

## Rural Area Flexibility Analysis (RAFA):

### 1.) Types and estimated numbers of rural areas:

Each county must have adequate specialized secure detention facilities available to meet the needs of their populations. Counties serving rural areas that choose to operate a specialized secure detention facility, either alone or in conjunction with other counties, will be affected by the rule. The most significant impact for those counties choosing to operate a specialized secure detention facility will be on a county agency that is appointed to jointly administer detention with the applicable sheriff. This burden is the need to administer and operate these new facilities. The exact number to be affected in this way is unknown, as it is not known how many counties serving rural areas will opt to operate a specialized secure detention facility. Counties may choose to participate in a regional approach with other counties instead of operating their own specialized secure detention facilities.

### 2.) Reporting, recordkeeping and other compliance requirements; and professional services:

At this time, counties serving rural areas must meet the deadlines established in the RTA to house 16-year-olds in specialized secure detention facilities by October 2018 and 17-year-olds by October 2019. Counties serving rural areas will have opportunities to work jointly to create regional facilities, that may reduce the workload. Counties may also engage an authorized child caring agency to operate specialized secure detention facilities.

Counties serving rural areas will need to obtain certification of a specialized secure detention facility every two years. There will also be paperwork associated with tracking costs and claiming reimbursement.

Additionally, the proposed regulations will impose various compliance requirements on each program area of facility operations, to include the establishment and implementation of facility policies and procedures, the

facility director's review and determination of decisions regarding a youth's management, the formation of a formal grievance process, and the reporting of significant facility incidents to the Commission.

It is likely that services for the construction or substantial remodeling required for the creation of specialized secure detention facilities will be necessary to meet the obligations of the RTA and this proposed rule.

Additionally, there will be several professional facility staff positions, such as teachers, medical staff, and counseling staff. Some of these staff may already exist in the facilities where such adolescents are being served and will transfer to the new facility, but some portion of the new facilities will likely generate new positions or contractual services.

### 3.) Costs:

Initial capital costs are currently undetermined as the construction or renovation costs will vary depending on which counties serving rural areas opt to operate a facility individually or jointly and required startup costs. However, the RTA provides state aid to qualifying localities for up to one hundred percent of the costs incurred for implementation. For counties serving rural areas that would not qualify, existing levels of state aid for construction of new or substantially remodeled detention facilities are carried over for specialized secure detention facilities. In addition, the RTA provides for reimbursement of one hundred percent of the increased cost of sheriff transport associated with the RTA.

### 4.) Minimizing adverse impact:

This regulatory proposal, together with OCFS regulations, minimize adverse impact on rural areas by permitting specialized secure detention facilities to be collocated with secure detention facilities, thus allowing for use of existing unused space. In addition, the financial assistance available for costs associated with new construction or substantial remodeling, and one hundred percent reimbursement for costs associated with the

RTA, will minimize adverse impact. Lastly, where compliance with a specific regulation cannot be achieved due to a temporary condition or situation, or is to be achieved in a manner other than that which is specified in the regulation, the proposed rule does allow for a facility's application, and the Commission's approval of, a variance.

5.) Rural area participation:

The regulatory proposal will be available to affected parties for comment and will be thoroughly addressed through statewide trainings and guidance documentation distributed to affected parties and counties, including those that serve rural communities.