

STATE OF OHIO



DEPARTMENT OF REHABILITATION
AND CORRECTION

SUBJECT: Construction/Renovation Plans Review and Approval	PAGE <u> 1 </u> OF <u> 9 </u> .
	NUMBER: 107-BAD-07
RULE/CODE REFERENCE: ORC5120.10, ORC753.21, ORC341.34, ORC307.01	SUPERSEDES: 107-BAD-01 dated 06/19/15
RELATED ACA STANDARDS:	EFFECTIVE DATE: July 13, 2016
	APPROVED: 

I. AUTHORITY

This policy is issued in compliance with Ohio Revised Code 5120.01 which delegates to the Director of the Department of Rehabilitation and Correction the authority to manage and direct the total operations of the Department and to establish such rules and regulations as the Director prescribes.

II. PURPOSE

The purpose of this policy is to provide a mechanism to expedite the review of planning documents for the construction/renovation of local jails submitted to the Ohio Department of Rehabilitation and Correction (DRC)/Bureau of Adult Detention (BAD).

III. APPLICABILITY

This policy applies to Bureau of Adult Detention staff, local jail and governmental officials, planners and architects.

IV. DEFINITIONS

Final Walk-Through - A walk-through of the facility by the jail inspector and designated DRC staff to verify construction compliance with the approved planning documents.

Jail Inspector - A Bureau of Adult Detention employee responsible for the day-to-day bureau operations as they relate to the jails in the State of Ohio, including conducting jail inspections pursuant to ORC 5120.10.

Minimum Standards for Jails in Ohio - Enforceable standards established by the Director of the DRC, in consultation with the Bureau of Adult Detention under the authority of the Ohio Revised Code which applies to county jails, municipal jails, regional jails and workhouse facilities. The purpose of the standards is to facilitate the safe, secure, legal, and effective operation of Ohio’s local adult jails in accordance with applicable state and federal laws. Also referred to as “Standards for Jails in Ohio”.

Occupancy Permit - A document issued by the governmental authority having jurisdiction certifying compliance with applicable statutes and regulations and permitting occupancy of a building or a stipulated portion thereof for its designated use. [from the American Institute of Architects (AIA) *Handbook of Professional Practice*]

Punch List - A list, prepared prior to substantial completion, of items to be completed or corrected by the contractor.

Substantial Completion - The point in time certified by the architect when the work or a designated portion of the work is sufficiently complete, in accordance with the contract documents, so the owner may occupy the work or designated portion thereof for the use for which it is intended. [from the AIA *Handbook of Professional Practice*]

V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction (DRC) that through the Bureau of Adult Detention (BAD), the DRC shall provide a thorough and prompt review of planning documents relating to the construction of new jails, workhouses, and lockups, or important additions or alterations to such existing institutions, in accordance with sections 5120.10, 753.21, 341.34 and 307.01 of the Ohio Revised Code. This review is intended to ensure that construction, renovation, or additions to these facilities comply with the Minimum Standards for Jails in Ohio and that these facilities will be capable of operating within the specifications of the standards.

The “Construction/Renovation Criteria” guides Bureau of Adult Detention staff in making a thorough and objective review of design and construction documents. As a wide variety of designs may be capable of meeting the criteria, staff shall remain open to innovative approaches by planners. Staff shall be sensitive to those design issues which may not be specifically addressed by the criteria and must be resolved on a case-by-case basis in a manner which conforms to the spirit and intent of the planning process.

VI. PROCEDURES

A. Submittal

1. During contacts with local officials, planners, and architects, Bureau of Adult Detention staff shall apprise them of the planning approval process. Staff should inform local officials to apprise the Bureau of Adult Detention:
 - a. Of any planned physical changes proposed to ensure that such changes will not adversely affect compliance with the Minimum Standards for Jails in Ohio.
 - b. In the case of renovation, alteration, or additions to existing jails, the jail inspector, in conjunction with a designated DRC staff member, shall discuss such proposals to determine to what extent, if any, the planning approval process should be implemented. The discussion shall be documented in writing to the jurisdiction.

2. Upon notification by local officials/planners (submitter) that they are prepared to submit a planning phase, the primary reviewer (see section VI.A.3 of this policy) shall:
 - a. For phases 1 (Operational/Architectural Program), 2 (Design Development), and 3 (Construction Documents):
 - i. Instruct the submitter to forward copies of planning materials, at their expense, to assigned staff and indicate the appropriate addresses.
 - ii. Instruct the submitter to include a completed planning submission checklist as evidence of preparedness for review.
 - iii. Instruct the submitter to provide documentation of agreement with each phase by the sheriff, chief, or designee and by the county commissioners, municipal funding authority or designee.
 - iv. Once received, schedule a plans review conference, at a mutually acceptable site, within fifteen (15) working days of receipt of the phase. When appropriate, and by mutual agreement, the meeting may be waived.
 - v. Send a written response to the submitter consisting of:
 - a) Acknowledgment of receipt of the phase.
 - b) Date, time, and place of the plans review conference.
 - c) Copies to appropriate participants
 - vi. For phases 2 and 3, verify approval of prior phase(s).
 - vii. Remind the submitter of required participants in the plans review conference.
 - b. For phase 4 (Construction Alterations):
 - i. Instruct the submitter to provide documentation of proposed construction alterations to the specified review staff prior to implementation.
 - ii. Respond to the proposed changes in writing within five working days of receipt.
 - c. For phase 5 (Transition Program):
 - i. Instruct the submitter to forward to the jail inspector for review.
 - ii. Review required submittal within sixty (60) calendar days.
 - iii. Send a written response to the submitting authorities indicating approval, disapproval, or needed changes to the documentation.
 - d. Instruct submitters to include, with planning documents, any request for deviation from specific "Construction/Renovation Criteria".

- i. Requests for deviations should be addressed to the jail inspector.
- ii. The request should include the following information:
 - a) The specific “Construction/Renovation Criteria” section(s) for which a deviation is desired.
 - b) The specific reason(s) for the desired deviation.
 - c) The means by which the intent of the “Construction/Renovation Criteria” section(s) will be achieved.

3. Review Staff

The Bureau of Adult Detention review staff shall consist of the jail inspector and a designated DRC staff member. The DRC chief inspector/designee may assign an additional reviewer or may participate in the review.

4. Before a planning conference, assigned staff shall review the documents relative to:
- a. The requirements of the appropriate planning phase to determine whether the documents:
 - i. Are submitted in proper form;
 - ii. Contain all required information; and
 - iii. Ensure approval of previous phases, if applicable.
 - b. The appropriate Minimum Standards for Jails in Ohio, noting:
 - i. Particular items of non-compliance with the standards or their intent; and
 - ii. Significant omissions which, if not properly addressed, could contribute to areas of non-compliance.
 - c. The appropriate “Construction/Renovation Criteria” by systematically comparing each criteria to the submitted documents and noting:
 - i. Particular items which are not consistent with criteria requirements;
 - ii. The advantages of conforming to criteria items indicated as “optional,” when appropriate;
 - iii. Items which must be more clearly detailed in future plans to ensure consistency with the criteria; and
 - iv. Other aspects of the design which may hinder the safe, secure, or effective operation of the proposed facility.

B. Plans Review Conferences

1. The purpose of the review conference is to complete a review of the planning phase for consistency with the Minimum Standards for Jails in Ohio and “Construction/Renovation Criteria.”

2. Attendees
 - a. Phases 1 2, and 3: Bureau of Adult Detention review staff, jail administrator and/or sheriff/chief of police, jurisdiction's architect should attend.
 - b. Other officials may attend the meeting as requested by the planning jurisdiction.
3. The jail inspector or other designated DRC staff member shall be responsible for structuring the plans review conferences.
4. The format of the meeting should at least include:
 - a. Review of prior unresolved issues;
 - b. Review and explanation of the current phase and
 - c. Thorough review of the planning materials for compliance with the Minimum Standards for Jails in Ohio and "Construction/Renovation Criteria".
5. Requested deviations to the "Construction/Renovation Criteria" shall be handled in the following manner:
 - a. The jail inspector and a designated DRC staff member shall consult with each other to determine if the requested deviation is acceptable and what provisions/conditions should be required if the deviation is approved.
 - b. The jail inspector shall arrange for a discussion with the DRC chief inspector/designee concerning the requested deviation.
 - c. The jail inspector shall relay decisions made, in writing, to the appropriate jurisdiction. The decision shall be included in the plans review letter or, if more appropriate, separate correspondence with copies to all appropriate parties.
6. Requested variances to the Minimum Standards for Jails in Ohio shall be handled in accordance with DRC policy 107-BAD-05, Variance Process for Ohio Minimum Jail Standards.
7. Meeting Documentation
 - a. During a plans review conference, the jail inspector shall record notes and any concerns that need to be addressed.
 - b. The meeting notes shall also include approval or disapproval of the phase under review
 - c. The original meeting notes shall be given to the submitter, with copies provided to all other participants.

- d. A formalized letter of approval or disapproval shall be sent to the submitter after the meeting with copies provided to all other participants.
- e. With regard to phase 3, the jail inspector must sign the final approval letter. Also, the phase 3 letter should include a request for notification of initiation of construction and notification of anticipated completion of the project.
- f. All planning correspondence shall include:
 - i. Name of jurisdiction;
 - ii. State funding designation number, if applicable;
 - iii. Classification (e.g. Full Service (FS), Twelve Day (12D), Twelve Hour (12H) Minimum Security Jail (MSJ), Temporary Holding Facility (THF));
 - iv. Type of construction (e.g. new construction, renovation, addition, etc.);
 - v. Phase identification by number;
 - vi. Name, title, and address of reviewers to receive plans (as appropriate);
 - vii. Copies to:
 - a) Jail inspector's file;
 - b) Appropriate local officials, planners, and submitters; and
 - c) Fiscal Planner, if the project is state funded.

C. Construction

1. Periodic On-Site Visits

- a. During the construction period, staff must periodically visit jail construction sites to ensure that work is proceeding consistent with approved plans and to update DRC/Bureau of Adult Detention records.
- b. Site visits shall be coordinated between the jail inspector and a designated DRC staff member to ensure timely and appropriate visits during construction. Site visits must be documented on Field Report form (DRC7044).
- c. Any discrepancies to approved plans or other concerns shall be addressed consistent with section VI.C.3.c of this policy.

2. Construction Schedule

- a. During the construction period, staff shall maintain on-going contact with the architect to ascertain project status and anticipated completion date. Contact shall be documented.
- b. During the construction period, staff shall remind the architect/jurisdiction in writing of the need for submission and approval of phase 5 prior to the scheduling of the final walk-through. Such reminders shall be documented.

- c. There must be a written reminder by the jail inspector at 50% completion if phase 5 materials have not been received.
- d. There must be a written reminder by the jail inspector at 75% completion if phase 5 materials have not been received.

3. Final Walk-Through

At approximately 95% completion, after preparation of the punch list and approval of phase 5, but prior to the facility becoming operational, the jail inspector and a designated DRC staff member(s) shall schedule a final walk-through of the facility.

The jail inspector shall request a copy of the punch list to be provided before or in conjunction with the walk-through.

The jail inspector shall request a copy of the Certificate (s) of Substantial Completion and/or, if required by the authority having jurisdiction, the Occupancy Permit. These documents may be provided before or at the time of the final walk-through.

- a. During the final walk-through, the review staff shall walk through the facility noting any discrepancies or alterations to the approved plans for clarification, correction, or resolution.
- b. If any unacceptable discrepancies or alterations are observed, including the failure to submit phase 5 for review and approval, the Jail Inspector shall notify local officials in writing of the need to make changes to rectify the concern. Such required changes shall be by a consensus of the jail inspector and a designated DRC staff member with the approval of the DRC chief inspector/designee.
- c. If there are no discrepancies, the jail inspector shall notify local officials in writing that the facility was constructed consistent with approved plans and may become operational.

D. Facility Opening

1. Upon notification of the planned opening, occupation, or use of the area/facility, the jail inspector shall notify the DRC chief inspector/designee by memo including:
 - a. Name of facility;
 - b. Potential date of planned opening, occupation, or use of the area;
 - c. Outline of any planning materials that have yet to receive final approval; and
 - d. An outline of unacceptable discrepancies or alterations from the approved plans that have not been properly addressed.

2. If applicable, provide written correspondence to local officials notifying them of the implications of opening, occupying, or using a new or renovated area without final approval from the DRC/Bureau of Adult Detention.

E. Stopped, Discontinued, or Inactive Projects

1. For projects that have previously submitted planning phases, the jail inspector shall:
 - a. After three (3) months of inactivity (e.g. no subsequent phases have been submitted, no contact indicating planning is proceeding), contact the jurisdiction to determine the status of planning.
 - b. Document this contact by a memo to file indicating the reason for inactivity and the potential for resumption.
2. For projects under consideration or believed to be in planning, but which have not submitted any formal planning materials, the jail inspector shall:
 - a. After one (1) year of inactivity, contact the jurisdiction to determine the status of planning.
 - b. If no future formal planning is expected, the jurisdiction shall be removed from active planning status.

F. Status Review

1. Between six (6) and nine (9) months after the commencement of operation of a new facility or an addition to an existing facility that increases capacity, the jail inspector and/or other designated DRC staff member shall conduct an on-site review of the facility to determine the status of outstanding construction issues, outstanding policy issues, staff issues and general operation of the facility in regard to compliance with the approved planning documents.
 - a. Any outstanding construction/renovation issues that were documented as a condition of final walk-through approval shall be reviewed to determine the status of completion and/or correction.
 - b. Any outstanding policy and procedure issues that were documented as a condition of phase 5 approval shall be reviewed for completion and/or correction.
 - c. Staffing issues shall be reviewed for compliance with the approved phase 5 final staffing proposal.
 - d. The status of new staff hiring shall be reviewed for conformance with the phase 5 new staff hiring schedule.

- e. Staff training status for new and existing staff shall be reviewed for conformance with the phase 5 submittal and compliance with the requirements of the Minimum Standards for Jails in Ohio.
 - f. Note shall be made of any additional observed physical or operational areas of concern.
2. The Jail Inspector and/or other designated DRC staff member shall discuss with the DRC chief inspector/designee all pending conditional issues, areas of non-conformance, and areas of non-compliance which remain unresolved as well as any additional areas of concern noted during the review.
 3. The jail inspector shall document all findings by letter to local officials and, if applicable, the funding agency.
 4. The letter shall document the status of all pending, non-conforming, and non-compliant issues.
 5. The letter shall document any additional areas of concern observed during the review.
 6. The letter shall stipulate remedial measures, if any, to be taken.

G. Record Keeping

1. One (1) copy of all submitted documents shall be retained by all reviewers until completion of construction and final approval of phase 5. Upon construction completion and final approval of phase 5, the following documents shall be retained:
 - a. In the files and/or electronic storage areas of the DRC/Bureau of Adult Detention:
 - i. The final approved floor plans shall be retained.
 - ii. All correspondence shall be retained.
 - iii. The phase 5 documents shall be retained.
 - iv. All phase 3 documents shall be retained in the appropriate bureau files.
 - iv. All other documents may be discarded.
2. The jail inspector shall record significant planning activities in the monthly report.

Related Department Forms:

Field Report

DRC7044