



Virginia
Regulatory
Town Hall

Final Regulation Agency Background Document

Agency Name:	Board of Corrections
VAC Chapter Number:	6 VAC 15-40
Regulation Title:	Minimum Standards for Jails and Lockups
Action Title:	Final Adoption
Date:	May 29, 2002

Please refer to the Administrative Process Act (§ 9-6.14:9.1 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), Executive Order Fifty-Eight (99) , and the *Virginia Register Form, Style and Procedure Manual* for more information and other materials required to be submitted in the final regulatory action package.

Summary

This regulation amends more than 30 sections of the minimum standards for jails and lockups related to requirements for administration, management, programs, services, operations, and physical plants. The amendments clarify the current language to be more consistent with the actual practice in jails and lockups. Some of the amendments are organizational in nature and move requirements from one section to another and delete repetitive language covered under multiple sections or department procedures.

Statement of Final Agency Action

On May 15, 2002 the Board of Corrections voted unanimously to adopt 6 VAC 15-40 *et seq.*, Minimum Standards for Jails and Lockups, as amended.

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 local work release, educational, and other rehabilitative programs.

Purpose

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

Substance

The Board of Corrections amends more than 30 sections of 6 VAC 15-40-10 et seq. The amendments are organizational in nature and will allow the board to collect all standards related to one issue under a single section.

Issues

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

Statement of Changes Made Since the Proposed Stage

The following changes are made to the text of the proposed regulation:

1. Language is added to clarify the definition of a juvenile to include a person less than 18 years of age who is not adjudicated as an adult.
2. A section is added to the text that requires policy, procedure and practice to govern the control, storage and use of sharp instruments.
3. Language is added to require the signature of a witness when an inmate acknowledges in writing a debit for a medical service fee.
4. Language is added to allow civilian personnel who have been provided on-the-job training in facility security procedures to staff control posts, but not to staff other posts requiring direct prisoner contact and supervision.
5. Language is added to the section where a written report to the administrator in the event of a discharge of firearms or chemical agent, to include “other than for training purposes”

6. The titles of Sections 1191, 1192, and 1200 have been amended to include the word “Juvenile”.

Public Comment

Public comments were received on 4/25/2002. The following is a list of comments and responses:

1. Revise the definition of “Juvenile” to include “not adjudicated as an adult”. This suggestion was incorporated into the final regulation.
2. Amend the wording in section 6 VAC 15-40-120. The agency reviewed the comment and no change was made to the final regulation because the recommended revision made no substantive change to the section.
3. Add a section to the regulation to address the management of sharp instruments. This suggestion was incorporated in the section 6 VAC 15-40-392.
4. Revise section 6 VAC 15-40-520 to require a documented witness when an inmate refuses to sign a medical service fee debit. This suggestion was incorporated into the final regulation.
5. Recommend the removal of the wording “or fellow inmate”. The agency reviewed the comment and no change was determined to be necessary.
6. Revise section 6 VAC 15-40-870 to not require a written report when a firearm or chemical agent is discharged for training purposes. This suggestion was incorporated into the final regulation.
7. Revise section 6 VAC 15-40 910 and 920 to make the language the same. The agency reviewed the comment and no change was determined to be necessary because there is intent in the standards to distinguish between a policy and a procedure.

Detail of Changes

6 VAC 15-40-10 “Juvenile” means a person less than 18 years of age [who is not adjudicated as an adult].

[6 VAC 15-40-392. 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.]

6 VAC 15-40-520 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.]

6 VAC 15-40-840. 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 employee. Civilian personnel assigned to

control posts shall not be assigned to other posts requiring direct prisoner contact and supervision.]

6VAC 15-40-870 Security and storage of security devices. 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.

Family Impact Statement

These changes are expected to have no impact on families.