

**STATEMENT OF SCOPE OF PROPOSED RULE
DEPARTMENT OF CORRECTIONS**

SUBJECT: Repealing and recreating chapter DOC 350, relating to county jails.

DESCRIPTION OF THE OBJECTIVE OF THE RULE:

The objective of the rule is to:

- Eliminate outdated provisions;
- Clarify language;
- Update citations to statutes for accuracy;
- Clarify and update standards for the physical plant of a jail;
- Clarify and update standards for jail operations; and
- Renumber and reorganize the rule chapter.

DESCRIPTION OF EXISTING POLICIES AND NEW POLICIES INCLUDED IN THE PROPOSED RULE AND AN ANALYSIS OF POLICY ALTERNATIVES:

The department is responsible for establishing standards for the construction and operation of county jails and houses of corrections. The department is also responsible for inspecting the facilities on an annual basis and as necessary. The current rule which was last reviewed and amended in 1992 establishes minimum standards in jail operations. The issues addressed in the rule include: the review and approval of construction plans, physical plant requirements, occupancy limitations and requirements for single and double celling, health care, including health screening upon admission, medication administration, suicide prevention, and crisis intervention, fire safety, security, administrative confinement, discipline, programming, mail, visitation, canteen, religious programming, recreation, reading materials, records and reporting, and variances.

Since the last time the rule was amended, there have been changes in the statutes, case law, and correctional practices, relating to jail operations. For example, s. 302.36 dealing with inmate classification was amended; s. 302.388 dealing with inmate health care records was created; and issues concerning health care of inmates have become increasingly more important. There is a need to review the current rule to reflect the changes in the law and correctional practices. The alternatives to the proposed review would result in the department continuing to have outdated policies which do not adequately reflect the current state of the law and a rule which needs clarification and reorganization.

STATUTORY AUTHORITY: §§ 227.11(2), 301.02, 301.03 (2), 301.37 (1), and 302.365, Statutes

ESTIMATE OF THE AMOUNT OF TIME STATE EMPLOYEES WILL SPEND DEVELOPING THE PROPOSED RULE AND OF OTHER RESOURCES NECESSARY TO DEVELOP THE RULE:

The Department estimates that it will take approximately 200 hours to develop this rule, including drafting the rule and complying with rulemaking requirements.

DESCRIPTION OF ALL OF THE ENTITIES THAT WILL BE AFFECTED BY THE RULE.

The rule affects persons who are arrested or charged with or convicted of criminal offenses; county entities, including sheriffs, county boards, and jails; and DOC staff.

SUMMARY OF AND PRELIMINARY COMPARISON WITH ANY EXISTING OR PROPOSED FEDERAL REGULATION THAT IS INTENDED TO ADDRESS THE ACTIVITIES TO BE REGULATED BY THE PROPOSED RULE.

There are no federal regulations that impact county jails, except with respect to the housing of juveniles. Specifically, the federal Juvenile Justice and Delinquency Act (JJDP), 42 USC 5601, et seq., and the implementing regulations (28 CFR Part 31) limit the housing of juveniles in adult jails.

CONTACT PERSON.

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