

## **501 KAR 7:050. Physical plant.**

RELATES TO: KRS 441.045, 441.055, 441.064, 441.075, 441.415-441.450

STATUTORY AUTHORITY: KRS 441.055

NECESSITY, FUNCTION, AND CONFORMITY: KRS 441.055 requires the Department of Corrections to promulgate administrative regulations establishing minimum standards for jails that house state prisoners. This administrative regulation establishes standards and procedures to be followed in the design, construction, renovation, and expansion of restricted custody centers and for measuring compliance of existing centers in accordance with KRS 441.055, 441.064, and 441.075.

### **Section 1. Definitions.**

- (1) "Barrier Fence" means a chain-link fence that provides a boundary around the restricted custody housing areas or restricted custody center.
- (2) "Construction authority" is defined by KRS 441.415.
- (3) "Division" means the Department of Corrections Division of Local Facilities.
- (4) "Expansion" means a renovation which includes an increase in the number of square footage of the local correctional facility to add prisoner bed space as described in KRS 441.450(3).
- (5) "Local correctional facility" is defined by KRS 441.415.
- (6) "Renovation" means changes to the physical plant of or construction on an existing local correctional facility that does not:
  - (a) Include an increase in the number of square footage of the local correctional facility to add prisoner bed space; and
  - (b) Require approval of the construction authority as described in KRS 441.450(3).

Section 2. Consultation. If requested, the Department may provide to a unit of local government seeking to remodel an existing restricted custody center or construct a new center, a consultant knowledgeable in the design, utilization, and operation of detention facilities. The consultant may meet with the appropriate officials of that county and advise them concerning:

- (1) Site selection;
- (2) Probable need as it relates to capacity and types of prisoners to be housed;
- (3) Sources of financing for constructing;
- (4) Laws and administrative regulations relating to treatment of prisoners;
- (5) Laws and administrative regulations relating to facilities for prisoners;
- (6) Sources of revenue for operations of the center;
- (7) Probable cost for operation of the center; and
- (8) Potential for sharing facilities with adjoining counties.

### **Section 3. Application for Construction.**

- (1) Prior to the commencement of any construction for a new restricted custody center or for the renovation or expansion of an existing restricted custody center, a unit of local government shall submit to the division:
  - (a) An application for approval; and
  - (b) If the construction is for a new center or an expansion of an existing center, any applications and materials submitted to the construction authority in accordance with KRS 441.430.
- (2) The application required by subsection (1)(a) of this section shall:
  - (a) Be signed by the:
    1. County judge-executive for each county involved in the proposal;
    2. Highest executive of a unit of local government other than a county; or
    3. Head of the Regional Jail Authority, if applicable;

- (b) State in detail the need for the specific request being proposed;
- (c) Identify the unit of local government submitting the request;
- (d) State the following information for the current jailer:
  - 1. Name;
  - 2. Address; and
  - 3. Phone number;
- (e) Identify the type of local correctional facility currently being used:
  - 1. Full service;
  - 2. Regional full service;
  - 3. Life safety; or
  - 4. None;
- (f) If construction is proposed at a location other than where the current local correctional facility is located, then provide the following information for the new property:
  - 1. Address;
  - 2. Description of new property;
  - 3. Explanation of ownership of new property; and
  - 4. Estimated cost to purchase property if not owned by the unit of local government proposing construction;
- (g) If the proposed construction is for a new restricted custody center, then identify the size of center being requested using the bed capacity increments required for plans in KRS 441.420(1)(b).
- (h) If the proposed construction is for an expansion, then state the:
  - 1. Number of proposed additional beds; and
  - 2. Proposed additional square footage;
- (i) If the proposed construction is for a renovation, then state:
  - 1. The purpose of the renovation; and
  - 2. The amount of any proposed additional square footage;
- (j) For the current restricted custody center, state the:
  - 1. Current capacity;
  - 2. Average daily population (ADP) for the preceding two (2) years;
  - 3. Total amount of remaining bond indebtedness;
  - 4. Amount of monthly debt installment payment; and
  - 5. Remaining number of payments on any note; and
- (k) Identify the architect, consultant, or other person or entity with which the unit of local government consulted for the construction proposal.

Section 4. Documentation required for application. A unit of local government shall provide a copy of the following documents with any application submitted to the division:

- (1) Ordinance for the unit of local government showing an affirmative vote for the proposed construction for the restricted custody center;
- (2) Deed, lease, or legal description of the new property for proposed construction;
- (3) Local correctional facility budget for the preceding two (2) years;
- (4) General budget for any unit of local government proposing construction;
- (5) Feasibility study or other documentation provided by any architect, entity, or other person that consulted on the proposed construction; and
- (6) Documentation showing that the unit of local government has sufficient bonding and revenue sources to pay the bond indebtedness, operating costs, and maintenance costs over the anticipated life of the note for the proposed construction.

Section 5. Site Selection Review. The following criteria shall be considered by the division in its site selection review:

- (1) Size;

- (2) Proximity to court;
- (3) Proximity to community resources;
- (4) Availability of public transportation;
- (5) Environmental health;
- (6) Adequate parking; and
- (7) Provisions for future expansion.

#### Section 6. Construction Documents.

(1) A unit of local government shall submit plans and specifications to the division for approval prior to the commencement of any construction for a new center or for the renovation or expansion of an existing center. The division may waive some of the requirements of this section on a case by case basis depending on the specifics proposed for the construction.

(2) If the construction is for a new center or expansion of an existing center, a unit of local government shall submit plans and specifications for the applications required by KRS 441.430 to the division.

(3) Whether new construction or renovation or expansion of an existing center, plans and specifications for a center shall meet the following criteria and contain the following documentation:

(a) A programming phase to include:

1. Evaluation of the existing center;
2. Population analysis as based on the NIC staffing analysis, and may include, jail operations, jail programs, court location, and transportation issues;
3. Space requirements based on population analysis and standards for the center and site outlined in this administrative regulation;
4. Staffing analysis;
5. Cost analysis to include construction and operation cost;
6. Financing alternatives, if applicable;
7. Design-construction time schedule; and
8. Summary and recommendations;

(b) A schematic phase to include:

1. A scale drawing of each floor plan with proposed rooms and areas one-eighth (1/8) inch minimum;
2. A scale drawing of the site, locating the building, parking, and other facilities with one (1) inch equaling fifty (50) feet;
3. Documentation of site as to:
  - a. Size;
  - b. Proximity to court;
  - c. Proximity to community resources;
  - d. Availability of public transportation;
  - e. Environmental health;
  - f. Adequate parking; and
  - g. Provisions for future expansion;
4. Sections through the proposed structure indicating ceiling heights of rooms, mechanical spaces, roof slopes, and other related information;
5. Scale elevation drawing of exterior walls;
6. Schematic cost estimate to include revised construction and operation costs; and
7. A revised design-construction time schedule;

(c) A design development phase containing:

1. A scale drawing on each floor plan with proposed rooms and areas with their dimensions one-eighth (1/8) inch minimum;
2. All necessary construction drawings including construction details;

3. Specifications for materials and workmanship;
  4. A proposed contract with general and special conditions;
  5. Engineering calculations for the foundation, structure, heating, ventilating, air conditioning, lighting, and plumbing; and
  6. Detailed estimates of cost of land, site development, construction, financing, professional services, equipment, and furnishings;
- (d) Construction document phase containing:
1. Revised design development construction drawings following review by all applicable agencies, signed by an architect registered in the Commonwealth of Kentucky, and revised, if necessary, to include changes required by the division; and
  2. Revised design development specifications of material and workmanship following review by all applicable agencies; and
- (e) A contract administration phase containing:
1. Signed copies of the contracts for construction, financing, and bonding;
  2. Signed copies of the construction permits; and
  3. Documentation of required review by other applicable state agencies.
- (4) Whether new construction or renovation or expansion of an existing facility, every change order shall be submitted to the division jail consultant for review and approval.

#### Section 7. Approval of Construction Plans and Specifications.

- (1) Construction shall not begin until the construction plans have been approved by the division and, if required, the construction authority has approved the construction. The division shall:
- (a) Review each complete application within thirty (30) days of receipt;
  - (b) For renovation, issue:
    1. An approval;
    2. An acceptance with required changes; or
    3. A rejection, with reasons stated;
  - (c) For an expansion or new center, issue a recommendation to the construction authority whether to approve construction; and
  - (d) For an incomplete application, inform the applicant of the information or documents that need to be submitted to complete the application.
- (2) A request for changes to the plans shall be submitted to the division and shall include a description of the changes requested and the reasons for the changes.
- (3) A change to the approved plans shall require redrawing unless specifically exempted by the department. Specifications shall be rewritten to reflect a change.

Section 8. Exemption from Compliance. If a center, renovation, or expansion was built before the effective date of the physical plant standards in Section 12 of this administrative regulation, the department shall exempt the center from a specific requirement if the exemption does not significantly affect the security, supervision of prisoners, programs, or the safe, healthful, or efficient operation of the jail.

#### Section 9. Waiver of Compliance.

- (1) The department may grant a temporary waiver of a physical plant standard in Section 12 of this administrative regulation for an existing center that can no longer meet a standard if the department determines that:
- (a) Strict compliance will cause unreasonable difficulties;
  - (b) A waiver will not seriously affect the security, supervision of prisoners, programs, or the safe, healthful, or efficient operation of the center; and
  - (c) Compliance may be achieved in a manner other than that specified, but in a manner which is sufficient to meet the intent of this administrative regulation.

(2) If a waiver from a standard is desired, the responsible unit of local government shall submit a written request to the department. The written request shall include the following information:

- (a) Citation of the specific standard involved;
- (b) Identification and description of the specific difficulties involved in meeting strict compliance;
- (c) Description of alternative proposed; and
- (d) Provision of sufficient documentation which shall demonstrate that the waiver, if granted, will not jeopardize the security, supervision of prisoners, programs, or the safe, healthful, or efficient operation of the center.

(3) A waiver, if granted by the department, shall apply only to the petitioner for the specific situation cited and for the period of time specified and shall include any requirements imposed by the department as conditions upon the waiver. A waiver shall not be granted for longer than twelve (12) months. A waiver granted for a twelve (12) month period shall be reviewed for reapproval at the end of the period.

Section 10. Existing Restricted Custody Centers. All existing centers that are in operation shall comply with the physical plant design standards in Section 12 of this administrative regulation, unless the center is exempt from a standard pursuant to Section 8 of this administrative regulation or has obtained a waiver from the department pursuant to Section 9 of this administrative regulation for the standard.

Section 11. New Restricted Custody Centers and Expansion and Renovation of Existing Restricted Custody Centers. A new restricted custody center and the expansion or renovation of an existing restricted custody center shall comply with the physical plant design standards in Section 12 of this administrative regulation.

Section 12. Physical Plant Design Standards.

(1) Each center shall have two (2) separate entrances: a prisoner entrance and a service entrance. The department may permit these entrances to be combined.

(a) Prisoners' entry. The purpose of this entrance shall be to provide secure and controlled access to the center for prisoners.

(b) Service entrance. The purpose of this entrance shall be to provide access to service vehicles and delivery trucks with minimum security risks. It shall be located in close proximity to storage rooms and the kitchen area.

(2) Each exit in the security area shall provide free egress or automatic time delayed emergency release doors with a maximum time delay of thirty (30) seconds.

(3) Security area. The area shall enclose those facilities and services required for or used by prisoners. It shall contain the function areas as established in this subsection.

(a) Control area. This area shall be located in close proximity to the prisoner entrance and shall be used to monitor the movement of prisoners in and out of the center.

(b) Visitation. Adequate space shall be made available for contact visits between prisoners and families. Tables and chairs shall be provided. Bathroom facilities shall be available to serve this area.

(c) Multipurpose room. The purpose of this area shall be to provide space for assembly of prisoners for specific program activities. Adequate furnishings shall be provided.

(d) Conference area. The purpose of this space shall be to provide space for confidential conferences between prisoners and lawyers, counselors, clergy, etc. A table and chairs shall be provided.

(e) Barrier Fence. A barrier fence may be installed around the center for added security.

- 1. The fence shall be no less than eight (8) feet, with a minimum of seven (7) feet from the ground to the top of the fence.

2. The top of the fence may be equipped with concertina wire or barbed wire.
3. The fence shall be installed in accordance with 22.2.7.1 and 22.2.7.2 of the NFPA 101 Life Safety Code, which is incorporated by reference in 815 KAR 10:060.

(f) Living areas.

1. Each sleeping room shall provide a minimum of forty (40) square feet per prisoner. More than forty (40) prisoners shall not be placed in a single sleeping room, with the exception of a direct supervision area as outlined in 501 KAR Chapter 3.
2. Each prisoner shall be provided in the sleeping room, at a minimum: bed, mattress and pillow, supply of bed linen, chair, and closet or locker space for the storage of personal items.
3. A sleeping area shall have lighting in the reading and grooming area sufficient for the task being performed.
4. The center shall have one (1) toilet for every ten (10) prisoners, one (1) washbasin for every ten (10) prisoners, and a shower for every twenty (20) prisoners. One (1) urinal may be substituted for each commode in male areas but the commodes shall not be reduced to less than one-half (1/2) the number required.
5. Phone facilities shall be available for prisoner use.
6. Each occupied area shall have temperature ranges within comfort zones, sixty-five (65) degrees Fahrenheit to eighty-five (85) degrees Fahrenheit.
7. Each occupied area shall have ventilation to meet air exchange as required in the Kentucky Building Code, 815 KAR 7:120.

(g) Kitchen. The purpose of this area shall be to provide sufficient space and equipment for preparing meals for the maximum rated capacity of the center. Design features shall include compliance with standards for the Kentucky Food Code, 902 KAR 45:005. If food is not prepared in the center, a food distribution area shall be substituted.

(h) Laundry facilities. Laundry facilities shall be available.

(i) Furnishings. Center furnishings shall be noncombustible and nontoxic as approved by the department.

(13 Ky.R. 819; eff. 11-11-1986; Am. 19 Ky.R. 1877; 2634; eff. 6-7-1993; 22 Ky.R. 1360; 1600; eff. 3-7-1996; 26 Ky.R. 178; 27 Ky.R. 89; eff. 7-17-2000; 31 Ky.R. 1570; 1804; eff. 5-26-2005; 37 Ky.R. 2979; 38 Ky.R. 759; eff. 11-4-2011; 42 Ky.R. 1962; 2348; eff. 3-4-2016; Cert. eff. 3-2-2023.)