



Virginia  
Regulatory  
Town Hall

## Notice of Intended Regulatory Action Agency Background Document

<b>Agency Name:</b>	Board of Corrections
<b>VAC Chapter Number:</b>	6 VAC 15-20-10 et seq.
<b>Regulation Title:</b>	Regulations Governing Certification and Inspection
<b>Action Title:</b>	Amend Certification and Inspection Regulation
<b>Date:</b>	5/10/03

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B). Please refer to Executive Order Twenty-Five (98) and Executive Order Fifty-Eight (99) for more information.

### Purpose

*Please describe the subject matter and intent of the planned regulation. This description should include a brief explanation of the need for and the goals of the new or amended regulation.*

The existing regulation sets forth the process by which local jails, state correctional facilities, residential centers, probation and parole offices and other correctional programs under the authority of the Board of Corrections are monitored for compliance with minimum standards that are designed to ensure the health, safety, and welfare of staff and offenders.

This regulation provides for regular inspections, administrative review of audits and an appeals process, and the issuance of variances to serve as a necessary enforcement mechanisms that ensure uniform compliance with applicable Board regulations and certify that facilities and programs are efficient and safe. While the current regulation provides considerable procedural detail in these areas, the Board of Corrections seeks to amend the Regulations Governing Certification and Inspection to reflect current terminology, organizational structure and pre- and post-audit processes; to standardize variance request procedures for local and state operated facilities; and clarify the appeal process.

## Basis

*Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory action and the legal authority identified above should be explained. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided.*

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The Office of the Attorney General has confirmed that Regulations Governing Certification and Inspection (6 VAC 15-20-10 et seq.) are statutorily authorized under Section 53.1-5 of the Code of Virginia. The first provision of this statute requires the Board to develop and establish program and fiscal standards/goals governing the operation of state, local and community correctional facilities and community correctional services. The fourth provision of this section requires the Board to monitor the activities of the Department and its effectiveness in implementing the standards and goals of the Board. Regulations Governing Certification and Inspection serve to enforce all facility and program standards promulgated by the Board.

## Substance

*Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.*

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The Board of Corrections proposes to revise, where necessary, language in 6 VAC 15-20 to reflect changes to the certification process in state, local and community correctional facilities and programs. Possible revisions include updating definitions and terminology; redirecting authority to set and adjust audit schedules, determine compliance decisions and grant extensions; standardizing the submission of variance requests for local and state correctional facilities; and reducing the time limit for a completed audit to be forwarded to the Board.

## Alternatives

*Please describe, to the extent known, the specific alternatives to the proposal that have been considered or will be considered to meet the essential purpose of the action.*

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The recommendations for changes to these regulations are revisions that will require amendments promulgated through the Administrative Process Act (APA). No alternative exists that will effectively strengthen the certification and inspection process. The amendments, when drafted, will regulate only those necessary areas addressed in the Code of Virginia.

## Family Impact Statement

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

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The recommendations of the proposed regulatory action will amend internal procedures that should have no impact on the authority and rights of parents, economic self-sufficiency, marital commitment or family income.