These procedures are not made available to inmates.

6VAC15-40-920. 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.

6VAC15-40-930. Key and door control.

Written policy, procedure and practice shall govern key and door control.

6VAC15-40-940. Tools and culinary items.

Written policy, procedure and practice shall govern the control and use of tools and culinary items.

6VAC15-40-950. Flammable, toxic and caustic materials.

Written policy, procedure and practice shall specify the control and storage of cleaning equipment and use of all flammable, toxic and caustic materials.

6VAC15-40-960. Functions of duty post.

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.

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6VAC15-40-970. Restriction of physical force.

Written policy, procedure and practice shall restrict the use of physical force to instances of justifiable self-defense, protection of others, protection of property, orderly operation of the facility and prevention of escapes. In no event is physical force justifiable as punishment. A written report shall be prepared following all such incidents described above and shall be submitted to the administrator for review and justification.

6VAC15-40-980. Restraint equipment.

Written policy, procedure and practice shall govern the use of restraint equipment.

6VAC15-40-990. Administrative segregation.

Written policy, procedure and practice shall provide for administrative segregation of inmates who pose a security threat to the facility or other inmates and for inmates requiring protective custody.

6VAC15-40-1000. Physical living conditions for disciplinary detention and administrative segregation.

Written policy, procedure and practice shall ensure that, inmate behavior permitting, the disciplinary detention and administrative segregation units provide physical living conditions that approximate those offered the general inmate population.

6VAC15-40-1010. Mental health inmates.

Written policy, procedure and practice shall specify the handling of mental health inmates to include an agreement to utilize mental health services from either a private contractor or the community service board.

6VAC15-40-1020. Record of activities in disciplinary detention and administrative segregation units.

Written policy, procedure and practice shall ensure that a record is kept of scheduled activities in disciplinary detention and administrative segregation units.

6VAC15-40-1030. Assessment of inmate in administrative segregation or disciplinary detention.

Written policy, procedure and practice shall require that a documented assessment by medical personnel that shall include a personal interview and medical evaluation of vital signs, is conducted when an inmate remains in administrative segregation or disciplinary detention beyond 15 days and every 15 days thereafter.

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6VAC15-40-1040. 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 inspections 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.

6VAC15-40-1050. 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.

6VAC15-40-1060. Movement of inmates.

Written policy, procedure and practice shall regulate the movement of inmates within the facility.

6VAC15-40-1070. Prohibition of inmate control over other inmates.

Written policy, procedure and practice shall prohibit inmates from supervising, controlling or exerting any authority over other inmates.

6VAC15-40-1080. Emergency situations.

There shall be fire prevention practices and written emergency plans that outline duties of staff, procedures and evacuation routes. Emergency plans shall include responses in the event of fire, chemical release, loss of utilities, natural disaster, taking of hostages, riots, disturbances, escape, bomb threats and mass arrest. Emergency plans shall be reviewed every 12 months by all staff. These reviews shall be documented.

6VAC15-40-1090. Release of inmate.

Written policy, procedure and practice shall require that, prior to an inmate's release, positive identification is made of the releasee, authority for release is verified and a check for holds in other jurisdictions is completed.

**PART VI.
JAIL PHYSICAL PLANT.**

6VAC15-40-1100. Fire safety inspection.

The facility shall have state or local fire safety inspections conducted every 12 months. Localities that do not enforce the Virginia Statewide Fire Prevention Code (VSFPC) shall have the

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inspections performed by the Office of the State Fire Marshal. Written reports of the fire safety inspection shall be on file with the facility administrator.

6VAC15-40-1110. Repealed.**6VAC15-40-1120. Mattresses, pillows and trash receptacles.**

Mattresses, pillows and trash receptacles present in the secured housing shall be of fire retardant materials.

6VAC15-40-1130. Repealed.**6VAC15-40-1140. Cleanliness.**

Facility floors, halls, corridors, and other walkway areas shall be maintained in a clean, dry, hazard-free manner.

6VAC15-40-1150. Vermin and pest control.

The facility shall control vermin and pests and shall be serviced at least quarterly by professional pest control or personnel certified by the Virginia Pesticide Control Board.

6VAC15-40-1160. Appropriate lighting and heating.

- A. All housing and activity areas shall provide for appropriate lighting and heating.
- B. Appropriate lighting shall be at least 20 foot-candles at desk level and in personal grooming area.
- C. Heat shall be evenly distributed in all rooms so that a temperature no less than 65 F is maintained. Air conditioning or mechanical ventilation systems, such as electric fans, shall be provided when the temperature exceeds 85 F.

6VAC15-40-1170. Water utilities.

All housing areas shall have toilets, showers, drinking water and wash basins with hot and cold running water accessible to inmates.

6VAC15-40-1180. Special purpose area.

The facility shall have a special purpose area to provide for the temporary detention and care of persons under the influence of alcohol or narcotics or for persons who are uncontrollably violent or self-destructive and those requiring medical supervision.

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**PART VII.
JUVENILES.****6VAC15-40-1190. Housing of Juveniles.**

Those facilities which, on occasion, house juveniles shall be certified by the Board of Corrections for the express purpose of holding juveniles.

6VAC15-40-1193. Separation of Juveniles.

Juveniles shall be so housed as to be separated by a wall or other barrier that would result in preventing visual contact and normal verbal communication with adult prisoners.

6VAC14-40-1195. Contact with Juveniles.

The facility shall have one or more persons on duty at all times responsible for auditory and visual contact with each juvenile at least every 30 minutes. Contact shall be at least every 15 minutes when juveniles exhibit self-destructive or violent behavior.

6VAC15-40-1200. Isolation and segregation of Juveniles.

Isolation cells or segregation within a cellblock shall be utilized only as a protective or disciplinary measure.

**PART VIII.
LOCKUPS.****6VAC15-40-1210. 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.

6VAC15-40-1220. Coverage.

When the lockup is occupied at least one employee shall be on duty at the lockup at all times.

6VAC15-40-1230. Search requirements.

The facility shall comply with the search requirements included in §19.2-59.1 of the Code of Virginia.

6VAC15-40-1240. Inspection requirements.

Weekly inspections shall be made and recorded of bars, locks and all security devices. Weekly inspections shall be documented.

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6VAC15-40-1250. 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.

6VAC15-40-1260. Property.

Written policy, procedure and practice shall govern the inventory and control of detainee property. The detainee shall sign for all property taken upon admission and returned to him upon release. If the detainee refuses to sign this shall be witnessed and documented.

6VAC15-40-1270. Telephone.

Written policy, procedure and practice shall specify that newly admitted inmates who are physically capable are permitted the opportunity to complete at least two local or long distance telephone calls during the admissions process.

6VAC15-40-1280. Juvenile Detention.

A lockup shall detain juveniles in strict compliance with §16.1-249 of the Code of Virginia.

6VAC15-40-1290. Separate housing.

Males, females and juveniles shall be housed separately.

6VAC15-40-1300. Protection of inmates.

There shall be written policy for the protection of inmates appearing to be vulnerable to physical or sexual attack.

6VAC15-40-1310. Emergency medical and mental health care.

Written policy and procedures shall provide for 24-hour emergency medical and mental health care availability.

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.

6VAC15-40-1330. Visiting.

Written policy and procedures shall ensure that:

1. There are visiting opportunities limited only by facility schedules, security, space and personnel constraints;
2. Visitors register upon entry into the facility;

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3. Circumstances and methods under which visitors may be searched are delineated;
4. Attorneys are permitted to have confidential visits with their clients; and
5. Any exception to the above is documented in writing.

6VAC15-40-1340. Inmate control.

Written policies and procedures shall ensure that punishment shall not be utilized as a means of control or discipline in lockups. Tear gas, chemical mace, or similar devices shall not be used as punishment and may only be used to control detainees where there is an imminent threat of physical injury.

6VAC15-40-1350. Incident report.

A report setting forth in detail the pertinent facts of deaths, escapes, and discharging firearms shall be reported to the Local Facilities Unit, Department of Corrections. The initial report should be made by the end of the next work day with a full report submitted at the end of the investigation.

6VAC15-40-1360. Inmate cleanliness.

A detainee shall have access to a wash basin and toilet facility.

6VAC15-40-1370. Facility cleanliness.

The detention area shall be maintained in a clean, dry, hazard-free manner.

These regulations are full, true, and correctly dated, adopted by the Board of Corrections on May 15, 2002.

Roy A. Graeber
Chairman
Board of Corrections