

BILL HASLAM
GOVERNOR



TONY PARKER
COMMISSIONER

STATE OF TENNESSEE
DEPARTMENT OF CORRECTION
SIXTH FLOOR, RACHEL JACKSON BUILDING
320 SIXTH AVENUE NORTH
NASHVILLE, TENNESSEE 37243-0465
OFFICE (615) 253-8139 • Fax (615) 532-8281

March 19, 2018

The Honorable Ken Yager, Chairman
Fiscal Review Committee
774 Cordell Hull Building
Nashville, TN 37243

Dear Chairman Yager:

The Department of Correction (DOC) wishes to enter into a two-year contract with The Next Door, Inc. (TND) for the provision and maintenance of a female transitional facility for the State, with a constant availability of forty-two (42) beds to be located in Chattanooga, Tennessee. The vendor will provide proper safekeeping, care, housing, and reentry services to eligible female offenders who are within eighteen (18) months of release. Reentry services will be evidence based and will include employment, alcohol and drug support services, pro-social life skills, reentry planning, family reunification, and cognitive restructuring.

It is in the best interest of the State to renew its contract with TND to allow uninterrupted continuation of services. TND has received national recognition for its successes in implementing evidence-based programming to female offenders and is accredited by the American Correctional Association (ACA) under the Adult Community Residential Services standards.

DOC Legal staff finds no records concerning allegations of fraudulent activity by this vendor.

A special contract request with all required supporting documentation to permit this contract was submitted to the Commissioner of General Services and the Comptroller of the Treasury simultaneously with this submission to the Fiscal Review Committee.

We appreciate your consideration of this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tony Parker".

Tony Parker

TP:LSC

pc: The Honorable Mark White, Vice-Chairman
Krista Lee, Fiscal Review Committee Director
Wes Landers, Chief Financial Officer
Torrey Grimes, Legislative Liaison
Eric Qualls, Director
Priscilla Wainwright, Director

Supplemental Documentation Required for
Fiscal Review Committee

*Contact Name:	Priscilla Wainwright	*Contact Phone:	615-253-5571
*Presenter's name(s):	Wes Landers, Chief Financial Officer		
Edison Contract Number: <i>(if applicable)</i>	To be determined	RFS Number: <i>(if applicable)</i>	32901-31669
* Proposed Contract Begin Date:	July 1, 2018	* Proposed End Date:	June 30, 2020
Current Request Amendment Number: <i>(if applicable)</i>	NA		
Proposed Amendment Effective Date: <i>(if applicable)</i>	NA		
*Department Submitting:	Correction		
*Division:	Fiscal		
*Date Submitted:	March 29, 2018		
*Submitted Within Sixty (60) days: <i>If not, explain:</i>	Yes NA		
*Contract Vendor Name:	The Next Door, Inc.		
* Proposed Maximum Liability:	\$1,357,282		
*Estimated Total Spend for Commodities:	NA		
*Proposed Contract Allocation by Fiscal Year: (as Shown on Most Current Fully Executed Contract Summary Sheet)			
FY: 2019	FY: 2020		
\$678,641	\$678,641		
*Current Total Expenditures by Fiscal Year of Contract: (attach backup documentation from Edison)			
IF Contract Allocation has been greater than Contract Expenditures, please give the reasons and explain where surplus funds were spent:	NA		
IF surplus funds have been carried forward, please give the reasons and provide the authority for the carry forward provision:	NA		
IF Contract Expenditures exceeded Contract Allocation, please give the reasons and explain how funding was acquired to pay the overage:	NA		
*Contract Funding Source/Amount:			
State:	\$1,357,282	Federal:	NA

Supplemental Documentation Required for
Fiscal Review Committee

<i>Interdepartmental:</i>	NA	<i>Other:</i>	NA
If “ <i>other</i> ” please define:		NA	
If “ <i>interdepartmental</i> ” please define:		NA	
Dates of All Previous Amendments or Revisions: <i>(if applicable)</i>	Brief Description of Actions in Previous Amendments or Revisions: <i>(if applicable)</i>		
Method of Original Award: <i>(if applicable)</i>	Sole-source		
*What were the projected costs of the service for the entire term of the contract prior to contract award? How was this cost determined?	<p>\$1,357,282</p> <p>The cost was determined by multiplying the base cost of 42 offenders for one day (\$1,710) x 365 days x 2 years plus the cost of facilitation of group process services of \$54,491 x two years.</p>		
*List number of other potential vendors who could provide this good or service; efforts to identify other competitive procurement alternatives; and the reason(s) a sole-source contract is in the best interest of the State.	<p>Tennessee 2-1-1 is a comprehensive information and referral system which links people in need with appropriate health and human services resources. A Tennessee 2-1-1 search was conducted for transitional housing in East Tennessee serving female offenders. The only programs identified that specifically serve women were The Next Door in Chattanooga and Knoxville. Further, the Tennessee Reentry Collaborative (TREC), a state-wide collaborative of state agencies, local law enforcement and non-profit service providers, indicates that there have been no providers other than TND identified through TREC that provide these services for female offenders.</p>		

Rule Exception Request

Use this document to request changes to Central Procurement Office templates, policies, or other procurement documents or to modify the “necessary contract clauses” identified in Tenn. Comp. R. & Reg. 0690-03-01-.17 (“CPO Rule 17”). Complete this document in conformity with CPO Rule 17, which is available [here](#). Send the completed document in PDF format to: Agsprs.Agsprs@tn.gov. All Rule Exception Requests are subject to review and approval by the Chief Procurement Officer. Rule Exception Requests that propose to modify any of CPO Rule 17’s necessary contract clauses shall be subject to review and approval by the Comptroller of the Treasury. Note: Any change to the template language regarding the Limitation of Contractor’s Liability shall be submitted using the Limitation of Contractor’s Liability Request.

<p>APPROVED</p> <hr/> <p>CHIEF PROCUREMENT OFFICER</p>	<p>APPROVED</p> <hr/> <p>COMPTROLLER OF THE TREASURY</p>
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Agency request tracking #	32901-31669
1. Procuring Agency	Tennessee Department of Correction
2. Edison contract ID #	25620
3. Contractor or Grantee	The Next Door, Inc.
4. Contract’s Effective Date	July 1, 2018
5. Contract or grant contract’s Term (with ALL options to extend exercised)	24 months
6. Contract’s Maximum Liability (with ALL options to extend exercised)	\$ 1,357,282
7. Citation and explanation of the rule(s) for which the exception is requested:	CPO Rule 17 (Tenn. Comp. R. & Reg. 0690-03-01-.17) Permits Agency to request modifications to model language.
8. Description of requested changes: If adding new provisions or modifying existing provisions, insert the new or modified provisions in their entirety. Please provide red-lines or track changes to highlight any deviations from template language.	
<p>C.5. <u>Invoice Requirements.</u> The Contractor shall invoice the State only for goods delivered and accepted by the State or services satisfactorily provided at the amounts stipulated in Section C.3., above. Contractor shall submit invoices and necessary supporting documentation, no more frequently than once a month, and no later than thirty (30) days after goods or services have been provided to the following address:</p> <p>Tennessee Department of Correction, Accounts Payable 3rd Floor, Rachel Jackson Building 320 6th Avenue North Nashville, TN 37246-0465</p> <p>a. Each invoice, on Contractor’s letterhead, shall clearly and accurately detail all of the following information (calculations must be extended and totaled correctly):</p> <ol style="list-style-type: none"> (1) Invoice number (assigned by the Contractor); (2) Invoice date; (3) Contract number (assigned by the State); (4) Customer account name: TENNESSEE DEPARTMENT OF CORRECTION/JUDICIAL COST 	

- ACCOUNTANT – FISCAL ADMINISTRATION;
- (5) Customer account number (assigned by the Contractor to the above-referenced Customer);
 - (6) Contractor name;
 - (7) Contractor Tennessee Edison registration ID number;
 - (8) Contractor contact for invoice questions (name, phone, or email);
 - (9) Contractor remittance address;
 - (10) Description of delivered goods or services provided and invoiced, including identifying information as applicable;
 - (11) Number of delivered or completed units, increments, hours, or days as applicable, of each good or service invoiced;
 - (12) Applicable payment methodology (as stipulated in Section C.3.) of each good or service invoiced;
 - (13) Amount due for each compensable unit of good or service; and
 - (14) Total amount due for the invoice period.

b. Contractor's invoices shall:

- (1) Only include charges for goods delivered or services provided as described in Section A and in accordance with payment terms and conditions set forth in Section C;
- (2) Only be submitted for goods delivered or services completed and shall not include any charge for future goods to be delivered or services to be performed;
- (3) Not include Contractor's taxes, which includes without limitation Contractor's sales and use tax, excise taxes, franchise taxes, real or personal property taxes, or income taxes; and
- (4) Include shipping or delivery charges only as authorized in this Contract.

c. The timeframe for payment (or any discounts) begins only when the State is in receipt of an invoice that meets the minimum requirements of this Section C.5.

- d. List of current TDOC inmates (name and TDOC number) under the program shall be submitted with the invoice receipt.

9. Justification Because all offenders are identified by their offender management system number, including this information on the invoices will facilitate bookkeeping and invoice payment. In the event that there is more than one offender with the same or similar names, the offender management system number and completion date the interpretation services were provided would further facilitate invoice payment.

Signature of Agency head or designee and date



E-Health Pre-Approval Endorsement Request E-Mail Transmittal

TO : Wesley McRae, Office of e-Health Initiatives
Department of Finance & Administration
E-mail: wesley.McRae@tn.gov

FROM : Priscilla Wainwright
E-mail: Priscilla.Wainwright@tn.gov

DATE : March 1, 2018

RE : Request for eHealth Pre-Approval Endorsement

Applicable RFS # 32901-31669

Office of e-Health Initiatives Endorsement Signature & Date:

Office of e-Health Initiatives

Office of e-Health Initiatives (eHealth) pre-approval endorsement is required pursuant to procurement regulations pertaining to contracts with medical/mental health-related professional, pharmaceutical, laboratory, or imaging type services as a component of the scope of service. This request seeks to ensure that eHealth is aware of and has an opportunity to review the procurement detailed below and in the attached document(s). This requirement applies to any procurement method regardless of dollar amount.

Please indicate eHealth endorsement of the described procurement (with the appropriate signature above), and return this document via e-mail at your earliest convenience.

Contracting Agency	Correction
Agency Contact (name, phone, e-mail)	Priscilla Wainwright 615-253-5571 Priscilla.wainwright@tn.gov
Attachments Supporting Request (as applicable – copies without signatures acceptable)	
<input type="checkbox"/> Solicitation Document <input checked="" type="checkbox"/> Special Contract Request <input type="checkbox"/> Amendment Request <input type="checkbox"/> Proposed contract or amendment	
Subject Medical/Mental Health-Related Service Description (Brief summary of eHealth services involved. As applicable, identify the contract and solicitation sections related to eHealth services.)	
Provision of a female transitional facility and facilitation of group process services.	

Special Contract Request

This form should be utilized to facilitate contract and procurement requests that require the Chief Procurement Officer's prior approval and that of the Comptroller of the Treasury, as applicable.

NOT required for a contract with a federal, Tennessee, or Tennessee local government entity or a grant.

Route a completed request, as one file in PDF format, via e-mail attachment sent to: agsprs.agsprs@tn.gov.

APPROVED	APPROVED
CHIEF PROCUREMENT OFFICER	DATE
COMPTROLLER OF THE TREASURY	DATE

Request Tracking #	32901-31669
1. Contracting Agency	Tennessee Department of Correction (TDOC)
2. Type of Contract or Procurement Method	<input type="checkbox"/> No Cost <input type="checkbox"/> Revenue <input checked="" type="checkbox"/> Sole Source <input type="checkbox"/> Proprietary <input type="checkbox"/> Competitive Negotiation <input type="checkbox"/> Other _____
3. Requestor Contact Information	Leni Chick Leni.chick@tn.gov 615-253-8259
4. Brief Goods or Services Caption	Provision of a female transitional facility and facilitation of group process services.

Request Tracking #	32901-31669
5. Description of the Goods or Services to be Acquired	<p>The vendor shall provide and maintain a female transitional facility for the State, with a constant availability of forty-two (42) beds as well as facilitation of group process services. Forty-two (42) beds shall be located in Chattanooga, TN. Additional beds in Memphis, Nashville, and Knoxville, TN may be requested as needed. Vendor will provide proper safekeeping, care, housing, and reentry services to eligible female offenders who are within 18 months of release. Reentry services will be evidence-based and will include employment, alcohol and drug support services, pro-social life skills, reentry planning, family reunification, and cognitive restructuring.</p>
6. Proposed Contractor	The Next Door, Inc.
7. Name & Address of the Contractor's principal owner(s) – NOT required for a TN state education institution	<p>Linda Leathers, CEO 402 22nd Avenue North PO Box 23336 Nashville, TN 37203</p>
8. Proposed Contract Period – with ALL options to extend exercised The proposed contract start date shall follow the approval date of this request.	24 months
9. Strategic Technology Solutions (“STS”) Pre-Approval Endorsement Request – information technology (N/A to THDA)	<input checked="" type="checkbox"/> Not Applicable <input type="checkbox"/> Attached
10. eHealth Pre-Approval Endorsement Request – health-related professional, pharmaceutical, laboratory, or imaging	<input type="checkbox"/> Not Applicable <input checked="" type="checkbox"/> Attached
11. Human Resources Pre-Approval Endorsement Request – state employee training	<input checked="" type="checkbox"/> Not Applicable <input type="checkbox"/> Attached
12. Are these goods or services currently available on a statewide contract? If YES, please explain why the current statewide contract is not being used for this procurement.	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES,
13. Maximum Contract Cost – with ALL options to extend exercised	\$ 1,357,282
14. Was there an initial government estimate? If so, what amount?	<input type="checkbox"/> NO <input checked="" type="checkbox"/> YES, \$678,641/year
15. Cost Determination Used- How did agency arrive at the estimate of expected costs?	<p>The maximum liability was determined multiplying the base cost of 42 offenders for one day (\$1,710) x 365 days x two years plus the cost of facilitation of group process services of \$54,491 x two years.</p>

Request Tracking #	32901-31669
16. Explanation of Fair and Reasonable Price- Explain how agency determined that price is fair and reasonable	TDOC negotiated a cost of \$40 per offender per day prior to the Center's opening in 2011 for up to 30 beds. In fiscal year 2018, the rate was increased to \$45 per offender per day for additional offenders beyond the base of 42.
17. Documentation of Discussions with Contractor- How did agency document discussions with Contractor? Attach documentation to this request as applicable.	The agency held multiple meetings with The Next Door to determine prices and services to be offered. The scope of services for this contract remains consistent with that originally developed in 2011.
18. Explanation of Need for or requirement placed on the State to acquire the goods or services	The vendor shall provide and maintain a female transitional facility for the State, with a constant availability of forty-two (42) beds as well as facilitation of group process services. Forty-two (42) beds shall be located in Chattanooga, TN. Additional beds in Memphis, Nashville, and Knoxville, TN may be requested as needed. Vendor will provide proper safekeeping, care, housing, and reentry services to eligible female offenders who are within 18 months of release. Reentry services will be evidence-based and will include employment, alcohol and drug support services, pro-social life skills, reentry planning, family reunification, and cognitive restructuring.
19. Proposed contract impact on current State operations	With a cost per offender per day at Tennessee Prison for Women of \$90.84, this contract saves the State \$50.13 per offender per day resulting in a potential savings of \$768,492.90 per year (\$50.13 x 42 offenders x 365 days). A total potential savings of \$1,536,985.80 for the term of the contract.

Request Tracking #	32901-31669
<p>20. Justification – Specifically explain why the goods or services should be acquired through the procurement method or contract type selected.</p>	<p>It is in the best interest of the State to renew its contract with The Next Door (TND) to provide transitional services for female offenders returning to East Tennessee. TND currently operates a release center that houses TDOC offenders prior to release. Uninterrupted continuation of services will also allow offenders currently participating to complete the program. This contract will allow TND to continue providing such services to the Department.</p> <p>This facility is located on State property and serves offenders who are within 18 months of release. Because TND currently operates a transitional facility for women in Chattanooga, they can leverage the community resources already in place to provide a wide range of services at a reasonable cost to the State.</p> <p>TND has the experience and expertise required for providing transitional services to women. TND has received national recognition for their successes in implementing evidence-based programming to female offenders both prior to release and upon release to the community. The White House Office of National Drug Control Policy has recognized the organization as a model program for reentry and in 2008, the National Criminal Justice Association named TND the Outstanding Criminal Justice Program of the Southeast. TND has had unprecedented success working with female felons in Tennessee, with a current recidivism rate of only seventeen (17) percent for those who complete the program. Since the transitional center's start in 2011, the program has served 527 women with 83 percent (437) successfully completing the program. The current three-year recidivism rate for inmates released from TDOC custody is 47.1 percent. TND program utilizes evidence-based practices to address the female offender's needs, addressing all major barriers of successful reentry into the community. It is in the State's best interest to secure a contractor with demonstrated abilities working with female offenders so as to continue the success in this initiative. It would prove both an onerous burden to the State and disruptive to female offenders already currently participating in the program to bring in another vendor.</p>

Request Tracking #	32901-31669
For No Cost and Revenue Contracts Only	
21. What costs will the State incur as a result of this contract? If any, please explain.	
22. What is the total estimated revenue that the State would receive as a result of this contract?	
23. Could the State also contract with other parties interested in entering substantially the same agreement? Please explain.	<input type="checkbox"/> NO <input type="checkbox"/> YES
24. Summary of State responsibilities under proposed contract	
For Sole Source and Proprietary Procurements Only	
25. Explanation of Need for or requirement placed on the State to acquire the goods or services	TDOC constantly looks for ways to lower the cost of incarceration and to reduce recidivism. To this end, the contractor will provide and maintain a transitional facility with up to 42 beds in Chattanooga, Tennessee for female offenders nearing release. The contractor will provide proper safekeeping, care, housing, and reentry services to eligible female offenders who are within 18 months of release. Reentry services will be evidence-based and will include employment, alcohol and drug support services, reentry planning, family reunification, and cognitive restructuring.

Request Tracking #	32901-31669
<p>26. Evidence of Contractor's experience & length of experience providing the goods or services to be procured.</p>	<p>TND has been serving former female offenders in the Nashville community since May 2004. Since that time, over 750 women have been served by the non-profit. TND in Nashville provides transitional living and recovery support services to women who are coming out of incarceration, rehabilitation centers, or domestic violence shelters. In recognition of the common need among residents for mental health and addiction counseling, TND provides an integrated model to address the co-occurring disorders. A professional team of counselors, case managers, nurse practitioners, masters level social work interns, mentors, and job coaches complete the staff to provide comprehensive coverage to residents' needs. To date, the recidivism rate for women who complete the program is just seventeen (17) percent.</p> <p>TND has received national recognition for their successes in implementing evidence-based programming to female offenders both prior to release and upon release to the community.</p> <p>The White House Office of National Drug Control Policy has recognized the organization as a model program for reentry and in 2008, the National Criminal Justice Association named TND the Outstanding Criminal Justice Program of the Southeast. TND program is also now accredited by the American Correctional Association (ACA) under the Adult Community Residential Services standards.</p>
<p>27. Has the contracting agency procured the subject goods or services before? If yes, provide the method used to purchase the goods or services and the name and address of the contractor.</p>	<p><input type="checkbox"/> NO <input checked="" type="checkbox"/> YES,</p> <p>Method: Sole source</p> <p>Name/Address:</p> <p>The Next Door, Inc.</p> <p>Linda Leathers, CEO</p> <p>PO Box 23336</p> <p>Nashville TN 37203</p>

Request Tracking #	32901-31669
<p>28. Contractor selection process and efforts to identify reasonable, competitive, procurement alternatives</p>	<p>Tennessee 2-1-1 is a comprehensive information and referral system which links people in need with appropriate health and human services resources. A Tennessee 2-1-1 search was conducted for transitional housing in East Tennessee serving female offenders. The only programs identified that specifically serve women were The Next Door in Chattanooga and Knoxville. Further, the Tennessee Reentry Collaborative (TREC), a state-wide collaborative of state agencies, local law enforcement and non-profit service providers, indicates that there have been no providers other than TND identified through TREC that provide these services for female offenders.</p>
Signature Required for all Special Contract Requests	
<p>Signature of Agency head or authorized designee, title of signatory, and date (the authorized designee may sign his or her own name if indicated on the Signature Certification and Authorization document)</p> <p>Signature: _____ Date: _____</p>	



CONTRACT

(fee-for-goods or services contract with an individual, business, non-profit, or governmental entity of another state)

Begin Date 7/1/2018	End Date 6/30/2020	Agency Tracking # 32901-31669	Edison Record ID
Contractor Legal Entity Name The Next Door, Inc.			Edison Vendor ID 25620

Goods or Services Caption (one line only)
Provision of a female transitional facility and facilitation of group process services.

Contractor <input checked="" type="checkbox"/> Contractor	CFDA #
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Funding —					
FY	State	Federal	Interdepartmental	Other	TOTAL Contract Amount
2019	\$678,641				\$678,641
2020	\$678,641				\$678,641
TOTAL:	\$1,357,282				\$1,357,282

Contractor Ownership Characteristics:

Minority Business Enterprise (MBE):
 African American Asian American Hispanic American Native American

Woman Business Enterprise (WBE)

Tennessee Service Disabled Veteran Enterprise (SDVBE)

Disabled Owned Business (DSBE)

Tennessee Small Business Enterprise (SBE): \$10,000,000.00 averaged over a three (3) year period or employs no more than ninety-nine (99) employees.

Government Non-Minority/Disadvantaged Other:

Selection Method & Process Summary (mark the correct response to confirm the associated summary)

Competitive Selection

Other Special Contract Request

Budget Officer Confirmation: There is a balance in the appropriation from which obligations hereunder are required to be paid that is not already encumbered to pay other obligations.

Speed Chart (optional)	Account Code (optional)
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CONTRACT
BETWEEN THE STATE OF TENNESSEE,
TENNESSEE DEPARTMENT OF CORRECTION
AND
THE NEXT DOOR, INC.

This Contract, by and between the State of Tennessee, Department of Correction ("State") and The Next Door, Inc. ("Contractor"), is for the provision of a female transitional facility and facilitation of group process services, as further defined in the "SCOPE." State and Contractor may be referred to individually as a "Party" or collectively as the "Parties" to this Contract.

The Contractor is a Non-Profit Corporation.

Contractor Place of Incorporation or Organization: Nashville, Tennessee 37203

Contractor Edison Registration ID # 25620

A. SCOPE:

- A.1. The Contractor shall provide all goods or services and deliverables as required, described, and detailed below and shall meet all service and delivery timelines as specified by this Contract.
- A.2. General Requirements: The Contractor shall provide and maintain a female transitional facility for the State, with a constant availability of forty-two (42) beds. Forty-two (42) of these beds shall be in Chattanooga, Tennessee. Additional beds in Memphis, Nashville and Knoxville, Tennessee may be requested as needed. The purpose is to provide short term transitional services to female offenders in accordance with the provisions and requirements stated herein. The Contractor shall provide written quarterly updates on the status of the beds utilized to the Director of Offender Development & Rehabilitation.
- a. The Contractor shall maintain a transitional facility in a community environment, in a location consistent with local zoning requirements. Location of facility must be submitted to the State for approval prior to occupancy.
 - b. The transitional facility must meet all city, county, and state health and fire codes.
 - c. The Contractor shall obtain and maintain accreditation by the American Correctional Association (ACA) in accordance with the most current Performance-Based Standards for Adult Community Residential Services.
- A.3. The Contractor shall agree and understand that the State shall have sole responsibility for referring and placing offenders in the Contractor's transitional facility, in accordance with the state's internal policies and procedures. Sex offenders will be excluded from placement in transitional facilities.
- A.4. The Contractor shall understand and agree that all services shall be performed to the sole satisfaction of the State and that the State shall act as the final judge of the quality of the Contractor's performance under the contract.
- A.5. The Contractor, its personnel, and others acting under the Contractor's control shall at all times observe and comply with all applicable state statutes, state agency rules, regulations, guidelines and policy and procedures that are applicable, current, or hereafter adopted regarding transitional facilities and State employees.
- A.6. The Contractor may house offenders up to eighteen (18) months.
- a. The State, at its discretion, will dictate each offender's length of stay in the transitional facility.
 - b. The Contractor shall not, under any circumstances release or terminate any offender. Release and/or termination of offenders shall be at the sole discretion of the state agency.

- c. The Contractor shall develop and submit a Resident Handbook for review and approval, by the Assistant Commissioner of Rehabilitative Services or designee, on or before June 30th of each year. The Handbook shall contain all relevant information applicable to the program participant during their stay at the facility.
 - d. The Contractor shall develop and submit an Operations Manual for review and approval, by the Assistant Commissioner of Rehabilitative Services or designee, on or before June 30th of each year. The Operations Manual shall contain all relevant policies and procedures applicable to the operation of the facility.
- A.7. The State shall review and approve all written communications and materials developed and used by the Contractor to communicate with offenders prior to their use.
- a. The Contractor shall not use the name, logo, or other identifying marks of the State of Tennessee or the state agency on any materials produced or issued, without the prior written approval of the State.
- A.8. Unless otherwise specified herein, the Contractor shall furnish all material, labor, facilities, equipment, and supplies necessary to perform the services required herein.
- A.9. **Implementation Requirements:** The Contractor shall not receive any offenders nor be paid for any transitional services, or be reimbursed for any expenses, until all of the documents described below are received and approved by the State. Failure to submit such documents within the required time period shall be sufficient cause to terminate the contract immediately after such date without prior notice. Prior to the State placing offenders in the Contractor's transitional facility and no later than thirty (30) calendar days after the contract award, the Contractor must submit the following documents to the Division of Administrative Services, 320 6th Avenue North, Rachel Jackson Building 3rd Floor, Nashville, TN 37243:
- (1) a certificate of occupancy from the State Fire Marshall;
 - (2) a local or state health department inspection for the current fiscal year;
 - (3) verification of approved zoning;
 - (4) a copy of the most recent independent financial audit (not over one year old);
 - (5) a copy of the most recent [not over three (3) years old] local building code inspection; or
 - (6) a license demonstrating compliance with the codes, considering the proposed use of the building.
- a. The Contractor must provide the State with verification of the local health department inspection within the first 120 days of the contract start date.
 - b. The Contractor must obtain the written approval of the Assistant Commissioner of Rehabilitative Services or designee of the Contractor's transitional facility and all required documentation as stated above.
 - (1) Unless the State has previously inspected the Contractor's transitional facility, the State shall conduct a site inspection of the Contractor's transitional facility prior to providing written approval of the Contractor's facility.
- A.10. **Staffing Requirements:** The Contractor's personnel policies shall comply with ACA standards and shall be submitted to the Assistant Commissioner of Rehabilitative Services or designee for approval.
- a. The Contractor shall maintain a confidential personnel file for each person employed by the contractor that shall be accessible to the Assistant Commissioner of Rehabilitative Services or designee for the purpose of verifying compliance with the contractual requirements.
 - b. Prior to employment with the Contractor, applicants shall be subjected to a thorough background investigation. All criminal background checks shall be completed by the State at no charge to the Contractor.

The Contractor shall immediately request a background investigation, from the vendor designated by the State, to be completed on each individual hired to work at the facility. In no instance may an employee begin work in a facility until the background investigation has been completed; however, the employee may participate in pre-service training while the investigation is in process. The State shall notify the Contractor whether or not the employee is cleared for further consideration for employment. The criminal history obtained may be used solely for the purpose requested and may not be disseminated outside the Tennessee Department of Correction (TDOC).

- c. The Contractor shall submit a proposed staffing plan for approval by the Assistant Commissioner of Rehabilitative Services or designee. The approved staffing plan shall be available for review during the annual inspection of the facility. The Contractor shall maintain the required level of staff to provide on-site room, board, and supervision seven (7) days per week, twenty-four (24) hours per day.
 - d. The Contractor shall maintain the required level of staff and service during staff vacation, sick leave and other absences.
 - e. The Contractor shall fill vacancies for program staff positions within forty-five (45) days. The Assistant Commissioner of Rehabilitative Services or designee shall be notified in writing if any position is not filled within forty-five (45) days. The Contractor shall provide a written, quarterly report detailing the number of vacancies and the length of each vacancy. Vacancies for program staff positions shall be reviewed during the annual inspection of the facility.
 - f. The State shall assign a full-time Correctional Counselor position to the Chattanooga Correctional Release Center (CRC). The counselor shall be responsible for leading classes, releasing all offenders, entering in home plans for parole approval, obtaining trust fund information, determining release dates for residents, and/or other procedures as required by the State.
- A.11. Safety Requirements: The Contractor shall maintain and equip the transitional facility's environment to ensure the health, safety, and comfort of the offenders.
- a. Prior to occupancy, the Contractor shall submit written plans and procedures for responding to emergencies and disasters such as fires, natural disasters, and emergencies relating to the offender and Contractor's personnel. Subsequent to initial approval, procedures shall be submitted for approval annually by February 1st. The procedures shall include assignment of tasks, evacuation routes, use of emergency equipment, as well as procedures for the notification of authorities. Written plans must be submitted to the State for approval. Evacuation procedures must be approved by an independent qualified individual. The Contractor is required to perform and document quarterly fire safety evacuation drills.
- A.12. Security Requirements: The Contractor's transitional facility shall provide adequate security to assure that the offender and community feel comfortable with precautions taken to reduce risk and liability, and to increase public acceptance and support.
- a. The Contractor shall submit all policy, procedures, and protocol to the Assistant Commissioner of Rehabilitative Services or designee for review and approval, prior to implementation. These procedures shall include:
 - (1) Physical count of offenders shall occur at least three (3) times per day.
 - (2) A system for monitoring offenders away from the center due to work, furlough, and other temporary absences.
 - b. The Contractor must operate in accordance with procedures for reporting absconders as established by the State in the **Escapes Memo, Policy #506.12** as found in **Attachment Two**.

- A.13. Offender Conduct/ Rules and Regulations: The Contractor shall provide the offender with facility rules and disciplinary regulations describing violations, sanctions, and penalties that are approved by the State before implementation. These rules shall be reviewed and approved by the Assistant Commissioner of Rehabilitative Services or designee prior to occupancy, and each subsequent year by February 1st.
- a. The Contractor shall review facility rules and regulations at least annually and update if necessary. The Assistant Commissioner of Rehabilitative Services will review and approve the implementation.
 - b. The Contractor shall ensure that the rules and regulations pertaining to offenders are conspicuously posted in the facility.
 - c. Contractor shall submit a list of approved offender property for approval by the Assistant Commissioner of Rehabilitative Services or designee. Offenders returned to the Tennessee Prison for Women may not retain items not listed on the **Inmate Personal Property Memo, Policy #504.01** and the **Religious Memo, Policy #118.01** as found in **Attachment Two**. It will be the responsibility of the offender to dispose of the property prior to her return.
- A.14. Use of Force: The Contractor will use physical force only in instances of self-protection as identified in the **Use of Force Memo, Policy #506.08** as found in **Attachment Two**.
- a. The Contractor shall notify the Deputy Commissioner of Prisons or designee and the Assistant Commissioner of Rehabilitative Services or designee by telephone immediately following all uses of force.
 - b. The Contractor must provide a written report following all uses of force. The report shall be submitted to the Deputy Commissioner of Prisons and the Assistant Commissioner of Rehabilitative Services by the next business day. The report must detail all circumstances, list those involved, including witnesses, and describe any medical services provided.
 - c. The Contractor or designated personnel must take the appropriate steps to investigate all use of force incidents.
- A.15. Incident Management and Offender Discipline: Minor (Class C) infractions, as identified in the **Uniform Disciplinary Procedures Memo, Policy #502.01** as found in **Attachment Two**, Definition of Disciplinary Offenses, shall be resolved through informal sanctions. The Contractor shall submit a plan for approval by the Assistant Commissioner of Rehabilitative Services or designee, outlining the process for resolution of minor infractions of facility rules.
- a. All major rules violations (Class A&B), as identified in the **Uniform Disciplinary Procedures Memo, Policy #502.01** as found in **Attachment Two**, shall be resolved by the State through the formal disciplinary process in accordance to **Policy # 502.01**. The State will provide the Contractor with procedures for reporting all major rules violations. In the event of emergency situations, the Contractor shall immediately contact local law enforcement.
 - b. Procedures for notifying local police and the State will be provided by the State.
- A.16. General Service Requirements: The Contractor shall provide room, board, and supervision seven (7) days per week, twenty-four (24) hours per day, as described herein for all referred offenders.
- a. Orientation - The Contractor shall assure that each new offender receives an orientation to the transitional facility within seven (7) days of arrival that includes the following: the rules and regulations, disciplinary procedures/termination, censored materials, program expectation, medical procedures, financial procedures, and the grievance process.

- b. Verification of completed orientation and acknowledgement of house rules shall be signed by the offender and the Contractor's personnel that provided the orientation. The Contractor shall maintain the acknowledgement in the offender's file.
- c. The Contractor shall advise the offender of the name of the case manager assigned to them on the day of their admission. An offender handbook shall be developed jointly by the State and the Contractor and shall be distributed to each offender during orientation. The orientation shall be conducted by the Contractor at the transitional facility by the offender's assigned case manager/counselor.
- d. If an offender is indigent, the State shall provide a reasonable supply of basic toiletry items such as soap, toothpaste, razor, shampoo, deodorant, etc. upon transfer to the center. The Contractor may require employed offenders to purchase their own toiletries. Offenders may transfer personal property according to the **Inmate Personal Property Accounting System Memo, Policy #504.02** as found in **Attachment Two**.
- e. An initial inventory of the offender's personal possessions shall occur at the time of arrival at the facility. The Contractor shall advise the offender that she is responsible for reporting any change in the personal inventory to the Contractor and that such change shall be noted on a personal inventory log.
- f. Linen and Laundry - The Contractor shall provide clean linens to each offender upon arrival at the transitional facility in accordance to ACA standards.
- g. The Contractor shall provide laundry equipment for the use of transitional program offenders. The Contractor shall provide and maintain a minimum of one (1) operating washer and one (1) operating dryer free of charge to the offenders.
- h. Food Service - The Contractor will comply with the most recent copy of the FDA, U.S. Department of Public Health, and ACA Standards.
 - (1) The Contractor will provide food service for the inmates and volunteers in accordance with the Standards, including, but not limited to, the provision of special diets and three (3) meals for each offender served at regular times during each twenty-four (24) hour period with no more than fourteen (14) hours between the evening meal and breakfast.
 - (2) The Contractor shall not be required to follow the Department's master menu, but the food service area must comply with State health regulations and the Standards. At a minimum the amount of daily calories must conform with the recommended dietary allowances published by the National Academy of Sciences. Menus shall be approved by a registered dietician. Menus and dietary allowances shall be filed with the Contract Management Unit.
 - (3) Menus will be prepared and posted in a conspicuous place for offender's viewing. The State's Director of Food Services or a representative as designated by the Department may audit menus for compliance with applicable standards.
- i. On-Site Food Service by the Contractor - When food services are provided in the facility, the Contractor will have adequate space to provide for food preparation and service and will include a space to eat on-site that is separated from sleeping quarters and is well ventilated, properly furnished, and clean.
 - (1) The Contractor will show evidence the establishment meets all federal, state, and local sanitation and health codes. The Contractor will identify the person in charge of food preparation.
 - (2) The Contractor will ensure that the cooking services area is equipped with automatic shut-off devices for when the fire extinguishing system is activated. Fuse links are to be changed and the system tested in accordance with the Manufacturer's recommendation.

- (3) Grease filters are to be kept clean and should be made of stainless steel for safety reasons.
 - (4) Garbage and refuse will be kept in durable insect and rodent-proof containers which do not leak or absorb liquids. It is the Contractor's responsibility to ensure garbage and refuse will be disposed of often enough to prevent the development of odor and other conditions that attract or harbor insects and rodents.
 - (5) The system will meet American Society of Sanitary Engineering (ASSE) standards for construction, installation, maintenance, inspection, and testing for that specific application and type.
- j. Medical Services - Contractor is not financially responsible for medical, mental health, or dental care. The State shall ensure that the Nurse Practitioner conducts weekly site visits to the Chattanooga CRC. The Contractor is responsible for the following:
- (1) Offender transportation to and from local health care providers.
 - (2) Notification of State by 8 A.M. of the next business day when outside service providers are used for health or mental health services.
 - (3) Access to on-site first aid kits. Contents will be approved by the State's Chief Medical Examiner or designee.
 - (4) Respond to threats of suicide immediately by isolating offender and maintaining constant visual supervision of offender until the State arrives to transport the offender back to the Tennessee Prison for Women.
- k. Recreation/Leisure - The Contractor shall comply with ACA standards and shall provide offenders with some recreation/leisure activities onsite.
- l. Offender Mail – The Contractor shall inspect all incoming mail and packages for unauthorized materials. Violations shall be resolved according to the offender conduct/rules and regulations procedures approved by the State according to **Inmate Mail, Policy #507.02** as found in **Attachment Two**.
- m. Drug Testing and Breath Analysis - The Contractor shall conduct drug testing and breath analysis in accordance with the following:
- (1) The Contractor shall have a procedure that addresses the collection, control, and testing of offender urine specimens.
 - (2) The Contractor shall conduct no less than two (2) drug screens on every offender; one (1) random, and one (1) prior to the offender's release from the transition center program. The Contractor shall supply the drug testing kits.
 - (3) The Contractor shall conduct drug testing on any assigned offender based on suspicion of use. The Contractor shall supply the drug testing kits.
 - (4) The Contractor shall perform drug test(s) at no cost to the offender.
 - (5) All positive drug tests shall be confirmed according to the **Inmate Drug/Alcohol Testing and Sanctions Memo, Policy #506.21**, as found in **Attachment Two**, at no cost to the Contractor.

- (6) The Contractor must maintain drug testing logs, which shall affirm that drug testing was completed as required. The Contractor shall record the date the drug test was taken, the date the results were received, and specify positive or negative results on the summary.
 - (7) The Contractor shall use saliva alcohol tests for obtaining alcohol levels for offenders suspected of alcohol use. The Contractor must document results of use for offenders suspected of alcohol intake.
- n. Sign-Out - The Contractor shall establish daily sign-in and sign-out procedures for all times the offender will be absent from the transitional facility, which will primarily include employment, job seeking, and medical appointments.
- (1) Sign-outs may be allowed for legitimate purposes necessary for the offender's success in the program and reintegration back into the community (i.e. picking up clothes, identification, registration, court, medical, social security cards, or other appointments) and shall be granted for a specified period of time. This sign-out shall not be for the purpose of recreation/visitation.
 - (2) The Contractor shall submit sign-in and sign-out procedures to the Assistant Commissioner of Rehabilitative Services or designee for approval.
- o. Pass Procedures - The State may provide the Contractor with pass procedures for the purposes of visitation, recreation, and attending religious services.
- p. Visitation - The Contractor shall submit visitation procedures for approval by the Assistant Commissioner of Rehabilitative Services or designee.
- q. Transportation - The Contractor shall ensure viable transportation exists to meet offender needs in job search, employment, community resource appointments, and other areas that would allow for successful community reintegration. The Contractor must ensure offender has transportation to and from public transportation stops if transportation is not provided by the Contractor.
- r. Complaints/Grievances - Complaints and grievances shall be resolved by the Contractor in accordance with a process approved by the Assistant Commissioner of Rehabilitative Services or designee as follows:
- (1) Complaints/grievances must be dealt with in a timely manner.
 - (2) A copy of complaints/grievances, including its resolution, shall be maintained at the facility for review at the State's request.
 - (3) Complaints/grievances involving the threat of bodily harm shall be dealt with immediately. Procedures for notifying local police and the State will be provided by the State.
 - (4) Complaints/grievances that cannot be resolved through the informal process will be submitted to the State for formal resolution.
 - (5) Title VI complaints/grievances shall be referred to the State's Title VI Coordinator.
 - (6) All Prison Rape Elimination Act (PREA) shall be conspicuously posted in the facility. Any PREA complaints/grievances shall be referred to the State's PREA Coordinator.
- s. The State will provide the following services to support the Contractor:
- (1) Inpatient medical or mental health care.
 - (2) Offenders requiring on-going health or mental health services will be returned to a State facility.

- (3) Offender will be returned to a State facility for dental care.
- (4) Offender medication will be provided by the State and supply levels will be monitored by State employees or contract medical providers. Offender must return to State facility for prescription renewals as required by the appropriate clinician or per telehealth encounter.

A.17. Program Requirements - The Contractor shall develop partnerships with organizations and employers in the community that will assist the offender with transition to the community.

- a. The Contractor shall provide evidence-based programming as established by TDOC in the **Evidence Based Programs Memo, Policy #513.12** as found in **Attachment Two**. All programming and program curriculum must be approved by the Assistant Commissioner of Rehabilitative Services or designee.
- b. The Contractor shall implement the Trauma Resolution/ Life Skills and Family Reunification services which will include the following therapeutic elements:
 - (1) Utilization of a Modified Therapeutic Community nuances (language, customs, structure, norms) with assistance from the TDOC Director of Substance Abuse or designee.
 - (2) Conduct weekly (2) Trauma Resolution groups; (2) Life skills groups for Phase 2 participants and (1) Transition Planning group and (1) Family Reunification group for Phase 3 participants.
- c. The Contractor shall establish the following goals:
 - (1) Through the use of Recovery Support services programming, Trauma Resolution/Life Skills groups, assist each woman to address life events leading to and supporting self-destructive/self defeating behaviors; and
 - (2) Through the use of Family Reunification groups, address issues relative to developing health personal and interpersonal relationships, parenting issues, and how to utilize community supports to assist her ability to live independently.
- d. Eligibility criteria will support and promote a seamless transition from prison to community and will be provided by the TDOC and shall be modified as necessary.
- e. Offender programming must be provided on-site by the Contractor and shall be facilitated by qualified CRC staff on a weekly basis. The Contractor's staff shall be expected to provide services a minimum of three days per week (Monday through Friday). When changes are necessary to accommodate the scheduling needs of the program both TDOC and the Contract staff must mutually agree upon the proposed changes.
- f. The Contractor shall work with the TDOC to ensure that staff members are adequately trained to conduct the necessary programming. TDOC and the Contractor shall jointly determine what training is necessary. Such training shall consist of no more than eighty (80) hours and shall be either at the Tennessee Correctional Academy, TDOC Central Office, or at the Chattanooga CRC. Such training shall be at the Contractor's expense.
- g. Group Facilitator - The Contractor shall give preference to providing a Licensed or a degreed Group Facilitator. The Group Facilitator will be skilled in working with drug addicted persons and female offenders. The Group Facilitator shall perform the following tasks:
 - (1) Provide Recovery Support groups that assist program participants in addressing needs in unresolved trauma, life skills and family reunification. Such groups shall be designed for the appropriate gender being treated and shall include topics not limited to the following: Family of origin, shame & guilt, wellness, depression, anger, sexual abuse, co-

dependency, social responsibility, self-actualization, incest, battering, relationships, self image, self esteem, parenting, leisure time planning, and spirituality.

- (2) The Group Facilitator shall be responsible for providing all TDOC approved daily programming activities within the Chattanooga CRC. The Contractor shall provide therapeutic activities at least three (3) days per week unless prior approval from the Assistant Commissioner of Rehabilitative Services or designee.
 - (3) Provide programming which meets the unique needs and concerns of racial or ethnic minority individuals, including such factors as cultural orientations, beliefs, and value systems relevant to this population.
 - (4) The Contractor, in collaboration with TDOC staff, shall establish a database of program participants.
 - (5) The Contractor will work with the Assistant Commissioner of Rehabilitative Services or designee on program facilitator(s) work schedules, duties, responsibilities, and scope of authority as needed.
 - (6) The number of participants in group sessions will be determined by the program census at the institution in conjunction with the Contractor and by the State's Director of Offender Development and Rehabilitation.
- h. The Contractor shall maintain a program file for each participant to include, at a minimum, monthly progress notes documenting participant involvement, behavioral changes, and goal accomplishments or the lack thereof and discharge summary. All document formats and any subsequent revisions must be approved by TDOC prior to use.
- i. Make arrangements for programming to continue as planned if there are staff vacancies that last longer than thirty (30) calendar days. The Contractor shall submit a contingency plan that can be implemented in the event of staff vacancies. Individuals who provide temporary services must undergo a criminal background check from the vendor designated by the State.
- j. The Contractor shall establish 12-step substance abuse support group meetings on site.
- k. Volunteers may assist the Contractor with program implementation with prior approval from the Assistant Commissioner of Rehabilitative Services or designee.
- l. Service Plans - The Contractor shall utilize the assessment instrument completed by the State in formulating an individual service plan for each offender.
- (1) The service plan will be documented in a case file maintained by the Contractor.
 - (2) The service plan will address issues identified in the assessment, including the following; Employment Readiness, Family reunification, to include facilitated group family visits, Life skills (including financial management, Instruction and testing opportunities for obtaining the Career Readiness Certificate through the Tennessee Department of Labor and Workforce Development, 12-step substance abuse support groups, Cognitive restructuring classes (criminal thinking, companions, and use of leisure time).
 - a. The service plan will identify the steps necessary for the offender to complete the plan.
 - b. A sample service plan shall be submitted and should demonstrate experience with the program's target population.
 - (3) Service Principles - All services should be rooted in evidence based practices and should focus on the body of research that has demonstrated success in reducing recidivism for offenders. Contractors should demonstrate their knowledge and experience in delivering evidence based services. Program design and a sample offender schedule, that includes classes that address the primary programming as identified above, shall be submitted to

the State for approval. Service schedules should demonstrate flexibility in class coverage for offenders with varying schedules to accommodate work and treatment schedules.

- (4) Case Management - The Contractor shall provide a case management component for each offender.
- a. All case files shall be maintained by the Contractor and are subject to inspection upon demand by the State.
 - b. The Contractor's case managers shall act as part of the case management team to support the re-entry process.
 - c. The Contractor's case managers shall be available at varying times to accommodate the work schedule of the offender. The Contractor shall not hold offenders from work or other commitments relating to community reintegration to meet with the caseworker.
 - d. At a minimum, the Contractor's case manager shall monitor the offender's participation in programs as defined in the assessment completed by the State.
 - e. The case manager shall assist State employees in the completion of a home plan.
 - f. The Contractor shall assist in monitoring the offender to ensure the offender is attending work and appointments as required.
 - g. The Contractor shall assist in monitoring the offender to ensure the offender is attending work and appointments as required.

- (5) Contractor will secure the State's approval for the establishment of the institution of the free-world savings account. Financial procedures shall be agreed upon and signed by both the State and the Contractor.

- m. The Contractor shall submit quarterly reports to the Director of Offender Development and Rehabilitation on the 10th day of each month, following the end of the quarterly reporting month. The quarterly report shall include the following:
- (1) Number of participants during the reporting period,
 - (2) Number of participants discharged during the reportin period,
 - (3) Number of participants who completed the program during the reporting period,
 - (4) Number of classes taught during the reporting period, and
 - (5) Brief description of program accomplishments during the reporting period.
- n. The Contractor shall assist the State in tracking the recidivism rates of program participants as the first, second, and third year recidivism rates must be tracked and documented by TDOC.
- o. The Contractor shall submit a cumulative report, on or before June 30th each year, containing the above noted information to the Assistant Commissioner of Rehabilitative Services or designee.

A.18. Warranty. Contractor represents and warrants that the term of the warranty ("Warranty Period") shall be the greater of the Term of this Contract or any other warranty generally offered by Contractor, its suppliers, or manufacturers to customers of its goods or services. The goods or services provided under this Contract shall conform to the terms and conditions of this Contract throughout the Warranty Period. Any nonconformance of the goods or services to the terms and conditions of this Contract shall constitute a "Defect" and shall be considered "Defective." If Contractor receives notice of a Defect during the Warranty Period, then Contractor shall correct the Defect, at no additional charge.

Contractor represents and warrants that the State is authorized to possess and use all equipment, materials, software, and deliverables provided under this Contract.

Contractor represents and warrants that all goods or services provided under this Contract shall be provided in a timely and professional manner, by qualified and skilled individuals, and in conformity with standards generally accepted in Contractor's industry.

If Contractor fails to provide the goods or services as warranted, then Contractor will re-provide the goods or services at no additional charge. If Contractor is unable or unwilling to re-provide the goods or services as warranted, then the State shall be entitled to recover the fees paid to Contractor for the Defective goods or services. Any exercise of the State's rights under this Section shall not prejudice the State's rights to seek any other remedies available under this Contract or applicable law.

- A.19. Inspection and Acceptance. The State shall have the right to inspect all goods or services provided by Contractor under this Contract. If, upon inspection, the State determines that the goods or services are Defective, the State shall notify Contractor, and Contractor shall re-deliver the goods or provide the services at no additional cost to the State. If after a period of thirty (30) days following delivery of goods or performance of services the State does not provide a notice of any Defects, the goods or services shall be deemed to have been accepted by the State.

B. TERM OF CONTRACT:

This Contract shall be effective on **July 1, 2018** ("Effective Date") and extend for a period of **twenty-four (24) months** after the Effective Date ("Term"). The State shall have no obligation for goods or services provided by the Contractor prior to the Effective Date.

C. PAYMENT TERMS AND CONDITIONS:

- C.1. Maximum Liability. In no event shall the maximum liability of the State under this Contract exceed **One Million, Three Hundred Fifty-Seven Thousand, Two Hundred Eighty-Two Dollars (\$1,357,282)** ("Maximum Liability"). This Contract does not grant the Contractor any exclusive rights. The State does not guarantee that it will buy any minimum quantity of goods or services under this Contract. Subject to the terms and conditions of this Contract, the Contractor will only be paid for goods or services provided under this Contract after a purchase order is issued to Contractor by the State or as otherwise specified by this Contract.
- C.2. Compensation Firm. The payment methodology in Section C.3. of this Contract shall constitute the entire compensation due the Contractor for all goods or services provided under this Contract regardless of the difficulty, materials or equipment required. The payment methodology includes all applicable taxes, fees, overhead, and all other direct and indirect costs incurred or to be incurred by the Contractor.
- C.3. Payment Methodology. The Contractor shall be compensated based on the payment methodology for goods or services authorized by the State in a total amount as set forth in Section C.1.
- a. The Contractor's compensation shall be contingent upon the satisfactory provision of goods or services as set forth in Section A.
 - b. The Contractor shall be compensated based upon the following payment methodology:

Goods or Services Description	Amount (per compensable increment)
Per 42 bed base contract requirement per day	\$1,710.00
Per additional felon per day	\$45.00 each
Facilitation of group process services	\$54,491.00 per year

C.4. Travel Compensation. The Contractor shall not be compensated or reimbursed for travel time, travel expenses, meals, or lodging.

C.5. Invoice Requirements. The Contractor shall invoice the State only for goods delivered and accepted by the State or services satisfactorily provided at the amounts stipulated in Section C.3., above. Contractor shall submit invoices and necessary supporting documentation, no more frequently than once a month, and no later than thirty (30) days after goods or services have been provided to the following address:

Tennessee Department of Correction, Accounts Payable
3rd Floor, Rachel Jackson Building
320 6th Avenue North
Nashville, TN 37246-0465

a. Each invoice, on Contractor's letterhead, shall clearly and accurately detail all of the following information (calculations must be extended and totaled correctly):

- (1) Invoice number (assigned by the Contractor);
- (2) Invoice date;
- (3) Contract number (assigned by the State);
- (4) Customer account name: **TENNESSEE DEPARTMENT OF CORRECTION/JUDICIAL COST ACCOUNTANT – FISCAL ADMINISTRATION;**
- (5) Customer account number (assigned by the Contractor to the above-referenced Customer);
- (6) Contractor name;
- (7) Contractor Tennessee Edison registration ID number;
- (8) Contractor contact for invoice questions (name, phone, or email);
- (9) Contractor remittance address;
- (10) Description of delivered goods or services provided and invoiced, including identifying information as applicable;
- (11) Number of delivered or completed units, increments, hours, or days as applicable, of each good or service invoiced;
- (12) Applicable payment methodology (as stipulated in Section C.3.) of each good or service invoiced;
- (13) Amount due for each compensable unit of good or service; and
- (14) Total amount due for the invoice period.

b. Contractor's invoices shall:

- (1) Only include charges for goods delivered or services provided as described in Section A and in accordance with payment terms and conditions set forth in Section C;
- (2) Only be submitted for goods delivered or services completed and shall not include any charge for future goods to be delivered or services to be performed;
- (3) Not include Contractor's taxes, which includes without limitation Contractor's sales and use tax, excise taxes, franchise taxes, real or personal property taxes, or income taxes; and
- (4) Include shipping or delivery charges only as authorized in this Contract.

c. The timeframe for payment (or any discounts) begins only when the State is in receipt of an invoice that meets the minimum requirements of this Section C.5.

- d. List of current TDOC inmates (name and TDOC number) under the program shall be submitted with the invoice receipt.
- C.6. Payment of Invoice. A payment by the State shall not prejudice the State's right to object to or question any payment, invoice, or other matter. A payment by the State shall not be construed as acceptance of goods delivered, any part of the services provided, or as approval of any amount invoiced.
- C.7. Invoice Reductions. The Contractor's invoice shall be subject to reduction for amounts included in any invoice or payment that is determined by the State, on the basis of audits conducted in accordance with the terms of this Contract, to not constitute proper compensation for goods delivered or services provided.
- C.8. Deductions. The State reserves the right to deduct from amounts, which are or shall become due and payable to the Contractor under this or any contract between the Contractor and the State of Tennessee, any amounts that are or shall become due and payable to the State of Tennessee by the Contractor.
- C.9. Prerequisite Documentation. The Contractor shall not invoice the State under this Contract until the State has received the following, properly completed documentation.
 - a. The Contractor shall complete, sign, and present to the State the "Authorization Agreement for Automatic Deposit Form" provided by the State. By doing so, the Contractor acknowledges and agrees that, once this form is received by the State, payments to the Contractor, under this or any other contract the Contractor has with the State of Tennessee, may be made by ACH; and
 - b. The Contractor shall complete, sign, and return to the State the State-provided W-9 form. The taxpayer identification number on the W-9 form must be the same as the Contractor's Federal Employer Identification Number or Social Security Number referenced in the Contractor's Edison registration information.

D. MANDATORY TERMS AND CONDITIONS:

- D.1. Required Approvals. The State is not bound by this Contract until it is duly approved by the Parties and all appropriate State officials in accordance with applicable Tennessee laws and regulations. Depending upon the specifics of this Contract, this may include approvals by the Commissioner of Finance and Administration, the Commissioner of Human Resources, the Comptroller of the Treasury, and the Chief Procurement Officer. Approvals shall be evidenced by a signature or electronic approval.
- D.2. Communications and Contacts. All instructions, notices, consents, demands, or other communications required or contemplated by this Contract shall be in writing and shall be made by certified, first class mail, return receipt requested and postage prepaid, by overnight courier service with an asset tracking system, or by email or facsimile transmission with recipient confirmation. All communications, regardless of method of transmission, shall be addressed to the respective Party at the appropriate mailing address, facsimile number, or email address as stated below or any other address provided in writing by a Party.

The State:

Eric Qualls, Director, Offender Development and Rehabilitation
Tennessee Department of Correction
320 6th Avenue North
Nashville, TN 37243-0465
Eric.Qualls@tn.gov
Telephone # 615-253-8248

The Contractor:

Linda Leathers, CEO
The Next Door, Inc.
402 22nd Avenue North
PO Box 23336
Nashville, TN 37203
Linda@thenextdoor.org
Telephone # 615-251-8805

All instructions, notices, consents, demands, or other communications shall be considered effective upon receipt or recipient confirmation as may be required.

- D.3. Modification and Amendment. This Contract may be modified only by a written amendment signed by all Parties and approved by all applicable State officials.
- D.4. Subject to Funds Availability. The Contract is subject to the appropriation and availability of State or federal funds. In the event that the funds are not appropriated or are otherwise unavailable, the State reserves the right to terminate this Contract upon written notice to the Contractor. The State's exercise of its right to terminate this Contract shall not constitute a breach of Contract by the State. Upon receipt of the written notice, the Contractor shall cease all work associated with the Contract. If the State terminates this Contract due to lack of funds availability, the Contractor shall be entitled to compensation for all conforming goods requested and accepted by the State and for all satisfactory and authorized services completed as of the termination date. Should the State exercise its right to terminate this Contract due to unavailability of funds, the Contractor shall have no right to recover from the State any actual, general, special, incidental, consequential, or any other damages of any description or amount.
- D.5. Termination for Convenience. The State may terminate this Contract for convenience without cause and for any reason. The State shall give the Contractor at least thirty (30) days written notice before the termination date. The Contractor shall be entitled to compensation for all conforming goods delivered and accepted by the State or for satisfactory, authorized services completed as of the termination date. In no event shall the State be liable to the Contractor for compensation for any goods neither requested nor accepted by the State or for any services neither requested by the State nor satisfactorily performed by the Contractor. In no event shall the State's exercise of its right to terminate this Contract for convenience relieve the Contractor of any liability to the State for any damages or claims arising under this Contract.
- D.6. Termination for Cause. If the Contractor fails to properly perform its obligations under this Contract in a timely or proper manner, or if the Contractor materially violates any terms of this Contract ("Breach Condition"), the State shall have the right to immediately terminate the Contract and withhold payments in excess of compensation for completed services or provided goods. Notwithstanding the above, the Contractor shall not be relieved of liability to the State for damages sustained by virtue of any Breach Condition and the State may seek other remedies allowed at law or in equity for breach of this Contract.
- D.7. Assignment and Subcontracting. The Contractor shall not assign this Contract or enter into a subcontract for any of the goods or services provided under this Contract without the prior written approval of the State. Notwithstanding any use of the approved subcontractors, the Contractor shall be the prime contractor and responsible for compliance with all terms and conditions of this Contract. The State reserves the right to request additional information or impose additional terms and conditions before approving an assignment of this Contract in whole or in part or the use of subcontractors in fulfilling the Contractor's obligations under this Contract.
- D.8. Conflicts of Interest. The Contractor warrants that no part of the Contractor's compensation shall be paid directly or indirectly to an employee or official of the State of Tennessee as wages, compensation, or gifts in exchange for acting as an officer, agent, employee, subcontractor, or consultant to the Contractor in connection with any work contemplated or performed under this Contract.

The Contractor acknowledges, understands, and agrees that this Contract shall be null and void if the Contractor is, or within the past six (6) months has been, an employee of the State of Tennessee or if the Contractor is an entity in which a controlling interest is held by an individual who is, or within the past six (6) months has been, an employee of the State of Tennessee.

- D.9. Nondiscrimination. The Contractor hereby agrees, warrants, and assures that no person shall be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination in the performance of this Contract or in the employment practices of the Contractor on the grounds of handicap or disability, age, race, creed, color, religion, sex, national origin, or any other classification protected by federal or state law. The Contractor shall, upon request, show proof of nondiscrimination and shall post in conspicuous places, available to all employees and applicants, notices of nondiscrimination.
- D.10. Prohibition of Illegal Immigrants. The requirements of Tenn. Code Ann. § 12-3-309 addressing the use of illegal immigrants in the performance of any contract to supply goods or services to the state of Tennessee, shall be a material provision of this Contract, a breach of which shall be grounds for monetary and other penalties, up to and including termination of this Contract.
- a. The Contractor agrees that the Contractor shall not knowingly utilize the services of an illegal immigrant in the performance of this Contract and shall not knowingly utilize the services of any subcontractor who will utilize the services of an illegal immigrant in the performance of this Contract. The Contractor shall reaffirm this attestation, in writing, by submitting to the State a completed and signed copy of the document at Attachment One, semi-annually during the Term. If the Contractor is a party to more than one contract with the State, the Contractor may submit one attestation that applies to all contracts with the State. All Contractor attestations shall be maintained by the Contractor and made available to State officials upon request.
 - b. Prior to the use of any subcontractor in the performance of this Contract, and semi-annually thereafter, during the Term, the Contractor shall obtain and retain a current, written attestation that the subcontractor shall not knowingly utilize the services of an illegal immigrant to perform work under this Contract and shall not knowingly utilize the services of any subcontractor who will utilize the services of an illegal immigrant to perform work under this Contract. Attestations obtained from subcontractors shall be maintained by the Contractor and made available to State officials upon request.
 - c. The Contractor shall maintain records for all personnel used in the performance of this Contract. Contractor's records shall be subject to review and random inspection at any reasonable time upon reasonable notice by the State.
 - d. The Contractor understands and agrees that failure to comply with this section will be subject to the sanctions of Tenn. Code Ann. § 12-3-309 for acts or omissions occurring after its effective date.
 - e. For purposes of this Contract, "illegal immigrant" shall be defined as any person who is not: (i) a United States citizen; (ii) a Lawful Permanent Resident; (iii) a person whose physical presence in the United States is authorized; (iv) allowed by the federal Department of Homeland Security and who, under federal immigration laws or regulations, is authorized to be employed in the U.S.; or (v) is otherwise authorized to provide services under the Contract.
- D.11. Records. The Contractor shall maintain documentation for all charges under this Contract. The books, records, and documents of the Contractor, for work performed or money received under this Contract, shall be maintained for a period of five (5) full years from the date of the final payment and shall be subject to audit at any reasonable time and upon reasonable notice by the State, the Comptroller of the Treasury, or their duly appointed representatives. The financial statements shall be prepared in accordance with generally accepted accounting principles.

- D.12. Monitoring. The Contractor's activities conducted and records maintained pursuant to this Contract shall be subject to monitoring and evaluation by the State, the Comptroller of the Treasury, or their duly appointed representatives.
- D.13. Progress Reports. The Contractor shall submit brief, periodic, progress reports to the State as requested.
- D.14. Strict Performance. Failure by any Party to this Contract to require, in any one or more cases, the strict performance of any of the terms, covenants, conditions, or provisions of this Contract shall not be construed as a waiver or relinquishment of any term, covenant, condition, or provision. No term or condition of this Contract shall be held to be waived, modified, or deleted except by a written amendment signed by the Parties.
- D.15. Independent Contractor. The Parties shall not act as employees, partners, joint venturers, or associates of one another. The Parties are independent contracting entities. Nothing in this Contract shall be construed to create an employer/employee relationship or to allow either Party to exercise control or direction over the manner or method by which the other transacts its business affairs or provides its usual services. The employees or agents of one Party are not employees or agents of the other Party.
- D.16. Patient Protection and Affordable Care Act. The Contractor agrees that it will be responsible for compliance with the Patient Protection and Affordable Care Act ("PPACA") with respect to itself and its employees, including any obligation to report health insurance coverage, provide health insurance coverage, or pay any financial assessment, tax, or penalty for not providing health insurance. The Contractor shall indemnify the State and hold it harmless for any costs to the State arising from Contractor's failure to fulfill its PPACA responsibilities for itself or its employees.
- D.17. Limitation of State's Liability. The State shall have no liability except as specifically provided in this Contract. In no event will the State be liable to the Contractor or any other party for any lost revenues, lost profits, loss of business, decrease in the value of any securities or cash position, time, goodwill, or any indirect, special, incidental, punitive, exemplary or consequential damages of any nature, whether based on warranty, contract, statute, regulation, tort (including but not limited to negligence), or any other legal theory that may arise under this Contract or otherwise. The State's total liability under this Contract (including any exhibits, schedules, amendments or other attachments to the Contract) or otherwise shall under no circumstances exceed the Maximum Liability. This limitation of liability is cumulative and not per incident.
- D.18. Limitation of Contractor's Liability. In accordance with Tenn. Code Ann. § 12-3-701, the Contractor's liability for all claims arising under this Contract shall be limited to an amount equal to two (2) times the Maximum Liability amount detailed in Section C.1. and as may be amended, PROVIDED THAT in no event shall this Section limit the liability of the Contractor for: (i) intellectual property or any Contractor indemnity obligations for infringement for third-party intellectual property rights; (ii) any claims covered by any specific provision in the Contract providing for liquidated damages; or (iii) any claims for intentional torts, criminal acts, fraudulent conduct, or acts or omissions that result in personal injuries or death.
- D.19. Hold Harmless. The Contractor agrees to indemnify and hold harmless the State of Tennessee as well as its officers, agents, and employees from and against any and all claims, liabilities, losses, and causes of action which may arise, accrue, or result to any person, firm, corporation, or other entity which may be injured or damaged as a result of acts, omissions, or negligence on the part of the Contractor, its employees, or any person acting for or on its or their behalf relating to this Contract. The Contractor further agrees it shall be liable for the reasonable cost of attorneys for the State to enforce the terms of this Contract.

In the event of any suit or claim, the Parties shall give each other immediate notice and provide all necessary assistance to respond. The failure of the State to give notice shall only relieve the Contractor of its obligations under this Section to the extent that the Contractor can demonstrate actual prejudice arising from the failure to give notice. This Section shall not grant the Contractor,

through its attorneys, the right to represent the State in any legal matter, as the right to represent the State is governed by Tenn. Code Ann. § 8-6-106.

- D.20. HIPAA Compliance. The State and Contractor shall comply with obligations under the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), Health Information Technology for Economic and Clinical Health ("HITECH") Act and any other relevant laws and regulations regarding privacy (collectively the "Privacy Rules"). The obligations set forth in this Section shall survive the termination of this Contract.
- a. Contractor warrants to the State that it is familiar with the requirements of the Privacy Rules, and will comply with all applicable requirements in the course of this Contract.
 - b. Contractor warrants that it will cooperate with the State, including cooperation and coordination with State privacy officials and other compliance officers required by the Privacy Rules, in the course of performance of the Contract so that both parties will be in compliance with the Privacy Rules.
 - c. The State and the Contractor will sign documents, including but not limited to business associate agreements, as required by the Privacy Rules and that are reasonably necessary to keep the State and Contractor in compliance with the Privacy Rules. This provision shall not apply if information received or delivered by the parties under this Contract is NOT "protected health information" as defined by the Privacy Rules, or if the Privacy Rules permit the parties to receive or deliver the information without entering into a business associate agreement or signing another document.
 - d. The Contractor will indemnify the State and hold it harmless for any violation by the Contractor or its subcontractors of the Privacy Rules. This includes the costs of responding to a breach of protected health information, the costs of responding to a government enforcement action related to the breach, and any fines, penalties, or damages paid by the State because of the violation.
- D.21. Tennessee Consolidated Retirement System. Subject to statutory exceptions contained in Tenn. Code Ann. §§ 8-36-801, *et seq.*, the law governing the Tennessee Consolidated Retirement System ("TCRS"), provides that if a retired member of TCRS, or of any superseded system administered by TCRS, or of any local retirement fund established under Tenn. Code Ann. §§ 8-35-101, *et seq.*, accepts State employment, the member's retirement allowance is suspended during the period of the employment. Accordingly and notwithstanding any provision of this Contract to the contrary, the Contractor agrees that if it is later determined that the true nature of the working relationship between the Contractor and the State under this Contract is that of "employee/employer" and not that of an independent contractor, the Contractor, if a retired member of TCRS, may be required to repay to TCRS the amount of retirement benefits the Contractor received from TCRS during the Term.
- D.22. Tennessee Department of Revenue Registration. The Contractor shall comply with all applicable registration requirements contained in Tenn. Code Ann. §§ 67-6-601 – 608. Compliance with applicable registration requirements is a material requirement of this Contract.
- D.23. Debarment and Suspension. The Contractor certifies, to the best of its knowledge and belief, that it, its current and future principals, its current and future subcontractors and their principals:
- a. are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal or state department or agency;
 - b. have not within a three (3) year period preceding this Contract been convicted of, or had a civil judgment rendered against them from commission of fraud, or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or grant under a public transaction; violation of federal or state antitrust

statutes or commission of embezzlement, theft, forgery, bribery, falsification, or destruction of records, making false statements, or receiving stolen property;

- c. are not presently indicted or otherwise criminally or civilly charged by a government entity (federal, state, or local) with commission of any of the offenses detailed in section b. of this certification; and
- d. have not within a three (3) year period preceding this Contract had one or more public transactions (federal, state, or local) terminated for cause or default.

The Contractor shall provide immediate written notice to the State if at any time it learns that there was an earlier failure to disclose information or that due to changed circumstances, its principals or the principals of its subcontractors are excluded, disqualified, or presently fall under any of the prohibitions of sections a-d.

- D.24. Force Majeure. "Force Majeure Event" means fire, flood, earthquake, elements of nature or acts of God, wars, riots, civil disorders, rebellions or revolutions, acts of terrorism or any other similar cause beyond the reasonable control of the Party except to the extent that the non-performing Party is at fault in failing to prevent or causing the default or delay, and provided that the default or delay cannot reasonably be circumvented by the non-performing Party through the use of alternate sources, workaround plans or other means. A strike, lockout or labor dispute shall not excuse either Party from its obligations under this Contract. Except as set forth in this Section, any failure or delay by a Party in the performance of its obligations under this Contract arising from a Force Majeure Event is not a default under this Contract or grounds for termination. The non-performing Party will be excused from performing those obligations directly affected by the Force Majeure Event, and only for as long as the Force Majeure Event continues, provided that the Party continues to use diligent, good faith efforts to resume performance without delay. The occurrence of a Force Majeure Event affecting Contractor's representatives, suppliers, subcontractors, customers or business apart from this Contract is not a Force Majeure Event under this Contract. Contractor will promptly notify the State of any delay caused by a Force Majeure Event (to be confirmed in a written notice to the State within one (1) day of the inception of the delay) that a Force Majeure Event has occurred, and will describe in reasonable detail the nature of the Force Majeure Event. If any Force Majeure Event results in a delay in Contractor's performance longer than forty-eight (48) hours, the State may, upon notice to Contractor: (a) cease payment of the fees until Contractor resumes performance of the affected obligations; or (b) immediately terminate this Contract or any purchase order, in whole or in part, without further payment except for fees then due and payable. Contractor will not increase its charges under this Contract or charge the State any fees other than those provided for in this Contract as the result of a Force Majeure Event.
- D.25. State and Federal Compliance. The Contractor shall comply with all applicable state and federal laws and regulations in the performance of this Contract.
- D.26. Governing Law. This Contract shall be governed by and construed in accordance with the laws of the State of Tennessee. The Tennessee Claims Commission or the state or federal courts in Tennessee shall be the venue for all claims, disputes, or disagreements arising under this Contract. The Contractor acknowledges and agrees that any rights, claims, or remedies against the State of Tennessee or its employees arising under this Contract shall be subject to and limited to those rights and remedies available under Tenn. Code Ann. §§ 9-8-101 - 407.
- D.27. Entire Agreement. This Contract is complete and contains the entire understanding between the Parties relating to its subject matter, including all the terms and conditions of the Parties' agreement. This Contract supersedes any and all prior understandings, representations, negotiations, and agreements between the Parties, whether written or oral.
- D.28. Severability. If any terms and conditions of this Contract are held to be invalid or unenforceable as a matter of law, the other terms and conditions of this Contract shall not be affected and shall remain in full force and effect. The terms and conditions of this Contract are severable.

- D.29. Headings. Section headings of this Contract are for reference purposes only and shall not be construed as part of this Contract.
- D.30. Incorporation of Additional Documents. Each of the following documents is included as a part of this Contract by reference. In the event of a discrepancy or ambiguity regarding the Contractor's duties, responsibilities, and performance under this Contract, these items shall govern in order of precedence below:
- a. any amendment to this Contract, with the latter in time controlling over any earlier amendments;
 - b. this Contract with any attachments or exhibits (excluding the items listed at subsections c. through f., below), which includes **Attachments One and Two**;
 - c. any clarifications of or addenda to the Contractor's proposal seeking this Contract;
 - d. the State solicitation, as may be amended, requesting responses in competition for this Contract;
 - e. any technical specifications provided to proposers during the procurement process to award this Contract; and
 - f. the Contractor's response seeking this Contract.
- D.31. Iran Divestment Act. The requirements of Tenn. Code Ann. § 12-12-101 et.seq., addressing contracting with persons as defined at T.C.A. §12-12-103(5) that engage in investment activities in Iran, shall be a material provision of this Contract. The Contractor certifies, under penalty of perjury, that to the best of its knowledge and belief that it is not on the list created pursuant to Tenn. Code Ann. § 12-12-106.
- D.32. Insurance. Contractor shall maintain insurance coverage as specified in this Section. The State reserves the right to amend or require additional insurance coverage, coverage amounts, and endorsements required under this Contract. Contractor's failure to maintain or submit evidence of insurance coverage, as required, is a material breach of this Contract. If Contractor loses insurance coverage, fails to renew coverage, or for any reason becomes uninsured during the Term, Contractor shall immediately notify the State. All insurance companies providing coverage must be: (a) acceptable to the State; (b) authorized by the Tennessee Department of Commerce and Insurance ("TDCI"); and (c) rated A- / VII or better by A.M. Best. All coverage must be on a primary basis and noncontributory with any other insurance or self-insurance carried by the State. Contractor agrees to name the State as an additional insured on any insurance policy with the exception of workers' compensation (employer liability) and professional liability (errors and omissions) insurance. All policies must contain an endorsement for a waiver of subrogation in favor of the State. Any deductible over fifty thousand dollars (\$50,000) must be approved by the State. The deductible and any premiums are the Contractor's sole responsibility. The Contractor agrees that the insurance requirements specified in this Section do not reduce any liability the Contractor has assumed under this Contract including any indemnification or hold harmless requirements.

To achieve the required coverage amounts, a combination of an otherwise deficient specific policy and an umbrella policy with an aggregate meeting or exceeding the required coverage amounts is acceptable. For example: If the required policy limit under this Contract is for two million dollars (\$2,000,000) in coverage, acceptable coverage would include a specific policy covering one million dollars (\$1,000,000) combined with an umbrella policy for an additional one million dollars (\$1,000,000). If the deficient underlying policy is for a coverage area without aggregate limits (generally Automobile Liability and Employers' Liability Accident), Contractor shall provide a copy of the umbrella insurance policy documents to ensure that no aggregate limit applies to the umbrella policy for that coverage area.

Contractor shall provide the State a certificate of insurance ("COI") evidencing the coverages and amounts specified in this Section. The COI must be on a form approved by the TDCI (standard ACORD form preferred). The COI must list each insurer's National Association of Insurance Commissioners (NAIC) number and be signed by an authorized representative of the insurer. The COI must list the State of Tennessee – CPO Risk Manager, 312 Rosa L. Parks Ave., 3rd floor Central Procurement Office, Nashville, TN 37243 as the certificate holder. Contractor shall

provide the COI ten (10) business days prior to the Effective Date and again thirty (30) calendar days before renewal or replacement of coverage. Contractor shall provide the State evidence that all subcontractors maintain the required insurance or that subcontractors are included under the Contractor's policy. At any time, the State may require Contractor to provide a valid COI. The parties agree that failure to provide evidence of insurance coverage as required is a material breach of this Contract. If Contractor self-insures, then a COI will not be required to prove coverage. Instead Contractor shall provide a certificate of self-insurance or a letter, on Contractor's letterhead, detailing its coverage, policy amounts, and proof of funds to reasonably cover such expenses.

The State agrees that it shall give written notice to the Contractor as soon as practicable after the State becomes aware of any claim asserted or made against the State, but in no event later than thirty (30) calendar days after the State becomes aware of such claim. The failure of the State to give notice shall only relieve the Contractor of its obligations under this Section to the extent that the Contractor can demonstrate actual prejudice arising from the failure to give notice. This Section shall not grant the Contractor or its insurer, through its attorneys, the right to represent the State in any legal matter, as the right to represent the State is governed by Tenn. Code Ann. § 8-6-106.

The Contractor shall obtain and maintain, at a minimum, the following insurance coverages and policy limits.

a. Commercial General Liability Insurance

- 1) The Contractor shall maintain commercial general liability insurance, which shall be written on an Insurance Services Office, Inc. (also known as ISO) occurrence form (or a substitute form providing equivalent coverage) and shall cover liability arising from property damage, premises/operations, independent contractors, contractual liability, completed operations/products, personal and advertising injury, and liability assumed under an insured contract (including the tort liability of another assumed in a business contract).

The Contractor shall maintain bodily injury/property damage with a combined single limit not less than **one million dollars (\$1,000,000)** per occurrence and **two million dollars (\$2,000,000)** aggregate for bodily injury and property damage, including products and completed operations coverage with an aggregate limit of at least **two million dollars (\$2,000,000)**.

b. Workers' Compensation and Employer Liability Insurance

- 1) For Contractors statutorily required to carry workers' compensation and employer liability insurance, the Contractor shall maintain:
 - i. Workers' compensation in an amount not less than **one million dollars (\$1,000,000)** including employer liability of one million dollars **(\$1,000,000)** per accident for bodily injury by accident, **one million dollars (\$1,000,000)** policy limit by disease, and **one million dollars (\$1,000,000)** per employee for bodily injury by disease.
- 2) If the Contractor certifies that it is exempt from the requirements of Tenn. Code Ann. §§ 50-6-101 – 103, then the Contractor shall furnish written proof of such exemption for one or more of the following reasons:
 - i. The Contractor employs fewer than five (5) employees;
 - ii. The Contractor is a sole proprietor;

- iii. The Contractor is in the construction business or trades with no employees;
- iv. The Contractor is in the coal mining industry with no employees;
- v. The Contractor is a state or local government; or
- vi. The Contractor self-insures its workers' compensation and is in compliance with the TDCI rules and Tenn. Code Ann. § 50-6-405.

c. Automobile Liability Insurance

- 1) The Contractor shall maintain automobile liability insurance which shall cover liability arising out of any automobile (including owned, leased, hired, and non-owned automobiles).
- 2) The Contractor shall maintain bodily injury/property damage with a limit not less than **one million dollars (\$1,000,000)** per occurrence or combined single limit.

D.33. Major Procurement Contract Sales and Use Tax. Pursuant to Tenn. Code Ann. § 4-39-102 and to the extent applicable, the Contractor and the Contractor's subcontractors shall remit sales and use taxes on the sales of goods or services that are made by the Contractor or the Contractor's subcontractors and that are subject to tax.

E. SPECIAL TERMS AND CONDITIONS:

E.1. Conflicting Terms and Conditions. Should any of these special terms and conditions conflict with any other terms and conditions of this Contract, the special terms and conditions shall be subordinate to the Contract's other terms and conditions.

E.2. Prison Rape Elimination Act (PREA). The Contractor must comply with the Prison Rape Elimination Act (PREA) of 2003 (Federal law 42 U.S.C. 15601 et. seq.), with all applicable Federal PREA standards, with all State policies and standards related to PREA for preventing, detecting, monitoring, investigating, and eradicating any form of sexual abuse within facilities/programs/offices owned, operated, or contracted.

E.3. Lobbying. The Contractor certifies, to the best of its knowledge and belief, that:

- a. No federally appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- b. If any funds other than federally appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this contract, grant, loan, or cooperative agreement, the Contractor shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- c. The Contractor shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and

contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into and is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, *U.S. Code*.

IN WITNESS WHEREOF,

THE NEXT DOOR, INC.:

CONTRACTOR SIGNATURE **DATE**

PRINTED NAME AND TITLE OF CONTRACTOR SIGNATORY (above)

TENNESSEE DEPARTMENT OF CORRECTION:

TONY PARKER, COMMISSIONER **DATE**

ATTESTATION RE PERSONNEL USED IN CONTRACT PERFORMANCE

SUBJECT CONTRACT NUMBER:	
CONTRACTOR LEGAL ENTITY NAME:	THE NEXT DOOR, INC.
EDISON VENDOR IDENTIFICATION NUMBER:	25620

The Contractor, identified above, does hereby attest, certify, warrant, and assure that the Contractor shall not knowingly utilize the services of an illegal immigrant in the performance of this Contract and shall not knowingly utilize the services of any subcontractor who will utilize the services of an illegal immigrant in the performance of this Contract.

CONTRACTOR SIGNATURE

NOTICE: This attestation MUST be signed by an individual empowered to contractually bind the Contractor. Attach evidence documenting the individual's authority to contractually bind the Contractor, unless the signatory is the Contractor's chief executive or president.

PRINTED NAME AND TITLE OF SIGNATORY

DATE OF ATTESTATION

Applicable TDOC Policies (attached)

118.01 Religious Programs

502.01 Uniform Disciplinary Procedures

504.01 Inmate Personal Property

504.02 Inmate Personal Property Accounty System

505.10 Work Release Job Placement

506.08 The Use of Force

506.12 Escapes

506.21 Inmate Drug/Alcohol Testing and Sanctions

507.02 Inmate Mail

513.02 Transition Center

513.12 Evidence Based Programs

 <p style="text-align: center;"> ADMINISTRATIVE POLICIES AND PROCEDURES State of Tennessee Department of Correction </p>	Index #: 118.01	Page 1 of 18
	Effective Date: February 15, 2014	
	Distribution: A	
	Supersedes: 118.01 (1/1/11) PCN 13-2 (2/1/13) PCN 12-2 (1/1/12)	
Approved by: Derrick D. Schofield		
Subject: RELIGIOUS PROGRAMS		

- I. AUTHORITY: TCA 4-3-603, TCA 43-606, the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. 2000cc, et seq., the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3789d, and the Prison Litigation Reform Act of 1995.
- II. PURPOSE: To ensure access to religious resources for all inmates.
- III. APPLICATION: To all Tennessee Department of Correction (TDOC) staff, volunteers who are involved in the operation of religious programming, all inmates, and employees of privately managed institutions.
- IV. DEFINITIONS:
 - A. Chaplain: A staff member who is an ordained or endorsed minister in his/her faith group and who remains in good standing and meets the requirements established by the Department of Human Resources for employment as a chaplain. This individual is responsible for providing pastoral care and religious leadership within an institution.
 - B. Director of Religious Services: Designated staff person who is an ordained or endorsed minister in his/her faith group and who remains in good standing responsible for overseeing and evaluating all religious activities within the Department.
 - C. Faith Group: A group whose sole purpose is to conduct a religious activity or religious exercise.
 - D. Outside Clergy: Ordained clergypersons who come into TDOC institutions for the purpose of ministering to inmates.
 - E. Religious Activity: An activity or program conducted by or under the supervision of the chaplain or under the supervision of trained staff or approved volunteers. This activity is designed specifically for worship, religious education, spiritual guidance, counseling or other religious service.
 - F. Religious Activities Committee: A group established by the Director of Religious Services with approval of the Commissioner responsible for review and approval of religious accommodation requests.
 - G. Religious Exercise: Study, prayer, worship, and other liturgical activities, usually directed toward a god or gods, to achieve benefits in this life and/or eternity.
 - H. Religious Volunteer: A volunteer who participates in or leads religious services, religious activities, and/or religious exercises.

Subject: RELIGIOUS PROGRAMS

- I. Security Threat Group (STG): Any group, organization, or association of individuals who possess common characteristics which serve to distinguish them from other individuals or groups who have been determined to be acting in concert, so as to pose a threat or potential threat to staff, other inmates, the institution, or the community.
- J. Volunteer Chaplain: Religious or faith-based volunteer appointed by the Warden or designee to assist the chaplain in performing his or her duties.
- V. POLICY: The Department shall provide opportunities for inmates to voluntarily practice their religion and receive appropriate pastoral care during incarceration.
- VI. PROCEDURES:
- A. Security Threat Groups (STG): Inmate possession of STG type materials or symbols is prohibited. First Amendment free exercise protection applies to religious ideas and symbols by faith groups whose only purpose is religious but it does not extend to STG's use of religious ideas and symbols.
- B. Religious Staff
1. Institutional Chaplains
 - a. The institutional chaplain shall be responsible for planning, leading, administering, and coordinating religious activities and developing community resources to meet the religious needs of inmates within the guidelines set by policy with the approval of the Warden. The Warden may delegate approval authority for specific actions to the chaplain or other designee.
 - b. In institutions without a chaplain, the Warden shall appoint one or more staff members to perform the chaplain's duties.
 - c. Volunteers for religious assignments and religious program interns shall work under the supervision of the chaplain or other designated staff member.
 - d. The chaplain shall be responsible for initiating programs, drafting budget requests, and submitting reports. The chaplain shall attend appropriate staff meetings and work with other staff for the well-being of the inmates and the institution.
 - e. The chaplain shall have access to all areas of the institution, all staff, and all inmates.
 - f. Chaplains shall be available to provide counseling to inmates in areas of religious concerns, personal matters, crisis or high anxiety situations, and/or family problems upon request from inmates. An appropriate private area should be made available for the chaplain to counsel persons without interruption.
 - g. Inmates who are in segregation shall have the opportunity to see the chaplain or a volunteer chaplain for crisis situations and at least weekly for routine matters.

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Subject: RELIGIOUS PROGRAMS		

- h. Chaplains shall remain in good standing with their faith group and retain their endorsed or ordained status. Chaplains shall be permitted to attend events of their faith group when participation is expected of all persons in their position. The expense for attendance shall be paid by the chaplain, but he/she shall be granted administrative leave for up to five days per year for such required attendance.
 - i. The chaplain may be asked to visit and/or counsel with staff or meet with staff's families in hospitals or funeral homes, and he/she may be granted administrative leave by the Warden for such visits and meetings.
 - j. The Department shall not impose upon the chaplain or any volunteer chaplain, any duties that are in conflict with the chaplain's faith group, i.e., marriage, baptism, communion. When a conflict exists, the chaplain shall make a reasonable effort to assist inmates in locating another TDOC chaplain, outside clergy or volunteer chaplain, or a community religious leader to fulfill the request.
 - k. The chaplain shall avoid proselytizing for his/her particular faith.
 - l. The chaplain may, with the Warden's approval, develop training opportunities for clergy and theological students and/or supervise field training for theology students where such programs can provide a valuable supplement to the religious programming at the institution.
 - m. The Warden may appoint volunteer chaplains as needed.
 - n. The chaplain shall document inmates changing their religious preference on eTOMIS (LCLA). The chaplain will also document this on eTOMIS contact note screen (LCDG) using contact code "RECH" indicating a reason for the change. Indication of religious preference by an inmate does not constitute approval by TDOC of the accommodations requested by the indicated group. To permit processing of records, inmates may change their religious preference no more frequently than quarterly. The inmate's religious property specific to his/her former religious preference must be sent home or otherwise disposed of within 30 days after changing religious preference.
 - o. Chaplains shall execute their duties relating to inmate marriages as described within Policy #503.07. Neither Chaplains nor volunteer Chaplains in TDOC or privately managed facilities shall receive a fee or solicit donations to charities in exchange for performing marriages or premarital counseling services. Qualified outside persons may receive such fees as negotiated and agreed to by the inmate.
2. Outside Clergy, Volunteer Chaplains, and Religious Volunteers
- a. Inmates may receive visits from outside clergy, volunteer chaplains, and religious volunteers. Their names and the names of inmates they are allowed to visit shall be provided by the chaplain or designated religious leader and maintained at checkpoint.
 - b. All volunteer chaplains and religious volunteers must comply with policies in the #115 series (Volunteer Services).

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- c. Outside clergy, volunteer chaplains, and religious volunteers should be recruited to assist in meeting the religious needs of all represented faith groups in the institution.
- d. Individuals or groups aspiring to be volunteers have no First Amendment right to minister in prison.
- e. Religion may be a factor in selecting volunteers, either to maintain balance between faith groups or to recruit a leader for a specific faith group.
- f. Volunteer chaplains and religious volunteers may be required to be inclusive as they lead groups and failure to do so may result in their dismissal.
- g. Outside clergy, volunteer chaplains, and religious volunteers may speak positively about their own faith but may not speak negatively about other faiths.
- h. Volunteers shall not provide any personal contact information such as phone numbers, e-mail address, or street address to inmates but volunteers may provide contact information of their sponsoring organizations.
- i. Volunteer chaplains are TDOC-certified volunteers who work either part-time or full-time assisting the chaplain. Duties are assigned according to differing skill levels, abilities, and time commitments to the institution. In the absence of the chaplain, a volunteer chaplain may fill in and assume the chaplain's responsibilities, subject to approval by the Warden. Volunteer chaplains are recommended by the chaplain, appointed by the Warden, and may be required to attend training specific to their required duties.
- j. Outside clergy need not be placed on the approved visitor's list and do not need to become certified volunteers in order to visit. However, inmates may elect to place outside clergy on their visitor's list and outside clergy may elect to become certified volunteers. All outside clergy must complete an Outside Clergy Application, CR-3347, and have the approval of the chaplain in consultation with the Director of Religious Services. They must acquaint themselves with the rules of the institution and agree to abide by them. Outside clergy visits are scheduled by the chaplain. The chaplain shall also maintain a list of approved outside clergy. The list shall contain the clergyperson's name, address, telephone number, and e-mail address (if there is one); the name of the faith group; and the name of the inmate(s) the clergyperson is approved to visit. The chaplain shall maintain a file evidencing the qualifications of all approved outside clergy.
- k. Religious volunteers work under the supervision of, and provide assistance to, the chaplain. Each religious volunteer must comply with Policy #115.01 and complete all required screening, training, orientation, and reference and background checks.
- l. All outside clergy (except those approved by the Warden for one-time emergency visits) must receive an acceptable NCIC Criminal History Report which must be updated at least every five years. If an outside clergy has been away from the facility for more than 12 months, he/she shall be processed as a new outside clergy.

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- m. The chaplain or another staff member designated by the Warden shall submit a NCIC Criminal History Request, CR-3552, within ten working days of receipt of the application for all persons seeking to be approved as new outside clergy. Results of the criminal history report shall be provided to the appropriate staff in accordance with Policy #301.04. If the report discloses evidence of previously undisclosed offenses, the Warden shall take appropriate action in the same manner as provided in Policy #115.01.
- n. Volunteers will be allowed to bring in outside food, paper goods, plastic utensils, beverages, and necessary serving items at the discretion of the Warden for special events such as but not limited to graduations, holidays, meetings and family days. An itemized list of all requested items must be submitted to the Chaplain and approved by the Warden 21 days prior to the event, such as graduations, holidays, meetings and family days. All food, beverage(s) and paper goods items will be cleared by security before being allowed entry into the facility. Volunteers are responsible for providing all supplies necessary for the serving of their food items and cleaning up after the event. All beverages must be in sealed plastic containers. At the conclusion of the event, offenders will not be allowed to return to their units with any food items.

C. Individual Religious Practices

- 1. Religious Diets: Inmates may request to participate in the Religious Diet Program per Policy #116.08 and may contact the Chaplain to complete the Request for Religious Diet Program Participation and Agreement, CR-3814.
- 2. Religious Literature: Inmates may receive religious literature, materials, books, CDs, DVDs, video tapes and tape recordings about religion or religious teaching in accordance with Policies #504.01 and #507.02. Chaplains will make donated religious literature available to inmates. Reasonable access to CD players, DVD players, video tape players and tape players will be made available to inmates in the chapel, the library or another area designated by the Warden. Misuse or tampering with such players may result in disciplinary action. Inmates may not possess such players in their cells unless they are authorized to do so per Policy #504.01 and the #504.01 Personal Property Memo.
- 3. Religious Objects: Inmates may possess objects of religious significance in accordance with policy and the approved religious property memo. Religious objects are not excluded from the volume limit. All objects are subject to security search and certain objects may be prohibited if they are identified as security threat material under Policy #506.25. Such objects may be donated to indigent inmates by volunteers, Outside Clergy or outside organizations.

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4. Religious Property Memo: By July 1 of each year, the Commissioner shall publish a list of religious property that inmates are permitted to have in their possession, and/or in approved group religious gatherings. Items shown on the list shall not count against the maximum number of packages an inmate may receive, and the existence of a disciplinary package restriction shall not prohibit the receipt of such property, unless the Warden determines on a case by case basis that receipt of such property by the inmate will jeopardize institutional safety and security. The list may be revised as frequently as needed and may include restrictions on such property. All inmates and inmate groups are required to be in compliance with the list.
5. Any material, having a concentration of 1% or more of any ingredient for which a CAS number is listed in section two of the Material Safety Data Sheet or specifically identified as hazardous by the ACA or by the fire safety officer shall be controlled (i.e., prayer oils).
6. Inmates may wear headgear which is in keeping with the security practices of the institution. All religious clothing or other accessories are subject to respectful search at any time for security purposes. (See Policies #506.25 and #504.01)
7. Inmate Organizations: Religious preference or affiliation shall not be the basis for an inmate organization, fund raising by sales or activities, or trust fund accounts. (See Policy #503.01)
8. Inmates may use non-flammable, non-alcoholic sacramental oil in modest amounts for religious purposes. Inmates may purchase three ounces of such oil from vendors approved by the TDOC and in accordance with Policy #507.02; provided, however, sacramental oil for religious use shall not count against the maximum number of packages that an inmate may receive and the existence of a disciplinary package restriction shall not prohibit the receipt of sacramental oil for religious use. Inmates may keep such oil in their cells in its original container in an amount not to exceed three ounces. Any use of such oil for non-religious purposes shall result in a disciplinary action.
9. Inmates may engage in prayer as an individual religious exercise during periods of recreation (while in their cell or bed assignment and during non-work or programming times). Corporate or group prayer shall be reserved for scheduled religious activities.
10. In Catholic worship services, the priest (but no inmates) may consume small amounts of consecrated wine, subject to the following restrictions: No more than one half ounce may be brought into the institution by the priest per service, provided the empty container and any unused wine shall be taken out by the priest after each visit. An accurate record of all wine which comes in and out shall be maintained at checkpoint. No staff member, chaplain, volunteer chaplain, or religious volunteer shall be permitted to bring wine into the institution.
11. Abuse or misuse of religious rights and privileges (for example, an inmate using a religious item for non-religious purposes or an inmate with permission to be excused from a job or program assignment to attend a religious gathering failing to attend without a valid excuse such as illness), may result in appropriate disciplinary action.

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D. Group Worship and Study:

1. The chaplain shall schedule appropriate group worship and study opportunities to meet the needs of inmates. The groups shall be inclusive and be led by the chaplain, outside clergy, or religious volunteers. The leaders must agree to teach the central and inclusive doctrines common to the major faith group without degrading or impacting upon the tradition of others in a negative way. Individual inmate needs or traditions specific to a particular faith group may be met by individual visits with outside clergy of each inmate's denomination.
2. Except as stated in this paragraph, inmates will not be placed in a position of religious leadership or authority over other inmates. Group religious activities shall be video taped and/or monitored by staff. If the chaplain or a volunteer is not available to lead a group, the following may occur:
 - a. CDs, DVDs, video tapes, or tape recordings of sermons or religious lessons which comply with policy, including but not limited to Policy #507.02, may be made available to the group.
 - b. An inmate may be authorized by the Warden to lead the service. Inmates may ONLY lead religious services in the presence of staff.
3. The chaplain shall develop and maintain an up to date religious activity schedule and shall ensure that information about various opportunities for religious activities shall be available to all inmates. Group worship and study shall be conducted only in the designated places and times.
4. The chaplain shall conduct an annual religious and pastoral care needs review or survey and adjusts religious programming accordingly. The survey may be included as part of the annual social services survey. The completed review or survey shall be submitted to the Warden and a copy sent to the Director of Religious Services by the due date of the annual social services survey.
5. Religious worship and study groups shall be open to all inmates unless such participation is limited to maintain the order and security of the institution. Inmate attendance shall be voluntary.
6. The integrity of worship space shall be maintained at all times. The chapel has been designated as a place of worship and should not be used for searching or detaining inmates except in emergency situations. Inmates who attend religious services shall show proper respect to that particular faith group. Loud talking and disturbing others will result in a disciplinary action, (See Policy #502.05). Any act, whether spoken, visual, or written, which would tend to degrade a particular person, group, or ideology will not be tolerated and will result in a disciplinary action.
7. Outside clergy and volunteer chaplains may wear their religious vestments and/or insignia, except in those cases where potential danger may be present to the safety and/or security of the participants or institution.
8. Inmates may carry their personal property rugs to religious services for use as prayer rugs.

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9. With the approval of the Warden memorial services may be conducted for deceased inmates or staff and shall be coordinated by the chaplain.
10. Extra worship services and group gatherings may be scheduled to accent special observances, religious holidays, and feasts. These activities may be conducted by the chaplain or volunteers. These activities must be requested in writing at least 15 days prior to the event and conducted in accordance with guidelines approved by the Assistant Commissioner of Rehabilitative Services.
11. Inmates in administrative or punitive segregation may not participate in religious group worship and study group activities. Compatible inmates in protective custody may participate in religious worship and study groups with other protective custody inmates if approved by the Warden/designee. (See Policy #506.16) All segregated inmates may receive visits from the chaplain, outside clergy, and religious volunteers. Segregated inmates may possess religious literature and objects in accordance with this policy.
12. A non-smoking, group religious pipe ceremony for Native Americans shall be permitted and shall not constitute a violation of Policy #112.11, provided:
 - a. The pipe may only be used in group gatherings at times and places approved by the Warden.
 - b. No material whatever will be placed in the bowl of the pipe and the pipe will not be lighted.
 - c. The pipe must be used for religious purposes only, and any other use may result in disciplinary action.
 - d. The pipe must be brought in by volunteers or Outside Clergy and taken out each time, OR stored in a designated area in or near the chapel, as determined by the Warden.
 - e. The pipe must not be a risk to the safety and security of the institution, as determined by the Warden.
 - f. The pipe must not contain STG or STG-related markings or insignia.
 - g. The pipe is subject to inspection and search at all times.

E. Requests for Religious Accommodations

1. Individual Requests: Accommodations for individual requests pertaining to religious matters shall be submitted in writing using the Inmate Inquiry Information Request, CR-3118.
 - a. The inmate shall submit the form to the Chaplain for consideration. Within ten days of receipt, the Chaplain shall send a copy of the request (with his/her recommendations) to the Warden for his/her approval or disapproval.

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- b. If the Warden approves the request, the Director of Religious Services shall be informed of the decision. If the disapproval(s) is based on a policy or prior decision of the Religious Activities Committee the request does not have to be sent to the Director of Religious Services or Religious Activities Committee. If the decision of the request is not based on policy or prior decision of Religious Activities Committee, then within 60 days the Warden and the Director of Religious Services shall work together to agree on the approval or disapproval of the request.
 - c. If the Warden and the Director of Religious Services do not agree on the disposition of the request, the Director of Religious Services shall submit the request to the Religious Activities Committee to be approved or disapproved in the same manner as a request for group religious accommodations. The chaplain shall notify the inmate of the decision regarding the request.
2. Group Requests: Accommodations for group worship services and other group activities will only be made for faith groups which comply with the following procedure:
- a. Inmates may request accommodation by submitting a written request to the Chaplain on Request for Group Religious Accommodations, CR-3735. Pages one and two shall be completed by the inmate(s). Inmates shall be advised that an incomplete request can cause the request to be returned.
 - b. The request must include:
 - (1) The name and TDOC number of the inmate(s) submitting the request and an estimate of the number of inmates in the group.
 - (2) The official name of the group, including names and contact information of the group's leaders.
 - (3) Information on the group's teachings, beliefs, and practices including titles of the group's basic texts and other information helpful in researching the group.
 - (4) Names of outside clergy or volunteers available to visit the institution.
 - (5) A detailed description of the accommodation requested.
 - c. Within 30 days of receipt, the Chaplain will consult with the Warden and complete page three of the Request for Group Religious Accommodations, CR-3735. The entire request will then be sent to the Director of Religious Services with recommendations from the Warden and Chaplain.
 - d. Within 60 days after receipt of the request, the Director of Religious Services, will send the request to the Religious Activities Committee.

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- e. The Religious Activities Committee will meet in person on a quarterly basis to consider requests received by the Director of Religious Services. At the discretion of the Director of Religious Services, the Committee may consider requests via e-mail at any time.
- f. By majority vote, the Religious Activities Committee will recommend that the Commissioner disapprove the request, if it is determined that any of the following conditions have been met:
 - (1) The group is an STG
 - (2) The group is a bona fide faith group with beliefs and practices adequately represented by an existing faith group for which similar accommodations have been made
 - (3) The accommodation will jeopardize the security and safety of the institution
- g. The Director of Religious Services will send the recommendations of the Religious Activities Committee to the Commissioner. The Commissioner will subsequently approve or disapprove the request.
- h. The Director of Religious Services will notify the inmate, the Warden, and the Chaplain of the decision by the Commissioner.
- i. Inmates who disagree with the determination of the Commissioner will have the right to appeal in accordance with Section VI.(H) below.
- j. Groups which are currently being accommodated as of the effective date of this policy will be exempt from the procedure outlined above. However, failure to comply with the any provision of this policy may result in revocation of their accommodation in the manner set out above.
- k. After a group religious accommodation has been approved at one institution, the Director of Religious Services shall have the authority to approve the same request for group accommodations at another institution, unless the Warden at the other institution recommends against such accommodation, in which case the request shall be processed in the manner set out above and the Warden shall be invited to attend the meeting of the Religious Activities Committee.

F. Religious Activities Committee:

1. The Religious Activities Committee shall be composed of:

- a. The Director of Religious Services (Chair)
- b. One representative from the General Counsel's office
- c. One representative from the Deputy Commissioner of Operations
- d. One representative from the Deputy Commissioner of Administrative Services
- e. One Warden selected by the Director of Religious Services
- f. Two Institutional Chaplains selected by the Director of Religious Services

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2. The Religious Activities Committee shall be responsible for the following:
 - a. Review and approval of all requests for accommodations for religious practices filed under Section VI. (E)(2) above.
 - b. To perform such other duties as the Assistant Commissioner of Rehabilitative Services may require.

G. The Director of Religious Services shall:

1. Be responsible for policy development regarding religious activities on a department-wide basis.
2. Develop and deliver training for line staff regarding religious policy and procedure.
3. Monitor religious services within various institutions to ensure policy compliance.
4. Develop knowledge of STG issues as it relates to religious functions within the TDOC.
5. Develop a working relationship with the Office of Investigations and Compliance (OIC) and TDOC STG coordinator regarding religious activities within TDOC.
6. Serve as the central point of contact for all religious activity and practice within the TDOC.
7. Work closely with internal TDOC security regarding religious activities.
8. Stays informed through research about religious issues (both legally and operationally) and advise senior management accordingly. Subject to the supervision of the Assistant Commissioner of Rehabilitative Services, the Director of Religious Services may serve as a resource to the Department's General Counsel and to the Attorney General as needed.
9. Have a working knowledge of comparative religions and utilize such in the administration of religious policy and procedure.
10. Send copies of all final decisions on Requests for Group Religious Accommodations to all wardens and chaplains.

H. Inmate Grievance Procedures and Review

1. Inmates shall utilize the inmate grievance procedures set forth in Policy #501.01 for review of issues affecting the inmate regarding religious activity or religious exercise.
2. Grievances must be filed utilizing Inmate Grievance, CR-1394, and must provide sufficient information regarding and describing the inmate's specific religious activity or religious exercise which the inmate is grieving. The grievance must also set forth and describe how the inmate's religious exercise has been substantially burdened by the action(s) of the institution.

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3. The review of the grievance (See Policy #501.01) shall examine and document whether the burden on the inmate's specific religious exercise furthers a compelling governmental interest.
4. If it is determined, upon review, that the burden on the inmate's specific religious exercise furthers a compelling governmental interest, the review must determine and document if the burden on the inmate's religious exercise is the least restrictive means of achieving the compelling government interest.

VII. ACA STANDARDS: 4-4319 and 4-4512 through 4-4521.

VIII. EXPIRATION DATE: February 15, 2017.



STATE OF TENNESSEE
DEPARTMENT OF CORRECTION
OUTSIDE CLERGY APPLICATION

INSTITUTION

DATE

Dear Clergy Person:

Thank you for your interest in visiting an inmate at _____ as an Outside Clergy person in accordance with TDOC Policy # 118.01. Each inmate is entitled to receive visits from one outside clergyperson without the visit counting against his/her other visiting privileges.

Please answer all questions below and return this Application with evidence of your ordination to:

All information provided is confidential.

We will conduct an NCIC Background check as required by Policy #118.01.

Only approved Outside Clergy may schedule a visit, and they must call us at least (7) days prior to an intended visit, except in cases of emergency. Visits generally last about 1 hour.

Name: _____ D.O.B. _____

Drivers License # and State: _____ / _____ SSN: _____

Other States you have lived/resided/worked in: _____, _____, _____, _____, _____, _____, _____, _____, _____

Aliases: _____, _____, _____, _____

Home Address: _____ State: _____ ZIP: _____

Home Phone: (_____) _____

E-mail: _____

Race: _____

Denomination/Church/Mosque/Temple: _____

Street Address: _____

Mail Address: _____ City: _____ State: _____

Phone Number: (_____) _____

Please give two references (Name, Address, and Phone) of individuals who can confirm your status as an ordained clergy person:

“Clergy / Pastoral Visit” privileges are extended to ordained clergy only. Others are encouraged to ask the inmate that they be placed on the normal visiting list of family and friends.

Are you the Pastor / Leader of your church/mosque/temple? Yes: _____ No: _____

If “No” to the above,

- 1) What is your religious office/ordination? _____
- 2) What is your religious relationship to this inmate? _____
- 3) Are you trained and authorized to perform all of the duties of the pastor / leader? Yes _____, with the exception / restriction of _____

Name of Inmate: _____ TDOC # _____

How long have you known this inmate? _____

Have you ever been convicted of a felony? Yes _____ No _____

If so, please provide details: _____

I agree that I am familiar with all policies and procedures governing visitation with inmates and that I will abide by the same, as they may be amended from time to time.

Your Signature: _____ Date: _____

Please attach evidence of your ordination



**TENNESSEE DEPARTMENT OF CORRECTION
REQUEST FOR RELIGIOUS DIET PROGRAM PARTICIPATION AND AGREEMENT**

INSTITUTION

I, _____, _____
INMATE NAME (PLEASE PRINT) INMATE NUMBER

would like to participate in the Religious Diet Program. I understand that in order for me to be served a religious diet, special foods may have to be procured for me, and special preparation practices must be used. Therefore, I agree to abide by the following conditions:

1. I understand that if I voluntarily request that my religious diet be cancelled, I must do so in writing (*Religious Diet Cancellation Request - CR3813*) and I must wait for a period of thirty (30) days before requesting that my diet be reinstated or requesting a new religious diet.
2. I understand that repeated requests for withdrawals or changes may result in a waiting period of up to ninety (90) days.
3. During meals I will eat and possess on my food tray only those food items served as a part of the Religious Diet Program.
4. I will not purchase, possess, or consume any food items that are not permitted under my religious diet.
5. I will not eat foods from the general facility diet that are in conflict with my religious diet.
6. I will follow all facility policies for dining in my facility.
7. I will not provide any portions of my specially-prepared meal to other inmates.
8. I will not collect religious food items (or unauthorized amounts of Commissary items) in my cell/room.
9. If I am found in violation of this agreement I understand that I am subject to suspension and/or termination.
10. I understand that if I am suspended from the program it is my responsibility to notify the Chaplain of my desire to be reinstated.
11. If I am terminated for any violation of this agreement, I understand I may not reapply for the program for ninety (90) days.
12. I understand that failure to pick up my religious diet meal may result in the cost being deducted from my inmate trust account. Repeated failures to pick up my religious diet may result in suspension and/or termination from the program.

By my signature below, I acknowledge that I have read and/or discussed, with a staff person, the contents of this agreement. I further agree that if permitted to participate in the Religious Diet Program ***I will abide by the conditions of participation set forth above in this agreement***

INMATE SIGNATURE DATE

APPROVED: **DISAPPROVED:** **TYPE OF DIET:** _____

CHAPLAIN PRINTED NAME

CHAPLAIN SIGNATURE DATE

APPROVED: **DISAPPROVED:**

WARDEN SIGNATURE DATE

REASON FOR DISAPPROVAL INMATE SIGNATURE

Original: Inmate File **Copy:** Food Service Manager Warden Chaplain

6. Names of outside clergy or volunteers available to visit the institution:

7. **DETAILED** description of the accommodation(s) requested:

a. First Accommodation

b. Second Accommodation

c. Third Accommodation

d. Fourth Accommodation

e. Fifth Accommodation

If more than five accommodations are requested, please add additional pages showing Sixth Accommodation, Seventh Accommodation, etc.

8. Recommendations by the Warden and the Chaplain

Date Sent to the Religious Activities Committee: _____

a. First Accommodation -- Recommendation: _____ Approval _____ Disapproval

Reason: _____

b. Second Accommodation -- Recommendation: _____ Approval _____ Disapproval

Reason: _____

c. Third Accommodation -- Recommendation: _____ Approval _____ Disapproval

Reason: _____

d. Fourth Accommodation -- Recommendation: _____ Approval _____ Disapproval

Reason: _____

e. Fifth Accommodation -- Recommendation: _____ Approval _____ Disapproval

Reason: _____

9. Approval or Disapproval by the Religious Activities Committee

Date of Approval or Disapproval: _____

a. First Accommodation: _____ Disapproved _____ Approved

b. Second Accommodation: _____ Disapproved _____ Approved – subject to conditions:

c. Third Accommodation: _____ Disapproved _____ Approved

d. Fourth Accommodation: _____ Disapproved _____ Approved

e. Fifth Accommodation: _____ Disapproved _____ Approved



TENNESSEE DEPARTMENT OF CORRECTION
INMATE INQUIRY – INFORMATION REQUEST

INSTITUTION

INMATE NAME *(Please Print)*

INMATE NUMBER

UNIT: _____ ROOM / BED: _____ DATE: _____

ROUTED TO: Unit Manager Inmate Relations Coordinator (IRC)
 Counselor Inmate Job Coordinator (IJC)

1. Inmate Inquiry/Request:

2. Action by Counselor/IRC/Inmate Job Coordinator:

Counselor / IRC / Inmate Job Coordinator SIGNATURE

DATE

3. Action by Record Office

RECORD'S OFFICE STAFF SIGNATURE

DATE

4. Sentence Management Services (SMS) Response:

SMS STAFF SIGNATURE

DATE

 <p style="text-align: center;"> ADMINISTRATIVE POLICIES AND PROCEDURES State of Tennessee Department of Correction </p>	Index #: 502.01	Page 1 of 36
	Effective Date: September 15, 2017	
	Distribution: B	
	Supersedes: 502.01 (12/1/14)	
Approved by: Tony Parker		
Subject: UNIFORM DISCIPLINARY PROCEDURES		

- I. AUTHORITY: TCA 4-3-603, TCA 4-3-606, Wolff v. McDonnell 94 S. CT. 2963 (1974), and Sandin v. Conner, 515 U. S. 472 (1995).
- II. PURPOSE: To provide for the fair and impartial determination and resolution of all disciplinary charges placed against inmates committed to the Tennessee Department of Correction (TDOC).
- III. APPLICATION: To institutional employees, employees of Tennessee Rehabilitative Initiative in Correction (TRICOR), employees of privately managed facilities, and inmates [excluding inmates who are assigned to and actively participating in a Special Alternative Incarceration Unit (SAIU) program.]
- IV. DEFINITIONS:
 - A. Calendar Days: A time limit that begins at 12:01 A.M. on the day following the date of the triggering event. Example: If an inmate is charged with a disciplinary offense on the 1st, the 7 day limit set by Section VI.(A)(6)(b) below, would begin to run at 12:01 A.M. on the 2nd and end at 11:59 P.M. on the 8th.
 - B. Class A Disciplinary Board: A panel which hears all Class A disciplinary offenses and those Class B offenses for which accumulated sentence credits may be taken.
 - C. Contract Monitor (CM): TDOC employee(s) authorized by the Commissioner to serve as the approving authority for specific actions occurring at privately managed facilities. In the absence of the CM at privately managed facilities, the necessary notification/request for authorization will be made by telephone to the Correctional Administrator (CA).
 - D. Disciplinary Hearing Officer (DHO): An employee appointed by the Warden to serve as the chairperson of the disciplinary board and to hear Class B and C disciplinary offenses. At least one alternate DHO shall be appointed by the Warden.
 - E. Good Cause: Circumstances beyond the control of a party (e.g. illness, previously unforeseen need for witness not immediately available, etc.)
 - F. Informal Resolutions: A punitive sanction agreed upon between an offending inmate and the employee who observed the infraction.
 - G. Inmate Advisor: Inmates appointed by the Warden who serve as advocates for inmates who have been charged with disciplinary infractions.
 - H. Non-disciplinary Due Process Hearing: A hearing that is conducted by the hearing officer for any of the following reasons:

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1. To remove funds from an inmate trust fund account in order to fulfill an unpaid financial obligation of the inmate, for fees and costs associated with the filing of frivolous or malicious claims, or if the inmate objects to the removal of funds and a garnishment order has not yet been issued.
 2. For a Criminal Injuries Compensation Fund privilege tax assessed against an inmate that was not paid prior to the inmate's arrival at a TDOC institution. As provided by TCA 40-24-107(b), this assessment may be withdrawn from an inmate's account without a non-disciplinary due process hearing upon receipt of a certified statement from the convicting court clerk indicating the amount owed by the inmate. (See Policy #208.03)
 3. To terminate an inmate from work release.
 4. Recommendation of the Warden or CM at privately managed facilities for administrative segregation placement. (See Policy #404.10)
- I. Preponderance of Evidence: The amount of evidence necessary for a party to prevail at a disciplinary hearing. The degree of proof which best accords with reason and probability and is more probable than not.
- J. Staff Advisor: Staff appointed by the Warden to provide assistance to inmates who have been charged with disciplinary infractions.
- K. Warden's Designee: For purposes of this policy only, the designee at TDOC managed facilities can be the Associate Warden, or shift supervisor. The designee at privately managed facilities can be the Assistant Warden or Chief of Security.
- L. Working Days: The days during which the institutional administrative offices are open for business, normally Monday through Friday. Holidays are excluded.
- V. POLICY: Fair and impartial disciplinary proceedings will be administered against inmates charged with disciplinary infractions. The procedures contained herein alone shall govern the disciplinary process. This policy is not intended to create any additional rights for inmates beyond those which are constitutionally required. Minor deviations from the procedures set forth below shall not be grounds for dismissal of a disciplinary offense unless the inmate is able to show substantial prejudice as a result and that the error would have affected the disposition of the case.
- VI. PROCEDURES:
- A. The Disciplinary Board
1. Each Warden shall appoint a minimum of six institutional employees who shall serve as members of the disciplinary board to hear all Class A disciplinary offenses and Class B offenses for which accumulated sentence credits may be taken, i.e., where good conduct credits are applied to an inmate's sentence. (Accumulated Prisoner Performance Sentence Credits (PPSC) and Prisoner Sentence Reduction Credits (PSRC) may not be taken for Class B infractions)

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2. The Warden shall designate one member, normally a sergeant (senior correctional officer (SCO) or assistant shift supervisor as approved by TDOC for privately managed facilities), as chairperson and at least one alternate.
3. Contract employees and TRICOR staff are excluded from serving as board members.
4. The disciplinary board shall function as a subcommittee of the classification committee. It is the responsibility of the chairperson to initiate reclassification recommendations as deemed appropriate by the majority of the board. The members and chairperson shall be appointed for a six-month term and may be reappointed additional terms at the Warden's discretion. Hereinafter, the disciplinary board of the classification committee will be referred to as "the board." The Warden shall cause all disciplinary board members to be entered onto Board/Committee Members (LIBM).
 - a. The chairperson shall designate board members on a hearing-by-hearing basis and in a manner such that each hearing is conducted by one ranking correctional officer and one employee each from two other job classifications.
 - b. The chairperson and board members shall receive training in disciplinary procedures before participating in any hearings. Lesson plans are required for this training and shall be documented in the employee's training file. The chairperson shall be responsible for providing updated training when revisions are made to the disciplinary procedures policy.
5. No employee shall be permitted to sit on the panel of the board hearing a given case if any of the following conditions exist:
 - a. He/she is the reporting employee.
 - b. He/she participated directly in the investigation.
 - c. He/she has personal knowledge concerning the case, except in those instances where knowledge of the incident is so widespread as to be known by most employees (i.e., common knowledge).
 - d. He/she has a personal interest in the outcome of the case.
 - e. He/she is the inmate's assigned counselor, inmate relations coordinator (IRC), or unit manager.
6. The disciplinary board shall be convened on a schedule established by the Warden, who shall ensure the following:
 - a. Inmates who are confined in segregation pending a disciplinary hearing should not be confined for more than 72 hours (including weekends) prior to a hearing, unless the hearing is continued at the inmate's request.

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Failure to comply with this provision shall not constitute grounds for dismissal of the pending charge. The inmate's pre-hearing status shall be reviewed by the Warden/designee within the 72 hours, including weekends and holidays.

- b. No inmate charged with a disciplinary offense should be required to wait more than seven calendar days for his/her disciplinary hearing to be held, unless the hearing is continued pursuant to Section VI.(J). Failure to comply with this provision may constitute grounds for dismissal of the pending charge.
- c. A disciplinary hearing shall not be held in less than 24 hours after the inmate has been charged with a disciplinary unless the inmate has requested a prompt disposition and waives his/her right to the 24-hour notice in writing. (See Disciplinary Report Hearing Summary, CR-1834) The board may honor or refuse the request for such a prompt disposition.
- d. Any amendment, alteration, or substitution affecting the established disciplinary hearing procedures must be communicated to the inmate and inmate advisor at least six hours prior to his/her hearing.
- e. Inmates placed in pre-hearing segregation and found guilty of the disciplinary offense will be credited with the time served towards the punitive time given except time granted due to a continuance(s) requested by the inmate.

B. Disciplinary Hearing Officer (Class B and C)

1. The disciplinary hearing officer shall be designated to hear Class C disciplinary offenses and those Class B Disciplinary offenses for which no accumulated sentence credits may be taken. See Section VI.(A)(1). The hearing officer shall convene hearings pursuant to a schedule established by the Warden and shall ensure that the conditions set forth in Section VI.(A)(6) are followed. The hearing officer shall not be permitted to hear a case if any of the conditions listed in Section VI.(A)(5) exist.
2. The disciplinary hearing officer shall report any security threat group (STG) related disciplinary incidents to the institutional (STG) coordinator.

C. Inmate Advisor: The Warden should designate a minimum of two inmates to act as inmate advocates. Additional advisors may be selected at the discretion of the Warden in order to accommodate the inmate population in larger facilities.

1. Inmate advisors are selected by the Warden from the appropriate inmate job register. (See Policy #505.07) Selection of inmate advisors should be based on the individual's intellect, verbal skills, and ability to understand inmate issues. Each inmate advisor shall be provided with the most current copy of Policies #404.10, #502.01, #502.02, #502.05, and #506.21. The meaning of these policies shall be fully explained to the inmate advisors by the disciplinary hearing officer and documented. Documentation shall be retained by the disciplinary board chairperson.

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2. The inmate advisors' responsibilities may be full or part-time at the discretion of the Warden. (See Policies #505.01 and #505.07) Except as noted, inmate advisors are subject to the same institutional regulations as other inmates.
 3. The Warden or designee will maintain a list(s) of current inmate advisors. An inmate accused of a disciplinary infraction shall be permitted to select any advisor from the list as long as that advisor is willing to serve and as long as the advisor is permitted access to the accused inmate's housing unit.
 4. The inmate advisor may act as an advocate for the inmate. The advisors may question employees during the employees' regular workday if they believe these employees may have pertinent information regarding the alleged incident. If normal security regulations permit, these interviews may take place at the employee's duty post. Employees are expected to cooperate by answering reasonable questions in a truthful manner.
- D. An inmate charged with a disciplinary offense may request assistance in the adjudication of their case from a list of approved employees. The Warden shall develop a list of staff advisors who will be available to the hearing officer. The hearing officer is responsible for notifying the staff advisor that an inmate has requested assistance. Staff members may ask to be excused if they feel that they cannot properly represent the inmate.
- E. Initiation of Disciplinary Action: When a staff member observes a violation of institutional regulations, he/she shall take any of the following actions, depending upon the seriousness of the violation:
1. Verbal Reprimand: Verbally reprimand, advise, or counsel with the inmate in an attempt to prevent a further occurrence.
 2. Informal Sanction: Offer the inmate a disciplinary sanction if the infraction is a non-violent Class C offense. A sanction must be approved by the shift supervisor or unit manager at TDOC facilities and reviewed by the Warden/designee and CM at privately managed facilities, prior to initiation.
 - a. A sanction cannot exceed three calendar days and is limited to privilege restrictions and assignment of extra duty. A sanction shall not interfere with the inmate's program assignment or violate an inmate's civil rights such as freedom to worship or meal access. If the inmate agrees to accept the sanction, the staff member shall complete and process an Informal Disciplinary Record, CR-3172, and forward a copy to the disciplinary hearing officer for record keeping purposes. The disciplinary hearing officer shall document the informal resolution on contact notes (LCDG).
 - b. Sanctions should be initiated prior to entering a formal disciplinary charge on incidents screen (LIBJ) and disciplinary screen (LIBK). Once the inmate has successfully completed the assigned sanction, there shall be no official record of the infraction in the inmate's official file. If the inmate does not agree to accept the sanction, the staff member shall formally charge the inmate with the alleged infraction.

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c. If an inmate fails to comply with the sanction in a satisfactory manner, he/she shall be written up on the original charge and referred to the disciplinary hearing officer. The time limit for holding a disciplinary hearing in accordance with Section VI.(A)(6) shall be calculated from the time the inmate is served the formal charge.

3. Formal Disciplinary Action: When formal disciplinary action is required, the following procedures should be implemented:

The reporting employee shall initiate disciplinary action by entering the incident that prompted the action on offender management system (OMS) incidents (LIBJ). Staff entering the incident shall be trained in entering, editing, or correcting the incident for the appropriate charge. Once the incident has been successfully entered, OMS will generate an incident number that shall then be used to add the disciplinary report onto the disciplinary screen (LIBK). The report BI01MGL may then be created by using F13 after disciplinary screen (LIBK) is completed and entered. A separate screen must be completed for each infraction for which the inmate is charged. An employee (not necessarily the reporting employee) shall read the report to the inmate and advise him/her of their rights. The employee shall sign, date, and time the report and request the inmate to sign acknowledging receipt of the report. If the inmate refuses to sign, the result shall be noted on the form. One copy shall be given to the inmate at that time and a copy should be provided to the inmate advisor or appropriate staff member. The original shall be forwarded to the disciplinary hearing officer for processing.

The Deputy Commissioner of Operations/designee as authorized must approve any request for deletions or modifications to disciplinary screens (LIBJ), (LIBK), and (LIBL). All requests shall be submitted in a format provided by that office.

F. Additional Procedures

1. When the inmate is reasonably passive and cooperative and the charge is a Class C offense. (See Policy #502.05) The inmate shall be permitted to continue his/her normal duties pending the hearing (unless precluded by a cell change or other eligibility requirement).
2. When the charge is a Class A or B offense. (See Policy #502.05)
 - a. When the inmate is reasonably passive and cooperative, the shift commander in operations shall assess the situation and make a decision as to whether the inmate may be allowed to continue his/her normal duties pending the hearing, to place the inmate in segregation, or to transfer the inmate to a more secure institution.
 - b. If the decision is made that segregation is unnecessary, the inmate shall be permitted to continue his/her normal duties pending a hearing (unless precluded by a cell change or other eligibility requirements).

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- c. If the rule violation is alleged (not witnessed by a staff member) the shift commander shall initiate an investigation into the charge and supply the disciplinary board or hearing officer with information prior to the hearing.
 4. In order to ensure the safe, secure, and orderly operation of the institution, the shift supervisor shall segregate inmates who:
 - a. Are witnessed by staff in the act of fighting with/assaulting another person
 - b. Are witnessed with, or found to have, a deadly weapon on their person
 - c. Are discovered in the act of, or preparing to, escape
 - d. Appear to be intoxicated
 - e. Refuse cell assignment/cell changes
 - f. Refuse a direct order to leave a specific location, when their continued presence would create a threat to the security of the facility or would create a disruptive situation in the specific location
 - g. Are witnessed by staff in the act of damaging/destroying facility property, when such damage would create a threat to security or instigate a disruptive atmosphere
 - h. Actively, by physical means, prevent or hinder an employee's ability to perform his/her duties
 - i. When an inmate is violent, intoxicated, or otherwise a threat to other inmates, employees, or self, and the charge is either a Class A, B, or C offense, the inmate should be restrained and/or immediately taken to segregation. The senior ranking employee on duty shall review the circumstances and approve the segregation by signing the disciplinary report. The shift supervisor shall be promptly advised of the segregation and require that the proper entry be made on Incidents (LIBJ), Disciplinary (LIBK), and Segregation (LIBD).
 - j. Those articles of property which the inmate is permitted to have in segregation should be brought to the inmate. All other personal belongings in the living area shall be inventoried in writing by an employee and stored safely and securely at the facility. The inmate should be provided with a copy of the inventory. The inmate may be allowed to pack his/her belongings based on incident and circumstances.
- G. Pending Investigation: When an inmate is suspected of a Class A or B infraction and the senior security officer determines that the inmate should be held in segregation pending investigation, the following shall occur:
 1. The reporting employee shall complete a disciplinary report indicating that the inmate is suspected of a rule infraction rather than charged with one.

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2. The senior ranking employee on duty shall review the circumstances and approve the segregation by signing the disciplinary report. An employee (not necessarily the reporting employee) shall be assigned to serve the disciplinary upon the inmate.
 3. When an alleged rule violation is reported, an appropriate investigation should be initiated within 24 hours of the time the violation is reported and should be completed without unreasonable delays.
 4. If the inmate is released from segregation without being charged with a disciplinary infraction, the report BI01MGL for pending investigation should not be placed in the inmate's institutional record. The report will be maintained in an office file designated by the Warden.
 5. An inmate should not be held in segregation pending investigation for more than 18 hours without the matter being reviewed by the Warden or designee. The Warden or designee must sign a report stating that probable cause exists to suspect that the inmate committed the infraction and continued segregation is necessary.
 6. No inmate should be held for more than seven calendar days pending investigation. Any delay shall be reviewed/approved/denied by the Warden or his/her designee (CM at privately managed facilities). The inmate shall be notified of any delay in the investigation and the expected completion date of the investigation.
 7. Immediately upon conclusion of the investigation, the inmate should be charged with an infraction or released from segregation. Procedures specified for notifying the inmate of the charges should be followed. The time limit within which the disciplinary hearing shall convene (as provided in Section VI.(A)(6) above) should be measured from the time the investigation is completed and the inmate is charged with the infraction.
- H. Segregation and Transfer: When the decision is made to segregate and/or transfer the inmate to a more secure institution pending a hearing, the following will be accomplished:
1. The Warden, Associate/Assistant Warden, Chief of Security, and CM at privately managed facilities will be immediately notified.
 2. Appropriate OMS entries will be made on Segregation (LIBD) and/or Arrival/Departure (LIMD) by the institutional staff (including the receiving facility when applicable).
 3. Any articles of property that the inmate is permitted to have in segregation or at the receiving institution should be brought to the inmate. All other personal belongings in the living area should then be collected, inventoried in writing by an employee, and stored per Policy #507.02.
 4. The inmate's property shall never be collected/packed by another inmate.
 5. All temporary transfers to more secure institutions and/or subsequent permanent transfers must be accomplished in accordance with Policy #403.01.

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I. Additional Procedures for Privately Managed Facilities:

1. The CM shall be notified and approval obtained from the designee prior to any of the following actions:
 - a. All Segregation types
 - b. Pending investigation
 - c. Administrative pre-hearing transfer
2. When an inmate is violent, intoxicated, or otherwise a threat to other inmates, employees, or self and the charge is a Class A, B, or C offense.
 - a. If the shift supervisor determines that it is appropriate to defuse or avoid a potential confrontation, the inmate will be escorted to segregation while approval is being obtained.
 - b. Within two hours of any such segregation, the shift supervisor shall notify the CM or TDOC employee who shall affirm or reject the request. Notification of placement shall be documented on BI01MGL and include the name of the shift supervisor, CM/TDOC employee if not on site, and the date and time of approval of the segregation or transfer.
 - c. If the CM is immediately available, he/she may sign the BI01MGL affirming the placement.
3. Movement/Confinement Checklist shall be completed and submitted for signature to the CM.
 - a. If the CM is immediately available to review the situation, he/she shall sign the movement confinement checklist approving the request or shall issue a signed memorandum denying the request.
 - b. If the CM is not immediately available in person but is available by telephone, he/she shall be advised verbally of the situation. If he/she approves the request for segregation or transfer, the shift supervisor shall sign the Movement/Confinement Checklist with the notation "per (name of authorizing TDOC official)", and specify the date and time of approval. The CM shall subsequently review and sign the document immediately upon his/her availability.
 - c. If the CM is neither immediately available in person or by telephone, the shift supervisor shall contact the Correctional Administrator (CA).

J. Procedures for Continuation

1. Any or all of the following parties may request a continuance of the scheduled hearing:
 - a. Inmate who is the subject of the hearing
 - b. Inmate/staff advisor
 - c. Reporting employee
 - d. Warden/designee/CM at privately managed facilities

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The disciplinary hearing officer/chairperson may grant a continuance for a specified period of time up to seven days. No single continuance should exceed seven calendar days unless the basis for the continuance is beyond the control of the requesting party.

2. Page 2 of the CR-1834 shall clearly state the reason(s) for the granting or denying of the continuance request.

K. Waiver of Due Process

An inmate will be given the option to waive the right to a formal disciplinary hearing and due process.

1. An Agreement to Plead Guilty and Waiver of Disciplinary Hearing and Due Process Rights, CR-3171, will be made available to inmates receiving a formal disciplinary report. The location(s) of the form will be designated by the Warden/designee and easily accessible to all inmates.
2. If the inmate wishes to exercise the waiver provided by this agreement form, he/she will sign the form in the presence of a staff witness (other than the reporting official) who will also sign the form. If the inmate is under the age of 18 or has been declared mentally incompetent by a qualified mental health professional, an advisor shall be appointed to assist the inmate. The form will be attached to the disciplinary report and forwarded to the disciplinary board chairperson who will sign and date the form. The form must be completed within two working days after the issuance of the disciplinary report.
3. The inmate will waive the following rights when signing this agreement:
 - a. To personally appear before the disciplinary board or hearing officer
 - b. To plead not guilty and to have the case against him/her proven by a preponderance of the evidence presented
 - c. To present his/her own version of the facts
 - d. To call witnesses in his/her own behalf
 - e. To cross-examine his/her accuser and hostile witnesses
 - f. To appeal the decision of the disciplinary board/hearing officer and the punishment imposed.
 - g. When an inmate has agreed to waive his/her due process rights and plead guilty, the disciplinary hearing officer shall question the inmate to ensure that the inmate's actions are voluntary and that he/she fully understands that by waiving a disciplinary hearing and all due process rights he/she must accept the punishment imposed and cannot appeal.

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- h. Within five working days, the disciplinary board/hearing officer shall impose sanctions. The decision as to sanctions must be made by the three member disciplinary board in all cases of Class A.
- i. The inmate shall be informed immediately upon determination of any sanctions imposed. For privately managed facilities, approval must be obtained from the Contract Monitor before sanctions are imposed.
- j. Decisions to be made by the disciplinary board/hearing officer utilizing this procedure may only be delayed pending further necessary investigation of the offense.
- k. A copy of CR-3171 will be attached to and distributed with a copy of the Disciplinary (LIBK) screen/CR-1834.

L. The Disciplinary Hearing

- 1. The disciplinary hearing officer may schedule hearings using OMS screen (LIMW).
- 2. The inmate who is charged with the rule infraction(s) shall have the right to appear in person before the board/hearing officer at all times, except:
 - a. When the board/hearing officer is receiving testimony from a confidential source.
 - b. During the board's deliberations or the hearing officer's review of the charge.
 - c. If the inmate is disorderly (i.e., preventing the orderly conduct of the hearing). In such cases, the advisor may remain present on the inmate's behalf.
 - d. When the inmate signs an agreement to plead guilty.
- 3. At privately managed facilities, the CM shall observe all Class A disciplinary hearings and all Class B hearings where good conduct credits may potentially be lost and approve and/or modify recommendations at this time. The CM shall review and approve or modify recommendations of the disciplinary hearing officer for Class B or C infractions upon completion of the hearing and before sanctions are imposed.
- 4. The disciplinary hearing shall be conducted pursuant to the following procedures:
 - a. The board chairperson/hearing officer shall make the following inquiries (the answer(s) to which shall be stated in the findings of the board):
 - (1) Whether the inmate waived the 24-hour notice
 - (2) Whether the inmate waived the right to have the reporting officer present

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- (3) Whether the inmate waived the right to call a witness(es) in his/her behalf
 - (4) Whether the inmate was provided with a copy of the disciplinary report and when it was provided
 - (5) Whether any inmate entering a plea of guilty has been advised and understands that by so doing, he/she is waiving the right to call witness(es) on his/her behalf, to cross examine his/her accuser and any hostile witnesses, to review any adverse documentary evidence presented, and to have the case against him/her proven by a preponderance of the evidence.
 - (6) Whether the inmate is represented by an inmate or staff advisor, the name of the advisor, and whether the inmate has had adequate time to consult with the advisor; and if not represented by an advisor, whether he/she waives such representation.
 - (7) Whether the hearing has been continued previously and if so, at whose request and for how long.
 - (8) Whether the inmate has been held in segregation, or in any more restricted status than that which he/she was in when charged, pending the hearing; and if so, for how long.
 - (9) Whether any inmate entering a plea of guilty was advised that the decision of the board/hearing officer shall not be appealable, including any punishment imposed by the board/hearing officer. The inmate shall sign in the appropriate space on CR-1834 his/her understanding and acceptance of this no appeal provision.
- b. If the inmate pleads "guilty", the inmate or his/her advisor may make a statement to the board/hearing officer prior to the imposition of any punishment by the board/hearing officer. The decision regarding sanctions must be made by the three member disciplinary board in all cases of Class A.
- c. If the inmate pleads "not guilty", he/she shall be permitted the following:
- (1) The right to decline to testify. It shall be the burden of the reporting employee to prove guilt by a preponderance of the evidence.
 - (2) To have the evidence against him/her presented first. The board/hearing officer shall consider all evidence which it finds to be reliable, whether or not such evidence would be admissible in a court of law.
 - (3) To cross-examine any witness (except a confidential source) who testified against him/her and to review all adverse documentary evidence (except confidential information).

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- (4) To have the reporting official to the alleged infraction present and testifying at the hearing. The chairperson/hearing officer may allow the testimony from the reporting official by speakerphone if they are not on the premises of the facility at the time of the hearing unless this requirement is waived by the inmate in writing (See CR-1834). By waiving the presence of the reporting official, the inmate is agreeing to have the statements in the disciplinary report accepted at the hearing in lieu of testimony. The chairperson/hearing officer shall advise the inmate of this fact. Even if such an appearance is waived by the inmate, the employee may appear and testify at the hearing.
 - (5) The right to testify in his/her own behalf after all evidence has been presented.
 - (6) The right to present the testimony of relevant witness(es), unless allowing the witness to appear would pose a threat to institutional safety or order.
- d. The board/hearing officer shall record on a Disciplinary Continuation, CR-1831, specific reason(s) for not permitting the attendance of a witness requested by an inmate.
- (1) An inmate who wishes to have witness(es) (inmate or staff) present to testify on his/her behalf at the hearing shall complete an Inmate Witness Request, CR-3511, and submit it to the hearing officer at least 24 hours prior to the hearing. The hearing officer shall indicate on the form whether the inmate's request has been approved or denied. If a requested witness is denied, the specific reason(s) for not permitting the attendance of the witness requested must be listed on the form.
 - (2) If an inmate fails to request a witness on CR-3511 prior to the hearing, the hearing officer may still allow the witness to testify. Factors to be considered in making such a decision include the witness, the nature of his/her testimony, and how difficult it would be to obtain testimony.
 - (3) An inmate may submit a written witness statement when the personal appearance of a witness has been denied.
 - (4) When a witness cannot be physically present at a hearing, the hearing officer may allow the testimony to be given by telephone, provided a speaker telephone is used so that all participants can hear the testimony.
 - (5) When an inmate commits a disciplinary offense at an institution but is transferred to another institution prior to the disciplinary hearing, the disciplinary hearing officer at the receiving institution shall hear the disciplinary case. Witnesses for such hearings shall testify as set forth in Section VI.(L)(4)(d)(4) above.

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- e. When the disciplinary hearing officer/chairperson determines that he/she should receive testimony from a confidential source whose identity cannot be disclosed due to either a fear of reprisal, or a breach of security information, or determines that he/she should receive evidence of a confidential/security sensitive nature, it shall be the responsibility of the disciplinary hearing officer to independently access and verify the reliability of the informant's testimony and/or the confidential security sensitive evidence.
- f. Where the reliability of the confidential informant and/or the evidence of security sensitive nature has not been independently verified, such testimony or evidence shall not be considered by the disciplinary board/hearing officer in the disposition of the disciplinary charge(s).
- g. Whenever confidential information or confidential security sensitive evidence is utilized by the disciplinary hearing officer/chairperson as a basis for its decision, the TDOC Contemporaneous Record of Confidential Informant Reliability, CR-3510, shall be completed to document the factual basis for the disciplinary hearing officer's/chairperson's finding that the informant and/or security sensitive evidence was reliable. At privately managed facilities, the CM shall also review the confidential information and initial the form. This form shall be considered confidential and kept as a non-public access record in an area designated by the Warden.
- h. At any time during the formal disciplinary process, the disciplinary hearing officer (and/or CM at privately managed facilities) may order that the hearing be continued. In this instance, the affected inmate or his/her advisor shall be notified of the continuance and the reason(s) documented on the hearing summary.
- i. When the testimony of a witness is to be heard by the disciplinary board/hearing officer, all other witnesses (except the accused inmate and advisor) shall be excluded from the room.
- j. Attorneys shall not be permitted to participate in disciplinary hearings but may be permitted to be present as observers.
- k. At the conclusion of the hearing, the disciplinary board/hearing officer and CM at privately managed facilities (if applicable) shall review and consider the findings of the case. The disciplinary board/ hearing officer shall base the decision solely on the information obtained during the hearing process, including staff reports, the statements of the inmate charged as well as his/her advisor, and any other evidence derived from witnesses and documents.
 - (1) The inmate is presumed innocent and the case against him/her must be proved by a preponderance of the evidence.
 - (2) The decision of the disciplinary board need not be unanimous. A majority vote shall control the decision.

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- (3) The board chairperson may vote only if two members disagree on the guilt or innocence of the charged inmate.
- l. At the conclusion of the review or deliberations the disciplinary hearing officer/chairperson and CM at privately managed facilities (if applicable), shall reconvene and advise the inmate of the decision and of his/her right to appeal (if the inmate pled not guilty). The appeal of an adverse decision must be made to the Warden (through the Warden to the Deputy Commissioner of Operations/designee at privately managed facilities) within 15 calendar days of receipt of the CR-1834.
- m. All inmates pleading not guilty should be provided with a copy of the Notice of Appeal Procedures. (See example at the end of this policy). If the inmate chooses to appeal, he/she shall be provided with a copy of the Disciplinary Report Appeal, CR-1833, pages 1 and 2, and CR-1831.
- n. Within five working days after the conclusion of the disciplinary hearing, the hearing officer shall render a CR-1834 as follows and shall enter all appropriate information on Disciplinary (LIBK) and Disciplinary Decision (LIBL):
 - (1) Containing the information specified above in Section VI.(L)(4)(a).
 - (2) Stating the charged violation, the inmate's plea, and the finding of the board/hearing officer.
 - (3) Stating the names of all persons who appeared and testified (except confidential sources).
 - (4) Stating the names of all other persons present at the hearing (except confidential sources).
 - (5) Stating detailed reasons for the board's/hearing officer's and/or CM at privately managed facilities (if applicable) decision and summarizing the evidence which led to such decision.
 - (6) Certifying that the board/hearing officer advised the inmate of the mechanism by which he/she may appeal any adverse decision of the board/hearing officer (provided that the inmate pleaded not guilty).
 - (7) Evidence used in a disciplinary hearing which is determined to be STG related by the hearing officer/disciplinary board shall be forwarded to the institutional STG coordinator at the conclusion of the hearing.
- o. As soon as time permits, a copy of the hearing summary shall be given to the inmate and the original placed in the inmate institutional record (IIR).

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- p. A Disciplinary Log, CR-0255, shall be completed as the hearings progress or at the completion of all cases adjudicated in a session. This form shall be reviewed to ensure conformity and consistency with disciplinary board policy and regulations. The form shall then be forwarded to the Warden/designee for review. The form shall be initialed when reviewed. A copy of each log sheet shall be forwarded to the CM at privately managed institutions. Any subsequent remands, dismissals, or reductions of punishment shall be noted on the log in red ink overlaying the original log entry.
- q. Records of disciplinary hearings, including CR-0255, shall be maintained for a period of at least one year by the hearing officer.
5. The board/hearing officer shall dispose of the case pursuant to the following guidelines:
- a. Disposition: It is permissible to find an inmate guilty of two charges that are separate and distinct but occurring in the same incident (e.g., an "assault" charge that occurred while the inmate was also guilty of a charge of being "out of place"). The disciplinary board/hearing officer and/or CM at privately managed facilities may dispose of cases only in the following ways:
- (1) Dismissal of charges - not guilty, or dismissal of charges, in which case all copies of the disciplinary reports are destroyed except the inmate's. Designated staff shall enter the board's findings on Disciplinary Decision (LIBL). OMS is programmed to automatically delete all Disciplinary (LIBK) reports with not guilty findings and dismissed findings or those with no disposition posted that have been in the system for 14 days. A report listing those deleted is available on INFOPAC BI01MDD.
 - (2) Verbal warning - Shall not prompt loss of sentence credits or effect inmate's CAF score for this charge but may enhance future disciplinary board/hearing officer actions. Verbal warnings may be considered when reviewing inmates on administrative segregation status for release to the general population. (See Policy #404.10) No other action listed below may be taken in conjunction with a verbal warning. Disposition shall be posted on Disciplinary Decision (LIBL).
 - (3) Written warning - Disposition shall be posted on Disciplinary Decision (LIBL).
 - (4) Restriction of recreational privileges for up to 60 days (not to include access to law library privileges).
 - (5) In all instances where an inmate is convicted of the charge of "Refusing to Participate" and the inmate jobs coordinator determines that a job/program dismissal is warranted, see Policy #502.02.

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- (6) Visitation privileges shall be restricted as provided in Policy #502.02 in all instances where inmates are convicted of drug and alcohol related charges or Possession and/or Use of a Cellular Telephone.
- (7) Up to 30 days punitive segregation may be imposed for each separate offense of which an inmate is found guilty. Continuous confinement exceeding 30 days must be reviewed and approved by the Warden and CM at privately managed facilities. No period of confinement may exceed a total of 60 days for punitive segregation. Disposition shall be posted on Disciplinary Decision (LIBL). At privately managed facilities, any dispositions involving punitive segregation will require a Movement/Confinement Checklist to be completed unless the inmate was segregated prior to the hearing.
- (8) Recommendation for referral to the district attorney for criminal prosecution. Referral requires the approval of the Warden (and of the CM at privately managed facilities) and notification to the General Counsel.
- (9) Recommendation for reclassification (may include recommendation for a particular treatment program or work assignment). Decisions shall be posted on Disciplinary Decision (LIBL).
- (10) Recommendation for dismissal from a job/program assignment. Disposition shall be posted on Disciplinary Decision (LIBL).
- (11) Recommendation of loss of good, honor, incentive, good conduct, PSRC, PPSC, or extension of release eligibility date, which may only be imposed by the Class A disciplinary board (even in instances where the inmate has pled guilty). (See Policies #502.02 and #505.01) Disposition shall be posted on Disciplinary Decision (LIBL).
- (12) Reduction in pay, reduction in inmate trust fund account, or placing a temporary hold on the inmate trust fund account for destruction or damage of property, stealing of property, or other obligations. Disposition shall be posted on Disciplinary Decision (LIBL).
 - (a) In no event shall an inmate's account be reduced below \$0.00 by such an action.
 - (b) If an inmate's account has sufficient balance, regardless of source, to satisfy such an obligation, the entire amount shall be deducted in one transaction.

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- (c) If an inmate's account balance is not sufficient to satisfy such an obligation, 100% of all subsequent deposits may be deducted until such obligation is satisfied, subject to (a) above.
 - (d) In the event an investigation by the Internal Affairs Division is necessary to determine if additional monies are owed, a temporary hold may be placed on the inmate's trust fund account until the investigation has been completed. During the timeframe that the temporary hold is placed on the account, the inmate will only be allowed to purchase legal mail postage and personal hygiene items from the institutional commissary.
- (13) Assignment of extra duty.
- (14) Any punishment mandated by Policies #502.02, #507.02, and #506.21.
- (15) Any combination of the above, excluding (1) and (2). Upon posting disciplinary board/hearing officer action on Disciplinary Decision (LIBL), press F13 to generate BI01MGL, Disciplinary Actions Report. Provide the inmate with a copy and place the original in the IIR file. Decisions shall be posted on Disciplinary Decision (LIBL).
- b. Recommendation: The disciplinary board/hearing officer may recommend administrative segregation which must be approved by the Warden and CM at privately managed facilities. (See Policy #404.10) If the request for administrative segregation is approved, Disciplinary Decision (LIBL) shall be appropriately posted.
- c. Suspension and Revoking of Sentence: The disciplinary board/hearing officer (CM at privately managed facilities) may suspend any punishment which is imposed for a period not to exceed 60 days. Decisions must be posted on Disciplinary Decision (LIBL). If the inmate is convicted of another disciplinary offense that is committed during the period of suspension, the board/hearing officer who is hearing the later charge may revoke the suspension and impose both the previous punishment and the punishment for the commission of the later offense.
- d. Stay of Punishment: The disciplinary board/hearing officer (CM at privately managed facilities) has the authority to stay the effect of the imposed punishment until the case is appealed and a decision has been made on the appeal.
- e. Destruction of the Report: When the disposition of a case requires the destruction of the disciplinary report, it shall be the obligation of the hearing officer/chairperson to ensure that all copies of the report (except the inmate's) are destroyed and enter the appropriate disposition on Disciplinary Decision (LIBL) and Disciplinary (LIBK).

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f. Dismissal of Charges

- (1) A disciplinary report which fails to adequately state an offense, contains errors, or has not been properly completed shall be dismissed by the board/hearing officer. However, the reporting officer may reinitiate the case by entering a new report on Incidents (LIBJ) and Disciplinary (LIBK) that corrects the error(s) contained in the original. A request shall be completed (on the format provided by the Deputy Commissioner of Operations) by the Warden and forwarded to the Deputy Commissioner of Operations/designee requesting that applicable OMS entries be deleted to allow for a corrected entry to be made at the institutional level.
- (2) When a disciplinary report is dismissed because of the failure to hear the case within the time limits set forth herein, it shall not be reinitiated.
- (3) When an inmate is found not guilty of the charged offense, he/she may not be recharged (No double jeopardy).

g. Disposition of Disciplinary Report

- (1) When the disciplinary action is not dismissed or does not involve the removal of sentence credits or the extension of an inmate's release eligibility date (RED), the disciplinary board/hearing officer shall send the original disciplinary report to the institutional record office.
- (2) When the disciplinary action involves the removal of sentence credits and/or the extension of an inmate's RED date, the DHO shall send the original disciplinary report and Actions Involving Sentence Credits/Extension Actions, CR-3298, to the Warden. After the Warden reviews and approves the disciplinary action, he/she shall forward the documents to the institutional records office. A copy of the disciplinary report and a copy of the CR-3298 shall be placed in the inmate's institutional record. The original disciplinary report and the actions involving the loss of sentence credits or RED date extension shall then be forwarded to the Deputy Commissioner of Operations/designee, who will then review the action. If he/she approves the recommended action, the CR-3298 shall be signed and sent to Sentence Management Services (SMS), where the sentence shall be modified accordingly. Once the sentence modification is completed, SMS shall return the original documents to the institutional records office and forward a copy of the disciplinary report and CR-3298 to Operational Support Services (OSS) for scanning.

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- (3) If the recommendation is denied, the denial shall be noted on the CR-3298. All forms shall be returned to the source (utilizing the same route that was previously used) and then back to the institutional records office (and CM at privately managed facilities) and disciplinary board chairman, who is responsible for correcting the inmate's record, including the paperwork in the institutional file and entries on OMS. The records office shall monitor the process until the credits are taken, and/or the RED date is extended, or until the recommendation is denied.
- (4) Designated institutional personnel will enter the disciplinary board's/hearing officer's action on Disciplinary Decision (LIBL).

M. Appeal Procedures for TDOC Institutions: Only the inmate (or the advisor at the inmate's request) may appeal a decision of the disciplinary board/hearing officer. Except as stated in Section VI.(E) above, any decision resulting in a dismissal of a disciplinary charge shall be final and not subject to rehearing or reversal. Only an offense to which the inmate entered a plea of not guilty may be appealed. It is the responsibility of the inmate (not the inmate advisor) to ensure that any appeal is processed and that any such appeal adheres to time limits.

- 1. Warden: The appeal shall be to the Warden of the institution where the disciplinary infraction occurred.
 - a. If an inmate wishes to appeal a decision of the disciplinary board/hearing officer, he/she shall file the appeal only on the CR-1833. The document number is to be completed. The appeal must be filed with the Warden within 15 calendar days after receipt of the written decision. Failure to file within that period will result in the automatic denial of the appeal unless the time delay is excused for good cause by the Warden. The appeal shall set forth the reasons why the inmate believes an incorrect decision was reached or excessive punishment was imposed.
 - b. Within 15 calendar days after the receipt of the appeal, the Warden/designee shall review the appeal and the written findings and shall notify the inmate, in writing, stating the reasons why he/she has taken one of the following actions:
 - (1) Remanded the case for rehearing.
 - (2) Dismissed the charges. (It shall then be the Warden's responsibility to ensure that all copies of CR-1834 and CR-1833, except the inmate's, are destroyed.)
 - (3) Reduced the punishment imposed (only sanctions involving recommendations of loss of good, honor, incentive, good conduct, PSRC, or PPSC, or extensions of release eligibility dates may be increased.)
 - (4) Affirmed the decision.

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- c. If the case is remanded to be reheard, an additional hearing will be conducted and will comply with the provisions set forth in Section VI.(A) above and shall be subject to the appropriate time limits set forth in Section VI.(A). Under no circumstances may the punishment imposed upon the rehearing be more severe than that originally imposed; however, recommendations of loss of sentence credits or extensions of release eligibility dates (which may be increased) are exceptions.
 - d. If the decision is reversed by the Warden through the dismissal of charges or through punishment reduction, the Warden's decision shall be final.
 - e. Depending on the action taken by the Warden, the following disposition of the disciplinary forms shall take place:
 - (1) Remanded. Both the original and copy shall be returned to the board/hearing officer.
 - (2) Dismissed. Both the original and copy, except the inmate's copy, shall be destroyed.
 - (3) Affirm the decision or reduce the punishment. If the resulting punishment involves the taking of sentence credits or the extension of an inmate's RED, the original forms shall be sent to the Deputy Commissioner of Operations by the institutional records office. If a reduction in sentence (i.e., a guilty/written warning is reduced to a guilty/verbal) results, the Deputy Commissioner of Operations/designee shall cause any modifications or credit related adjustments to be made. If the resulting punishment does not involve the taking of time, the original shall be filed in the designated place in Volume II of the inmate institutional record. (Only sanctions involving recommendations of loss of good, honor, incentive, good conduct, PSRC, PPSC, or extensions of release eligibility dates, may be increased.)
 - (4) The Warden's/designee's office will enter its decision on Disciplinary Decision (LIBL).
2. Commissioner: The second and final stage of an appeal shall be to the Commissioner of the TDOC. The Commissioner may delegate the handling of appeals.
- a. If the inmate wishes to appeal the decision of the Warden, he/she shall file the appeal only on CR-1833 with the Commissioner within 15 working days after receipt of the written decision of the Warden. The failure to file within this period will result in the automatic denial of the appeal unless a further time delay is excused by the Commissioner for good cause. The appeal shall set forth the reasons why the inmate believes that the Warden reached an incorrect decision in reviewing the original appeal.

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- b. Within 20 working days after receipt, the Commissioner or designee shall review the appeal, the written decision of the Warden, the written decision of the Class A disciplinary board/hearing officer, and notify the inmate in writing that he/she has taken one of the following actions:
 - (1) Remanded the case for rehearing
 - (2) Dismissed the charges (inmate can not be recharged for the same offense.)
 - (3) Reduced the punishment imposed (only sanctions involving recommendations of loss of good, honor, incentive, good conduct, PSRC, PPSC, or extensions of release eligibility dates, may be increased)
 - (4) Affirmed the decision of the Warden.
- c. If the case is remanded, it shall be handled in the same manner as if remanded by the Warden.
- d. If the punishment is reduced or the decision of the Warden is reversed, that decision is final.
- e. Depending on the action taken by the Commissioner, the disposition of the disciplinary forms shall occur in the following manner:
 - (1) Remanded. Both the original and copy shall be returned to the Warden.
 - (2) Dismissed. Both the original and copy, except the inmate's copy, shall be destroyed. Designated staff shall enter the Commissioner's decision on Disciplinary Decision (LIBL) and Disciplinary (LIBK).
 - (3) Affirm the decision or reduce the punishment. If the resulting punishment involves the taking of sentence credits or extension of an inmate's RED date, the original shall be sent to the Assistant Commissioner of Operations by the institutional records office. If a reduction in sentence (i.e., a guilty/written warning is reduced to a guilty/verbal) results, the Deputy Commissioner of Operations/designee shall cause any modifications or credit related adjustments to be made. If the resulting punishment does not involve the taking of sentence credits or extension of an inmate's RED date, the original shall be filed in the designated place in Volume II of the inmate institutional record.
 - (4) The Deputy Commissioner of Operations/designee will cause the decision to be entered on Disciplinary Decision (LIBL).

3. Miscellaneous

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a. Remand of the Case: Only the Warden or Commissioner may remand a case. The case may only be remanded upon the appeal of the inmate. The case may only be remanded for the following reasons:

- (1) When the Warden or Commissioner finds that the Class A disciplinary board/hearing officer failed to permit the inmate to fully present his/her case, the case shall be remanded to the Class A disciplinary board composed of the same members or the hearing officer who originally heard the case. The board/hearing officer at the new hearing shall receive the evidence specified in the remand order and shall decide the case based upon that information and the evidence presented at the prior hearing and at the new hearing.
- (2) When the Warden or Commissioner finds that the disciplinary hearing failed to comply with the established disciplinary procedures to the apparent prejudice of the inmate, the case shall be remanded to the Class A disciplinary board (which may be composed of the same or new members) or to the hearing officer, as directed in the remand order. The entire case shall be heard as if it had not been heard before; however, a new disciplinary report need not be issued. The time limits for the hearing of a case the first time shall apply and shall commence to run on the date when the disciplinary board/hearing officer receives the remand order.

Upon rehearing, the punishment imposed shall not be more severe than the punishment originally imposed. (Only sanctions involving recommendations of loss of good, honor, incentive, good conduct, PSRC, PPSC, or extensions of release eligibility dates, may be increased).

b. Dismissal: When a disciplinary report is dismissed because the inmate was improperly charged, the Warden or Commissioner may return it to the board/hearing officer of the institution involved to instruct the board/hearing officer to order a rewrite of the disciplinary report properly Deputy Commissioner of Operations/designee alleging the correct offense. Upon receipt and approval of a request (utilizing the format provided by the Deputy Commissioner of Operations/designee) from the Warden/designee, the Deputy Commissioner of Operations/designee shall cause the removal of the incident from Incidents (LIBJ). A new incident that properly alleges the offense shall be entered by the requesting institution. The time limits for the hearing of the case will commence to run once the inmate has been served with the rewritten report and the case shall be heard as if it had not been heard before.

c. Return of Property: Within 48 hours of the property room's normal work schedule, the property removed from the inmate's possession when placed in segregation shall be returned to him/her after release from segregation.

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- d. Appeal after the disciplinary reports are processed: If an appeal results in a dismissal or change in a disciplinary action after the disciplinary transaction has been entered into OMS and filed in the institutional files, and/or scanned by OSS, the disciplinary report appeal shall be sent to the Deputy Commissioner of Operations/designee who shall ensure that the appeal decision is properly reflected in the offender's record and on OMS. If the appeal results in a dismissal or reduction of punishment of the disciplinary, a request shall be sent to the Deputy Commissioner of Operations/designee by the Warden or Commissioner (utilizing the format provided by the Deputy Commissioner of Operations/designee) stating the action to be taken, including any necessary deletions/modifications from Disciplinary(LIBK) and Disciplinary Decision (LIBL). If the appeal results in remanding a disciplinary case, the request shall not be sent until all remanded hearings are finalized. Upon finalization, the Assistant Commissioner of Operations/designee shall ensure that appropriate deletions occur and that SMS is notified to restore the related credits.
 - e. Forms: CR-1831 may be utilized with either of the existing forms if more narrative space is required.
- N. Appeal Procedures for Privately Managed Facilities: Only the inmate (or the advisor at the inmate's request) may appeal a decision of the disciplinary board/hearing officer. Except as stated in Section VI.(E) above, any Commissioner's designee's decision resulting in a dismissal of a disciplinary charge shall be final and not subject to rehearing or reversal. Only an offense to which the inmate entered a plea of not guilty may be appealed. It is the responsibility of the inmate, not the inmate advisor, to ensure that any appeal is processed and that any such appeal adheres to time limits
- 1. Deputy Commissioner of Operations: The first stage of an appeal shall be through the Warden to the Deputy Commissioner of Operations/designee.

If an inmate wishes to appeal a decision of the disciplinary board/hearing officer, he shall file the appeal only on the CR-1833. The document number is to be completed. The appeal must be filed with the Deputy Commissioner of Operations/designee within 15 calendar days after receipt of the written decision of the board/hearing officer. Failure to file within that period will result in the automatic denial of the appeal unless the time delay is excused for good cause by the Commissioner's designee. The appeal shall set forth the reasons why the inmate believes that the Commissioner's designee reached an incorrect decision or imposed an excessive punishment.

 - a. Within 15 calendar days after the receipt of the appeal, the Deputy Commissioner of Operations/designee shall review the appeal and the written findings of the Commissioner's designee and shall notify the inmate, in writing, stating the reasons why he/she has taken one of the following actions:
 - (1) Remanded the case for rehearing.

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- (2) Dismissed the charges. It shall then be the Assistant Commissioner of Operations' responsibility to ensure that all copies of reports CR-1834 and CR-1833 (except the inmate's) are destroyed and that the appropriate entries are made on Disciplinary Decision (LIBL) and Disciplinary (LIBK).
- (3) Reduced the punishment imposed (only sanctions involving recommendations of loss of good, honor, incentive, good conduct, PSRC, PPSC, or extensions of release eligibility dates may be increased.)
- (4) Affirmed the decision of the Commissioner's designee/hearing officer.

b. If the case is remanded to be reheard, a hearing will be conducted pursuant to the provisions set forth in Section VI.(A) above, and shall be subject to the appropriate time limits set forth in Section VI.(A). Under no circumstances may the punishment imposed upon rehearing be more severe than that originally imposed, with the exception of recommendations of loss of sentence credits or extensions of release eligibility dates which may be increased.

c. If the decision is reversed by the Deputy Commissioner of Operations/designee by dismissing charges or reducing punishment, the decision of the Deputy Commissioner of Operations/designee shall be final.

d. Depending on the action taken by the Deputy Commissioner of Operations/designee, the following disposition of the disciplinary forms shall take place:

- (1) Remanded – Both the original and copy shall be returned to the board chairperson/hearing officer
- (2) Dismissed – Both the original and copy, except the inmate's copy, shall be destroyed
- (3) Affirm the decision or reduce the punishment – If the resulting punishment involves the taking of sentence credits or the extension of an inmate's RED, the original forms shall be sent to the Deputy Commissioner of Operations/designee by the institutional records office. If a reduction in sentence (i.e., a guilty/written warning is reduced to a guilty/verbal) results, the Deputy Commissioner of Operations/designee shall cause any modifications or credit related adjustments to be made. If the resulting punishment does not involve the taking of time, the original shall be filed in the designated place in Volume II of the inmate institutional record. (Only sanctions involving recommendations of loss of good, honor, incentive, good conduct, PSRC, PPSC, or extensions of release eligibility dates may be increased.)

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- (4) The Deputy Commissioner of Operations/designee will enter his/her decision on Disciplinary Decision (LIBL).
2. Commissioner: The second and final stage of an appeal shall be to the Commissioner of the TDOC. The Commissioner may delegate the handling of appeals.
- a. If the inmate wishes to appeal the decision of the Deputy Commissioner of Operations/designee, he shall file the appeal only on CR-1833 with the Commissioner within 15 working days after receipt of the written decision. The failure to file within this period will result in the automatic denial of the appeal unless a further time delay is excused by the Commissioner for good cause. The appeal shall set forth the reasons why the inmate believes that the Deputy Commissioner of Operations/designee reached an incorrect decision in reviewing the original appeal.
- b. Within 20 working days after receipt, the Commissioner or designee shall review the appeal, the written decision of the Deputy Commissioner of Operations/designee, the written decision of the Commissioner's designee, and shall notify the inmate in writing that he/she has taken one of the following actions:
- (1) Remanded the case for rehearing
 - (2) Dismissed the charges (inmate cannot be recharged for the same offense)
 - (3) Reduced the punishment imposed (only sanctions involving PPSC, recommendation of loss of good, honor, incentive, good conduct, PSRC, or extensions of release eligibility dates may be increased.)
 - (4) Affirmed the decision of the Deputy Commissioner of Operations/designee
- c. If the case is remanded, it shall be handled in the same manner as if remanded by the Deputy Commissioner of Operations/designee.
- d. If the punishment is reduced or the decision of the Deputy Commissioner of Operations/designee is reversed, that decision is final.
- e. Depending on the action taken by the Commissioner, the disposition of the disciplinary forms shall take place in the following manner:
- (1) Remanded – Both the original and copy shall be returned to the Warden.
 - (2) Dismissed – Both the original and copy, except the inmate's copy, shall be destroyed. Designated staff shall enter the Commissioner's decision on Disciplinary Decision (LIBL) and Disciplinary (LIBK).

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- (3) Affirm the decision or reduce the punishment – If the resulting punishment involves the taking of sentence credits or extension of an inmate’s RED date, the original shall be sent to the Deputy Commissioner of Operations/designee by the institutional records office. If a reduction in sentence (i.e., a guilty/written warning is reduced to a guilty/verbal) results, the Deputy Commissioner of Operations/designee shall cause any modifications or credit related adjustments to be made. If the resulting punishment does not involve the taking of sentence credits or extension of an inmate’s RED date, the original shall be filed in the designated place in Volume II of the inmate institutional record.
- (4) The Deputy Commissioner of Operations/designee will have the decision entered on Disciplinary Decision (LIBL).

3. Miscellaneous

a. Remanding a case. Only the Deputy Commissioner of Operations/designee or Commissioner may remand a case. The case may only be remanded upon the appeal of the inmate. The case may only be remanded for the following reasons:

- (1) When the Deputy Commissioner of Operations/designee or Commissioner finds that the disciplinary board/hearing officer/Commissioner’s designee failed to permit the inmate to fully present his case, the case shall be remanded to the same member(s) or hearing officer who originally heard the case. The board/hearing officer at the new hearing shall receive the evidence specified in the remand order and shall decide the case based upon that information and the evidence presented at the prior hearing and at the new hearing. (Only sanctions involving recommendations of loss of good, honor, incentive, good conduct, PSRC, PPSC, or extensions of release eligibility dates may be increased.)

When the Deputy Commissioner of Operations/designee or Commissioner finds that the disciplinary board/hearing officer failed to comply with the established disciplinary procedures to the apparent prejudice of the inmate, the case shall be remanded to the disciplinary board/hearing officer (which may be composed of the same or new members) as directed in the remand order. The entire case shall be heard as if it had not been heard before; however, a new disciplinary report need not be issued. The time limits for the hearing of the first case shall apply and shall commence to run on the date when the disciplinary board/hearing officer receives the remand order. Upon rehearing, the punishment imposed shall not be more severe than the punishment originally imposed. (Only sanctions involving recommendations of loss of good, honor, incentive, good conduct, PSRC, PPSC, or extensions of release eligibility dates may be increased.)

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- b. Dismissal. When a disciplinary report is dismissed because the inmate was improperly charged, the Warden/Commissioner/Deputy Commissioner of Operations or designee/Commissioner's designee may return it to the board/hearing officer to instruct the board/hearing officer to order a re-write of the disciplinary report properly alleging the correct offense. Upon receipt of a request from the Warden, a message will be sent to MIS from the Deputy Commissioner of Operations/designee requesting removal of the incident from Incidents (LIBJ). A new incident report that properly alleges the offense shall be entered by the requesting institution. The time limits for the hearing of the case will commence to run when the inmate has been served with the written report and the case shall be heard as if it had not been heard before.
- c. Return of Property. Within 48 hours of the property room's normal work schedule, the property removed from the inmate's possession when placed in segregation shall be returned to him/her after release from segregation.
- d. Appeal after the disciplinary reports is processed. If an appeal results in a dismissal or change in a disciplinary action after the disciplinary transaction has been entered into OMS and filed in the institutional and OSS files. The disciplinary report appeal shall be sent to the Deputy Commissioner of Operations/designee, who shall ensure that the appeal decision is properly reflected in the offender's record and on OMS. If the appeal results in a dismissal or reduction of punishment of the disciplinary, a request shall be sent to the Deputy Commissioner of Operations/designee by the Warden or Commissioner's designee, utilizing the format provided by the Deputy Commissioner of Operations/designee, and stating the action to be taken, including any necessary deletions/modifications from Disciplinary (LIBK) and Disciplinary Decision (LIBL). If the appeal results in the remand of a disciplinary case, the request shall not be sent until all remanded hearings are finalized. Upon finalization, the request will be forwarded to the manager of Systems Development Services (SDS), who shall ensure appropriate deletions occur, and then forward to SIS to restore related credits.
- e. Forms. CR-1831 may be utilized with either of the existing forms if more narrative space is required. A Disciplinary Log, CR-0255, shall be completed either as the hearings progress or at the completion of all cases adjudicated in a session. This form shall be reviewed to assure conformity and consistency with disciplinary board policy and regulations by the Warden, assistant Warden, or chief of security in the appropriate office for future reference and filed appropriately. Any subsequent remands, dismissals, or reductions of punishment shall be noted on the log, in red ink overlaying the original log entry. A copy of each log sheet shall be forwarded to the Commissioner's designee.

VII. ACA STANDARDS: 4-4227, 4-4229 through 4-4248, 4-4250, 4-4252, 4-4255, 4-4281, 4-RH-0001, 4-RH-0002, and 4-RH-0029.

VIII. EXPIRATION DATE: September 15, 2020.

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EXAMPLE

NOTICE OF APPEAL PROCEDURES

You have been convicted of the disciplinary offense(s) shown on the Disciplinary Report Hearing Summary, CR-1834. You may appeal both the decision of the disciplinary board/disciplinary hearing officer and the punishment imposed. If you wish to appeal, you must first appeal to the Warden. After that appeal has been decided, you can then appeal to the Commissioner.

The following procedures must be adhered to in appealing your case:

1. Your appeal must be made on the Disciplinary Report Appeal Form, CR-1833, and must include completed copies of the Incident Report (LIBK), Disciplinary Hearing Summary, CR-1834, and, if the appeal is to the Commissioner, the Disciplinary Report Appeal, CR-1833, containing the Warden's response/Deputy Commissioner's response if disciplinary conviction was at a privately managed facility.
2. The appeal to the Warden must be made within 15 calendar days after receipt of the Disciplinary Report Hearing Summary, CR-1834, from the disciplinary board.
3. An appeal to the Commissioner must be made within 15 working days after receipt of the Disciplinary Report Appeal from the Warden.
4. The time limits will only be extended for good cause, and otherwise a late appeal may be denied for being late.



TENNESSEE DEPARTMENT OF CORRECTION
DISCIPLINARY REPORT HEARING SUMMARY

INSTITUTION (TOMIS SITE ID) _____

DISCIPLINARY INCIDENT NUMBER _____

OFFENDER NUMBER: _____							
INMATE NAME (LAST) (14 characters)			FIRST (10 characters)			MI	
_____			_____			_____	
ADVISOR NUMBER: _____							
INMATE ADVISOR NAME (LAST) (14 characters)			FIRST (10 characters)			MI	
_____			_____			_____	
DATE OF HEARING		PLACE OF HEARING			INMATE'S PLEA		
MO	DAY	YEAR	TIME	INSTITUTION	GUILTY - Y	NOT GUILTY - N	
_____	_____	_____	_____	_____	_____	_____	

COMMITTEE DECISION			
GUILTY - Y	NOT GUILTY - N	APEALED - Y	NOT APEALED - N

DISCIPLINARY ACTION DATE (MONTH, DAY, YEAR)	CLASS OF INFRACTION (A, B, or C)	PROBATION END DATE (MONTH, DAY, YEAR)	
_____	_____	_____	
ENTERED BY _____	VERIFIED BY _____	_____	
DATE		DATE	

PRELIMINARY INQUIRY

1. WAIVERS

- a. I agree to waive the right to 24-hour notice. Yes No

_____ Inmate Signature _____ Number _____ Date

- b. I agree to waive the right to have the reporting official present. Yes No

_____ Inmate Signature _____ Number _____ Date

- c. I agree to waive the right to call witness (es) on my behalf. Yes No

_____ Inmate Signature _____ Number _____ Date

2. CONTINUANCE:

- a. Was case previously continued? Yes No

b. If yes, when and at whose request? _____

3. CUSTODY PENDING HEARING:

- a. Was inmate held in segregation/more restrictive setting pending hearing? Yes No

b. If yes, when was he/she placed in segregation? _____

4. **When was inmate given offense citation?** _____

5. **Is inmate represented by inmate advisor?** Yes No By staff advisor? Yes No

6. **Has inmate or inmate advisor had adequate time to prepare defense?** Yes No

INSTITUTION (TOMIS SITE ID)

DISCIPLINARY INCIDENT NUMBER

OFFENDER NAME: _____ TDOC NUMBER: _____

HEARING

I fully understand that by entering a plea of guilty to the aforementioned charge(s), I am waiving my right to call witness(es) and present evidence on my behalf, must accept whatever punishment is imposed, and will not be allowed to appeal.

Inmate Signature

Date

Attach CR3171 Agreement to Plead Guilty and Waiver of Disciplinary Hearing and Due Process Rights

Witness(es) for Offender

Witness(es) Against Offender

Written Statement(s) submitted: Yes No

Written Statement(s) submitted: Yes No

Form CR3510 completed: Yes No

Form CR3510 received by disciplinary board: Yes No

OTHERS PRESENT:

STATEMENT OF ACCUSED: _____

DESCRIPTION OF PHYSICAL EVIDENCE INTRODUCED (Attach all test results).

INTERNAL AFFAIRS REPORT AVAILABLE: Yes No

FINDINGS OF FACT AND SPECIFIC EVIDENCE RELIED UPON TO SUPPORT THOSE FINDINGS _____

DISPOSITION AND A STATEMENT OF REASONS WHICH SUPPORTS THAT DECISION: _____

RECOMMENDATION OF LOSS OF:

Good/Honor Time Good Conduct (Amount) _____

Incentive Time Prisoner Performance Sentence Credits (PPSC) (Amount) _____

Prisoner Sentence Reduction Credits (PSRC) (Amount) _____

Disciplinary Board Chairperson/Hearing Officer Signature

Date

Member

Date

Member

Date



TENNESSEE DEPARTMENT OF CORRECTION
INFORMAL DISCIPLINE RECORD

Institutional Docket Number: _____ Date: _____

Inmate Name: _____ TDOC Number: _____

1. I have been informed and agree that I have committed the following disciplinary infraction: _____

2. I have discussed this matter with _____ Reporting Officer

and have agreed to accept an informal disciplinary sanction rather than have him/her initiate formal disciplinary actions against me. I understand that by signing this form and accepting an informal disciplinary sanction I am waiving the following rights:

- a. The right to be formally charged with the disciplinary infraction(s) listed above.
b. The right to have my guilt and punishment decided by the disciplinary board.
c. The right to a disciplinary hearing at which I would have the following rights:
- To personally appear
- To plead not guilty and to have the case against me proven by a preponderance of evidence
- To present my own version of the facts
- To call witnesses in my own behalf and confront and cross-examine my accuser and hostile witnesses
d. The right to appeal the decision of the disciplinary board and the punishment imposed by the board.

I agree to perform the following informal sanction(s): _____

Should I fail to comply with the sanction from the office in a satisfactory manner, I understand the officer may submit the infraction/charge as listed to the disciplinary board for hearing and formal disposition; and, signing this form will constitute a guilty plea of waiver of my due process hearing rights.

Inmate Signature

Date

Reporting Official

Date

Shift Supervisor

Date

Reviewed By: _____
Warden / Commissioner's Designee

Date



TENNESSEE DEPARTMENT OF CORRECTION
AGREEMENT TO PLEAD GUILTY
AND
WAIVER OF DISCIPLINARY HEARING AND DUE PROCESS RIGHTS

Inmate Name: _____ TDOC Number: _____

Having been in violation of rules as follows:

Disciplinary Docket Number: _____

Offenses and Category _____

I admit I violated the above listed rule(s) and agree to plead guilty and accept whatever punishment the disciplinary board may impose. In making this agreement, I understand that I am waiving the following rights:

1. The right to personally appear before the disciplinary board
2. The right to plead not guilty and to have the case against me proven by a preponderance of evidence.
3. The right to present my own version of the facts.
4. The right to call witnesses in my own behalf.

I am signing this agreement of my own free will and under no threat or coercion to do so. I understand that by signing this agreement, I must accept whatever punishment the disciplinary board may impose and will not be allowed to appeal.

 Inmate Signature

 Date

 Staff Witness

 Date

 Disciplinary Board Chairperson

 Date



TENNESSEE DEPARTMENT OF CORRECTION

INMATE WITNESS REQUEST

INMATE NAME: _____ TDOC NUMBER: _____

DISCIPLINARY REPORT NUMBER: _____

I wish to have the following individual(s) testify at the disciplinary hearing of this matter:

1. a. Name/TDOC Number: _____

b. Brief summary of expected testimony: _____

c. Approved _____ Denied _____ (If denied, state reasons for denial):

2. a. Name/TDOC Number: _____

b. Brief summary of expected testimony: _____

c. Approved _____ Denied _____ (If denied, state reasons for denial):

Inmate Signature TDOC Number Date Time

Disciplinary Board Chairperson/Hearing Officer Signature Date Time



TENNESSEE DEPARTMENT OF CORRECTION
CONTEMPORANEOUS RECORD OF CONFIDENTIAL INFORMANT RELIABILITY

DATE: _____ DISCIPLINARY REPORT NUMBER: _____

INMATE NAME: _____ TDOC NUMBER: _____
 (LAST FIRST MIDDLE INITIAL)

The testimony of a confidential witness was substantially relied on by the board to reach its decision in this matter. The confidential witness provided the board with the following information

The reliability of the informant was verified in the following manner:

_____ Corroborating testimony from witness at hearing

_____ Sworn statement before the board by investigating officer, _____, that he/she believes the confidential informant(s) information to be reliable because the particular informant(s) has/have proved reliable in specific past instances.

_____ Sworn statement before the board by investigating officer, _____, that he/she believes the confidential informant(s) information to be reliable because it has been independently corroborated on specific material points.

_____ First-hand knowledge of the source(s) of the information and knowledge of their reliability based upon the informant(s) past record of reliability

 Signature of Board Chairperson/Hearing Officer

 Date



ADMINISTRATIVE POLICIES
AND PROCEDURES
State of Tennessee
Department of Correction

Index #: 504.01

Page 1 of 3

Effective Date: November 15, 2016

Distribution: B

Supersedes: 504.01 (12/1/13)
PCN 16-13 (8/15/16)

Approved by: Tony Parker

Subject: INMATE PERSONAL PROPERTY

- I. AUTHORITY: TCA 4-3-603 and TCA 4-3-606.
- II. PURPOSE: To standardize the acquisition and control of personal property of inmates and establish uniform procedures for the removal/and disposition of certain property.
- III. APPLICATION: To institutional employees and inmates, excluding any offender assigned to and actively participating in a Specialized Alternative Incarceration Unit (SAIU) program, and to employees and inmates of privately managed facilities.
- IV. DEFINITIONS: Personal Property: Items authorized by the Tennessee Department of Correction (TDOC) for possession by inmates, including personally owned property and certain state-issued articles.
- V. POLICY: The TDOC shall maintain a comprehensive standardized list of personal property items that inmates are permitted to have in their possession.
- VI. PROCEDURES:
 - A. Policy #504.02 shall govern the recording and accounting of all inmate personal property.
 - B. Items in the personal possession of an inmate shall not occupy more than six cubic feet collectively in his/her individual room, cell, or dormitory housing unit and shall conform to fire-safety regulations. This size box shall be standard use for cell or room searches, routine property checks, and transportation requirements. Property that will not fit inside the box shall be considered excess and removed to the property room until the disposition of the excess items can be accomplished in accordance with Policy #504.02. An item is considered to be excess if it does not fit within the six cubic foot limitations, even though that item may appear on the approved property list. The total amount of legal materials that an inmate may have in his/her possession will not exceed a space delineated by 1.5' x 1' x 1'. Legal materials that exceed this space allocation may be stored in another area of the facility approved by the Warden. The inmate will be allowed reasonable access to any stored legal materials. The Warden will develop an institutional policy specifying the storage location, methods and process whereby the inmate may have emergency access to stored legal materials.
 - C. Exceptions to the six cubic foot requirements are:
 1. Legal material (does not include personal law books and reference material)
 2. Prescribed medical equipment

Effective Date: November 15, 2016	Index # 504.01	Page 2 of 3
Subject: INMATE PERSONAL PROPERTY		

3. Television
 4. Fan
 5. Approved musical instruments (does not include radio)
 6. Linen (state-issued)
 7. Approved Third Party Vendor Tablet, charger and flexible keyboard (where Applicable)
- D. By July 1 of each year, the Commissioner/Designee shall publish a list of personal property that inmates are permitted to have in their possession. This list may be revised as frequently as needed. All inmates are required to be in compliance with the approved property list. Televisions, radios, tape players, typewriters, fans, and musical instruments shall be engraved with the inmate's TDOC number. These items shall be properly recorded so that they may accompany the inmate through the system. Inmates returning to the TDOC as parole violators, escapees, etc., who maintain their current TDOC number shall be allowed to receive their original property if the items show evidence of prior possession (i.e., are engraved with the TDOC identification number) without any modifications. Property which has a modification of its identification, serial number, or any other aspect, will not be allowed and will be disposed of in accordance with Policy #504.02. Inmates are prohibited from exchanging property with other inmates directly or indirectly through third parties. The Warden may permit inmates to transfer personal property to other inmates if they are immediate family members and this relationship can be verified.
- E. Individual jewelry items must be listed on Offender Property (LIBN), screen printed, and signed by the inmate verifying that the jewelry does not exceed the value established within this policy. The signed forms shall be kept on file in the property room with a copy given to the inmate.
- F. Each Warden may further restrict this list according to the institution's individual security or treatment requirements. Inmates sentenced to death may receive items that are unique to that particular group. The Warden shall issue an institutional policy which addresses restriction of personal property and defines storage requirements. Inmates may grieve denial of a particular piece of property through the grievance process.
- G. Provisions shall be made for any inmate who has a medical problem or a physical handicap requiring special equipment, as verified by the institutional physician and meeting the security needs of the institution. This property shall be listed on Offender Property (LIBN). (See Policy #504.02)
- H. Inmates may possess state-issue items in accordance with Policy #504.05 and items received in accordance with the December special package list as approved by the Commissioner in accordance with Policy #507.02.
- I. All items on the approved property list which are available from the institutional commissary shall not be received from any other source. At the Warden's discretion, postage stamps may be received through the mail. All items which are a part of state-issue may be restricted by the Warden as being the only source from which those items may be received.

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Subject: INMATE PERSONAL PROPERTY		

- J. Inmates who were admitted to a TDOC institution prior to June 15, 1980, who have in their possession excluded items as designated by this policy [such as television(s), radio(s), tape player(s), fan(s), musical instrument(s), or typewriter(s)] which are not in compliance with this policy either by size or value, have received a dispensation for those items only for as long as they remain in the system. They must, however, comply in number, as only one of each of these items is allowed. These items have been marked with an engraver to ensure that they are properly identified so that they may remain with the individual for dispensation and the TDOC number of the inmate. Example: D-000000. This item shall be properly recorded on the inmate's property list on Offender Property (LIBN) and shall move with him/her through the system. When the inmate is released, the items for which he/she has received the dispensation must go with them or be disposed of. These items shall never remain with TDOC as the result of a transfer of property from one inmate to another.
- K. Inmates admitted to TDOC prior to August 1, 1998, who have in their possession excluded items as designated by this policy, (i.e., AM and FM radio not to exceed 18"x 24", audio cassette tape player, compact disc player and case, compact discs, etc.) may retain these items as they move through the system. When released, these items must go with them and may not be transferred to another inmate. These items currently in possession for whatever reason may not be sent out for repair or replacement. The institution education supervisor and/or chaplain will provide access to tape players for those inmates who receive authorized tapes, i.e., educational, religious, legal, and do not possess a tape player.
- L. All property room personnel will familiarize themselves with e-Tomis screen Offender Property (LIBN) for documenting and tracking offender property.

VII. ACA STANDARDS: 4-4292 through 4-4294.

VIII. EXPIRATION DATE: November 15, 2019.



ADMINISTRATIVE POLICIES
AND PROCEDURES
State of Tennessee
Department of Correction

Index #: 504.02

Page 1 of 7

Effective Date: November 15, 2016

Distribution: B

Supersedes: 504.02 (12/1/13)

Approved by: Tony Parker

Subject: INMATE PERSONAL PROPERTY ACCOUNTING SYSTEM

- I. AUTHORITY: TCA 4-3-603 and TCA 4-3-606.
- II. PURPOSE: To establish a uniform system of accounting for all inmate personal property.
- III. APPLICATION: To all institutional employees, employees of privately managed institutions, and inmates.
- IV. DEFINITIONS:
 - A. Active Property: Personal property to which the inmate has direct access or property to which the inmate can reasonably obtain access.
 - B. Document Storage and Retrieval System (DSRS): An electronic document repository.
 - C. E-TOMIS: A web-based interface for the TOMIS application accessible from the Tennessee Department of Correction (TDOC) home page on the State of Tennessee intranet.
 - D. Inactive Property: Personal property to which the inmate does not have direct access and to which the inmate cannot reasonably obtain access, i.e., donated property.
- V. POLICY: The TDOC shall have a standardized accounting system to maintain control of inmates' personal property.
- VI. PROCEDURES:
 - A. Forms
 1. Personal Property Inventory - TOMIS Conversation LIBN: Each item of an inmate's personal property (excluding clothing items) considered "non-consumable", i.e., cassettes, compact discs (CDs), watches and other jewelry, appliances of all types which have restrictions as to number allowed by the Commissioner's personal property list (See Policy #504.01), shall be listed on TOMIS conversation LIBN accessible through e-TOMIS only. This listing shall include the brand name, serial number, and a brief description, including the condition, of the property. The Offender Property List (formerly InfoPac report BI01MFF) will now be available through the e-TOMIS InfoPac report menu. This report will be used to obtain the signature of the inmate acknowledging receipt of the property. If time constraints do not allow this procedure to be accomplished, e-TOMIS conversation LIBN shall be completed and screen-printed for the inmate's signature.

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Subject: INMATE PERSONAL PROPERTY ACCOUNTING SYSTEM		

2. Personal Property Storage Request Form (CR-1412)
 - a. When an inmate is in possession of property or receives personal property which is not permitted, all items shall be stored in the institution's property room and listed on the CR-1412. Items to be stored shall be described as clearly as possible. Information regarding the property storage status shall be entered on e-TOMIS conversation LIBN.
 - b. The inmate should be asked to read and sign CR-1412. In the event an inmate is unwilling or unavailable to sign, CR-1412 will be witnessed by an employee. When possible, a completed copy of CR-1412 will be given to the inmate. If the inmate is not available, a copy will be placed in the personal property folder.
 - c. Absent written authorization by the Warden, the inmate's personal property shall be disposed of after 30 days. INFOPAC report BI01MFD, 30 Day Stored Property, is available on the first day of each month and may be checked to assist in this process.
 - (1) An employee shall check the inmate's current status to determine if disposal is warranted.
 - (2) If the inmate is out to court, hospital, DeBerry Special Needs Facility psychological program, or is on furlough status, or in the event of an inmate's death, the 30 day storage period may be extended an additional 30 days as authorized by the Warden. After this period of time, the Warden can extend storage for an additional 30 day period of time on a case-by-case basis. Each 30 day period of time must be documented, in writing, and placed in the property file.
 - (3) When items of inmate personal property are picked up by visitors, mailed out, or donated to a charitable organization, CR-1412 will be completed by having the visitor or the organization's representative sign for the receipt of the items. E-TOMIS conversation LIBN shall be modified to indicate disposition of the items.
3. Property Tags, CR-1413: Each item of personal property placed in the property room shall be stored in a sealed box or in a plastic or mesh drawstring bag (laundry bag, unless the size of the item precludes this). A Property Tag, CR-1413, shall be attached to each box, bag, or oversized item.
4. Personal Property Clearance, CR-1416: Each inmate shall complete this form upon release. If the inmate refuses to sign this form, that fact shall be noted. Upon release or transfer, this form shall be placed in the inmate's institutional record.

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Subject: INMATE PERSONAL PROPERTY ACCOUNTING SYSTEM		

B. Transfer of Inmates Between Institutions

1. When a transfer is made between institutions, all personal property shall be transferred with the inmate, except as provided in Sections VI.(B)(1) and (4). Where emergency circumstances require immediate transfer, the property shall be transferred within five working days. Inmates who are transferred temporarily for medical reasons, court appearances, psychological evaluations, etc., shall have only their clothing, jewelry, personal hygiene articles, and legal materials (if the inmate chooses) transferred with them. When returning from these temporary transfers, inmates shall have only those items. Items such as currency, televisions, radios, etc., (excluding commissary items sold at the receiving facility) in the possession of the inmate upon return to the original sending institution shall not be accepted when the inmate returns from such transfers and shall be considered as contraband. These items shall be disposed of as per Policy #506.15.
2. All inmates transferring either permanently or temporarily shall be provided with a property transportation bag with the institution's acronym and number, i.e., TCIX - #1, etc. The bag identification shall be entered beside the inmate's name on the Transportation System Prisoner Pass, CR-1937. All inmate property, excluding only those items listed in Policy #504.01, must be placed inside the transportation bag. Excess property shall be handled in accordance with Section VI.(B)(4) of this policy. Each institution will maintain the assigned number of bags. All Wardens and central transportation staff shall ensure that the property bags are returned to the sending institution on the next bus departing for that destination.
3. At the time of transfer, the inmate's personal property shall be checked at the receiving institution against the LIBN (Offender Property - Active Property option) screen. If any property is missing, the fact shall be noted by moving the item to a location of LOST then entering a comment in the Comment History for that item to document the investigation to locate the missing property item. A screen shot of the comment may be printed for the inmate's signature and placement in the inmate's property file. All property forms, with the exception of CR-1412 and CR-1413, shall be transferred with the inmate as part of the institutional file and kept on record in the property room at the receiving institution.
4. Inmates with items already in storage at the sending facility, or in possession of more property than allowed by Policy #504.01 at the time of transfer, will make arrangements at that time for disposition of the stored/excess property by the sending institution, and e-TOMIS conversation LIBN will be updated accordingly.
5. All jewelry items shall be taken from inmates when they are transferred to any outside hospital and stored at the sending facility. Inmates transferred under emergency situations shall have their jewelry items inventoried and stored as soon as possible after admittance.

C. Storage of Personal Property

Effective Date: November 15, 2016	Index # 504.02	Page 4 of 7
Subject: INMATE PERSONAL PROPERTY ACCOUNTING SYSTEM		

1. Each institution shall establish a separate room(s) for the storage of inmate property or a "caged" area of a room with access restricted to staff only. Keys to this area shall be noted as restricted. Inmates are not allowed in this area.
 2. All inmate property to be stored shall be kept in this area. Any inmate clothing stored in the area will be cleaned and, if necessary, disinfected prior to storage.
 3. The property room shall be designated as a restricted area. Employees who enter the property room shall sign in and out, noting the date and times and state the reason for their visit.
 4. Each Warden shall establish an institutional policy that outlines hours for the operation of the property room and procedures for receiving and delivering property. The procedures shall specifically provide a means for receiving and storing property when the property room is not otherwise open.
 5. On a quarterly basis, the property room shall be inventoried by the Warden's designee and the property room officer to determine the proper accountability for all items stored. In March of each year, the inventory will be taken by the staff member responsible for the institutional fiscal operations/designee, and will take the place of that period's quarterly inventory.
 6. All items to be stored in the property room must be internally transferred to a location of PROP in TOMIS conversation LIBN.
- D. Property of Inmates on Escape: Property shall be held for no more than 30 days, unless it is related to an on-going law enforcement investigation. The inmate's family or other designee will be notified to make arrangements to retrieve the inmate's personal property, or the property will be disposed of at the end of the authorized storage period. TOMIS conversation LIBN will be modified accordingly.
- E. Property of Deceased Inmates: Personal property of inmates who have died will be inventoried and stored by the property officer as described in Section VI.(C). Each property item shall be updated on conversation LIBN (Offender Property) by transferring the item to a location of PROP (Property Room). Property of deceased inmates will be stored no longer than 90 days. The inmate's family or other designee will be contacted to retrieve the inmate's personal property. A signed, itemized receipt (the signature of the receiving family member on the inventory form will suffice) shall be obtained, witnessed by the releasing staff member, and dated prior to relinquishing a deceased inmate's property. TOMIS conversation LIBN will be updated accordingly by moving the item(s) to a location PICK (Picked Up) or SHIP (Shipped). Should the family not wish to take possession of the property items, such items should be moved to a location of DNTD (Donated) or DSTD (Destroyed) to indicate their final disposition.
- F. Disposal of Unidentified Property: If ownership of property found cannot be established, disposal of the property shall occur as if the property belonged to the institution.

Effective Date: November 15, 2016	Index # 504.02	Page 5 of 7
Subject: INMATE PERSONAL PROPERTY ACCOUNTING SYSTEM		

G. Record Keeping Procedures for Personal Property Accounting Forms

1. Local procedures for the filing of CR-1412 and CR-1413 shall be established by the Warden. These forms shall either be filed by inmate TDOC number or in alphabetical order. They must be retained by the sending institution for a period of at least two years.
2. CR-1416 shall be filed in the released inmate's institutional record.
3. All property forms are to be forwarded to the institutional records office room for scanning into the DSRS. The records office personnel will stamp "SCANNED" in red ink in the top right-hand corner of each form scanned. The records office will then forward all scanned forms to the property section for filing in the property file.

VII. ACA STANDARDS: 4-4164, 4-4292 through 4-4294, and 4-4339.

VIII. EXPIRATION DATE: November 15, 2019.



TENNESSEE DEPARTMENT
OF CORRECTION
PROPERTY TAG

INMATE'S NAME:

INMATE'S NUMBER:

DATE OF STORAGE:

STAFF SIGNATURE:

ITEMS

CR-1413 (Rev. 5-01)



**TENNESSEE DEPARTMENT OF CORRECTION
PERSONAL PROPERTY CLEARANCE**

I, _____ , _____ ,
(Inmate Name – Please Print) Inmate Number

do hereby verify that upon departing from the Department of Correction of this date, _____

I do have in my possession or have disposed of all my personal effects. I fully understand that the officials of the Department of Correction are no longer responsible for any of my personal effects. I hereby authorize the Department to dispose of any of my personal property that may be held by the Department.

Inmate Signature

Staff Signature

Refused to Sign

Reason: _____



TENNESSEE DEPARTMENT OF CORRECTION
TRANSPORTATION SYSTEM PRISONER PASS

DATE: _____

FROM: _____
 Sending Institution

TO: _____ for _____
 Transit Institution/HUB Receiving Institutions

APPROVED BY: _____ TITLE: _____

*THE FOLLOWING INMATE(S) RECORDS AND/OR PROPERTY IS(ARE) TO BE
 TRANSPORTED VIA TDOC TRANSPORTATION OR THIS INSTITUTION AS NOTED:*

TDOC NUMBER	NAME	CUSTODY LEVEL/SPECIAL INSTRUCTIONS	RACE	BAG#	RECORDS SENT					PROPERTY SENT				
					A	B	C	D	E	A	B	C	D	E
					<input type="checkbox"/>									
					<input type="checkbox"/>									
					<input type="checkbox"/>									
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ALL INMATES, INCLUDING RECORDS AND PROPERTY LISTED ABOVE ARE CORRECT:

 PRINT NAME & TITLE OF OFFICER/EMPLOYEE SENDING INSTITUTION

 SIGNATURE OF OFFICER/EMPLOYEE SENDING INSTITUTION

 PRINT NAME & TITLE OF OFFICER/EMPLOYEE RECEIVING INSTITUTION-INTAKE

 SIGNATURE OF OFFICER/EMPLOYEE RECEIVING INSTITUTION-INTAKE

 PRINT NAME & TITLE OF OFFICER/EMPLOYEE RECEIVING FACILITY-INTAKE

 SIGNATURE OF OFFICER/EMPLOYEE RECEIVING FACILITY-INTAKE

NOTE: IF MORE INMATES ARE BEING TRANSFERRED THAN CAN BE ACCOMMODATED ON THIS FORM, ADDITIONAL FORMS WILL BE UTILIZED AND COMPLETED IN FULL.

- RECORDS**
 A. IIR., VOL I
 B. IIR., VOL II
 C. IIR., VOL III
 D. IIR., VOL IV
 E. MISCELLANEOUS

- PROPERTY**
 A. TELEVISION
 B. RADIO
 C. FAN
 D. LEGAL PAPERS
 E. MISCELLANEOUS

 <p style="text-align: center;"> ADMINISTRATIVE POLICIES AND PROCEDURES State of Tennessee Department of Correction </p>	Index #: 505.10	Page 1 of 7
	Effective Date: May 15, 2017	
	Distribution: B	
	Supersedes: 505.10 (6/1/11)	
Approved by: Tony Parker		
Subject: WORK RELEASE JOB PLACEMENT		

- I. AUTHORITY: TCA 4-3-605, TCA 4-3-606, TCA 40-28-123, TCA 40-35-213, TCA 41-21-234, TCA 41-21-511, TCA 41-21-514, and TCA 41-24-110.
- II. PURPOSE: To establish qualification criteria and procedure for work release job placement.
- III. APPLICATION: To all Tennessee Department of Correction (TDOC) employees and inmates, privately managed facilities, and Tennessee Rehabilitative Initiative in Correction (TRICOR) sites that have a work release program.
- IV. DEFINITIONS:
 - A. Behavioral Therapeutic Community: A program utilizing the modified therapeutic community model that offers the inmate individualized program tracks that address their assessed needs.
 - B. Career Management for Success (CMS) Program: A 12-week systematic program of instruction, within the Education Division, to prepare inmates for release following a cognitive behavioral approach, including direct hands-on training and job related theory, designed to train an inmate in a marketable skill or trade.
 - C. Cognitive Based Program: A 150 hour cognitive behavioral program designed to address family, marital, companions, and leisure/recreation issues, as well as anger management and cognitive thinking errors.
 - D. Offender Workforce Development Director: The director of all inmate/offender work-related programs for TDOC.
 - E. Therapeutic Community: A structured method and environment for changing human behavior within the context of communal living and responsibilities. This approach is grounded in an explicit perspective that consists of four interrelated views: the disorder (drugs or behaviors), the person, recovery and right living.
 - F. Transition Center: A facility designed to assist in the transition of inmates from prison life back to community living which is guided by specific guidelines and expectations.
 - G. Work Release Coordinator (WRC): A TDOC staff member whose job duties include being responsible for developing a work release program, reviewing the inmate's record prior to work release placement, and monitoring of inmates on work release status including place of employment and wage.
- V. POLICY: TDOC inmates shall be selected for participation in the work release program following specified criteria, and shall adhere to established guidelines for participation.

Subject: WORK RELEASE JOB PLACEMENT

VI. PROCEDURES:

A. Work release consideration shall be given to inmates who:

1. Have successfully completed Therapeutic Community, Pro-Social Life Skills, or Career Management for Success (CMS);
2. Are eligible for annex placement as defined by Policy #404.07; and
3. Have had no Class A or B disciplinary convictions within the last 12 months.

B. Inmates with a conviction for First Degree Murder or any conviction resulting in a life sentence are ineligible for work release consideration.

1. Inmates with a current or previous sentence of First Degree Murder or a life sentence may be considered for work release upon a recommendation by the Warden to the Assistant Commissioner Prisons (ACP) and the Assistant Commissioner of Rehabilitative Services (ACRS). The ACRS shall review all relevant documentation regarding any such request and forward a written recommendation along with all documentation reviewed to the ACP who will make the final decision regarding the request.
2. The inmate must write a letter to the Warden requesting consideration for work release. The letter should be submitted to the Warden or the Warden's designee who shall respond to the inmate within 30 days. The Warden shall consider the inmate's disciplinary record, risk and needs assessment, pre-sentence report, and work skills.

C. Under the following conditions the Warden or designee may approve an inmate for work release placement at an employer or training program site which requires the inmate to drive a motor vehicle:

1. Consideration for such placement shall not be given to those with the following offenses in the designated timeframes:
 - a. Drug and alcohol offenses (ten years after the offense)
 - b. Leaving the scene of an accident (ten years)
 - c. Causing a death (ten years)
 - d. Reckless driving (three years)
 - e. Operating a commercial vehicle without license or endorsement (three years).
2. The work release or program coordinator shall provide the Warden or designee with at least seventy two hours' notice of such requests.

Subject: WORK RELEASE JOB PLACEMENT

3. The inmate must have a valid driver's license with the appropriate endorsement for the vehicle from the State of Tennessee. Under no circumstances shall a work release inmate whose license is revoked, suspended, expired, or otherwise invalidated be granted permission to drive a motor vehicle.
 4. The inmate driver must abide by all applicable laws while in operation of a motor vehicle. Failure to do so shall result in appropriate disciplinary action up to and including termination from the work release or training program.
 5. The inmate shall only be permitted to operate the vehicle while at work.
- D. Inmates must agree to the specific conditions of the work release program.
1. All work release inmates shall agree to incur the cost of electronic monitoring, transportation, and other expenses as mandated in Policies #208.02 and #513.01
 2. The inmate shall agree to participate in a specific restitution program as mandated by Policy #513.01.
 3. The inmate shall abide by all employment requirements at the work locations.
 4. Inmates are compensated by the work release employer via company check, money order, or direct deposit. Cash payments are not allowed. Checks shall be mailed or direct deposited.
 5. Tips received shall be deposited daily upon return to the institution.
- E. Inmates who have graduated from any of the specified programs prior to parole/expiration of sentence may remain on work release, depending on space availability, but shall be moved from the program area beds. Inmates whose parole board decision impacts their release by one year or more will be reviewed for continued work release status by the Warden or designee.
- F. Inmates must pass a drug test prior to work release approval. Random drug tests shall be conducted once a month for the duration of the inmate's ~~on~~ work release status.
- G. Inmates who are participants in a reentry center and are not approved for work release consideration may be placed in an alternative work assignment with TDOC or under the supervision of another approved state agency.
- H. Unless prohibited by law, inmates who are currently on work release and who do not meet the eligibility criteria established by the effective date of this policy shall remain on work release status until such time that they leave incarceration, lose the privilege of work release status by a disciplinary conviction, or are reviewed as a result of a parole decision that impacts their release by one year or more. Sex offenders are prohibited by law from work release placements into the community, except for a work assignment to TRICOR or any TRICOR facility. The Warden shall be the final approving authority on all recommendations for work release job placement. Assignments will be made in accordance with Policies #505.07 and #505.01.

Subject: WORK RELEASE JOB PLACEMENT

- I. All institutions with a work release program shall establish an in-house policy to address the receipt and storage of work release clothing, transportation, and monitoring equipment.
 1. Prior to the inmate beginning employment, the work release coordinator or designee will ensure that both the employer and the inmate read and sign the Employer/Inmate Work Release Code of Conduct Agreement, CR-3669, including place of employment and wage.
 2. All work release jobs and locations shall be screened by the Work Release Coordinator and approved by the Warden. No inmate will be allowed to be self-employed.
 - a. The work hours shall be established by the Warden.
 - b. The total work week hours must not exceed 50 hours. No workday shall be longer than ~~10~~ ten hours. The Warden may approve weekend hours.
 - c. Prior to beginning employment, the work release coordinator or designee will meet with the employer and the inmate to discuss the Code of Conduct, CR-3669. Once a clear understanding of the MOU is established, the Code of Conduct, CR-3669, will be signed and copies distributed to the employer, the inmate, the work release coordinator, and a copy placed in the inmate's file.
 - d. Employers of inmates who are placed in work release programs must agree to provide schedules once per week (if other than a fixed schedule) and notify the Work Release Coordinator in writing of any changes at least 48 hours in advance, excluding weekends.
 - e. Every inmate shall have at least two days off per week.
 - f. Employers shall provide workers compensation insurance as required by law.
 - g. TDOC will be responsible for the health care of the inmates in TDOC custody. Upon release from TDOC custody, the employer will be responsible for providing health care coverage.
 - h. Information regarding work release such as employer name, address, telephone number, and contact person shall be documented on TOMIS screen LJEC (Program Notes) by the Work Release Coordinator.
 - i. An inmate on work release may be temporarily removed from work release pending the outcome of a disciplinary hearing for a class A or B disciplinary and shall be removed from the program if found guilty.
 - j. An inmate on work release may be temporarily removed from work release pending the outcome of an internal affairs investigation.
 - k. An inmate on work release may, at the discretion of the employer, retain work release employment upon release to the community.

Subject: WORK RELEASE JOB PLACEMENT

7. Communicating the value of work release to staff, employers, and the community.
8. Providing at least 72 hours advance notice to the Community Supervision employment specialist in the district of the inmate's release of any inmate being released to Community Supervision. Such notification shall include the name of the work release employer, length of employment, and the type of skills used on the job.
9. Recruiting employers and continuing to support relationships with existing employers.
10. Documenting information regarding work release such as employer name, address, telephone number, and contact person in TOMIS screen LJEC Program Notes by the Work Release Coordinator.

VII. ACA STANDARDS: 4-4443, 4-4444, 2-CO-5A-01, and 4-APPFS-2C-04.

VIII. EXPIRATION DATE: May 15, 2020.



**TENNESSEE DEPARTMENT OF CORRECTION
EMPLOYER / INMATE
WORK RELEASE
CODE OF CONDUCT AGREEMENT**

INSTITUTION/FACILITY ASSIGNED

Inmate Name Number

Work Release Coordinator (WRC) Telephone No.

Employers Work Address: _____

Supervisor's Name
Supervisor's Telephone No.

Work Days _____ Times _____

Days Off: _____ Pay Period: _____

Pay Rate: _____

Job Title or Brief Description of Job Duties: _____

The Tennessee Department of Correction (TDOC) is pleased to be able to work with your company in placing an inmate worker under your employment. The inmate is working on the final segment of incarceration with a goal of full release back into the community. A successful work experience on his part is a vitally important step in reaching this goal. The department has found, over the years, that a clear understanding and appreciation of work expectations both on the part of the inmate and the employer, prior to placement on the job is beneficial to all concerned. Therefore, the following EMPLOYER/INMATE - WORK RELEASE CODE OF CONDUCT AGREEMENT is presented:

1. The Work Release Coordinator (WRC) shall visit the worksite at least twice per month to meet with the supervisor and discuss the individual's progress. The WRC shall contact the supervisor as needed and will contact the supervisor by telephone once per month. If there are any work habits or performance problems which cause employer concern, these should be discussed with the WRC. Inmates may also be subject to electronic monitoring.
2. If the inmate is not at his work site at the designated time or if the inmate is going to be terminated, the employer should call (_____) extension _____ or _____, or fax (_____) _____ immediately. If termination is eminent, the institution should be contacted prior to the termination, if possible.
3. If the inmate is injured on the job and/or requires immediate medical attention, call 911, or take the inmate directly to the nearest emergency room for treatment. The employer shall then call _____ extension _____ or _____ to notify the institution of the emergency.
4. Inmates shall be compensated by company check, check, money order and direct deposit. Cash payments are not allowed. It is required that the inmate/employee's payroll check be mailed to the institution or direct deposit instead of being given to the employee. If the inmate receives tips, they will be deposited daily by the inmate upon returning to the institution
5. The employer must notify the WRC or designated point of contact of any changes in an inmate's work schedule or if overtime is required. A forty-eight (48) hour advance notice is requested in order to allow for any needed preparations. Changes to work hours and /or work days may be denied by the TDOC facility for any reason. Emergency requests will be considered on a case-by-case basis.



**TENNESSEE DEPARTMENT OF CORRECTION
EMPLOYER / INMATE
WORK RELEASE
CODE OF CONDUCT AGREEMENT**

INSTITUTION/FACILITY ASSIGNED

6. Authorization shall be received 72 hours prior to any job assignment that requires the inmate to be away from the primary job site. Inmates are not allowed personal visits while at work.
7. Inmates shall work no more than 50 hours per week. The workday shall not be longer than 10 hours. The workday shall not be longer than 10 hours. The warden may approve weekend hours.
8. Inmates shall have at least two days off per week.
9. Inmates are not allowed personal visits while at work.
10. Inmates are not permitted to make or receive personal telephone calls while at work.
11. Inmates are not permitted to leave the worksite during lunch or other breaks.
12. Inmates are not allowed to incur financial obligations (i.e., Christmas clubs, 401K, credit union deductions, etc.) without the prior written permission of the warden.
13. All inmate shall be transported to their place of employment and remain there until the workday is completed. Upon completion of the workday, inmates shall be transported back to their assigned location by TDOC.
14. Inmate may not leave the county of employment without written permission of the warden or warden's designee.
15. Possession and/or use of any controlled substance is prohibited. Inmates cannot visit, nor work in establishments where sale of alcoholic beverages is the primary source of business.
16. Inmates are prohibited from accepting gifts or gratuities from employers or work associates.
17. Inmates shall be drug tested by TDOC prior to work release placement. All inmates are subject to drug testing at random and in situations which warrant reasonable cause.
18. Prior authorization from the warden or warden's designee is required 72 hours before any inmate is allowed to drive or operate a company vehicle. Under no circumstances shall a work release inmate whose license is revoked, suspended, expired, or otherwise invalidated drive a motor vehicle.
19. Prior authorization is required before any inmate can be invited to attend.
20. The employer provides any specialized training needed by the inmate.

By affixing signatures below, all parties acknowledge their awareness and understanding of the above.

Employer (Supervisor)

Date

TDOC WRC or Designee

Date

Inmate

Date



ADMINISTRATIVE POLICIES
AND PROCEDURES
State of Tennessee
Department of Correction

Index #: 506.08

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Effective Date: April 1, 2016

Distribution: B

Supersedes: 506.08 (6/1/13)
PCN 13-42 (11/15/13)
701.09 (8/15/13)

Approved by: Derrick D. Schofield

Subject: THE USE OF FORCE

- I. AUTHORITY: TCA 4-3-603, TCA 4-3-606, TCA 4-3-609, TCA 39-17-1315, TCA 39-17-1350, TCA 40-7-108, and TCA 41-21-401.
- II. PURPOSE: To establish uniform procedures governing the use of force.
- III. APPLICATION: To all Tennessee Department of Correction (TDOC) employees and privately managed facility employees.
- IV. DEFINITIONS:
 - A. Anticipated Use of Force: A planned use of force in which time and circumstances allow for the preparation of the use of force and there is not an immediate threat of injury of staff, others, or damage to state property.
 - B. Contract Monitor (CM): TDOC employee(s) authorized by the Commissioner to serve as the approving authority for specific actions occurring at privately managed facilities. In the absence of the CM at privately managed facilities, the necessary notification/request for authorization will be made by telephone to the Correctional Administrator (CA).
 - C. Chemical Agents: Chemical substances utilized to incapacitate, either CN-Chloractophenone (tear gas), CS-Orthochlorobenzal Malononitrile (irritant gas), or OC- Oleoresin Capsicum in a non-toxic, non-flammable vehicle.
 - D. Deadly Force: That degree of force that can reasonably be expected to cause death or serious bodily injury.
 - E. Deadly Weapon: Any firearm or other weapon, device, instrument, material, or substance which, in the manner it is used or is intended to be used, is capable of causing death or serious bodily injury.
 - F. Escort: The movement of any inmate to a location outside the secure confines of a facility.
 - G. Electronic Restraint Devices: Devices that have been approved for use by trained employees, such as the Taser, the NOVA XR-5000, the NOVA Spirit, the NOVA Shield, and the Remotely Activated Custody Control (RACC) belt, or stun cuffs.
 - H. Hard Empty Hand Control: A manual control technique characterized by the use of an empty hand with such force that there is a potential for causing injuries such as scratches, bruises, soft tissue injury, or to a greater extent, bone fractures. This would include the arm bar, wrist locks, joint manipulation, strikes, and pressure point pain compliance techniques.
 - I. Less-Lethal Force Technology: Technology and equipment which, when used properly, is less likely to result in death or serious physical injury than force commonly referred to as "deadly". Less lethal force leaves the possibility of a lethal outcome in rare or unexpected instances.

Subject: THE USE OF FORCE

- J. Officer Presence: The first level on the use of force continuum where the officer controls the offender's resistance level by his/her presence.
 - K. Physical Force: The use of hard empty hand control or physical restraint equipment utilized against a person to compel him/her to do something against his/her will or to compel compliance with an order.
 - L. Soft Empty Hand Control: An empty hand control technique that has very low potential for injury. This would include simple moving by touch or escorting.
 - M. Use of Force: Actions used against an offender/inmate to compel him or her to do something against his or her will or to compel compliance with order.
 - N. Use of Force Continuum: An escalating series of actions a person may take to resolve a situation. In this instance, the continuum has many levels and officers respond with a level of force appropriate to each situation, acknowledging that the officer may move from one part of the continuum to another in a matter of seconds.
 - O. Verbal Commands: The second level on the use of force continuum used to gain control of or maintain a situation involving a resistant offender through the use of assertive, clear, and concise verbal directions.
- V. POLICY: The TDOC authorizes the use of force based upon the approved Use of Force Continuum as described herein.
- VI. PROCEDURES:
- A. Use of Force General Considerations
 - 1. The level of force used shall be determined by the person's actions, behavior, level of resistance, and the circumstances of the interaction.
 - a. The least restrictive and least severe use of force or control option that is necessary, under the circumstances, to stop and control the offender's inappropriate, unlawful or dangerous behavior(s) shall be limited to that which an officer is authorized to use. Intentional misuse of the authority granted under this policy is grounds for disciplinary actions.
 - b. Progressively more restrictive and severe use of force or control measures will be used only if less restrictive and less severe measures have failed or proven ineffective or are reasonably believed to be incapable of controlling the situation. De-escalation through the use of force continuum shall be used when a lesser amount of force is reasonably believed capable of stopping and controlling the offender.
 - c. Use of force options shall be described using the TDOC approved continuum. This continuum shall include logically ordered response options in the order of least restrictive to most severe. Staff members shall not be required to progress sequentially through the continuum when involved in situations authorizing the use of force.

Subject: THE USE OF FORCE

2. To the extent possible, a situation involving the use of force shall be avoided by the officer. In an unavoidable situation, only that force necessary to bring the situation under control shall be applied, and only for as long as is needed to eliminate the threat or resolve the situation that initially justified the use of force.
 3. Officers shall only use weapons and control techniques that are issued and/or approved for use by the TDOC. Officers shall not carry any weapons or employ any techniques prior to successfully completing the relevant approved training for each weapon or technique.
 4. Use of Force Continuum: The use of force continuum shall provide staff members with use of force options for the most appropriate and reasonable response to offender resistance in order to control, maintain, and/or remain in a position of advantage over the offender. Although the use of force continuum is linear, officers are not restricted to using the force continuum in order (e.g., Staff members do not have to exhaust all lower forms of force prior to moving up the continuum). The TDOC approved use of force continuum is as follows:
 - a. Officer Presence
 - b. Verbal Commands
 - c. Soft Empty Hand Control
 - d. Hard Empty Hand Control
 - e. Electronic Restraint Devices (Institutions only)
 - f. Chemical Agents
 - g. Batons
 - h. Less-Lethal Technology (Institutions only)
 - i. Deadly Force
- B. Authorized Use of Force: The use of force continuum provides staff members with a level of force to respond immediately with the most appropriate and reasonable control option to ensure the safety and protection of the public, self, others, property, and to gain control of a situation. The goal of every encounter shall be to minimize injury to everyone involved. However, nothing in this policy requires an employee to actually sustain injury before applying reasonable force. Furthermore, employees are authorized to use the continuum in the order dictated by the situation and do not have to implement force in the order listed below. The use of force continuum is as follows:
1. Officer Presence: No physical force is used in this level of force. Officer presence may include officer identification, displaying credentials, professional demeanor, and/or the visibility of issued security equipment.

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2. Verbal Commands: Verbal commands shall be given as the situation and person's behavior dictate. All verbal commands shall be professional communications. Staff members may use diffusion and de-escalation techniques, instructions, and warnings. At no time shall a staff member use profanity while giving verbal commands.
3. Soft Empty Hand Control: Staff members shall use soft empty hand control to maintain the situation or regain the position of advantage.
4. Hard Empty Hand Control: Staff members may use hard empty hand control as a defense tactic or a response to an aggressive action.
5. Electronic Restraint Devices: These devices shall be used in emergency situations when a lesser amount of force is inappropriate to control offender(s). Electronic restraint devices shall be used in accordance with Policy #506.07.
6. Chemical Agents: Chemical agents shall be used in emergency situations when a lesser amount of force is inappropriate to control offender(s) (For institutions, see Policy #506.07.1).
 - a. Training and Authorization to Use Chemical Agents (CS Only)
 - (1) Officers who have successfully completed a departmentally approved training program in the use of chemical agents are authorized to use said spray in the performance of their duties. Chemical agents are intended to provide the officer with a less lethal use of force option which is capable of temporarily disabling a subject, allowing the officer an opportunity to gain control of a situation or take evasive action to avoid combative contact and potential injury.
 - (2) Officers shall only carry departmentally authorized and issued chemical agents.
 - b. Guidelines for Chemical Agent Use:
 - (a) The use of chemical agents shall be consistent with departmentally authorized training. Chemical agents shall not be used on a person except to prevent serious injury and/or prevent loss of life to the officer or others
 - (b) Prior to use, when time permits, a verbal warning of "clear" shall be given to alert other officers of the deployment of chemical agents.
 - (c) Upon discharging the chemical agents the officer must ensure that effective control measures are utilized to prevent the subject and any other person who may have been affected by the chemical agents (over spray, wind drift, etc.), from becoming injurious to self, others, or the officer.
 - (d) Chemical agents shall not be used to punish, harass, or intimidate.

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- (e) Any time staff uses chemical agents, medical attention is required when safely possible.
- (f) Officers shall be required to attend and successfully complete chemical agent recertification training annually.
- (g) The use of chemical agents is a use of force which shall be reported pursuant to Policy #103.02, Incident Reporting.
- (h) Officers shall avoid deploying chemical agents in the vicinity of infants.

7. Batons

- a. Officers who have successfully completed a departmentally approved training program in the use of batons may be authorized to use said baton in the performance of their duties. A baton is intended to provide the officer with a use of force option which is capable of temporarily disabling a subject, allowing the employee an opportunity to gain control of a situation or take evasive action to avoid combative contact and potential injury.
- b. Officers may use batons to separate confrontational offender(s), brawling offenders, quell violence, or for the defense of staff or other officers.
- c. Officers may use batons when the degree of force that can be applied by physical intervention alone is inadequate.
- d. Officers shall only carry the baton when in uniform [Community Supervision (CS) only].
- e. In an institution the Warden shall designate safe and secure areas for the storage of short/long batons that will allow for rapid accessibility for use in each housing or program area should the need arise. (See Policy #506.04 and privately managed facilities refer to TDOC-approved corporate policy).
- f. In an institution short/long batons shall not be routinely issued or carried, and their use shall only be authorized by the Warden, or per succession roster or shift supervisor in emergencies. Privately managed facilities shall obtain the approval of the Contract Monitor prior to the use of batons.

8. Less-Lethal Technology (Institutions only)

- a. Less-lethal technology consist of equipment such as specialty impact weapons, munitions, or any other item that has the least possibility of causing death when used properly.
- b. The use of specialty impact weapons and munitions shall be in accordance to Policy #506.07.5.

9. Deadly Force. See Policy #506.08.1.

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- C. Any injuries sustained by offenders, third parties, or officers/staff members during the use of force shall receive appropriate medical treatment. Any use of force in the course of duty beginning at hard empty hand control up to and including deadly force shall be reported according to the use of force reporting procedures in this policy. When an employee uses force which results in injury, the employee shall:
1. Take reasonable and appropriate action to manage the situation;
 2. Provide for the safety of the recipient of the force;
 3. Promptly seek medical care, if needed;
 4. Monitor the injured person and provide for first aid when possible;
 5. Protect evidence and manage the scene until assistance arrives;
 6. Summon a supervisor to the scene;
 7. Contact local law enforcement (CS only);
 8. Report the incident according to this policy.
- D. Restraints
1. Institutions: See Policy #506.07.
 2. Community Supervision Only:
 - a. Handcuffs may only be used after verbal de-escalation techniques have not resulted in compliant behavior.
 - b. Sworn personnel may detain offenders under active supervision when an offender behaves in a combative manner or poses an imminent danger to himself/herself or others. Officers must be able to articulate the need for the use of handcuffs in such situations.
 - c. A non-offender may be placed in restraints for the officer's safety when that individual behaves in a combative manner or poses an imminent danger to the officer or others. Officers must articulate the use of handcuffs in such situations.
 - d. If warranted, local law enforcement shall be requested to the scene. OIC may be requested as well.
 - e. Officers shall not use handcuffs on compliant offenders during home checks.
 - f. Handcuffs shall never be:
 - (1) Placed around a person's neck;

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- (2) Applied in a way likely to cause undue physical discomfort or restrict blood flow or breathing; i.e., hog-tying; and
 - (3) Used to secure a person to any object.
 - g. Officers shall articulate every use of handcuffs in the LCDG conversation of TOMIS and the offender's or third parties behavior that lead to the use of restraints
 - h. The use of physical force against persons in handcuffs shall be prohibited except in situations where the officer believes that bodily harm to another person or persons is imminent.
- E. Cell Extraction (Institutions only)
 - 1. The Wardens of all level II or higher institutions shall develop procedures for the establishment of cell extraction teams for use where inmate resistance is anticipated and employees are required to use force to implement a lawful order or prevent harm. The extraction of pregnant inmates is prohibited. Institutional procedures shall contain guidance in the following:
 - a. Number of extraction teams authorized
 - b. Selection criteria for team members. At a minimum, all members must have completed their probationary period and have completed all required correctional officer pre-service and in-service training.
 - c. Size of each team (usually five plus supervisor)
 - d. Specific duties of each team member, i.e., restraint equipment, open door, restrain leg or arm, operate video equipment, etc.
 - e. Protective equipment provided for each team member. Normally, helmet, chest protector, knee and elbow pads, and forearm protector will be worn.
 - f. Alerting medical staff to be on standby for required medical examinations of inmate and staff.
 - g. A video shall be made of each extraction. The video, regardless of quality, shall be immediately transferred to the Associate Warden of Security (AWS) at TDOC facilities and the Internal Affairs officer at privately managed facilities to be labeled, reviewed, filed, and retained for at least three years.
 - 2. Training: The Cell Extraction Team must complete a minimum of four hours of specific extraction team training each quarter. At a minimum, training will be conducted in use of force, proper use of all authorized restraint equipment, defensive techniques, and early recognition intervention for mentally disturbed inmates.
 - 3. Reports/documentation required

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4. Authorization requirements to implement extraction procedures (to include approval of the CM at privately managed facilities).
- F. Recordings (Institutions only): In an institution, recordings shall be a routine supplemental report for any use of force.
1. Anytime use of force is anticipated, including cell extractions, a video recorder shall be used to record the use of force. When time or circumstances do not permit use of the video recorder, the circumstances must be explained and justified on the Use of Force Report, CR-3818.
 2. If at all possible, begin recording before any contact occurs, including hands-on contact. This practice will document the inmate's behavior and the degree of force used to restrain the inmate.
 3. Before entering the area where video recording will occur, the staff member video recording the incident must video record the senior official present while he/she completes the following narrative of information: Name of the officer/staff video recording this incident, date, time, place, name and number of all inmates involved, circumstances, names of all involved officer(s)/staff, and plan of action. The senior officer will be the sole narrator throughout the video recording of an incident.
 4. Once filming begins, the camera shall continue recording until after staff leave the scene. Once entry is made, the camera shall remain on the inmate. Try to obtain a continuous stream of action. Let the camera tell the story. If the camera gets jostled, continue filming and quickly point it back on the inmate. Do not stop the recording. That is, film the exit, showing a closed cell door or other evidence that the action is over.
 5. Video recordings of each use of force shall be identified and labeled, using the corresponding use of force report number, and retained in a secure location at the facility where the incident occurred for a period of three years. A video recording may not contain multiple uses of force incidents on a single disc.
 6. Chain of custody requirements shall be followed regarding possession of the tape once the video recording of a use of force incident has been completed. The Warden or designee shall review each Use of Force video recording and its corresponding Use of Force Report/Incident Report and forward all associated documentation to the OIC.
 7. The Warden is responsible for ensuring that a system is in place to maintain the video equipment to include charged batteries, extra discs, and the camcorder is functioning properly. Note: All anticipated use of force should be video recorded with two camcorders. This provides additional documentation of the incident and ensures coverage of the incident is continuous in case of malfunctions.
 8. At privately managed facilities, the institutional procedures regarding the use of force and security devices must be reviewed and approved by the Commissioner and shall include provisions for prior approval for the use of force and security equipment by the CM.

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9. Staff shall be trained in the use of force/security devices referenced in this policy prior to utilization.

G. Reporting the Use of Force

1. Personnel shall report all use of force incidents; however, no report is required when officer presence, verbal commands, and/or soft empty hand control is used and there is no injury *and* no allegation of injury.
2. Personnel shall verbally report incidents involving hard empty hand control up to and including deadly force to the appropriate supervisor immediately after the incident. CS supervisors shall verbally notify the Central Communication Center (CCC) immediately. CS supervisors shall notify the Assistant Commissioner of Community Supervision (ACCS) through the District Director (DD). The DD shall notify the CCC.
3. Reporting to the OIC: Any use of force incident hard empty hand control and above shall be reported to the OIC within 24 hours of the incident as follows.
 - a. Each person involved in the use of hard empty hand control force up to and including deadly force shall prepare a Use of Force Report, CR-3818, and submit to the Warden/ACCS through the chain of command. The CR-3818 must be received by the Warden/ACCS within 24 hours. Deadly Force shall be reported immediately.
 - b. Supervisors shall review the CR-3818 and document his/her findings on the Use of Force – Supervisor’s Review Report and Checklist, CR-3820.
 - c. (CS only) Supervisors shall forward the CR-3818 and CR-3820 to the DD. The DD shall forward copies to the regional Correctional Administrator (CA) and the ACCS.
 - d. Wardens/ACCS shall review the reports and include in the documents to be forwarded to OIC.
 - e. All other personnel involved in the incident shall complete the Use of Force Supplement Report, CR-3817, and submit to a supervisor. The CR-3817 shall be reviewed by the supervisor and included in the documents forwarded to OIC.
 - f. The Warden/DD shall maintain a file for each use of force reported to the CCC and OIC.
 - g. Upon receipt, the OIC shall conduct a review of all statements and evidence to ensure actions taken were in compliance with policy, procedures, and law.
4. Reporting on TOMIS
 - a. Institutional personnel shall report all use of force incidents using TOMIS conversation LIBJ (Incidents), in accordance with Policy #103.02.

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- b. CS personnel shall document the use of force on the LCDG and LIBJ conversation in TOMIS within 24 hours of using force. At a minimum, the detailed comment shall include the nature of the situation leading up to the use of force, offender's level of resistance, all individuals present, a clear articulation of the reason for the use of force, type of force used, a list of all forms completed, and date/time forms were submitted to the supervisor.
5. Reporting Protocols: Personnel reporting the use of force beginning at hard empty hand control and beyond shall include the following documents in all reports to OIC:
 - a. Use of Force/Supervisor's Review Report and Checklist, CR-3820: The standard form to document the completion of the Use of Force incident report and chain of custody. In the institutions, this form will document the administrative review of the report and videotape by the AWS and the Warden.
 - b. Use of Force Report, CR-3818: The standard document that shall be utilized when reporting a Use of Force incident. Each officer using hard empty hand control and beyond during an incident is required to complete a separate report detailing his/her individual actions.
 - c. Use of Force Supplement Report, CR-3817: When use of force is employed, each staff member involved in the actual use of force shall complete a Use of Force Supplement Report, CR-3817. Any use of chemical agents will be documented on this form as well as the certification date of the employee deploying the chemical agent.
 - d. Witnesses: Any staff witnesses shall submit a written statement. Offender witness to the use of force shall be asked to submit written statements. The recipient of the use of force shall be asked to submit a written statement. This statement shall be requested by a staff member not involved in the incident.
 - e. Law Enforcement Reports (CS only): Staff shall obtain a copy of the law enforcement report, if law enforcement were involved in and/or responded to the incident.
 - f. Summary of Supervision (CS only): If the use of force incident involves an offender, staff shall document the offender's history of supervision to include the conviction charge, sentence information, supervision level, compliance/sanctioning/revocation history, and any special conditions.
 - g. Medical Statements (Institutional only): A written report completed by the Medical staff serving as documentation.
 - h. Mental Health Statements (Institutional only): A written report completed by the mental health staff when applicable.
 - i. Disciplinary Report (Institutional only): A copy of the disciplinary report that has been completed and served on the inmate justifying the use of force incident.

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6. Non-compliance with the applicable requirements specified in the aforementioned procedures shall result in disciplinary or corrective action.

H. Department Issued Equipment

1. Security Equipment for Institutions

- a. Use and Storage of Equipment: The Warden shall develop policy, institutional procedures, and post orders to clearly outline the use and storage of security equipment, as well as the delegation of his/her authority as it relates to the specific needs of that institution. See Policy #506.04 and privately managed facilities refer to TDOC approved corporate policy.
- b. Assigned Security Equipment
 - (1) Restraint equipment: handcuffs, leg irons, waist chains, and tethers;
 - (2) Chemical Agent/launchers: See Policy #506.07.1
 - (3) Short/Long Batons: See Policy #506.04
 - (4) Electronic Restraint Devices: See Policy #506.07
 - (5) Specialty Impact Weapons/Munitions: See Policy #506.07.5

2. Security Equipment for CS

- a. Sworn personnel shall use only equipment that has been issued by the TDOC while on duty or during qualification. The following equipment shall be issued to all sworn personnel. No equipment shall be modified:
 - (1) Flashlight and holder
 - (2) Chemical agent and holder (post-training only)
 - (3) Expandable baton and holder (post-training only)
 - (4) Ballistic/Stab vest
 - (5) Authorized semi-automatic firearm and appropriate ammunition
 - (6) Approved weapons holster
 - (7) Restraint equipment (Handcuffs)

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- b. Chemical Agents (CS only): OC spray shall be carried in a TDOC issued OC holder. Most chemical agents have dates of expiration when they should be replaced. Chemical agents received without expiration dates shall be clearly marked to expire four years from the date received. Officers shall inventory his/her OC spray monthly to determine condition and to ensure proper disposal upon expiration. Disposal shall be accomplished through use in training activities before the expiration date.
3. Officers who are issued a ballistic/stab vest shall be responsible for sanitation of the vest, as well as loss or any non-duty related damage.
 - a. Vests shall not be worn for any other employment or loaned to anyone without prior approval from the appropriate leadership.
 - b. Vests shall be worn underneath the TDOC issued shirt.
 - c. Vests shall be worn by institution staff as follows:
 - (1) Officers assigned to restrictive housing when removing inmates from their cells for any purpose.
 - (2) Employees who are tactically involved when participating in cell extractions.
 - (3) Vests shall be stored within the high security unit control room and/or in the armory/operations when not in use.
 - (4) Mobile Patrol Officers: Officers assigned to mobile patrols shall wear a bullet resistant vest while assigned to a mobile patrol. Vests shall be stored in a secure location designated by the Warden of each facility and assigned to the mobile patrol post, not specific individuals.
 - (5) Transportation: Bullet resistant vests shall be used when transporting inmates classified to minimum restricted or higher custody for court, funeral home trips, hospital family visits, etc. Ballistic panels shall be worn on the front and rear when vests are worn. Vests shall be issued to specific individuals, not posts.
 - d. Vests shall be worn by CS officers when performing field work.
4. Firearms, uniforms, and security equipment shall not be used/worn to conduct any outside employment or business. Employees that violate this directive shall be subject to disciplinary action up to and including termination.
 - I. Firearms:
 1. Only state issued weapons shall be utilized in the use of deadly force by the TDOC. Contract approved weapons shall be used at privately managed facilities.

Subject: THE USE OF FORCE

2. No employee shall carry or use a firearm in the performance of their duties unless he/she has been authorized to carry the firearm and has a valid Weapons Qualification Card, CR-2938, in accordance with Policy #506.09. While armed employees shall maintain a Weapons Qualification Card. The employee shall also be required to acknowledge and sign the TDOC affidavit, CR-3600, prior to being issued a firearm concerning “misdemeanor crime of domestic violence” convictions.
3. No employee shall be issued a firearm unless he/she has qualified or requalified and is authorized to carry a firearm in accordance with Policies #110.06 and #506.09. Employees of privately managed facilities shall be qualified/requalified in accordance with TDOC-approved CCA policies.
4. Draw and Display of a Firearm: Firearms may only be drawn and displayed in the use of deadly force, imminent danger of serious bodily injury or death, and for maintenance, inspection after being properly cleared, storage or use on an approved firing range. Officers who discharge their firearm for reasons other than during use on an approved firing range shall:
 - a. Report the use of the firearm to the CCC and the OIC through the chain of command according to procedures and protocols outlined in this policy.
 - b. Be required to submit to a drug screen. The officer shall be accompanied by his/her supervisor or other person in his/her chain of command.
5. Possession and Control of a Firearm: Sworn personnel shall be in full possession and control of their weapons at all times. When on duty, the weapon is to be carried with a fully loaded magazine with a chambered round and two fully loaded magazines. Firearms shall not be disassembled or cleaned within the building. Firearms are issued primarily for defensive purposes and are not to be drawn, displayed in a general and/or threatening manner, threatened to be used, or in any way utilized as a means of intimidation.
6. Firearms, uniforms, and security equipment shall not be use/worn to conduct any outside employment or business. Employees that violate this directive shall be subject to disciplinary action up to and including termination.
7. Safety precautions for C/S
 - a. Chemical agents and firearms shall be subject to stringent safety regulations and inspections. The inspections shall be conducted by a qualified staff member.
 - b. Staff shall follow established safety procedures for ensuring the safety of firearms and less-lethal weapons as covered in training.
 - c. Supervisors may revoke the authorization to carry a chemical agent and/or a firearm when reasonable cause exists. In such situations, supervisors shall retrieve and secure the weapons and/or chemical agents according to established procedures.

Subject: THE USE OF FORCE

d. Officers shall notify their supervisors of physical and pharmacological conditions that could affect the ability to carry a firearm or less lethal weapon. In such situations, supervisors shall follow employee confidentiality procedures.

J. Training: Personnel shall be authorized to employ the use of force continuum only according to approved training.

VII. ACA STANDARDS: 4-4090, 4-4173, 4-4190, 4-4199, 4-4202, 4-4203, 4-4204, 4-4206, 4-4281, 4-APPFS-3A-22-M, 4-APPFS-3A-23, 4-APPFS-3B-01-M, 4-APPFS-3B-02, 4-APPFS-3B-06, and 4-APPFS-3G-01.

VIII. EXPIRATION DATE: April 1, 2019.



**STATE OF TENNESSEE
DEPARTMENT OF CORRECTION
USE OF FORCE REPORT**

1. TOMIS INCIDENT REPORT NO.

2. INSTITUTION/SITE

EMPLOYEE INFORMATION

3. EMPLOYEE'S NAME (Last, First, Middle)			STAFF ID #	JOB TITLE	4. RACE	5. SEX	6. AGE
7. HEIGHT	8. WEIGHT	9. POST/ASSIGNMENT			10. DATE/ TIME OF INCIDENT / /		
11. EXACT LOCATION OF INCIDENT				12. REASON FOR USE OF FORCE (Check all applicable) <input type="checkbox"/> IN SELF DEFENSE <input type="checkbox"/> IN DEFENSE OF OTHER(S) <input type="checkbox"/> NON-COMPLIANCE TO COMMANDS <input type="checkbox"/> RESIST OFFICER <input type="checkbox"/> ACCIDENTAL DISCHARGE <input type="checkbox"/> OTHER			
13. WEAPON(S) AND/OR FORCE USED BY EMPLOYEE (Check all applicable and describe the method of use in the narrative)							
WEAPON, TYPE : <input type="checkbox"/> FIREARM(S) (Type _____ Caliber _____ Serial no. _____ Rounds expended _____)							
<input type="checkbox"/> BATON/ASP <input type="checkbox"/> CANINE <input type="checkbox"/> CHEMICAL AGENT <input type="checkbox"/> ERD <input type="checkbox"/> OTHER _____							
PHYSICAL FORCE, TYPE <input type="checkbox"/> FOOT STRIKES <input type="checkbox"/> HANDS STRIKES <input type="checkbox"/> TAKEDOWN TECHNIQUES <input type="checkbox"/> WRESTLING/GRAPPLING <input type="checkbox"/> OTHER _____							
14. EMPLOYEE INJURIES (DESCRIBE THE SPECIFIC TYPE(S) AND BODY LOCATION OF INJURIES) *ATTACH PHOTOGRAPH OF INJURY							
14A. RECEIVED TREATMENT		14B. WAS THE APPLIED FORCE EFFECTIVE?		15. EMPLOYEE WAS WEARING			
YES	NO	YES	NO	UNIFORM	PLAIN CLOTHES		
16. DUTY STATUS							

SUBJECT INFORMATION

17. INMATE/SUBJECT'S NAME (Last, First, Middle)			18. SEX	19. RACE	20. ETHNICITY	21. D.O.B.	22. AGE	23. HT	24. WT
25. INMATE/SUBJECT CUSTODY/HOUSING UNIT/ADDRESS									
26. SUBJECTS LEVEL OF RESISTANCE <input type="checkbox"/> NO RESISTANCE <input type="checkbox"/> PASSIVE RESISTANCE <input type="checkbox"/> ATTEMPT TO FLEE ESCAPE <input type="checkbox"/> ACTIVELY RESISTED <input type="checkbox"/> ACTIVELY RESISTED & INCITED BYSTANDERS <input type="checkbox"/> ASSAULTED OFFICER PHYSICALLY <input type="checkbox"/> ASSAULTED OFFICER WITH A WEAPON <input type="checkbox"/> OTHER (DESCRIBE IN NARRATIVE)									
27. SUBJECT ARMED WITH (<input type="checkbox"/> NONE) <input type="checkbox"/> BLUNT INSTRUMENT <input type="checkbox"/> CUTTING INSTRUMENT <input type="checkbox"/> OTHER									
28. SUBJECTS INJURIES (DESCRIBE THE SPECIFIC TYPE(S) AND BODY LOCATION OF INJURIES)							29. RESULT OF USE OF FORCE <input type="checkbox"/> YES <input type="checkbox"/> NO		
30. LOCATION OF MEDICAL TREATMENT									

WITNESS INFORMATION

<input type="checkbox"/> N/A	<input type="checkbox"/> OTHER WITNESSES CONT. IN NARRATIVE								
31. WITNESS #1 NAME (Last, First, Middle) (If applicable, Staff ID or Inmate #)									
32. SEX	38. RACE	39. D.O.B.	40. BUSINESS TELEPHONE NO. () -	41. BUSINESS ADDRESS (Street, City, State, & Zip Code)					
42. WITNESS #2 NAME (Last, First, Middle) (If applicable, Staff ID or Inmate #) <input type="checkbox"/> N/A									
43. SEX	44. RACE	45. D.O.B.	46. BUSINESS TELEPHONE NO. () -	47. BUSINESS ADDRESS (Street, City, State, & Zip Code)					

INCIDENT INFORMATION

48. TYPE OF INCIDENT									
49. SUPERVISOR NOTIFIED		DATE/ TIME / /	HRS.	DID SUPERVISOR RESPOND TO SCENE?	DID SUPERVISOR INTERVIEW INVOLVED PARTIES?	DID SUPERVISOR WITNESS INCIDENT?	DISTRICT DIRECTOR/MANAGER SHIFT COMMANDER'S NAME		
NAME & TITLE				<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO			
50. PHOTOGRAPHS OF EMPLOYEES INJURIES				YES	NO	51. PHOTOGRAPHS OF SUSPECTS INJURIES			
LOCATION WHERE FILED / STORED				LOCATION WHERE FILED / STORED					
52. CRIMINAL/ADMINISTRATIVE CHARGES FILED & TYPE OF CHARGES									
<input type="checkbox"/> YES <input type="checkbox"/> NO									



TENNESSEE DEPARTMENT OF CORRECTION
 USE OF FORCE - SUPERVISOR'S REVIEW REPORT AND CHECKLIST

 FACILITY

 DATE

 OFFENDER NAME (PLEASE PRINT)

 TDOC NUMBER

I. CHECKLIST:

- | | | | |
|---|------------------------------|-----------------------------|----------------------------------|
| 1. Use of Force Reports from all involved _____ | Yes <input type="checkbox"/> | No <input type="checkbox"/> | Pending <input type="checkbox"/> |
| 2. Video Recordings _____ | Yes <input type="checkbox"/> | No <input type="checkbox"/> | Pending <input type="checkbox"/> |
| 3. Photos _____ | Yes <input type="checkbox"/> | No <input type="checkbox"/> | Pending <input type="checkbox"/> |
| 4. Witness statements from all involved _____ | Yes <input type="checkbox"/> | No <input type="checkbox"/> | Pending <input type="checkbox"/> |
| 5. Disciplinary Report filed _____ | Yes <input type="checkbox"/> | No <input type="checkbox"/> | Pending <input type="checkbox"/> |
| 6. Medical Statements _____ | Yes <input type="checkbox"/> | No <input type="checkbox"/> | Pending <input type="checkbox"/> |
| 7. Mental Health Statements _____ | Yes <input type="checkbox"/> | No <input type="checkbox"/> | Pending <input type="checkbox"/> |
| 8. Chain of Evidence _____ | Yes <input type="checkbox"/> | No <input type="checkbox"/> | Pending <input type="checkbox"/> |

If pending is checked on any of the above, state the reason why:

II. SHIFT COMMANDER OR PROBATION PAROLE MANAGER'S REVIEW:

Date Received: _____ Date Video Recording Reviewed: _____

Comments:

 Signature – Shift Commander/PPM

 Date

III. ASSOCIATE WARDEN OR DISTRICT DIRECTOR REVIEW:

Date Received: _____ Date Video Recording Reviewed: _____

Comments:

 Signature

 Date

IV. WARDEN/CORRECTIONAL ADMINISTRATOR'S REVIEW:

Date Received: _____

Comments:

 Signature – Warden/CA Designee

 Date

V. DIRECTOR – OFFICE OF INVESTIGATION AND COMPLIANCE (OIC):

Date Received: _____ Date Video Recording Reviewed: _____

 Signature – Director - OIC

 Date



STATE OF TENNESSEE
DEPARTMENT OF CORRECTION

STATE OF TENNESSEE
COUNTY OF _____

AFFIDAVIT

Purpose: Compliance with the Omnibus Consolidated Appropriations Act of 1997.

General: The Omnibus Consolidated Appropriations Act of 1997 amended the Gun Control Act of 1968 (GCA) to make it unlawful for any person convicted of a "misdemeanor crime of domestic violence" to ship, transport, possess, or receive firearms or ammunition. As defined in the GCA, a "misdemeanor crime of domestic violence" means an offense that:

- 1. is a misdemeanor under Federal or State law; and
2. has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person with who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim.

The above definition includes all misdemeanors that involve the use or attempted use of physical force (e.g., simple assault, assault and battery) if the offense is committed by one of the defined parties. This is true whether or not the State statute or local ordinance specifically defines the offense as a domestic violence misdemeanor (e.g., a person convicted of misdemeanor assault against his or her spouse or child is prohibited from receiving or possessing firearms or ammunition). This prohibition applies to persons convicted of such misdemeanors at any time, even if the occurrence/conviction is prior to the new law's effective date (September 30, 1996).

A person convicted of domestic violence as defined above would not be prohibited from receiving/possessing firearms if the conviction has been (1) expunged (2) set aside (3) pardoned (4) or the person has had his or her civil rights restored (if the law of applicable jurisdiction provides for the loss of civil rights under such an offense) and the person is not otherwise prohibited from possessing firearms or ammunition. Convictions that have been expunged by order of a court of competent jurisdiction are not required to be disclosed.

Employees of government agencies, convicted of misdemeanors as stated above, are not exempt from the prohibition against possessing firearms. Employees falling into this category may not lawfully possess or receive firearms or ammunition for any purpose, including performing their official duties.

I, (Name) _____, (SSN) _____, (have / have not) ever been convicted of a misdemeanor domestic violence offense (as defined above).

If previously convicted, the place of conviction (court and location) was _____ and date of conviction was _____. Has the conviction been set aside, pardoned, or have your civil rights been restored?

(NOTE: Convictions that have been expunged by order of a court of competent jurisdiction are not required to be disclosed).

Explain (give date and court granting relief):

Three horizontal lines for providing explanation of relief.

AFFIANT

Sworn to and subscribed before me, this _____ day of _____, 20____.

NOTARY PUBLIC

My commission expires: _____.

NOTE: TCA§ 39-16-702 defines the offense of perjury as one who with intent to deceive, makes a false statement, under oath. Perjury is punishable with up to 11 months and 29 days in jail and a \$2,500 fine.

 <p style="text-align: center;"> ADMINISTRATIVE POLICIES AND PROCEDURES State of Tennessee Department of Correction </p>	Index #: 506.12	Page 1 of 15
	Effective Date: June 1, 2015	
	Distribution: B	
	Supersedes: 506.12 (4/1/10)	
Approved by: Derrick D. Schofield		
Subject: ESCAPES		

- I. AUTHORITY: TCA 4-3-603, TCA 4-3-606, TCA 39-16-606, TCA 41-21-242, and the current Governor's Prison Escape Plan (GPEP).
- II. PURPOSE: To establish procedures to be followed in the event of an inmate's escape from custody.
- III. APPLICATION: Deputy Commissioner of Operations, Director of Classification, Director of Management Information Systems (MIS), Communications Officer, Wardens, institutional employees, and privately managed facilities.
- IV. DEFINITIONS:
 - A. Attempt to Escape: The clear appearance of an effort to flee or abscond from the confines of the institution, its properties, authorized work locations, and/or the supervision of employees to whom the inmate(s) is officially assigned.
 - B. Central Communication Center (CCC): A Tennessee Department of Correction (TDOC) work unit that receives and processes internal critical incident reporting and electronic monitoring and provides other support services for the Department.
 - C. Central Dispatch Office (CDO): A function of the office of the Director of Classification Programs which coordinates and schedules the transfer and transportation of inmates, including the return of escapees to Tennessee Department of Correction (TDOC) custody.
 - D. Commissioner's Designee (CD): TDOC employee(s) authorized by the Commissioner to serve as the approving authority for specific actions occurring at privately managed facilities. In the absence of the CD, the contract monitor (CM) assigned to that facility will serve that function. In the absence of both the CD and CM at privately managed facilities, the necessary notification/request for authorization will be made by telephone to the CD. If the CD is not reachable via phone, the CM will be contacted. If both the CD and CM are unavailable by telephone, the ranking shift officer at Turney Center Industrial Complex (TCIX) shall be contacted for required authorizations/or notifications.
 - E. Emergency Operations Plan (EOP) (Escape): Institutional plan developed to maximize TDOC resources necessary to recapture escapee(s) and to address the requirements of the Governor's Prison Escape Plan (GPEP).
 - F. Escape/Custody: Having fled or absconded from the confines of an institution, its properties, authorized work location, and/or the supervision of employees to whom the inmate(s) is officially assigned. This includes failure to return from pass/furlough.
 - G. Escape Information Center (EIC): A section of MIS responsible for maintaining the assigned count and inmate institutional record (IIR) of escapees absent beyond thirty (30) days and monitoring notifications concerning escapes.

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- H. Governor's Prison Escape Plan (GPEP): A multi-agency coordinated plan to ensure appropriate response to notification of an escape from custody of a high risk escapee(s).
 - I. High Risk Escape: Any escape that is likely to create a serious risk to public safety.
 - J. Inner Perimeter: Area of facility and/or surrounding property specified in the institutional EOP as a primary area of TDOC control during an escape emergency. The inner perimeter is an area identified by the facility in which an effective perimeter may be established in a minimal amount of time to affect the capture of an escaping felon utilizing institutional or support resources. Institutional staff shall designate the inner perimeter based upon available resources and terrain. (An urban facility may establish its inner perimeter very close to the facility due to the location while a rural facility may establish a much larger perimeter.)
 - K. National Crime Information Center (NCIC): The computerized criminal information network of the U.S. Department of Justice with TDOC terminal sites at MCCX, TPFW, BCCX, and WTSP.
 - L. Office of Investigations and Compliance (OIC): A division within the TDOC that consists of Investigations, Compliance, and Special Operations.
 - M. Outer Perimeter: An area of the community designated by the Tennessee Department of Safety as a fall-back position should it become obvious that an escapee has penetrated the inner perimeter or the scope of a search extends beyond the inner perimeter.
 - N. Pen Pack: An official set of TDOC records documents which provide positive identification and conviction/sentencing information of an offender.
 - O. Primary Notification: Staff and agencies expected to play a primary role in the deployment of resources and assistance to recapture escapee(s) during the course of the emergency.
 - P. Secondary Notification: Staff and agencies who play a secondary role in the recapture of escapee(s).
 - Q. Violent Crimes Task Force (VCTF): Joint law enforcement participation by Federal Bureau of Investigation (FBI), Tennessee Bureau of Investigation (TBI), Tennessee Highway Patrol (THP), and local law enforcement agencies whose mission is the apprehension of felony escapees who are under conviction for crimes of violence.
 - R. Document Storage and Retrieval System (DSRS): An electronic document repository.
- V. POLICY: The TDOC shall provide for an immediate response to incidents of escape in an effort to effect apprehension of the escapee as soon as possible and to protect the community. The TDOC shall take appropriate disciplinary action upon the escapee's return to TDOC custody.
- VI. PROCEDURES:
- A. Emergency Operations Plan Implementation: Upon confirmation of an escape, the Commissioner/designee shall ensure that the appropriate EOP takes effect.

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1. The GPEP may only be activated by the Commissioner of the Department of Correction or designee, when a report of an escape from custody has occurred from a TDOC or CCA managed facility, hereafter referred to as the “breached facility”, under the following conditions:
 - a. The escape involves a death row inmate
 - b. The escape involves a maximum custody inmate or occurs during the transportation of maximum custody inmates between facilities
 - c. The escape involves homicide or serious injury to staff, other inmates, or the public
 - d. There are hostages taken during or following the escape
 - e. Any other escape, which in the judgment of the Commissioner of Correction, warrants activation of the plan
2. The Warden of the breached facility shall immediately notify the Deputy Commissioner of Operations within 30 minutes of receiving the first indication that an inmate(s) cannot be accounted for.
3. Within two hours of a confirmed escape, an OIC special agent (OSA) shall be dispatched to the location/region of the escape to conduct an investigation. The OSA shall remain on the case throughout the duration of the escape.
4. The Deputy Commissioner of Operations shall subsequently notify the Commissioner to facilitate the decision to implement the GPEP.
5. The Commissioner will discuss the matter with the representative of the Office of the Governor and notify the Deputy Commissioner of Operations. Subsequently, the Commissioner will contact the Commissioner of Tennessee Department of Safety, and the Director of the Tennessee Bureau of Investigation.
6. Escapes Requiring Activation of the GPEP: The notifying TDOC official shall inform other agencies of the plan’s activation by stating that “THE GOVERNOR’S PRISON ESCAPE PLAN HAS BEEN ACTIVATED”. It may be necessary to initiate a second and subsequent contact with agencies or individuals as more details become known. Necessary information includes pertinent data such as the location of the escape, the number of escapees, any information available on the inmate(s) (including whether or not they are armed, whether or not they have taken hostages, and any other dangers). Once the decision to activate the GPEP has been made by the Commissioner/designee, it shall be the responsibility of the Warden/shift commander to ensure that primary and secondary notifications occur.

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7. Escapes Not Requiring Activation of the GPEP: The Warden/designee shall implement the institutional EOP for escape. In all such cases, OIC and local law enforcement agencies shall be notified by the Warden/designee, but implementation of the GPEP will not routinely occur. The Tennessee Bureau of Investigation (TBI) and other law enforcement agencies statewide shall be notified through NCIC as outlined in Section VI.(B)(4) below.
- B. Notification: An immediate notification is essential to the mobilization of necessary resources and for the protection of the community. The Warden shall make immediate notification in accordance with this policy.
1. A primary notification listing shall be developed by each facility to include those agencies and staff necessary to affect a rapid mobilization of resources. The primary notification shall identify the staff responsible for each notification and must include the following:
 - a. Department of Correction officials
 - (1) Institutional officials to be notified by the shift commander/designee
 - (2) Central Communication Center (CCC) to be notified by the shift commander/designee.
 - (3) Departmental officials to be notified by the CCC:
 - (a) Deputy Commissioner of Operations
 - (b) Commissioner
 - (c) Assistant Commissioner of Prisons
 - (d) TDOC Director of OIC
 - (e) TDOC Communications Officer (NOTE: at privately managed facilities, the vice president of communication and/or institutional communication officers shall have the responsibility of contacting the news media after approval has been received from the TDOC Communications Officer. (See Policy #103.04)
 - (f) Commissioner's Designee at privately managed facilities
 - b. THP District Communications Center in the district where the escape occurred by the shift commander/designee
 - c. Local law enforcement agencies (sheriff/chief of police) by the shift commander/designee
 - d. TBI's TCIC Operator by the shift commander/designee

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- e. Governor or designee by the Commissioner of Correction
 - f. Director of Management Information Services (MIS)
 - g. Other agencies, organizations, or individuals as outlined in the institutional EOP for escape.
2. A secondary notification listing shall be developed by each facility to include those agencies and staff who play a support role in the recapture of the escapee(s). The secondary notification shall identify the staff responsible for each notification and must include the following:
 - a. The Tennessee Emergency Management Agency (TEMA) by the shift commander/designee. (For escapes which do not require activation of the GPEP, this notification is for information purposes only)
 - b. Other agencies, organizations, or individuals as outlined in the institutional EOP for escape.
 3. Telephone notification shall be made to the sheriff, chief of police, district attorney general for the county where the escape occurred, and the district attorney general for the county of conviction. Notification by fax, e-mail, or telephone shall also be made to the committing court and to the victim witness coordinator of the county of conviction. All other interested parties listed on Interested Party/Comments (LPDD) shall also receive telephone notification where possible. Notification shall include details of the escape and all relevant information from the "Face Sheet" application.
 4. Notification by telephone to the TPFW NCIC terminal site Terminal Agency Coordinator (TAC), with an e-mail follow-up, within one hour of the escape to make NCIC entries.
 - a. Immediate temporary wanted entry (ET) for all escapees until local escape warrant is secured
 - b. Be on Lookout (BOLO), Tennessee Area Notification (TA) message to inmate's sentencing jurisdiction and jurisdiction of escape in case of minimum security e.g., walkways, failures to return. (This is to be conducted by staff of the TDOC OIC Division, unless OIC instructs staff of the facility to do so)
 - c. BOLO/TA message statewide and to states with counties bordering Tennessee in cases of escapes from secure institutions. (This is to be conducted by staff of the TDOC OIC Division, unless OIC instructs staff of the facility to do so)
 5. Following confirmation of an escape, an escape warrant shall be obtained by institutional staff within six hours.
 - a. The affidavit for the warrant shall list one staff member as the keeper of the record and one staff member that can attest to the facts of the escape.

Subject: ESCAPES

- b. Immediate contact shall then be made with the NCIC terminal site to report the warrant number in order to cause a permanent entry to be made.
 - c. Fax a copy of the escape warrant, page 1 of the Initial Classification Summary, CR-1391. E-mail all inmate information (photos of identifying scars, marks, and tattoos) from the face sheet application to the NCIC terminal site TAC officer.
6. On E-TOMIS, complete Incidents (LIBJ) and Disciplinary (LIBK) with copies to be filed in the IIR, Volume 1, Section II, (d), pending the return of the escapee to TDOC. (See Policy #512.01)
7. Enter appropriate information in Arrival/Departure (LIMD) screen. (Movement type would be "FAES"-Facility to Escape). Enter NCIC and escape warrant numbers and county codes on Escape (LIMK).
8. Complete and mail Escape Notice, CR-0247, to the District Attorney General of the judicial district in which the escape occurred, the judicial district in which the escapee was convicted, and to the sentencing court. Notification shall also be sent to the victim/victim witness coordinator and all other interested parties listed on Interested Party/Comments (LPDD). Notification shall include all relevant information from the Face Sheet application, the facts of the escape, the time it occurred, and the circumstances under which it occurred. Additional information shall include the age, height, weight, complexion, race, color of hair and eyes of the escapee. Other necessary information shall include the county, offense(s), and date of commitment.
9. By copy of the form letter CR-0247 to the Manager, Operational Support Services, the institutional records officer shall request that a pen pack be prepared and forwarded to the office of the District Attorney General in the judicial district of the escape. A statement shall be included on the form letter to the district attorney that the pen pack will be sent in order to facilitate prosecution upon the inmate's return from escape.
10. The Tennessee Escape Information Sheet, CR-3604, will be completed by the institution within two hours of the escape. A copy of this document and all relevant information from the Face Sheet application will be sent to the following:
 - a. Commissioner of Correction
 - b. Deputy Commissioner of Operations
 - c. Assistant Commissioner of Prisons
 - d. Central Communication Center
 - e. Commissioner of Safety
 - f. Director of the Tennessee Bureau of Investigation

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- g. District Attorney General of the judicial district in which the escape occurred
- h. District Attorney General of the judicial district in which the escapee was convicted
- i. Sheriff of the county in which the escape occurred
- j. Sheriffs in the adjoining counties
- k. Sheriff of the county or chief of police in any county having a metropolitan form of government where the escapee was convicted
- l. Police department of any municipality, city, or town near the location of such escape
- m. Victim witness coordinator of the judicial district in which the escapee was convicted
- n. Department of Correction Director of OIC
- o. Department of Correction Communications Office
- p. Other agencies requesting information

A digital color photograph, front and side view, will be attached to each form. This form will be faxed or e-mailed to all agencies with receiving capabilities, and the copy placed in the next outgoing mail. This sheet will also be copied and distributed to local businesses in the vicinity of the location of the escape as an aid in the apprehension effort. The Deputy Commissioner of Operations shall immediately have the notice posted to the TDOC website escapee page by having a copy of form CR-3604 forwarded to the Director of MIS. If the escape occurs outside of normal business hours, the escape notice shall be posted the next business day.

C. Responsibility of Primary Agencies During Escapes Requiring Activation of the GPEP:

- 1. Responsibility for the apprehension of prison escapees is shared by three primary agencies: TDOC, THP, and TBI.
- 2. Direct responsibility for apprehending the escapee(s) shall pass from agency to agency as the focus of apprehension efforts shift. At any given time, the other two agencies shall act in support of the lead agency.
 - a. The TDOC will have direct responsibility when the focus of apprehension is within the inner perimeter. The inner perimeter is that area designated by the institutional operation plans for prison escapes. The inner perimeter apprehension procedures are as follows:
 - (1) Notify primary and secondary agencies that the GPEP has been activated. (as necessary)

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- (2) Establish an initial command post
 - (3) Secure the facility
 - (4) Identify the escapee(s) and provide information to all involved agencies, as it becomes available, and
 - (5) Identify method of escape
- b. The THP will have direct responsibility when the focus of apprehension is within the outer perimeter. The outer perimeter is that area designated by the THP operational plans for prison escapes for each facility. The outer perimeter apprehension procedures are as follows:
- (1) Deploy Rapid Response Team with a supervisor
 - (2) District Captain will respond to the command post and assume command of THP personnel
 - (3) District Captain will assess the situation and provide adequate manpower and resources to manage the outer perimeter
 - (4) Establish the outer perimeter as determined by THP operational plan for prison escapes.
 - (5) The Commissioner of Safety will notify the Security Center at the Governor's Residence of the escape. Security at the Residence will be enhanced for a period of time to be determined by the Officer in Charge of Executive Security or his/her designated representative.
- c. The TBI will have direct responsibility when apprehension efforts are in the investigative phase. The TBI shall provide the following:
- (1) Upon notification, the responding supervisor and two Special Agents shall proceed to the breached facility.
 - (a) The supervisor shall be stationed at the command post.
 - (b) TBI resources shall be dedicated to investigating the location of the escapee(s) and circumstances of the escape.
 - (2) The Criminal Intelligence Unit shall begin gathering and disseminating information as stated within TBI operational plan for prison escapes.
 - (3) The TBI shall coordinate with the primary agencies and local, state, and federal law enforcement agencies throughout the investigative phase, as the situation warrants.

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D. Scope of Operations During Activation of the GPEP:1. Command Post

- a. The command post will initially be located at or near the breached facility. In the event of an escape during transport, the command post will be established as directed by TDOC.
- b. Once determined by TDOC that the escapee has breached the outer perimeter, TDOC may request the command post be moved to the TBI Headquarters.
- c. There shall always be representatives of each primary agency at the command post, regardless of its location.
- d. Responsibility for terminating operations at the command post shall rest with TDOC.

2. Dissemination of Information:

- a. The Commissioners of Correction and Safety and the Director of the TBI shall participate in a daily conference call to discuss developments in the efforts to apprehend the escapee(s) for at least 72 hours following the escape and shall share equal responsibility for keeping the Governor informed about the incident.
- b. The agency directly responsible for the current phase of the apprehension effort shall be responsible for releases to the media. Media releases shall be coordinated through the agency communications officer and the Governor's Press Secretary.

E. Search Activity Log/After Action Report:

1. The escape search activity requiring implementation of the GPEP or institutional escape EOP shall be chronologically recorded in a bound ledger. Recording shall begin with the confirmation of the escape and conclude with the termination of the search activity.
2. The search activity log shall be used to prepare the after action report. After action reports shall be submitted for all escapes except failure to return from furlough. The after action report is to be submitted to the Deputy Commissioner of Operations within five days of the conclusion of the search.
3. The following information shall be included in the after action report:
 - a. Circumstances, events, or background information (date, time, sequence of events leading up to escape of prisoners)
 - b. Detailed description of event that occurred:
 - (1) Time of escape

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- (2) Number of prisoners escaped
- (3) Notification procedures (who, what, when, where, and how)
- c. Actions taken or orders issued by responsible persons upon notification of escape
- d. Search operations:
 - (1) Time the search was initiated
 - (2) Person responsible for initiating the search
 - (3) Agencies that are involved in the search and the number of persons involved in the search
 - (4) How the search was conducted (Tactics used in search)
- e. Results of the search
- f. Evaluation of the cause of the escape
- g. Recommendations for preventive or corrective measures
- 4. The after action report shall be reviewed by the primary agencies after each activation of the GPEP.

F. Apprehension:

- 1. Escapees apprehended during the search activity shall be returned to the facility from which the escape occurred (following any required arrest/booking process by OIC/local law enforcement officials), and segregated pending the disciplinary hearing. (See Policy #502.01) If the escape occurred from a boot camp or institutional annex, the inmate shall be transferred to the nearest secure facility to facilitate disciplinary and reclassification procedures.
- 2. TDOC escapees taken into custody by local law enforcement agencies after search activities have terminated shall be transported to the nearest secure TDOC facility, as coordinated by CDO, pending further transfer (administrative) to the institution from which the escape occurred. If the escape occurred from a boot camp or institutional annex, the inmate shall be transferred to the secure facility nearest the boot camp or institutional annex. Female inmate escapees shall be transferred to the institution of escape (MLCC or TPW).

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- a. The return of escapees apprehended by the VCTF shall be coordinated by the CDO and/or a TDOC facility. Once the identity of the escapee has been confirmed, the TDOC will assist in accepting the escapee into custody regardless of the time of day. The VCTF will have necessary identification information regarding the escapee in the form of a pen pack which has been previously provided them by the TDOC.
 - b. The VCTF has been notified to consider BCCX and TPW as their primary contact for returned escapees; however, if other institutions are notified, efforts will be made to assist, providing appropriate identification information is available.
 - c. Any facility admitting the escapee from the VCTF will refer to the appropriate sections of this policy for further notification and transfer of the inmate.
3. Escapees apprehended by law enforcement agencies outside Tennessee shall be returned to TDOC as coordinated by the CDO.
- a. Institutional staff who receive notification/information regarding custody of an active escapee via telephone, email, etc., shall confirm the escapee's status for the caller, take the name, telephone number, location, name of agency, and advise the caller TDOC will return the escapee and that a central dispatch officer will be in contact with them as soon as possible.
 - b. This information shall immediately be forwarded via Outlook e-mail to the Sergeant and Corporal for Central Dispatch, who will contact the agency via telephone on the next business day.
 - c. CDO will further e-mail the NCIC terminal site, EIC, SIS, Communications Officer, OIC Director, Deputy Commissioner of Operations, and the institution of escape providing information regarding the status of the escapee, including plans for return to TDOC.
 - d. Escapes (LIMK) will be updated by CDO including any subsequent information received about the escapee.

G. Escapee Returns:

1. Any TDOC institution receiving inmates from an escape shall promptly confirm the status from the TOMIS database and ensure appropriate notification and transfer to the institution of escape.
2. The records clerk at the institution of escape shall be promptly notified by the receiving facility (through e-mail) of the escapee's return. Subsequently, the required District Attorney's and court's letters, Notification of Escapee Return, CR-3310, will be processed. Copies shall be sent to the EIC. Notification shall also be submitted to the victim coordinator and victim.

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3. The institution of escape shall notify the NCIC terminal site operations officer by telephone, with an e-mail follow-up, to have an updated NCIC entry made regarding the return of the escapee to TDOC. Escapes (LIMK) shall be updated regarding the return. In addition, the original escape incident on Incidents (LIBJ) shall be modified by adding information regarding the escapee's recapture.
4. The institution of escape shall process the disciplinary report and conduct the hearing, or provide the necessary documentation to the facility staff with custody of the inmate, following the escapee's return to the TDOC designated facility.
5. The institution of escape shall ensure that the warrant or capias is served and the inmate is scheduled for court appearance, as necessary.

H. Escape Information Center (EIC)

1. When an inmate has remained on escape status for 30 days, TOMIS will automatically cause a transfer transaction to be made to the EIC. The inmate institutional record (IIR) shall then be forwarded to that office to the attention of the Manager of MIS Operational Support Services. The record office will ensure that the entire file has been scanned into DSRS before forwarding. The file shall also include the following:
 - a. Copy of the NCIC entry obtained from MCCX, TPW, or WTSP
 - b. Copy of the escape warrant
 - c. Copy of Tennessee Escape Information Sheet, CR-3604
 - d. Copy of the fingerprint card
 - e. Disciplinary report for the escape
 - f. All relevant information from the Face Sheet application
2. The EIC shall maintain the entire file and the assigned count of each active escapee until the inmate(s) is returned to TDOC custody.
 - a. Any correspondence concerning an escapee received by TDOC personnel after the EIC has received the file shall be forwarded to the EIC coordinator. The EIC Coordinator shall notify the Central Dispatch Office (CDO) of the correspondence. The CDO staff shall make summary notes on Escapes (LIMK) and inform the Director of OIC, Manager of SIS, Communications Officer, and the Deputy Commissioner of Operations. Upon being notified that an escapee has been apprehended, the Director of Classification shall inform the Director of MIS to update TDOC's website "Escapee Page". The word "Captured" shall appear across the photograph of the escapee for a period of 30 days. After the 30 day period, the Director of MIS shall remove that escapee from the website.

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- b. If necessary, the CDO, EIC Coordinator, SIS Manager, and OIC Director will coordinate efforts regarding pen packs, the filing of commitment detainers, and/or additional actions necessary for the apprehension and return of an escapee.
 - c. Should TDOC be notified that an escapee refuses to waive extradition, the CDO will notify the records clerk of the institution of escape to initiate extradition proceedings via the extradition officer in the TDOC Legal Office.
 - d. The Central Dispatch Office shall be kept informed of all extradition actions in order to know when to make arrangements for an escapee's return to TDOC custody.
 - 3. Escapes of TDOC inmates (from out to court status) shall be maintained by the EIC separately from TDOC escapees. (See Policy #511.03)
 - 4. Upon the return of an escapee to TDOC custody, the receiving institution shall make the appropriate TOMIS movement and request the EIC to forward the entire IIR to the appropriate records offices.
 - I. Representatives of the primary agencies shall meet and review the contents of the GPEP annually.
 - J. Review/Revision: Escape EOP shall be kept current at all times and revised and submitted by July 12 to the Deputy Commissioner of Operations, who will review and return the plans to the institution upon approval. A copy of the approved plan shall be provided to the Assistant Commissioner of Prisons.
 - K. Training for institutional personnel shall occur during orientation and refresher training to occur annually.
- VII. ACA STANDARDS: 4-4225.
- VIII. EXPIRATION DATE: June 1, 2018.

**STATE OF TENNESSEE
DEPARTMENT OF CORRECTION**



INITIAL CLASSIFICATION SUMMARY

STATE OF TENNESSEE DEPARTMENT OF CORRECTION INITIAL CLASSIFICATION SUMMARY										Judge:					Docket Number(s)									
										Court:					Sentence Hearing Date:									
										Region:					Date of Conviction:									
										Defense Attorney:					City/County:									
Section A: Probation Division P.S.I. Cover Sheet										District Attorney:					Date Referred to P.O.:									
Name (Last, First, Middle)										Address										Report Due:				
AKA:																				Prepared By/Date:				
																				FBI Sheet Attached:				
Age		DOB		Sex		Race		Height		Weight		Eyes		Hair		Comp		FBI Number:						
Social Security Number:										Education:										Religion:				
Offense/Date Occurred:										Date When Arrested, By Whom, and Where (County):														
Present Location of Defendant:										Sentenced Imposed:														
Bond _____ In Custody _____																								
Amount _____ Time in Jail _____																								
Time on Bond _____										Disposition														
Section B: Adult Services										Previous TDOC Number(s):										TDOC (OFFENDER) NUMBER				
Date Received:										Date of Sentence:														
Release Eligibility Date(s):										Expiration Date:														
Incompatible Inmate:										Class X		Judge Sentencing Act					20%		30%		40%		50%	
Scars, Marks, Tattoos:																								
Escapes:										Detainer/Notification/Charges Pending:														
Prior Psychiatric Commitment (Where):										Date Released:														
In Case of Emergency, Notify:										Relationship:														
										Name:														
										Address:														
										City/State:														
										Telephone														

(INSTITUTION LETTERHEAD)

District Attorney General

Dear General:

RE: _____ TDOC # _____

In accordance with T.C.A. 39-16-606, this letter is to advise that the above named inmate escaped custody on _____

Circumstances of Escape: _____

Subject was received at this facility on: _____ to serve a sentence(s) imposed by _____ County, Tennessee for _____

He/she was serving a sentence of: _____

True Name: _____

Alias: _____

Race: _____

Sex: _____

Height: _____

Weight: _____

Hair: _____

Eyes: _____

D.O.B.: _____

Age: _____

Complexion: _____

Prominent Scars, Marks, or Tattoos: _____

A pen pack will be forwarded to your office by TDOC Management Information Services to facilitate prosecution upon the inmate's return from escape.

Sincerely,

Warden



**TENNESSEE DEPARTMENT OF CORRECTION
ESCAPE INFORMATION**

In accordance with TCA 39-16-606, please be advised that the below-identified inmate escaped custody from _____ on _____
Institution Date

--	--

Inmate _____ **TDOC #** _____

ALIAS: _____

SID #: _____ **NCIC #:** _____

FBI # _____ **EYE COLOR:** _____

RACE: _____ **HAIR COLOR:** _____

GENDER: _____ **WEIGHT:** _____

AGE: _____ **HEIGHT:** _____

DOB: _____ **COMPLEXION:** _____

SCARS, MARKS, TATTOOS and/or STG AFFILIATION: _____

CIRCUMSTANCES OF THE ESCAPE: _____

SPECIAL ALERTS OR WARNINGS: _____

Subject was received by the TDOC, on _____, to serve _____
sentence imposed by _____ County, Tennessee for the following: _____

Felony Warrant #: _____

Information on this subject should be forwarded to the TBI at 1-800-824-3463 or the Tennessee Department of Correction at (615) 741-7144. You may also contact your local law enforcement agency.



ADMINISTRATIVE POLICIES
AND PROCEDURES
State of Tennessee
Department of Correction

Index # 506.21

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Effective Date: January 1, 2016

Distribution: B

Supersedes: 506.21 (8/15/12)
PCN 13-44 (11/15/13)

Approved by: Derrick D. Schofield

Subject: INMATE DRUG/ALCOHOL TESTING AND SANCTIONS

- I. AUTHORITY: TCA 4-3-603, TCA 4-3-606, TCA 41-1-120, and TCA 41-21-237.
- II. PURPOSE: To uphold the safety and security of the correctional environment by specifying the conditions and procedures for conducting urinalysis testing of inmates.
- III. APPLICATION: All institutional staff and inmates and employees and inmates of privately managed institutions.
- IV. DEFINITIONS:
 - A. Confirmation Test: A test to corroborate the result of the first test through the use of a second methodology.
 - B. Drug Testing Coordinator: Individual who shall be designated by the Warden to direct and monitor all necessary duties relating to inmate drug testing.
 - C. Facility Drug Screen: Any test for which all inmates at a facility are eligible, including random, reasonable suspicion and any other test not considered a Program Drug Screen. Results are entered into TOMIS on LIBS screen.
 - D. Laboratory Drug Screen: A controlled laboratory test conducted to detect the usage (inhalation, ingestion, injection) of illegal drugs or alcohol detectable in the subject's system.
 - E. Minor Self-Limiting Injuries: For purposes of this policy only, a wound or other damage to the body that will heal on its own or can be treated with first aid (e.g., bruise, abrasion, bump, or laceration that does not require suturing)
 - F. On-Site Drug Screen: Preliminary analytical testing procedure done at the institution to detect the presence or absence of alcohol in urine or saliva or illegal drugs or their metabolites in urine.
 - G. Random Selection: A sample drawn from the inmate population so that each member of the population has an equal chance to be selected.
 - H. Reasonable Suspicion: Knowledge sufficient under the circumstances to cause an ordinarily prudent and cautious person to believe someone has consumed illegal drugs or alcohol.
 - I. Self-Injurious Behavior: Self harm or self-mutilation deliberately inflicted by such acts as puncturing, cutting, swallowing objects, head banging, and ingestion of harmful drugs, chemicals or poisons.

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- J. Substance Use Treatment Program Drug Screen: Any test in which only inmates participating in a substance use treatment program are eligible, which is limited to initial/discharge tests, random tests requested by the program manager in addition to facility random tests, and reasonable suspicion tests requested by the program counselors or manager. Results are stored in the inmate's clinical file and are not entered into TOMIS.
- K. Substance Use Treatment Program: Formal organized behavioral therapies such as individual or group counseling, cognitive skills therapy, or psychotherapy for inmates who have engaged in the problematic use of alcohol and other drugs. These services are designed to address specific physical, mental, or social dependencies on mood altering substances.
- L. Urinalysis Testing: The process of conducting a chemical analysis of urine to detect the presence or absence of alcohol or illegal drugs or their metabolites.
- V. POLICY: The Tennessee Department of Correction (TDOC) is committed to a policy of zero tolerance of inmate drug/alcohol use within state correctional facilities. The TDOC shall operate a urinalysis-testing program based on drug/alcohol testing, graduated sanctions, and treatment interventions that deter the use of illegal drugs and alcohol by inmates.
- VI. PROCEDURES:
- A. Authority to Conduct Drug Testing:
1. All inmates shall be subject to drug/alcohol testing at any time during their incarceration. This policy provides for nondiscrimination on the basis of race, religion, national origin, creed, sex, age, or disability.
 2. Urinalysis testing shall be used as the primary means to detect and deter illegal substance use and to determine treatment needs of inmates. Urinalysis testing will not be used for harassment of inmates.
 3. The following personnel within the TDOC can request inmate urinalysis testing:
 - a. Commissioner or designee (this includes privately managed facilities)
 - b. Deputy Commissioner of Operational Support
 - c. Deputy Commissioner of Administrative Services
 - d. Chief of Staff
 - e. Assistant Commissioner of Prisons
 - f. Assistant Commissioner of Rehabilitative Services
 - g. Assistant Commissioner of Community Supervision
 - h. Warden
 - i. Associate Warden of Security (AWS) or Treatment (AWT)
 - j. Director of Behavioral Health Services
 - k. Behavioral Health Services Coordinator
 - l. Unit Manager,
 - m. Behavioral Health Administrator
 - n. Health Services Administrator

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- o. Substance Use Program Manager or Alcohol and Drug Counselor
 - p. Shift Commander
 - q. Drug Testing Coordinator or the Warden's designee
 - r. Institutional Investigator
4. The Warden shall ensure that inmates are notified in writing (inmate orientation manual, posted notices, etc.) of the TDOC's policy on zero tolerance of drug use within state correctional institutions. This notification shall also state that inmates are subject to drug or alcohol testing during their incarceration and subject to disciplinary action for the following:
- a. Failure to submit to testing or to provide a urine sample within two hours of the request
 - b. Tampering or attempting to tamper with the specimen or test results
 - c. Receiving a positive test result for which there is no satisfactory explanation
 - d. Intoxication or inhalant overdose symptoms that are in no relation to any mental/medical illness or prescribed medication confirmed by physician and/or a physician assistant/nurse practitioner.
 - e. Self-admission of illicit drug use.
5. Only alcohol and drug kits on the statewide contract that have been approved for on-site drug and alcohol testing shall be used to conduct on-site urinalysis testing.
- a. Urinalysis kits shall be used to test for:
 - (1) The active ingredients found in Amphetamines, Barbiturates, Benzodiazepines, Cocaine, Methadone, Methamphetamine (including Ecstasy), Opiates, Oxycodone, Phencyclidine (PCP), Cannabinoids (THC, including marijuana), Buprenorphine (Soboxone).
 - (2) Adulteration based on, but not limited to, pH, Specific Gravity, Nitrates, Oxidation, Creatinine, Color/Appearance, and Temperature.
 - (3) Privately managed facilities must test for the eleven drugs listed above.
 - (4) The Warden/designee may further test for other substances at his/her discretion.
 - b. All positive on-site drug test results shall be confirmed through a state approved contract laboratory.

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- c. Any negative on-site drug test result which is deemed suspect may, with the written approval of the Warden/designee, be forwarded to the state approved contract laboratory for further analysis. Reasons for suspecting the negative field test result is invalid shall be cited in the Warden's/designee's approval memorandum and in the comments field on TOMIS conversation LIBS. These specimens shall be handled and forwarded for contract laboratory analysis in the same manner as positive field test specimens.
 - d. A second on-site alcohol test shall be used to confirm positive alcohol tests.
 - e. A comprehensive medical drug screen should only be used in cases of suspected overdose or intoxication when necessary for diagnostic and/or treatment purposes. The health staff shall also review the health record to rule out the presence of a medical condition or prescribed medication which can mimic symptoms of intoxication. (See Policy #113.94)
6. The following are examples of when an inmate may be subject to urinalysis testing [other than for reasonable suspicion as addressed in Section VI.(A)(8)]:
- a. As part of the monthly drug-testing program, each institution's population shall be randomly selected for drug testing.
 - (1) At a minimum, each correctional facility shall test 2.5 percent of the institution's in-house inmate population each month. At the discretion of the Warden, any facility may request in writing to the Deputy Commissioner of Operational Support permission to test a sampling larger than 2.5 percent, but may not exceed 10 percent.
 - (2) Each institution shall be provided with a computer-generated, randomly selected list of inmates to be tested every 30 days. This list will be generated by Decision Support: Research and Planning and made available no later than the seventh day of each month. This list will be sent to each facility by the Director of Behavioral Health Services or designee. Actual monthly test dates shall be at irregular intervals, shall include both weekdays and weekends, and should occur on all shifts during the month.
 - b. Upon initial admission to a TDOC diagnostic center or upon admission to a specialized correctional facility/program (boot camp, therapeutic community, technical violators program), inmates shall receive an on-site drug screen.
 - (1) The Warden at the respective diagnostic center/facility shall be responsible for designating the appropriate staff to conduct on-site drug screening during initial classification.

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- (2) All inmates entering a diagnostic center/facility shall be tested for the presence of all drugs and adulterants listed in Section VI.(A)(5)(a)(1-2) and any positive test result will be sent to laboratory for confirmation.
 - (3) All test results, including positive laboratory confirmations, shall be recorded in the inmate's medical record or treatment program file. No sanctions shall be issued for testing positive on an initial diagnostic drug screen.
- c. The following provides the guidelines for drug testing in substance use treatment programs and distinguishes between Facility Drug Screens and Substance Use Drug Screens:
- (1) All substance use treatment programs must provide an initial, random, and discharge drug screen to participants, which shall be considered a Substance Use Program Drug Screen and results are to be communicated with the program manager.
 - (2) Facility-wide random drug tests shall be considered a Facility Drug Screen, regardless of participation in a substance use treatment program. Additionally, any follow up drug screens as a result of a disciplinary or failed drug screen will be considered a Facility Drug Screen, regardless of participation in a substance use treatment program.
 - (3) Substance use treatment program managers reserve the right to request saturation testing of an entire treatment unit if drug use is suspected, which will be considered a Substance Use Drug Screen.
 - (4) In any case in which a substance use treatment program manager or counselor requests a reasonable suspicion test, it will be considered a Substance Use Treatment Program Drug Screen. Reasonable suspicion tests requested by any other staff, including security on the treatment unit, shall be considered a Facility Drug Screen.
 - (5) While participants failing a Substance Use Treatment Program Drug Screen will not receive a disciplinary for "Positive Drug Screen" or have their results entered on LIBS screen on TOMIS, they will be dismissed from their current program with a Class A "Refusal to Participate" based on the agreed upon rules of the program. Substance use program drug screens will be documented on LHSM in TOMIS under SATC or SAGT by the program manager.
 - (6) Substance Use Treatment Program Drug Screen results will be stored in the inmate's clinical file and can be made available upon request in order to perform necessary job duties.

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- d. Any time that an inmate is involved in an altercation, stabbing, or accident resulting in non-minor injuries, or any occupational incident resulting in injury other than minor self-limiting injuries, and/or property damage over \$50.00, a drug screen will be conducted.
 - e. Inmates returning from furlough, work release, or community work assignment with access to or potential contact with contraband, drugs, and/or alcohol may be subject to an on-site drug or alcohol screen.
 - f. Any time a canine unit or narcotic detection instrument indicates the presence of drugs during a search of inmates in the housing unit or work area, a drug screen shall be conducted.
 - g. Inmates who have been selected for pre-release or work release placement shall submit to a drug screen prior to the reclassification hearing and again in 30-45 days if the transfer has not occurred. All such inmates shall be subject to re-testing after arrival at the pre-release or work release program.
 - h. Urinalysis testing may be conducted prior to and after an inmate participates in an institutional visit.
7. Reasonable suspicion drug or alcohol screening:
- a. Reasonable suspicion drug or alcohol screening may be conducted based upon circumstances arising from one or more of the following:
 - (1) Confidential information from a reliable source
 - (2) Observed unusual actions or behavior by the inmate
 - (3) Suspected intoxication of an inmate
 - (4) Discovery of drug paraphernalia or evidence that alcohol/drugs have been used
 - (5) Positive indication from a narcotic detection instrument or canine search.
 - (6) Any inmate requesting or placed in protective custody shall receive a drug screen upon request and/or placement.
 - b. Reasonable suspicion drug or alcohol screens shall require the approval of any of the following: Warden/designee, AWS and/or AWT, Institutional Investigator, shift commander.
8. Unannounced saturation testing may also be conducted on an annual basis or on an as needed basis.
9. All inmates being considered for release on parole supervision shall receive an on-site drug screen within 30 days prior to their parole hearing and a minimum of one on-site drug screen within the 30 day period prior to release from the institution. The test results shall be reported to the institutional parole officer (IPO).

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B. Collection of Sample:

1. The Director of Behavioral Health Services, or designee, shall be responsible for coordinating all drug testing activities for the Department.
2. Each institution shall appoint a drug testing coordinator to be responsible for the coordination, monitoring, and service provision of the drug-testing program within their respective institution. The coordinator shall report any program deficiencies to the Warden/designee for resolution. The Warden, or their designee, will communicate to the Director of Behavioral Health Services, or designee, any change in status of a drug testing coordinator.
3. Before collecting the test sample, the designated staff shall positively identify the inmate by name and TOMIS identification number while using the issued identification card, and have the inmate sign Drug Screen Consent/Refusal, CR-3993, or if it is a Substance Use Treatment Program Screen, Drug Screen Consent/Refusal Substance Use Treatment, CR-3992. The Drug Testing Coordinator will sign as witness.
4. The designated staff shall examine the inmate's arms and hands, especially under the fingernails, before observing the specimen collection to ensure that the inmate does not have any foreign substances that could be used to adulterate the specimen. The inmate may be requested to wear gloves when providing a urine specimen.
5. The collection of the urine sample shall take place in any designated area, as determined by the Drug Testing Coordinator that does not permit the inmate to come in contact with any person other than staff members assigned to observe the collection, and witness the chain of custody process. The collection of the urine sample shall be observed only by one trained staff member of the same gender, unless there is a legitimate security need for the presence of additional staff. The inmate shall be instructed to position himself or herself in a manner that allows the staff member unobstructed observation of the urine voiding process. All inmates shall be required to wash, rinse, and thoroughly dry their hands prior to and after the collection of the sample.
6. Collection staff shall ensure that the designated area is clean and all potential contaminants are removed from the collection area.
7. The designated staff shall provide the inmate with a clear (when available), non-reusable container for the collection of the urine specimen.
8. The inmate must provide the urine sample within a reasonable time (two hours after entering testing area). Inmates shall be given up to eight ounces of water to assist in specimen production. Refusal to provide the urine sample is grounds for an immediate disciplinary report. Inmates who are unable to void after the above waiting time can be placed in a "dry room" for up to 24 additional hours or until a urine sample is obtained, subject to the following conditions:
 - a. Confinement is ordered by the Warden/designee.

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- b. The room of confinement is thoroughly searched prior to placement of the inmate.
 - c. The inmate is provided with toilet articles and a means of collecting body excretions.
 - d. The inmate remains under visual observation by staff.
 - e. The inmate may be given up to eight ounces of water every four hours, not to exceed a total of 32 ounces of water within a 24-hour period to assist in specimen production.
9. There may be extenuating medical (e.g., dehydration, kidney problems, medication, etc.) and psychological (e.g., social phobias) conditions that may preclude the giving of a sample. In such cases, the inmate must provide written evidence from the health care or mental health staff indicating such a condition. The Warden shall, in extreme cases, authorize the use of an alternative drug testing method for those inmates who have a documented medical condition that would prohibit the use of urinalysis testing. Approval of the Commissioner or his designee is required prior to the use of any alternate drug testing method or instrument.
 10. Inmates are responsible for informing the collection staff if they are taking any medication. The use of medically approved prescribed medication that would cause a positive test result shall be verified by the collection staff through the medical staff and recorded in the inmate's medical file.
 11. Any inmate found attempting to alter, contaminate, or adulterate the sample in any way shall be cited with a disciplinary report.

C. Testing Procedures:

1. Collection staff shall exercise universal precautions (gloves) when handling urine specimens.
2. Each specimen collected for urinalysis testing shall be tested at the institution by trained staff designated by the Warden, using kits designed for on-site testing. Prior to using test kits, expiration dates will be checked. Test kits will not be used beyond their expiration dates. When a full laboratory screen is being done, a field test is not required.
3. All positive urine specimens shall be forwarded to the clinical laboratory for analysis and confirmation through gas chromatography/mass spectrometry (GC/MS).
4. Specimens collected for alcohol testing shall be collected and tested at the institution by trained staff designated by the Warden, using field testing equipment designed for the detection of alcohol.
5. Collection staff shall immediately dispose of negative specimen and containers after testing has been completed according to the following procedures:
 - a. Urine is to be emptied in toilet receptacle.

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- b. Plastic specimen containers will be disposed of in a lined trash receptacle or a trash bag. The trash receptacle shall have a lid cover for cleanliness and hygiene.
 - c. Trash bags containing drug testing specimen collection cups shall be tied securely and left in a trash receptacle for disposal.
 - d. The collection area shall be cleaned thoroughly when all testing is complete.
 - e. The collection staff shall wash their hands with soap and water after handling urine specimens.
 - f. Specimen containers will not be reused for another urine sample.
6. The testing of urine specimens at the institution by a field test kit is done solely as a means of minimizing the cost of unnecessary laboratory testing, and the failure to conduct a field test at the institution in and of itself does not require the dismissal of a disciplinary report resulting from a positive laboratory test.
 7. Alternative drug testing procedures shall be conducted in accordance with manufacturer's training manual instructions. A user's manual shall be available at each institution (when applicable).

D. Chain of Custody:

1. All specimens forwarded to the clinical laboratory for drug testing and confirmation shall be submitted in accordance with procedures recommended by the laboratory. A chain of custody form, as provided by the clinical laboratory, shall be completed on specimens forwarded to the clinical laboratory.
2. The collection staff shall ensure that all shaded areas on the chain of custody form are completed in accordance with the clinical laboratory's specifications.
3. When the sample is collected, the staff member(s) who receives the specimen from the inmate shall be responsible for:
 - a. Sealing the specimen collection container.
 - b. Placing the primary tamper seal label with barcode across the top of the specimen collection container. The label must match the barcode on the chain of custody form.
 - c. Placing the specimen container in the specimen collection bag.
 - d. Sealing the specimen collection bag with the secondary tamper seal.
 - e. Completing the chain of custody form.

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4. The collection staff shall seal the specimen container under observation of the inmate. The inmate shall sign the laboratory chain of custody form and initial the specimen tamper seals, along with the staff member. If an inmate refuses to sign the chain of custody form or initial the specimen tamper seal, he/she shall be charged with "Refusing Drug Screen".
5. The collection staff member shall transport the sealed specimen to the specimen holding area.
6. The number of staff handling the specimen shall be kept to the minimum to maintain the integrity of what may become evidence in a disciplinary proceeding. A log book shall be kept in the vicinity of the refrigerator/freezer, and each person who accesses it shall note his/her name, rank, date, time, and reason for access.
7. Specimens shall be stored in a secured location until such time as it is turned over to the appropriate lab personnel for testing.
8. Test specimens and test kits shall be secured with a lock when the test area is not in use.
9. Specimens shall be transported to the laboratory within 72 hours of collection (or other time period acceptable by the clinical laboratory). When specimens cannot be transported within 24 hours, they shall be frozen and placed in a locked freezer until they can be transported to the laboratory.
10. The clinical laboratory shall retain, freeze, and place all positive specimens in a properly secured long-term storage for a period of 12 months. Specimens shall be destroyed by the clinical laboratory in accordance with Substance Abuse Mental Health Services Administration (SAMHSA) standards.
11. Urine specimens forwarded to the laboratory shall be rejected and therefore cannot be analyzed if any of the following procedural errors are identified:
 - a. Specimen container seal is broken/tampered.
 - b. There is less than 20 ml of specimen.
 - c. The primary tamper seal is missing.
 - d. Specimen identification number on specimen container and chain of custody form do not match.
 - e. Specimen shows obvious adulteration (color, odor, foreign objects, etc.).
12. When the specimen is rejected, the clinical laboratory shall notify the submitting location with the reason for the rejection, in writing.
13. Alternative drug testing kits forwarded to the laboratory for analysis shall comply with the following:
 - a. Must be accompanied by a chain of custody form.

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- b. Must be placed in a specimen bag and sealed.
- c. A barcode label from the chain of custody form must be fixed to the specimen bag and the label must match the barcode labels on the chain of custody form.
- d. The security seal from the chain of custody form must be fixed to the specimen bag.

E. Reporting of Results:

1. A drug screen profile of each test sample submitted to the clinical laboratory for analysis shall be prepared by the clinical laboratory, indicating either positive or negative results, and returned to the designated institutional contact. The laboratory profile shall contain the following information:
 - a. Name and Address of Clinical Laboratory
 - b. Account Number
 - c. Specimen/Donor Identification Number
 - d. Name of Receiving Institution
 - e. Name of Institutional Contact
 - f. Collection Date
 - g. Test Methods by Drug Class and Detection Levels
 - h. Profile Results by Class and Confirmation Detection Levels
 - i. Name of Certifying Authority
 - j. Date of certification

Failure to include any of the information listed above does not automatically negate a “positive” drug screen.
2. All drug screen profiles shall expressly state that positive results are reported only after confirmation by Gas Chromatography/Mass Spectrometry.
3. The institutional drug testing coordinator shall maintain a copy of all positive confirmation test results and a copy of the chain of custody form from the laboratory in a confidential file, which will be stored in a locked cabinet behind a locked door at all times when unattended.
4. The results of each clinical laboratory examination shall be final and shall be grounds for disciplinary action in instances of positive reports.
5. Disciplinary action shall be handled in accordance with Policy #502.01.
6. The Warden/designee shall notify the Board of Parole and institutional parole officer (IPO), through TOMIS, of inmates that test positive for drug/alcohol use when the inmate has a pending parole hearing, has had a hearing and a parole decision is pending, or parole has been granted. The drug testing coordinator shall forward copies of all drug testing supporting documentation, including laboratory test results, to the IPO.

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7. Drug test results (positive or negative) from Substance Use Treatment Programs shall be considered confidential and not entered on LIBS screen on TOMIS. The drug test results of inmates who are assigned to a substance use treatment program shall be placed in the inmate's program file and if the result is positive, appropriate sanctions will be taken through the program as outlined in Section VI(A)(7)(c)(5). The negative drug test results of all other inmate drug testing shall be entered on TOMIS and are not required to be placed in the inmate's institutional record. The positive drug test results of all other inmate drug testing shall be entered on TOMIS and placed in the IIR along with the disciplinary.
8. Participation in a substance use treatment program does not exclude an inmate from being selected for or participating in any Facility Drug Screen, which will follow all standard drug testing procedures, regardless of program participation.

F. Staff Training:

1. All staff involved in the collection, documenting, transport, or other handling of urine specimens shall receive training on inmate drug testing procedures and sanctions. Documentation of staff training will be placed in staff's training files.
2. The drug testing coordinator shall be responsible for training staff involved in specimen collection and chain of custody procedures.
3. Each institution shall designate and train a staff member to serve as back up for the drug testing coordinator in his/her absence.

G. Sanctions:

1. In all instances where an inmate is convicted of the charges of Drugs - Possession (DPO), Drugs -Selling (DRS), Positive Drug Screen (PDR), Drug Paraphernalia (DRP), Refusal of/or Attempt to Alter Test (RAA), Intoxicants-Possession (IPO), Intoxicants-Use (IUS), Intoxicants-Selling (ISE), Inhalants (INH), or Conspiracy to Violate State Law (CVS) (when related to alcohol or drug related charges), or the inmate is in possession of or has ingested any controlled drug not specifically prescribed, see Policy #502.02 for appropriate disciplinary action.
2. Inmates who refuse to provide a specimen, attempt to adulterate, or alter a drug screen shall be charged in accordance with Policy #502.02 and the inmate shall be assessed a fee of \$25. Visitation privileges shall be suspended in accordance with Policy #502.02 and inmates shall submit to mandatory monthly drug testing for a period of three consecutive months.
3. Inmates with a positive confirmation test or overdose as determined by a medical provider, shall be required to:
 - a. Incur the cost of the confirmation for each drug charged for confirmation (i.e., if an inmate has two separate drug classes confirmed on the same test, they will be charged for two costs of confirmation). Inmates will incur the cost of any ambulance or hospital services due to the use of illegal substance, unidentifiable intoxicants, or inhalants that resulted in health associated risk of an overdose.

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- b. Visitation privileges shall be suspended in accordance with Policy #502.02.
 - c. Inmates shall also submit to mandatory monthly drug testing for a period of three consecutive months, which will start no sooner than 45 days following the initial positive confirmation.
 - d. Should mandatory follow up testing result in an additional positive test, subsequent mandatory follow up testing will run concurrently with any previous requirements and will not exceed three months.
4. In addition to #1 through #3 above and in addition to any other sanctions imposed by Policies #502.01, #502.02, and #507.02, the following escalating sanctions for convictions on drug related charges may be imposed:
- a. First Offense: Referral to institutional substance use treatment program where resources permit.
 - b. Second Offense (within 18 months of first offense): All sanctions for the second offense shall run concurrently to any similar sanction for the first offense.
 - (1) Mandatory monthly drug testing for a period of six months
 - (2) Loss of audio/visual equipment for six months
 - (3) Termination from treatment program if applicable.
 - c. Third and Subsequent Offenses (within 24 months of the first offense): All sanctions for the third or subsequent offenses shall run concurrently to any similar sanction for the second offense.
 - (1) Mandatory monthly drug testing for nine months
 - (2) Loss of audio/visual equipment for 12 months
5. The Warden has the discretion to cancel an inmate's suspended visitation restrictions and reinstate visitation privileges or any other imposed sanction provided the inmate has met all of the following conditions:
- a. Completed a written request to the Warden for reinstatement of privileges
 - b. Enrolled and is actively participating in the recommended substance use treatment program. (First offense only)
 - c. Submitted to monthly urinalysis testing.
 - d. No positive urinalysis tests during the last three months.
6. Any inmate that tests positive on a drug screen who has been approved for parole shall be referred to the institutional parole officer. The names of inmates that test positive on a drug screen that have a pending parole hearing or decision shall be referred to the institutional parole officer for review.

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7. The Board of Parole, at its discretion, may deny or rescind, if known or anticipated, the release of any inmate who tests positive for drug use.

H. Investigation and Reports:

1. Each institution shall submit to the Director of Behavioral Health Services or designee a monthly summary of all substance use testing and interdiction activities. This report shall be due in central office no later than the tenth working day of the month, unless otherwise instructed by the Director of Behavioral Health Services or designee. The report shall include the following information:
 - a. Number of inmates drug tested during the month (by test type)
 - b. Number and type of disciplinary sanctions imposed for positive drug screen
 - c. Number and type of treatment program sanctions imposed for positive drug screen
2. All positive drug or alcohol tests of inmates not assigned to a substance use treatment program shall be entered on TOMIS conversation LIBS and shall cause an inquiry to be conducted by designated institutional staff to determine how the drugs/alcohol were introduced into the institution. The Warden may request assistance from the Director of the Office of Investigations and Compliance (OIC).
3. In addition to drug testing inmates, the Warden may employ other drug detection methods to enforce the Department's zero drug tolerance policy. Other drug detection methods shall include, but not be limited to:
 - a. Random and routine searches of inmates, employees, visitors, Department facilities, inmate housing units, visitors' and employees' vehicles, inmate property, and inmate mail. (See Policy #506.06)
 - b. Monitoring inmate telephone calls
 - c. Employee orientation and training regarding the presence and use of drugs in the workplace
 - d. Where available, the use of narcotic detection canines
4. The Director of Behavioral Health Services or designee shall compile, on a quarterly basis, a summary of the program-related drug testing. This summary report shall be submitted to the Assistant Commissioner of Rehabilitative Services. The Assistant Commissioner of Rehabilitative Services shall review and forward the information to the Deputy Commissioner of Operational Support.

VII. ACA STANDARDS: 4-4437.

VIII. EXPIRATION DATE: January 1, 2019.



**TENNESSEE DEPARTMENT OF CORRECTION
DRUG SCREEN CONSENT/REFUSAL**

Name: _____ **TDOC Number:** _____

Date of Birth: _____ **Facility:** _____

I _____, Number: _____, hereby Consent / or Refuse to allow a blood sample, urine specimen to be drawn/collected for the purpose of alcohol or drug screening.

I understand that this is the only opportunity I will be granted for blood to be drawn or urine to be collected prior to possible disciplinary proceedings. I further understand that, if I refuse, this refusal will be considered in the disciplinary proceedings.

Inmate Signature

Date

Witness Signature

Date

	<u>Positive</u>	<u>Negative</u>	<u>N/A</u>		<u>Positive</u>	<u>Negative</u>	<u>N/A</u>
AMP	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	BZO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
OPI	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	COC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
OXY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	MTD	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
THC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	PCP	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BAR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	K2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BUP	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	ALC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
mAMP	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other: _____			

- Disciplinary Board Ordered _____
- Inmate Involve in Altercation _____
- Pre-Parole Hearing _____
- Program Testing (Non-Substance Abuse) _____
- Random List _____
- Reasonable Suspicion _____
- Within 30-Day Release _____
- Other Reason, please specify: _____
- Temperature: _____
- Start Time: _____
- End Time: _____



TENNESSEE DEPARTMENT OF CORRECTION
DRUG SCREEN CONSENT/REFUSAL
SUBSTANCE USE TREATMENT/DO NOT PUT ON TOMIS

Name: _____ **TDOC Number:** _____

Date of Birth: _____ **Facility:** _____

I _____, Number: _____, hereby Consent / or Refuse to allow a blood sample, urine specimen to be drawn/collected for the purpose of alcohol or drug screening.

I understand that this is the only opportunity I will be granted for blood to be drawn or urine to be collected prior to possible disciplinary proceedings. I further understand that, if I refuse, this refusal will be considered in the disciplinary proceedings.

Inmate Signature

Date

Witness Signature

Date

	<u>Positive</u>	<u>Negative</u>	<u>N/A</u>		<u>Positive</u>	<u>Negative</u>	<u>N/A</u>
AMP	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	BZO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
OPI	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	COC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
OXY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	MTD	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
THC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	PCP	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BAR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	K2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BUP	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	ALC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
mAMP	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other: _____			

- Disciplinary Board Ordered _____
- Inmate Involve in Altercation _____
- Pre-Parole Hearing _____
- Program Testing (Non-Substance Abuse) _____
- Random List _____
- Reasonable Suspicion _____
- Within 30-Day Release _____
- Other Reason, please specify: _____
- Temperature: _____ Initial _____
- Start Time: _____ Random _____
- End Time: _____ Exit _____

TO BE PLACED IN THE INMATES TREATMENT FILE



ADMINISTRATIVE POLICIES
AND PROCEDURES
State of Tennessee
Department of Correction

Index #: 507.02

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Effective Date: November 15, 2017

Distribution: B

Supersedes: 507.02 (9/1/14)

PCN 16-19 (9/1/16)

PCN 16-14 (8/15/16)

Approved by: Tony Parker

Subject: INMATE MAIL

- I. AUTHORITY: TCA 4-3-603 and TCA 4-3-606.
- II. PURPOSE: To establish the procedures governing collection, distribution, and inspection of mail in an institutional mail room, and the sending and receiving of inmate mail.
- III. APPLICATION: Assistant Commissioner of Prisons, Tennessee Department of Correction (TDOC) employees, privately managed facilities, and inmates.
- IV. DEFINITIONS:
 - A. Bulk Rate Mail: Mail, correspondence, or printed material that is not marked first or second class.
 - B. Cassette Tapes: Audio or video magnetic/recording tape devices used to record voice or video transmissions contained in transparent plastic containers commonly used in audio and video cassette recorders.
 - C. Censorship: The entire withholding or deletion of parts of inmate correspondence.
 - D. Commercially Packaged Foodstuffs: Canned or packaged consumable goods which are clearly the product of a bona fide manufacturer, and are not made, produced, or packaged at a home. The original decals and labels on such goods shall not have been tampered with, nor shall the package/container have been previously opened or unsealed.
 - E. Contraband: Any item which is not permitted by law or which is either prohibited or not specifically authorized by TDOC or institutional policy.
 - F. Correspondence: Written communication to or from inmates (e.g., letters, post cards, greeting cards) that is delivered by a postal service.
 - G. E-Mail: An electronic transfer of messages from a sending party to a receiving party via an intermediate telecommunication system through a device approved by TDOC.
 - H. Features: Containing depictions of nudity or sexually explicit conduct on a routine or regular basis or promotes itself based upon such depictions in the case of individual one-time issues. Publications containing nudity illustrative of medical, educational, or anthropological content may be excluded from this definition.
 - I. Government Officials: Any person holding an elected or appointed position at the city, county, state, or federal level.
 - J. Inmate Personal Property: The items and amounts of clothing, equipment, mail, or supplies which an inmate is allowed to have in his/her immediate possession.

Subject: INMATE MAIL

- K. Mail: Correspondence, printed or other material (including pictures or packages) and the contents of envelopes and packages sent to or from inmates by means of a postal service or such items sent or received in conjunction with official business of staff.
- L. Mail Clerk: Staff assigned to the institutional mail room.
- M. Nudity: Any depictions where genitalia or female breasts are exposed. Publications containing nudity illustrative of medical, educational, or anthropological content may be excluded from this definition.
- N. Printed Materials: Books, publications, magazines, newspapers, periodicals, circulars, catalogues, or clippings which are portions of same, delivered by a postal service.
- O. Privileged Mail: Correspondence clearly addressed to or from attorneys; law students on behalf of attorneys; courts; court clerks; legal aid clinics; or law schools operating such clinics; recognized legal defense funds; and governmental officials or agencies, including the Tennessee Claims Commission, provided such correspondence bears the appropriate name and title of the sender/receiver.
- P. Reasonable Suspicion: Rational inferences which a reasonably prudent person could make from specific objective facts.
- Q. Restrictive Housing: The purposeful separation of inmates from the general inmate population in confinement or housing where measures are taken to provide maximum security and/or to control their circumstances or circumscribe their freedom. This general status is for either punitive or administrative reasons, and is subject to inmates remaining in their cells up to 22 hours each day.
- R. Security Threat Group (STG): Group of individuals possessing common characteristics which serve to distinguish them from other groups who have been determined to be acting in concert so as to pose a threat or potential threat to staff, other inmates, the institution, or the community.
- S. Sexually Explicit: Any depictions of actual or simulated sexual acts including sexual intercourse, oral sex, or masturbation, or material which promotes itself based upon such depictions on a routine or regular basis or in individual one-time issues.
- V. POLICY: Each institution shall maintain a mail room for the sending, receipt, and distribution of staff and inmate mail. Inmates may exchange mail, other than packages, with any person and in any language, including braille, and e-mail where applicable, provided that it does not jeopardize the safety, security, or operation of the institution or the safety of persons within or outside the institution.
- VI. PROCEDURES:
- A. Each institution shall designate a mail room.

Subject: INMATE MAIL

- B. All mail addressed to inmates shall be delivered to the mail room, and all outgoing mail shall be collected at and posted from the mail room. Excluding weekends and holidays, correspondence shall be delivered to inmates within 24 hours of receipt. All incoming mail, excluding privileged mail, will be opened and inspected for contraband and may read by staff. Approved packages should be delivered within 48 hours, excluding weekend and holidays, to the inmate.
1. Designated staff should collect outgoing mail at least once each regular working day from all locked mail boxes. Such boxes are to be located in areas designated by the Warden/Superintendent and be accessible to all inmates.
 2. Disposition of mail and packages addressed to transferred, paroled/discharged, and deceased inmates will be as follows:
 - a. Mail addressed to inmates who have been transferred to another facility within the TDOC will be forwarded to that institution. Mail addressed to deceased inmates will be returned to the sender. Mail addressed to inmates who have been discharged or paroled will be forwarded to the address provided by the inmate prior to release. The address should be available from the offender management system (OMS) (LPDF or LCLA). All mail that meets the above-mentioned criteria shall be forwarded within 48 hours, excluding holidays and weekends.
 - b. Packages addressed to inmates who have been transferred to another facility will be sent to that inmate by the Central Transportation System (chain bus) within five working days. Packages addressed to inmates who have paroled or discharged will be held at the facility for a period of 30 days. A letter will be sent to the inmate informing them of the receipt of the package and that they have 30 days to retrieve the package or make arrangements for shipment to his/her address. Packages addressed to deceased inmates will be held in the property room for 30 days and the next of kin notified to make arrangements to retrieve the package. If the 30 day time period has elapsed and all attempts to notify next of kin have not been successful, the property will be disposed of in accordance with Policy #504.02, Inmate Personal Property Accounting System.
 - c. Inmates who are in the temporary custody of a local jurisdiction may request, in writing, that their mail be retained in the mail room for a maximum of 30 days. After 30 days, it will be mailed to the inmate.
 3. Mail shall be held, stored, and handled in a secure manner which is intended to prevent theft, tampering, delay, or other interference.
 4. A staff person shall deliver incoming mail to the inmate(s) to whom it is addressed. At no time shall mail be distributed by an inmate or be accessible to any inmate other than the addressee.
 5. Inmates shall not be allowed to use the state messenger mail service to send any mail.

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6. No correspondence, printed material, inmate personal property, or money may be hand delivered to inmates by visitors. The Warden/Superintendent or his/her designees may allow attorneys of record to hand deliver privileged mail directly to the inmate, subject to examination for contraband.
7. All staff mail received at an institution shall be checked for contraband by mail room staff utilizing the fluoroscope prior to release from the mail room to the intended recipient.
8. Approved emails received through the contract vendor shall be released to the inmate within two business days of receipt.

C. Incoming mail shall be handled as follows:

1. Incoming privileged mail shall be opened only by a staff member in the presence of the inmate addressee in order to examine the contents for contraband, and then documented. Any mail which has papers which are bound together by metal clips shall be disassembled by removing the metal clip. The staff members shall not read the privileged mail or listen to legal tapes unless the Warden/Superintendent has, on the basis of reasonable suspicion, determined that privileged mail or tapes may contain information relating to criminal activity. The privileged mail/tape may be read or listened to outside the presence of the inmate if doing so is necessary to avoid compromising an on-going criminal investigation. A bound ledger shall be maintained by mail room staff that lists each of privileged mail received/sent, the date inspected and delivered, and recipient's signature. Mail relating to the implementation of Policy #511.05, Tennessee Offender Driver's License and State Identification Only License, is not considered privileged mail.
2. All incoming inmate privileged mail, staff mail, and packages shall be fluoroscoped for contraband prior to leaving the mail room.
3. Incoming mail may be determined to be a threat to the security of the institution and returned to the sender if, in the opinion of the Warden/Superintendent, it could reasonably be considered to:
 - a. Be an attempt to incite violence based on race, religion, sex, creed, or nationality.
 - b. Advocate, facilitate, or otherwise present a risk of lawlessness, violence, anarchy, or rebellion against government authority, prison staff, and/or other inmates.
 - c. Be an attempt to incite disobedience toward law enforcement officials or prison staff.
 - d. Be an attempt to give instructions for the manufacturing or use of intoxicants, weapons, explosives, drugs, drug paraphernalia, other unlawful articles or substances, or any other items deemed as contraband.
 - e. Contain plans to escape, unauthorized entry into the institution, or information or maps which might aid an escape attempt.

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- f. Contain information relating to security threat group activity or use of codes and/or symbols associated with security threat groups.
 - g. Sexually explicit material or material which features nudity which by its nature or content poses a threat to the security, good order, or discipline of the institution, or facilitates criminal activity.
 4. Incoming correspondence may include only photographs (no Polaroid-type pictures allowed) and clippings from printed materials. No personal checks, certified checks, money orders, or cash will be accepted.
 5. Printed materials may be received by inmates in an unlimited amount, provided they are mailed directly from the publisher(s) or recognized commercial distributor. Persons ordering printed materials for inmates should be careful to accurately identify the seller. Some materials offered on the website of recognized commercial distributors are listed for sale by third-party sellers, and when purchased will be mailed from the third-party seller who is not a recognized commercial distributor.
- D. Books, magazines, and newspapers received directly from the publisher or a recognized distributor are assumed to have been purchased; therefore, when sent into the institution as bulk rate mail, these items will be accepted unless the printed material is denied by the Warden/Superintendent under the provisions outlined in Section VI.(C)(3) above. These items will not be considered packages. All other bulk rate mail will not be processed by institutional mail room staff. Unauthorized items sent by bulk rate with guaranteed postage paid if returned shall be returned to the sender. Other undelivered bulk rate mail shall be destroyed. Inmates who want to receive other items that are normally sent bulk rate mail must prepay first or second class postage for the material to be delivered by TDOC staff.
- E. Video cassette tapes, microcassettes, compact discs (CDs), and digital video discs (DVDs) are not permitted.
- F. Audio cassette tapes may be received in accordance with Policy #504.01, Inmate Personal Property, and under the following circumstances:
 1. Inmates with a disability or other condition that prevents the inmate from being able to engage in written correspondence may receive communication tapes. Special approval is required by the Warden/Superintendent via the inmate's counselor.
 2. Religious/educational tapes may be received from recognized religious groups. (See Policy #118.01)
 3. Inmates participating in an approved educational correspondence course may receive audio cassette tapes mailed directly from the educational facility providing the course. (See Policy #117.02)
 4. Legal tapes, CDs, and DVDs may be received from attorneys of record.
 5. Musical tapes may not be received.

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- G. All incoming mail must bear the inmate's committed name, TDOC identification number, and the correct institutional address of the inmate recipient. Aliases may be included when such have been legally changed through the court. Exception to the TDOC identification number requirement is allowed for incoming Form 1099s, which are issued by the federal government to indicate the inmate's earned wages. In this instance, the inmate's Social Security number has been indicated and will serve as proper identification. Every effort shall be made to deliver inmate mail; however, when neither the correct identity of the inmate recipient nor the sender can be determined, the mail/package in question shall be returned to the USPS as "undeliverable mail". Incoming mail that has been opened must be resealed and returned with postage paid by the facility.
1. Inmates may correspond with others who are incarcerated. Inmates will not be permitted to enclose stamps in correspondence to other inmates.
 2. Inmates in segregation or restrictive housing may write and receive letters on the same basis as inmates in the general population.
- H. Packages may only be received by an inmate directly from the approved contract vendor. Individuals on the inmate's approved visitor list may also purchase items or packages from the approved contract vendor according to the guidelines below and according to Policy #504.01. All items ordered must meet the specifications listed on the Inmate Personal Property List, i.e., clear plastic TV, etc.
1. The number of packages which an inmate may receive is determined by the inmate's custody designation.
 - a. Inmates classified as maximum or close custody may receive no more than one package every six months. The Commissioner will designate the number of package(s) allowed in December. Wardens/Superintendents may designate months to level work load of staff.
 - b. Inmates classified as medium or minimum custody may receive no more than one package every three months. The Commissioner will designate the number of package(s) allowed in December.
 - c. Inmates that are still confined to a diagnostic center in excess of ninety days and are awaiting transfer shall be allowed to order an approved package containing only a television, socks, and underwear, provided they are otherwise eligible to receive packages. Newly committed inmates may order grooming and toilet articles (Items 22 - 31 of the Inmate Personal Property Memo) at the discretion of the Warden/Superintendent.
 2. Printed materials, or approved arts and crafts material which are not otherwise prohibited, shall not count against the maximum number of packages per month permitted to be received.
 3. Inmates convicted of a disciplinary offense, excluding verbal warnings, shall not be eligible to receive any packages, except for clothing items (#1-#10) which are listed on the personal property memorandum during the number of consecutive months listed below:

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Class C disciplinary – six months restriction

Class B disciplinary – nine months restriction

Class A disciplinary – 12 months restriction

4. The disciplinary committee may impose the following escalating sanctions for all convictions on cellular telephone or drug related charges:

First Offense - no packages for six consecutive months

Second Offense (within 18 months of first offense) - no packages for nine consecutive months

Subsequent Offenses (within 24 months of second offense) - no packages for 12 consecutive months

Inmates that are assigned to a substance abuse treatment program who test positive shall also be subject to these escalating sanctions

- I. The content of packages received shall be subject to the following limitations:
1. Items, excluding shower shoes, brushes, and combs, which are the same as or similar to items available through the institutional commissary may not be received from the vendor.
 2. Clothing, equipment, and supplies permitted by policy will be acceptable subject to restrictions and provisions.
 3. Personal property packages received from the approved contract vendor will be subject to the imposed package limit.
- J. All incoming packages delivered by postal services shall be received in the mail room. They shall be checked and recorded by appropriate staff. Institutions with a security designation of Level II or higher shall fluoroscope all packages for contraband prior to entry into the compound. Packages exceeding two feet in height and two feet in length by one to one and one half (1 - 1½) feet in width will not be accepted unless specifically approved by the Warden/Superintendent. Packages shall be opened by mail clerks or property room staff only in the presence of the inmate addressee. A physical barrier should separate staff from the inmate when packages are opened for inspection.
1. Packages for segregated inmates should be delivered within 48 hours, excluding weekends and holidays, of receipt at the institution. At such time, the package should be opened in the inmate's presence by appropriate staff.
 2. All other inmates should be called to a designated area within 48 hours, excluding weekends and holidays, of the package's delivery to the institution. At such time, the package should be opened in the inmate's presence by appropriate staff.
 3. Packages not accepted will be disposed of in accordance with the policy governing inmate personal property. (See Policy #504.02)

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K. Outgoing Mail:

1. Inmates shall be responsible for the contents of their outgoing mail. Correspondence should not contain any threats to the institution, staff, victims, victim families, inmates, or the public, or contain offensive material/items, language, photographs, or drawings. Coded mail shall not be allowed. All outgoing mail must bear the committed name, TDOC identification number, and the institutional address of the sender. Inmates may include an alias when the name has been legally changed through the court.
2. Indigent inmates assigned to diagnostic centers may be provided with a maximum of four postage stamps. All other indigent inmates may receive two postage stamps per pay period through the Chaplain's office, upon written request.
3. Except as otherwise provided herein, when the inmate bears the cost of mailing, there is no limit to the number of letters the inmate can send or receive, or to the length, language, or content of mail. First class postage for outgoing legal mail shall be provided by the institution only for mail being sent by indigent inmates to the attorney, court, or offices involved in the inmates legal matter. Indigent inmates assigned to reception centers may be provided with a maximum of four postage stamps prior to the inmate receiving funds as defined in Policy #112.08.
4. Outgoing privileged mail shall have the envelope date stamped immediately upon its receipt by a designated employee, who will also make an entry in the log for privileged mail. The mail must be identified as privileged by the inmate, who may write "privileged" on the front of the envelope or who may inform the mail room staff. This requirement shall apply for all inmates, including those in segregation or protective custody status.
5. After the envelope has been date stamped, it shall not be returned to the inmate under any circumstances. The inmate will be notified when an envelope does not have the required amount of postage. The inmate will have two working days to provide the additional postage. The envelope will not be returned to the inmate. Remaining envelopes with insufficient funds will be disposed of after three working days.
6. Outgoing mail, excluding privileged mail, shall be opened for examination upon an order of the Warden/Superintendent when reasonable suspicion exists that the security, order, or programs of the institution are threatened or that it contains information relating to criminal activity. The inmate sender shall be present whenever outgoing mail is opened, unless the mail is being opened as part of an ongoing criminal investigation and so doing would compromise the investigation. All requests to open outgoing mail as part of a criminal investigation, whether the request is made by another agency or the TDOC, shall be approved by the Director of the Office of Investigations and Compliance (OIC), who will maintain documentation of the requestor, the nature of the investigation, a case number (if applicable), a begin date, and an end date. Should the investigation require that the mail be opened for a period that extends beyond 30 days, a new request must be submitted.

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7. Privileged mail may only be opened and/or read with the written permission of the Assistant Commissioner of Prisons/designee. A written request stating the reason for this action must be submitted by the Warden/Superintendent/designee to the Assistant Commissioner of Prisons/designee for approval. Excluding weekends and holidays, approval must be obtained within 24 hours of the mailrooms receipt of the outgoing correspondence.
 8. The Warden/Superintendent will have stamped on the back of each envelope "THE DEPARTMENT OF CORRECTION HAS NEITHER INSPECTED NOR CENSORED AND IS NOT RESPONSIBLE FOR THE CONTENTS".
- L. Mail rejected by the Warden will be handled as follows:
1. If the Warden/Superintendent determines that mail sent to an inmate could reasonably present a threat to the security, order, or programs of the institution, he/she shall notify both the inmate recipient and sender of his/her intent to reject the mail and return it to the sender, except bulk rate mail covered in Section VI.(D). This notice shall be in writing, dated, and include:
 - a. The name and address of the sender
 - b. The name of the inmate recipient
 - c. The date the mail was received at the institution
 - d. The reason the Warden intends to reject the mail
 - e. A statement that either the recipient or sender may appeal this decision to the Assistant Commissioner of Prisons within 14 working days and that a failure to appeal will result in rejection of the mail and its return to the sender.
 - f. The name and address of the Assistant Commissioner of Prisons to whom an appeal may be sent.
 - g. Rejection notices regarding magazines or similar publications must contain information to identify the specific issues or items being rejected (example, picture on page 7 is pornographic; article on page 8 contains information on weapons manufacture, etc.).
 2. If the Warden/Superintendent orders the examination of outgoing mail, which will include, but not be limited to, privileged mail as set forth in Section (K)(6) and (7) above, an entry will be made in the ledger entitled "record of censored mail" as provided for in Section VI.(Q)(4)(a)(1-7), and the provisions outlined in (L)(1) (e-f) above will apply. The mail may be returned to the inmate or retained pending the resolution of a disciplinary report or a criminal investigation/hearing.
- M. If a timely appeal is received by the Assistant Commissioner of Prisons, he/she shall notify the Warden/Superintendent of the appeal, examine the mail in question, and consider the Warden/Superintendent's reasons for rejecting it. If the inmate elects to appeal the rejection, he/she shall send a copy of the appeal to the Warden/Superintendent at the time the original is sent to the Assistant Commissioner of Prisons.

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- N. If the Assistant Commissioner of Prisons agrees with the Warden/Superintendent's decision, he/she shall notify the Warden/Superintendent, sender, and inmate recipient, in writing, and the mail shall be returned to the sender. If the Assistant Commissioner of Prisons determines that the mail should not be rejected, he/she shall notify the Warden/Superintendent, sender, and inmate recipient, in writing, and the mail shall be delivered to the inmate. The Assistant Commissioner of Prisons should make his/her decision within 14 days of receipt of the appeal.
- O. Rejected mail may not be returned to the sender until either the time to appeal the Warden/Superintendent's decision has expired or the Assistant Commissioner of Prisons has upheld the Warden/Superintendent's decision.
- P. Contraband which is discovered in mail shall be handled as follows:
1. Cash Monies
 - a. Cash monies, checks and money orders shall be returned to the sender by certified mail, with an explanatory letter, at the expense of the institution.
 - b. Cash monies which were obviously hidden in the mail or property shall be deposited to the general fund. (See Policy #208.06) In those cases, a detailed description and photograph of the method used to conceal the money shall be made, and an explanatory letter will be provided to the sender and inmate involved.
 2. Items which appear to be in violation of law or policy may be held for evidentiary purposes.
 3. Disposition of information obtained from censored mail, both incoming and outgoing, shall be the responsibility of the Warden/Superintendent.
 4. With the exception of cash monies, and illegal items, mail shall be marked "Refused" and "Return to Sender" if it is:
 - a. A package the inmate is ineligible to receive
 - b. Refused delivery on the basis of content by authority of the Warden.
 5. All property items that are clearly prohibited or not specifically permitted by policy, but are not otherwise illegal, may be marked "Refused - Return to Sender" or disposed of in accordance with the policy governing inmate personal property. (See Policy #504.01)
 6. In all instances, the intended inmate recipient shall be notified, in writing, of the refusal, return, and/or disposition of such items.
 7. For items identified in Section VI.(O), the notice shall indicate why the items are prohibited and that the inmate has 14 days to request an opinion from the Assistant Commissioner of Prisons that the item(s) in question is permitted by policy. The Assistant Commissioner of Prisons shall respond to such inquiries within 14 days of receipt.

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Q. Organization and Record Keeping

1. The mail room staff is responsible for the receipt and distribution of all incoming mail, and for the sending of all outgoing mail, including that received and sent by state messenger service.
 - a. Secure depositories for outgoing mail shall be maintained.
 - b. Inmates or unauthorized staff shall never be permitted access to the mail, the mail room, or mail depositories.

2. Rubber stamps shall be maintained to mark:
 - a. The date and time when each item of mail was received.
 - b. "REFUSED"; "REFUSED DUE TO CONTENT"; "RETURN TO SENDER"; each with a signature line for the mail clerk.

3. A system of index cards shall be maintained for each inmate who is in the total assigned population of the institution:
 - a. The format shall be:

Custody

NAME: _____ TDOC# _____ Level : _____
 (inmate)

Record of Packages Received

Date	Name of Sender	Signature of Employee
_____	_____	_____
_____	_____	_____
_____	_____	_____
 - b. When a card is completely filled in or an inmate is transferred or released, the card shall be removed from the file and forwarded to the property room for inclusion with the inmate's property room documents.

4. A permanently bound ledger(s) titled "RECORD OF CENSORED MAIL" shall be maintained and shall contain the following entries:
 - a. Regarding mail which the Warden/Superintendent ordered to be read:
 - (1) Inmate name and TDOC number
 - (2) Name and address of sender/addressee
 - (3) Description of the item
 - (4) Date the item was received by the mail room
 - (5) Date the item was read

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- (6) Signature of staff who read the item
- (7) Approving signature of Warden/Superintendent
- b. Regarding mail or items removed from the mail, other than prohibited bulk rate mail:
 - (1) Inmate name and TDOC number
 - (2) Name and address of sender/addressee
 - (3) Description of the item
 - (4) Date the item was received by the mail room
 - (5) Date the item was removed from the mail
 - (6) Disposition of the item (i.e. returned to sender; to property room; to Warden as illegal contraband, etc.)
 - (7) Signature of mail clerk
 - (8) Signature of Warden/Superintendent, if applicable regarding illegal contraband
- 5. The following forms and letters shall be utilized as specified:
 - a. A form letter on institutional letterhead with CR-2782 will be completed and mailed to senders of cash monies. The cash shall be enclosed and returned. A copy shall be sent to the inmate addressee and a copy shall be filed in the mail room.
 - b. Personal Property Notification, CR-1415, will be completed and given to an inmate indicating the removal of contraband items from mail, and specifying the disposition which has been or is to be made. A copy shall be filed in the mail room.
 - c. A supply of rules governing inmate receipt and sending of mail shall be copied onto institutional letterhead, dated as revised, and kept in sufficient supply to ensure that any inmate requesting a copy will receive one. Inmates shall be encouraged to send this to correspondents.
- 6. A bound ledger shall be maintained to record the following:
 - a. Privileged mail sent or received
 - b. Certified or registered mail sent and/or received
- R. Receiving Mail: Inmates not personally known by staff who receive mail or who sign receipts for mail shall be required to present an institutional identification card.

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- VII. ACA STANDARDS: 4-4274, 4-4275, and 4-4487 through 4-4496, 4CRS-6A-01, 4-ACRS-6A-06, 4-ACRS-6A08, and 4-ACRS-6A-09.
- VIII. EXPIRATION DATE: November 15, 2020.

(INSTITUTION LETTERHEAD)

MEMORANDUM

TO:

_____ (Inmate Name / TDOC Number)

_____ (Name of Sender)

_____ (Sender's Address)

FROM:

Mailroom Clerk

DATE:

SUBJECT:

Monies

The enclosed money was found in mail addressed to inmate:

Name: _____ TDOC# _____

By Department of Correction Policy #507.02, No monies in any form may be accepted. (cash, checks or money orders) Any monies found in the mail or property shall be returned to the sender.

Sincerely,

Mailroom Clerk

_____ Institution

Enclosure:

Green Money \$ _____ Amount

Money Order / Check \$ _____ Amount

Money Order / Check Number _____

Date Mailed Out: _____



ADMINISTRATIVE POLICIES
AND PROCEDURES
State of Tennessee
Department of Correction

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Effective Date: August 15, 2017

Distribution: B

Supersedes: 513.02 (9/27/16)

Approved by: Tony Parker

Subject: TRANSITION CENTER

- I. AUTHORITY: TCA 4-3-603 and TCA 4-3-606.
- II. PURPOSE: To establish a program that provides treatment and a structured release back into the community.
- III. APPLICATION: Assistant Commissioners, Superintendents (excluding Tennessee Correction Academy), Deputy Superintendents, Wardens, Associate Wardens, transition center staff, transition center residents, Tennessee Department of Correction (TDOC) employees and contract staff.
- IV. DEFINITIONS:
 - A. Census Check: This is an irregular check made by an officer to verify that all residents in his or her charge, or within the facility, are present.
 - B. Learning Experiences: A corrective action that is directly related to the inappropriate behavior in question, meant to redirect inappropriate behavior.
 - C. Offender Review Panel: Designated staff who review residents' disciplinary infractions and recommend disciplinary sanctions to the Superintendent.
 - D. Resident: Inmates who are assigned to a TDOC transition center.
 - E. Resident Advisor: Inmates who are assigned to a transition center as mentors.
 - F. Sanctions: Consequences of non-paid duties given to offenders as a result of an infraction.
 - G. Swift, Certain, and Proportionate Sanctions: Sanctions that address non-compliance in a standardized method that measure officer oversight and monitors success statewide.
 - H. Transition Center (TC): A facility designed to assist in the transition of inmates from prison life back to community living which is guided by specific guidelines and expectations.
- V. POLICY: TDOC shall provide (within the limitations imposed by available resources) an opportunity for inmates to become residents of the transition center and participate in transition services which impact their reentry into the community.
- VI. PROCEDURES:
 - A. Transition Center Criteria
 1. Requirements:
 - a. The following will occur before an inmate is accepted into the transition center:

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- (1) The chief counselor from the sending institution will forward a list of potential inmates for placement into the transition center, utilizing the Resident Qualification Log, CR-4075, to the transition center chief counselor.
 - (2) The transition center chief counselor will initiate a Transition Center Placement, CR-4079, for inmates selected for the transition program. The completed Transition Center Placement, CR-4079, shall be forwarded to the sending institution's chief counselor.
 - (3) The sending institution will have the inmate sign the Transition Center Placement form accepting or declining placement into the program.
 - (4) The chief counselor of the sending institution will approve or deny the transition center placement, using transition center criteria and classification guidelines in Policy #404.07.
 - (5) Completed transition center placement forms, whether accepted or declined, shall be forwarded to the transition center chief counselor.
- b. Priority shall be given to inmates who will be residing, upon release, in surrounding counties of each TC. A list of each TCs applicable counties shall be maintained by the Assistant Commissioner of Rehabilitative Services in coordination with the Assistant Commissioner of Prisons.
- c. No Class A disciplinary offenses within the past year. Any Class B disciplinary offenses within the past year will be reviewed by the sending/receiving facilities for approval/disapproval.
- d. Inmates (other than resident advisors) must meet one of the following criteria:
- (1) Have received a Board of Parole (BOP) mandate to successfully complete a program offered at the TC and be annex eligible;
 - (2) Be within 24 months of the expiration of their sentence and annex eligible;
 - (3) Be within 24 months of their release eligibility date (not safety valve date) and annex eligible;
 - (4) Be within 9-12 months of their future action date and annex eligible
 - (5) Have a TAP-BIG recommendation to complete transition center programming and annex eligible.
- e. Sex offenders will not be assigned to the transition centers, regardless of custody classification.

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- f. Residents shall have Assignment of Responsibility, BIOD089, read to them before placement in any minimum direct or trustee status or program. Refusal to sign this form shall be noted on the form and witnessed by the staff member responsible. In accordance with TCA 40-28-123(B)(1), any inmate whose current conviction is the result of any felony (except escape) committed while on any minimum custody status that provides for supervised release programs into the community and/or furloughs, is prohibited from further participation in such community release programs during the remainder of the term of incarceration.
- g. Resident advisors at the transition center will serve as a resource for other residents; assist in encouraging the adherence to TDOC and TC rules and policies; and serve as examples and uphold professional and personal accountability. Requirements for resident advisors are as follows:
- (1) Must have documented recommendation from the sending Warden/designee
 - (2) Recommendation from current work supervisor
 - (3) Required to remain on the compound
 - (4) Must not have been terminated from a job assignment within the preceding year.
 - (5) Must be willing to serve as a positive role model
 - (6) After review of current health status, as completed by appropriate medical staff, inmate must have a Class A and B medical health evaluation and a mental health LOC of 2 and below.
 - (7) No Class A disciplinary offenses within the past year. Any Class B disciplinary offenses within the past year will be reviewed by the sending/receiving facilities for approval/disapproval.
 - (8) Must have a specified skill set and competency in area of assignment
 - (9) Must be annex eligible
 - (10) Shall not be assigned to any community service or work release detail.

2. Exclusions:

- a. Inmates who have been convicted of First Degree murder, as per Policy #404.07 or any other conviction resulting in a sentence of life.
- b. Inmates with active felony detainers, and/or pending felony charges
- c. Inmates pending deportation actions

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- d. Confirmed Security Threat Group (STG) members. The following exceptions will remain eligible: Those designated inactive or eligible by the Office of Investigation and Compliance (OIC).
 - e. No escape or attempted escape from medium or above secure custody (from behind fence, wall, armed escort, etc.) within the last ten years of incarceration, and no escape/abscond from minimum custody supervision (walk off, trustee, etc.) within the last five years of incarceration.
- B. Residents must be classified as trustee custody level (as outlined in Section C) to progress to Phase 3:
1. Inmates convicted of offenses designated as non-violent in the *Classification User's Guide, Appendix VI*. are eligible after being in TDOC custody for a minimum of three months. Offenders convicted of offenses designated as violent in the *Classification User's Guide, Appendix VI*. are eligible after being in TDOC custody for a minimum of twelve months.
 2. Inmates must have no felony detainers, pending felony charges, or pending immigration deportation actions. Misdemeanor detainers shall be evaluated for risk at the discretion of the Superintendent/designee.
 3. Inmates must have no disciplinary convictions for assaultive conduct that resulted in serious injury or the death of another individual or any other court prosecuted felony convictions for a violent offense during the past five years of incarceration.
- C. Program Design
1. The Transition Center Program will consist of three phases:
 - a. Phase 1 will include an assessment and orientation phase in which participants will begin intensive treatment. Any substance use treatment must be performed in accordance with the procedures outlined in Policy #513.07.
 - b. Phase 2 will be completed within six months of assignment and will focus on community service and employment readiness skills. Emphasis shall be placed on the types of identification that are required for employment/work release.
 - c. Phase 3 will address reentry employment and employment retention until the resident's release date. Residents shall leave daily for jobs, medical appointments, etc.
 2. Phase progression is approximately three to six months; however, each phase must be successfully completed based on the accomplishment of observable treatment goals, including completion of assignments, attendance at groups, and observable behavioral changes, before advancement to the next phase is granted. Phase progression will be evaluated every 30 days. Evaluation will be documented utilizing the Transition Center Evaluation, CR-4078. Contact note will be made in TOMIS noting phase progression.

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3. Transition Center Phase Assessments, CR-4076, should be completed every 90 days in each phase. The counselor will submit phase assessment forms and recommendation for phase progression to the chief counselor for all approval. Recommendations should also take into consideration the individual service plans, treatment goals, performance objectives and observed behaviors on file for each resident.
4. Victim/sentencing jurisdiction notification shall take place prior to a resident's custody assignment of minimum trustee in accordance with Policies #103.11 and #404.07.1.
5. Within ten working days after placement in the TC program, the counselor will assess the resident's needs utilizing the Transition Center Phase Assessment, CR-4076. The counselor and the resident will develop a Transition Center Individual Service Plan, CR-3714, based on the assessment form and transition phase goals. The service plan will detail treatment goals and performance objectives for each phase of the program.
6. In accordance with Policy #505.10, residents shall be selected for participation in the work release program following specified criteria and shall adhere to established guidelines for participation.
7. Programs shall develop a disciplinary process with the following guidelines:
 - a. The following disciplinary infractions shall follow a swift, certain, and proportionate disciplinary model:
 - (1) Abuse of Telephone Privileges (TEL) (Class B or C): Unauthorized use of telephone, abusing equipment, or violating any other written directive relating to inmate telephone use.
 - (2) Dress Code Violation (DRV) (Class C): The failure to properly wear prescribed Clothing in designated areas or in the manner mandated by TDOC Policy.
 - (3) Horseplay (HOR) (Class C): Rough frolicking, not to the point of fighting.
 - (4) Late Returning (LRT) (Class B or C): The failure to return to a specific place, at the appointed time, after authorized attendance at a job, school, training program or appointment pass.
 - (5) Littering (LIT) (Class C): Carelessly or deliberately discarding materials in unauthorized areas.
 - (6) No TDOC ID Card on Person (NID) (Class C): Failure to maintain ID card in possession.
 - (7) No TDOC ID on Clothing (NOC) (Class C): Failure to mark or maintain proper TDOC identification on clothing.
 - (8) Out of Place (OOP) (Class C): Being present in a restricted or prohibited place or any unauthorized area not governed by general call-out or any area without either written or verbal permission.

(9) Receiving Two Food Trays (TFT) (Class C): Obtaining additional trays of food by going through serving line more than one time or by other means.

b. The following disciplinary infractions shall result in the resident being referred to the offender review panel within 72 hours of an infraction. This can result in a sanction or further disciplinary action.

(1) Abscond (ACM) (Class A): To flee custody from indirect supervision. (Indirect supervision is defined as periodic observation and monitoring of offenders as is reasonable in order to supervise said offenders who are assigned to a work crew, detail, or similar assignment not inside the secure perimeter of a facility.

(2) Contraband (CON) (Class B or C): To have, own, gain, or maintain control of item(s) which are either prohibited or not specifically authorized, or in excess of what is authorized by departmental or institutional policy. Any such item(s) found in a cell or room is presumed to be in the possession of all occupants of that housing space.

(3) Defiance (DFN) (Class A or B): To curse, insult, or threaten a staff member, visitor, or guest in any manner. Prohibited conduct includes but is not limited to abusive or insulting conversation, phone calls, letters, or gestures by an offender. Also, to obstruct, resist, distract, or attempt to elude staff, or any effort to do the above, in the performance of their duties or to intimidate or attempt to intimidate staff in order to manipulate staff's actions.

(4) Destruction of State Property (DSP) (Class B): Willful abuse and/or destruction of state-owned property. All guilty dispositions may result in the assessment of restitution for the amount of damages.

(5) Destruction of Personal Property (DPP) (Class B): Willful abuse and/or destruction of the personal property of another.

(6) Failure to Report as Scheduled (FRS) (Class C): Failure to be at a designated area at the prescribed time.

(7) Falsifying, Altering, or Forging an Official Document (FAL) (Class B or C): Changing, modifying, or altering the writing of others, or, the fraudulent making of any writing. This includes falsifying documents such as passes, ID cards, letters, etc.

(8) Failure to Turn in Earnings (FTE) (Class B): The failure of inmates assigned to applicable external work programs as required by said program to deliver their salaries or other income to the institution.

(9) Fighting (FIG) (Class B or C): A physical altercation between two or more persons without weapons.

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- (10) Furlough Violation (FVI) (Class B): Failure to adhere to rules and regulations governing conduct during a period of authorized absence from the facility.
- (11) Gambling/Gaming (GAG) (Class C): The act of wagering items of value in a game of chance.
- (12) Indecent Exposure (IND) (Class B or C): The deliberate exposure in front of another person of the breasts, genitals, or buttocks in a manner intended to excite, embarrass, or threaten that person.
- (13) Intoxicants – Use, Sell, Exchange, Possess (IUS) (Class B): The wrongful possession, use, selling, or exchange of alcoholic products, inhalants, or misuse of prescribed or legal drugs causing an alteration of one’s physical or mental state, commonly termed “under the influence.”
- (14) Larceny (LAR) (Class B): The unauthorized taking, receiving, or carrying away of state property or the personal goods of another person.
- (15) Mutilation (MUT) (Class B or C): To cut, stab, rip, tattoo, burn, or otherwise damage a particular portion of the body by self-inflicted means.
- (16) Participation in Security Threat Group Activities (PGA) (Class A): To organize, promote, encourage, or directly participate in a security threat group or security threat group activity.
- (17) Pending Investigation (PIN) (No disciplinary class designation used): Designation to be used when an inmate is suspected of a Class A or Class B infraction and the senior security officer determines that the inmate should be returned to the sending institution.
- (18) Personal Property Violation (PPV) (Class B or C): Possession of personal property in violation of TDOC and/or institutional policy (i.e., over six cubic feet of property; items not allowed by the commissioner's property list; appliances with no TDOC identification number, a defaced or altered number, or another inmate's number, etc.).
- (19) Possession and/or use of a Cellular Telephone/Communication Device (PCT) (Class B): To have, own, gain, use or maintain control of a cellular telephone or any device which allows unauthorized/unmonitored two-way communication. Any such item found in a cell or room is presumed to be in the possession of all occupants of that housing space.
- (20) Positive Drug Screen (PDR) (Class B): A positive test result for one or more categories of drugs of abuse.
- (21) Possession of Free-World Money (PFM) (Class B or C): To have, own, have control of or attempt to bring unauthorized free-world money into an institution.

- (22) Possession/Use/Introduction of Tobacco Products Offender (PTO) (Class B or C): To possess, own, have, control of, use, introduce, or attempt to introduce into a correctional facility cigarettes, pipes, pipe tobacco, tobacco substitutes, chewing tobacco, snuff, matches, cigarette lighters, smoking paraphernalia, and other items developed or processed for the primary purpose of facilitating the use or possession of tobacco or tobacco-related products. Any such object found in a cell or room is presumed to be in the possession of all the occupants of that housing space.
- (23) Possession of Security Threat Group Materials (PGM) (Class A): To have, own, gain, or maintain control over any material identified as affiliated with a security threat group that includes, but is not limited to items such as: publications which contain articles, illustrations, or advertisements in known security threat group publications; documents of by-laws, ceremonial procedures, rosters, hit lists, memorandums, use of colors, hand signs, drawings, membership cards, certificates of rank, letters of introduction, or any other article or document specifically associated with security threat groups.
- A security threat group is defined as a group of individuals possessing common characteristics which serve to distinguish them from other individuals or groups who have been determined to be acting in concert, so as to pose a threat or potential threat to staff, other inmates, the institution or the community.
- (24) Refusal of Cell Assignment (RCA) (Class B or C): Refusal to accept a cell assignment made by a TDOC employee.
- (25) Refusal of/or Attempt to Alter Test (RAA) (Class B): Refusal to provide an adequate breath or urine sample for a drug or alcohol screen upon request, refusal to sign any chain of custody forms, or attempting to change or modify documents, urine, or blood content for the purpose of creating false negative test results.
- (26) Refusal to Participate (RTP) (Class A): Refusal by any inmate to accept or report to or adequately participate in any assigned work, educational, or vocational training programs.
- (27) Solicitation of Staff (SOS) (Class B): To ask or seek a relationship with institutional or contract employees which extends beyond the normal inmate/employee interaction. This includes, but is not limited to, fraternization, business transactions, social association, romance, or friendship.
- (28) Strong-armed Activity (SAA) (Class B): Intimidation or coercion of unwilling inmates to participate in any act.
- (29) Threatening Offender (TOF) (Class C): A threat to an inmate, whether verbal or physical, explicit or implied.

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- (30) Unauthorized Financial Obligations/Transaction (UFT) (Class B or C): The selling, borrowing, or lending of goods (whether monies or property) or services between inmates or between inmates and free-world persons. Entering into any financial obligation between inmates or between inmates and free-world people without the consent of the Warden is also an unauthorized financial obligation/transaction.
- (31) Violation of TDOC/Institutional Policies (VPR) (Class B or C): Failure to comply with written rules governing inmate behavior. The incident report shall cite the TDOC policy or institutional policy violated, including policy section and subsection numbers.
- c. The following disciplinary infractions shall result in immediate and swift sanctions, up to and including, dismissal from the TC. The disciplinary process will be adhered to as outlined in Policy #502.02.
- (1) Arson (ARS) (Class A): An act committed by any inmate who willfully and maliciously sets fire to or burns, causes to be burned, or who aids, counsels or procures the burning of any personal property, any house, building or other structure, the property of himself/herself or another.
- (2) Assault on Staff with Weapon (ASW) (Class A): The assaulting of any staff member, visitor or guest using any object as a weapon, including any liquid or solid substances thrown on or otherwise projected on or at such person, regardless of whether contact is made. The use of teeth will also constitute a violation of this rule.
- (3) Assault on Staff without Weapon (ASO) (Class A): Hostile physical contact or attempted physical contact with a staff member, visitor or guest, including, but not limited to hitting, shoving, wrestling, kicking or similar behaviors.
- (4) Assault on Offender with Weapon (AOW) (Class A): The assaulting of any inmate using any object as a weapon, including any liquid or solid substances thrown on or otherwise projected on or at such person, regardless of whether contact is made. The use of teeth will also constitute a violation of this rule.
- (5) Assault on Offender without Weapon (AOO) (Class A): Hostile physical contact or attempted physical contact with an inmate including but not limited to hitting, shoving, wrestling, kicking or similar behaviors.
- (6) Attempted Escape (AES) (Class A): To attempt to flee from direct custody or supervision of the TDOC.
- (7) Attempted Suicide (SUC) (Class B): Situation in which an individual has performed an actual or seemingly life-threatening behavior with the intent of jeopardizing his/her life or presenting the appearance of such intent, but which has not resulted in death.

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- (8) Conspiracy to Violate State Law (CVS) (Class A or B): Two or more persons, each having the culpable mental state required for the offense which is the object of the conspiracy and each acting for the purpose of promoting or facilitating the commission of a state criminal offense, agreeing that one or more of them will engage in conduct which constitutes such offense. If a person guilty of conspiracy knows that another with whom the person conspired to commit a criminal offense has conspired with one or more other persons to commit the same offense, the person is guilty of conspiring with such other person or persons, whether or not their identity is known, to commit such offense. The state law and TCA Code violated shall be cited in the incident report.
- (9) Drug Paraphernalia (DRP) (Class B): Any objects found of any kind which are used, intended for use, or designed for use in injecting, inhaling, ingesting, or otherwise introducing drugs into the human body. Such items include but are not limited to pipes, tubes, cans, needles, etc.
- (10) Drugs – Possession/Selling/Use (DPO) (Class A or B): To have, own, gain, or maintain, control over illegal drugs, or unauthorized medications, including narcotics, hallucinogens, opiates, barbiturates, stimulants, marijuana, including synthetic or K2, or medications in a manner not prescribed by a dentist or physician or the sell or exchange of any illegal drugs or medications. Any such item found in a cell or room is presumed to be in the possession of all the occupants of that housing space.
- (11) Escape (ESC) (Class A): To flee custody from direct supervision, custody, or control (such as while in transport to or from court, a hospital, or other venue) or from within the confines of a fenced facility.
- (12) Extortion (EXT) (Class B): To either verbally or by written or printed communication maliciously threaten to accuse another of a crime, offense or immoral act; to do any injury to the person, reputation or property of another, with intent thereby to obtain any money, property, or pecuniary advantage whatever; or to compel the person so threatened to do any act against his/her will.
- (13) Flooding (FLD) (Class B or C): Deliberately causing cell or unit walk to become flooded with water.
- (14) Homicide (HOM) (Class A): The killing of another person.
- (15) Operating Unauthorized Vehicle (OUV) (Class B or C): The operation of any vehicle, either state or private, without written permission.
- (16) Participating in a Riot (PIR) (Class A): To organize, promote, encourage, or directly take part in an institutional disturbance involving an assemblage of several persons which conduct creates grave danger of substantial damage to property or serious bodily injury to persons.

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- (17) Possession of a Deadly Weapon (PDW) (Class A): To have, own, gain, or maintain control over any object likely to cause serious injury or death. Any such object found in a cell or room is presumed to be in the possession of all the occupants of that housing space.
 - (18) Rape (RAP) (Class A): The act of forcing or coercing (through violence or threats of violence) an individual to submit to sexual intercourse (vaginal or anal) or other sexual acts to include cunnilingus and fellatio. The sexual penetration or act is accomplished without the consent of the victim and the defendant knows or has reason to know at the time of the penetration or sex act that the victim did not consent. It shall also include the sex act of forcibly introducing foreign objects into an individual's body cavity (vaginal or anal) without the victim's consent.
 - (19) Refusing to Provide DNA Specimen (RDN)(Class A): Refusal by any inmate who has been convicted of a sex offense as outlined in TCA 40-35-321, to provide a DNA specimen when ordered to do so.
 - (20) Sexual Harassment (SXH) (Class B or C): Making sexually related comments, gestures, or written communication to another person.
 - (21) Sexual Misconduct (SXM) (Class B or C): Any sexual conduct involving an inmate, including those instances where the preponderance of evidence is indicative of a preparation for, or immediate conclusion of such acts, including acts involving people, objects, or animals.
 - (22) Strong-armed Robbery (SAR) (Class A or B): The forcible taking of money or goods of any value from another person.
 - (23) Tampering with Security Device or Equipment (TSD) (Class A or B): Tampering with locking or other security devices or equipment causing that device to malfunction or become inoperable.
 - (24) Violation of State Law (VSL) (Class A or B): Any violation of T.C.A. not specifically addressed in this policy. The incident report shall cite the state law and TCA Code.
- d. Class A and B disciplinary offenses may be referred to the Office of Investigation and Compliance.
 - e. Positive drug screen sanctions will be assessed in accordance with Policy #506.21.
 - f. All offenses which may be classified as A or B, or as B or C, may be so designated at the discretion of the disciplinary board/hearing officer depending upon the seriousness of the offense.

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- g. Segregation: Administrative segregation may be utilized in instances when the Superintendent determines a resident's presence in the general population poses a serious threat to the security/safety of the transition center, staff, or other residents and the community. Administrative segregation shall be in accordance with Policy #404.10. If an inmate requires segregation for more than 24 hours, the inmate shall be transferred until the conclusion of the reason for segregation placement.
 - h. Any other rule violations shall follow the disciplinary process outlined in Policies #502.01, #502.02 and #502.05.
 - i. Disciplinary offenses by resident advisors shall follow Policies #502.01, #502.02, and #502.05.
8. All participants shall agree to and sign the following forms upon admission:
- a. CR-3750, Substance Use Informed Consent for Treatment Services
 - b. CR-3751, Substance Use Confidentiality Notice and Waiver
 - c. CR-3755, Substance Use Participant Rights and Limits of Confidentiality Acknowledgement
- If a participant chooses not to sign the forms, he/she will lose the opportunity to participate in the transitional program and be returned to the sending institution if applicable.
9. Phase III participants who have a free world job shall be required to save earnings for reentry use after incarceration. During incarceration, participants shall have limited access to their trust fund account and all transactions shall be coordinated through the facility's trust fund division.
- a. All monies obtained by the resident shall be submitted to the specified career coordinator for deposit into the resident's trust fund account.
 - b. The career coordinator will submit all checks and/or monies to the business office by the next business day after receipt. Any checks and/or monies received after normal business hours shall be locked in a secure location designated by the Superintendent until next business day.
 - c. Financial obligations will be assessed per Policy #208.02.
10. Phase III residents will have access to third party vendor release cards for day to day incidentals. Phase III residents may request up to \$60 to be loaded no more than once per week for a maximum of 16 loads on to a verified release card by trust fund staff through the third party vendor. The balance of the release card shall not exceed \$180 at any time. A signed and approved withdrawal request shall be completed for the amount of each reload. The third party vendor will collect an \$8 fee when the card is initially loaded. Prior to the reloading the card, the vendor shall be contacted to obtain the current balance. These cards shall be loaded and reloaded in accordance with the Policy #208.10. The residents should refer any questions about the use or operation of the release card to the third party vendor.

Subject: TRANSITION CENTER

11. Debit cards are prohibited for the use of alcohol, tobacco, gambling, lottery tickets, weapons, use in adult venues or any activities deemed as illegal. Abuse/misuse of debit card can result in suspension or termination of card.
 12. If a resident is removed from the program, i.e. re-phased, termination, the trust fund division will terminate the card and apply the funds back to the trust fund account. The card fee is non-refundable.
- D. Classification Review: The TC classification committee shall review eligible inmates no less than six months prior to inmates' eligibility for TC placement. The transferring facility shall also ensure that the record is up-to-date prior to transfer. A records/NCIC check will be run prior to transfer to ensure that the inmate has no active felony detainers or special notifications.
- E. Superintendents shall develop local procedures for review of incoming inmates' files for any recent performance or adjustment problems, medical or psychiatric developments, security level increases and program participation. The Superintendent will immediately advise the Assistant Commissioner of Rehabilitative Services/designee of any problems identified.
- F. Case Management: The processes by which TC staff review a resident's file regarding eligibility are outlined below:
1. Upon arrival to the TC, the chief counselor/designee responsible for conducting orientation, or for conducting the initial interview, will review each arriving resident's file.
 2. Following a review of a resident's file, the chief counselor/designee will determine if the resident has a need in the following categories: Financial Problems/Poverty, Residential Instability and/or Vocational/Educational Problems.
 3. Each institution shall develop files for transition program records. The file will become part of the institutional record upon resident's dismissal from the transition program. A file shall be maintained for each resident participating in the transition program to include at the minimum the following forms:
 - a. Transition Center Placement, CR-4079
 - b. Transition Center Evaluation, CR-4078
 - c. Transition Center Phase Assessments, CR-4076
 - d. Transition Center Individual Service Plan, CR-3714
 - e. Program Exit, CR-4074
- G. Inmates placed at the TC shall receive specific unit orientation programs information in detailed written format or on videotape, in accordance with Policy #404.05.
- H. Final Approval: All recommendations are subject to final approval by the Superintendent or designee.

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- I. Resident Accountability and Count Procedures: All count procedures will be in accordance with #506.11.
- J. Removals: The Superintendent of the TC will provide specific documentation to the Assistant Commissioner of Rehabilitative Services and the Assistant Commissioner of Prisons for the removal of a resident. Those removed may be reconsidered again for a TC after serving at least six months without a disciplinary incident. A Transition Center Program Exit, CR-4074, will be completed by the chief counselor and submitted to the Superintendent for any resident removed from the transition program.
- K. Transition Center Security Procedures and Responsibilities:
 1. Security Procedures: The Superintendent shall maintain local policies that staff shall be required to review. The policy shall include but not be limited to the following procedures:
 - a. Count Procedures
 - b. Enforcement of rules
 - c. Maintaining log books
 - d. Residents' check in/out
 - e. Post orders for all posts
 - f. Dress of residents
 - g. Control and Storage of Weapons and Security Equipment
 2. Coverage of Security Responsibilities: Security shifts must be scheduled to ensure the presence of correctional staff in the facility 24 hours per day. Officers on duty must be primarily responsible for security supervision, order, and accountability of residents.
 3. Reporting Security Breaches: Any possible breaches of security, regardless of how minor, shall be reported at once to the shift commander in accordance with Policy #103.02.
 4. Resident Conduct: Residents in the TC shall comply with all applicable federal, state and local laws as well as the policies, rules, regulations, and procedures of the TDOC and the TC. All residents shall conduct themselves in a manner that will enhance community approval and support, as well as contribute to the building of a positive relationship among residents. Transition Center Resident Interaction, CR-4077, should be utilized to help residents recognize both positive and negative behaviors. Interaction forms should not be used in the place of sanctions/disciplinary. Interaction forms should be used as a tool to effect and influence positive behaviors and as supporting documentation for the evaluation process.
 5. Resident Identification: Residents shall carry a TDOC issued identification card and on their person at all times in accordance with Policy #506.13.

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- a. If residents lose or destroy identification cards, receive a legal name change, or alter their facial features, they will be required to update their identification cards. Fees shall be assessed in accordance with Policy #506.13.
 - b. When residents are released from custody they shall have their birth certificate, social security card, (See Policy #511.08) and Department of Safety Driver's License or Identification card.
6. Daily Log: A bound logbook shall be maintained in the control room so that each shift can record a brief summary of events occurring during its duty hours.
 - a. The log shall be used for shift personnel to indicate any irregularities or significant events occurring on a shift.
 - b. The shift commander shall review and initial all log entries by the end of each shift. All completed logbooks shall be kept on file for later reference.
 7. Visitation: Resident visitation will be in accordance with Policy #507.01.
 8. Searches & Security Inspections: Periodic, unscheduled searches of residents, their rooms, personal effects, and the entire facility shall be conducted under the direction of the Superintendent in accordance with Policy #506.06.
 9. Retention Schedule: All documents completed during an escape and after a capture become part of the inmate residents' file and scanned into FileNet, excluding those documents that shall be placed in the inmate's institutional file (IIR) per Policy #512.01
- L. The transition center shall develop and follow emergency operations plans in accordance with Policy #506.20.
 - M. At transition centers that operate as a part of an existing institution, the facility warden shall be responsible for all activities and functions and the associate warden of treatment shall direct the unit manager in all therapeutic, treatment, and administrative programs.
- VII. ACA STANDARDS: 4-ACRS-2A-02, 4-ACRS-2A-11, 4-ACRS-2A-12, 4-ACRS-5A-17, 4-ACRS-2B-03, 4-ACRS-1C-02, 4-ACRS-1C-04, 4-ACRS-2C-02, 4-ACRS-2C-03, 4-ACRS-2C-04, 4-ACRS-2C-06, 4-ACRS-3A-01, 4-ACRS-3A-03, 4-ACRS-7D-08, and 4-4444.
- VIII. EXPIRATION DATE: August 15, 2020.



TENNESSEE DEPARTMENT OF CORRECTION
TRANSITION CENTER PLACEMENT

INSTITUTION/FACILITY ASSIGNED

Name: _____ TDOC Number: _____

Date: _____

Transition Center Chief Counselor: _____

The following offender has been accepted/denied to the Transition Center located at:

(Facility/Address)

I **Accept** Placement in Phase I of the Transition Center Program.

I **Decline** Placement in the Transition Center Program.

Explanation:

Participant's Name (Print) Participant's Name Signed Date

STAFF ONLY

Date of Classification Hearing for Placement at the Transition Center: _____

Custody Level (*Minimum Restricted or Below*): _____

Approved Denied

Chief Counselor of Sending Facility: _____ Date: _____



TENNESSEE DEPARTMENT OF CORRECTION
TRANSITION CENTER EVALUATION

INSTITUTION/FACILITY ASSIGNED

Name: _____ TDOC Number: _____

Custody Level: _____ County of Offense: _____

DOB: _____ Race: _____ Offense (s): _____

From _____ to _____ the resident has been compliant/non-compliant in the following areas:

1. Class Participation

2. Attendance

Number of Excused Absences: _____ Number of Unexcused Absences: _____

Number of Times Late: _____

3. Number of Sanctions Received: _____

4. Progression of Measurable Goals and Target Dates:

5. Drug Testing

Date of Testing: _____ Negative: Positive:

6. Attitude/Behavior/Comments:

Resident Signature: _____ Date: _____

Counselor Signature: _____ Date: _____

TENNESSEE DEPARTMENT OF CORRECTION
TRANSITION CENTER PHASE ASSESSMENT

Resident Name: _____ TDOC Number: _____

Custody Level: _____

Current Phase: _____ Proposed Phase: _____

Assigned Counselor: _____ Date: _____

Chief Counselor: _____ Date: _____

The following evaluation may be used to develop goals, objectives, strategies and action plans during your transition from prison to community and aide in your successful reintegration process.

This evaluation is divided into five (5) sections:

- Employment
- Recreation and Leisure
- Post-Secondary Education & Life Long Learning
- Independent Living
- Community Participation

Upon completion you will be given a Transition Road Map to outline your plan of action, phase progression, job retention and successful re-entry.

Select One:

- 1 Not Started
- 2 In Progress
- 3 Addressed and Completed

Independent Living

Goal - All Phases

- | | | | | | | |
|--------------------------|---|--------------------------|---|--------------------------|---|---|
| <input type="checkbox"/> | 1 | <input type="checkbox"/> | 2 | <input type="checkbox"/> | 3 | Develop personal care skills, including hygiene, health, private and public behavior. |
| <input type="checkbox"/> | 1 | <input type="checkbox"/> | 2 | <input type="checkbox"/> | 3 | Develop acceptable intimate/sexual behavior. |
| <input type="checkbox"/> | 1 | <input type="checkbox"/> | 2 | <input type="checkbox"/> | 3 | Develop housekeeping and cooking skills. |
| <input type="checkbox"/> | 1 | <input type="checkbox"/> | 2 | <input type="checkbox"/> | 3 | Develop budgeting skills. |
| <input type="checkbox"/> | 1 | <input type="checkbox"/> | 2 | <input type="checkbox"/> | 3 | Identify who to call and what to do in emergencies. |
| <input type="checkbox"/> | 1 | <input type="checkbox"/> | 2 | <input type="checkbox"/> | 3 | Participate in independent living training program. (Life Skills Program) |
| <input type="checkbox"/> | 1 | <input type="checkbox"/> | 2 | <input type="checkbox"/> | 3 | Identify person(s) or services to assist in locating a place to live. |
| <input type="checkbox"/> | 1 | <input type="checkbox"/> | 2 | <input type="checkbox"/> | 3 | Apply for government case management services, if applicable. (SSI, etc.) |
| <input type="checkbox"/> | 1 | <input type="checkbox"/> | 2 | <input type="checkbox"/> | 3 | Identify neighborhood services and supports. |
| <input type="checkbox"/> | 1 | <input type="checkbox"/> | 2 | <input type="checkbox"/> | 3 | Identify resources and support for child care, if necessary. |

TENNESSEE DEPARTMENT OF CORRECTION
TRANSITION CENTER PHASE ASSESSMENT

Resident Name: _____

TDOC Number: _____

Recreation and Leisure

Goal - All Phases

- | | | | | | | |
|--------------------------|---|--------------------------|---|--------------------------|---|---|
| <input type="checkbox"/> | 1 | <input type="checkbox"/> | 2 | <input type="checkbox"/> | 3 | Develop an array of specific recreation and leisure skills. |
| <input type="checkbox"/> | 1 | <input type="checkbox"/> | 2 | <input type="checkbox"/> | 3 | Develop spectator or audience skills. |
| <input type="checkbox"/> | 1 | <input type="checkbox"/> | 2 | <input type="checkbox"/> | 3 | Identify acceptable dress behavior for a variety of situations. |
| <input type="checkbox"/> | 1 | <input type="checkbox"/> | 2 | <input type="checkbox"/> | 3 | Identify transportation options. |
| <input type="checkbox"/> | 1 | <input type="checkbox"/> | 2 | <input type="checkbox"/> | 3 | Arrange social activities. |
| <input type="checkbox"/> | 1 | <input type="checkbox"/> | 2 | <input type="checkbox"/> | 3 | Establish exercise routines. |
| <input type="checkbox"/> | 1 | <input type="checkbox"/> | 2 | <input type="checkbox"/> | 3 | Identify local health clubs for possible membership. |
| <input type="checkbox"/> | 1 | <input type="checkbox"/> | 2 | <input type="checkbox"/> | 3 | Identify possible social supports through family and community. |
| <input type="checkbox"/> | 1 | <input type="checkbox"/> | 2 | <input type="checkbox"/> | 3 | Identify activities through community education classes. |
| <input type="checkbox"/> | 1 | <input type="checkbox"/> | 2 | <input type="checkbox"/> | 3 | Other: _____ |

Phase Assessment

Post-Secondary and Life Long Learning

Goal - Phase II

- | | | | | | | |
|--------------------------|---|--------------------------|---|--------------------------|---|--|
| <input type="checkbox"/> | 1 | <input type="checkbox"/> | 2 | <input type="checkbox"/> | 3 | Identify personal learning styles. |
| <input type="checkbox"/> | 1 | <input type="checkbox"/> | 2 | <input type="checkbox"/> | 3 | Become aware of career interests and options. |
| <input type="checkbox"/> | 1 | <input type="checkbox"/> | 2 | <input type="checkbox"/> | 3 | Become aware of post-secondary enrollment options. |
| <input type="checkbox"/> | 1 | <input type="checkbox"/> | 2 | <input type="checkbox"/> | 3 | Visit post-secondary institutions. |
| <input type="checkbox"/> | 1 | <input type="checkbox"/> | 2 | <input type="checkbox"/> | 3 | Register and take college entrance exams. |
| <input type="checkbox"/> | 1 | <input type="checkbox"/> | 2 | <input type="checkbox"/> | 3 | Develop a resume and request letter of recommendation. |
| <input type="checkbox"/> | 1 | <input type="checkbox"/> | 2 | <input type="checkbox"/> | 3 | Identify and apply to post-secondary education sites. |
| <input type="checkbox"/> | 1 | <input type="checkbox"/> | 2 | <input type="checkbox"/> | 3 | Identify and check eligibility requirements for adult support. |
| <input type="checkbox"/> | 1 | <input type="checkbox"/> | 2 | <input type="checkbox"/> | 3 | Apply for financial aid, scholarships, etc. |
| <input type="checkbox"/> | 1 | <input type="checkbox"/> | 2 | <input type="checkbox"/> | 3 | Arrange for transportation and housing if necessary. |
| <input type="checkbox"/> | 1 | <input type="checkbox"/> | 2 | <input type="checkbox"/> | 3 | Other: _____ |

TENNESSEE DEPARTMENT OF CORRECTION
TRANSITION CENTER PHASE ASSESSMENT

Resident Name: _____

TDOC Number: _____

Phase Assessment (Continued)

Community Participation

Goal – Phases II & III

- | | | | | | | |
|--------------------------|---|--------------------------|---|--------------------------|---|--|
| <input type="checkbox"/> | 1 | <input type="checkbox"/> | 2 | <input type="checkbox"/> | 3 | Become aware of community interests and options. |
| <input type="checkbox"/> | 1 | <input type="checkbox"/> | 2 | <input type="checkbox"/> | 3 | Develop shopping skills. |
| <input type="checkbox"/> | 1 | <input type="checkbox"/> | 2 | <input type="checkbox"/> | 3 | Learn to order and dine in restaurants. |
| <input type="checkbox"/> | 1 | <input type="checkbox"/> | 2 | <input type="checkbox"/> | 3 | Develop skills to ensure personal safety. |
| <input type="checkbox"/> | 1 | <input type="checkbox"/> | 2 | <input type="checkbox"/> | 3 | Assess vulnerability status. |
| <input type="checkbox"/> | 1 | <input type="checkbox"/> | 2 | <input type="checkbox"/> | 3 | Learn to use public transportation. |
| <input type="checkbox"/> | 1 | <input type="checkbox"/> | 2 | <input type="checkbox"/> | 3 | Obtain driver's license. |
| <input type="checkbox"/> | 1 | <input type="checkbox"/> | 2 | <input type="checkbox"/> | 3 | Obtain state identification card. |
| <input type="checkbox"/> | 1 | <input type="checkbox"/> | 2 | <input type="checkbox"/> | 3 | Open and learn to use a bank account. |
| <input type="checkbox"/> | 1 | <input type="checkbox"/> | 2 | <input type="checkbox"/> | 3 | Learn to schedule appointments. |
| <input type="checkbox"/> | 1 | <input type="checkbox"/> | 2 | <input type="checkbox"/> | 3 | Become aware of rights regarding physical accessibility. |
| <input type="checkbox"/> | 1 | <input type="checkbox"/> | 2 | <input type="checkbox"/> | 3 | Identify and check eligibility requirements for adult support. |
| <input type="checkbox"/> | 1 | <input type="checkbox"/> | 2 | <input type="checkbox"/> | 3 | Register to vote and learn to vote at local precinct. |
| <input type="checkbox"/> | 1 | <input type="checkbox"/> | 2 | <input type="checkbox"/> | 3 | Explore guardianship issues. |
| <input type="checkbox"/> | 1 | <input type="checkbox"/> | 2 | <input type="checkbox"/> | 3 | Other: _____ |
| <input type="checkbox"/> | 1 | <input type="checkbox"/> | 2 | <input type="checkbox"/> | 3 | Other: _____ |

Employment

Goal – II & III

- | | | | | | | |
|--------------------------|---|--------------------------|---|--------------------------|---|---|
| <input type="checkbox"/> | 1 | <input type="checkbox"/> | 2 | <input type="checkbox"/> | 3 | Visit possible employment sites and shadow employees. |
| <input type="checkbox"/> | 1 | <input type="checkbox"/> | 2 | <input type="checkbox"/> | 3 | Become aware of community opportunities and interests. |
| <input type="checkbox"/> | 1 | <input type="checkbox"/> | 2 | <input type="checkbox"/> | 3 | Receive vocational training within the community. |
| <input type="checkbox"/> | 1 | <input type="checkbox"/> | 2 | <input type="checkbox"/> | 3 | Develop interpersonal skills necessary to maintain employment. |
| <input type="checkbox"/> | 1 | <input type="checkbox"/> | 2 | <input type="checkbox"/> | 3 | Identify people and agencies, which can assist in a job search. |
| <input type="checkbox"/> | 1 | <input type="checkbox"/> | 2 | <input type="checkbox"/> | 3 | Identify and check eligibility requirements for other job supports. |
| <input type="checkbox"/> | 1 | <input type="checkbox"/> | 2 | <input type="checkbox"/> | 3 | Identify and arrange for transportation to and from work. |
| <input type="checkbox"/> | 1 | <input type="checkbox"/> | 2 | <input type="checkbox"/> | 3 | Other: _____ |
| <input type="checkbox"/> | 1 | <input type="checkbox"/> | 2 | <input type="checkbox"/> | 3 | Other: _____ |
| <input type="checkbox"/> | 1 | <input type="checkbox"/> | 2 | <input type="checkbox"/> | 3 | Other: _____ |

Resident Name: _____

TDOC Number: _____



**TENNESSEE DEPARTMENT OF CORRECTION
SUBSTANCE USE DISORDER INFORMED CONSENT FOR TREATMENT SERVICES**

INSTITUTION

Dear Participant:

Welcome to the Tennessee Department of Correction (TDOC) Substance Use Disorder Program. We are looking forward to working with you. The following statement will help clarify your responsibility in regard to the development of your program expectations:

I have been fully informed of my rights as a client of this facility, the extent and limits of confidentiality in treatment and the goals associated with this program. With that knowledge, I request and consent to receive treatment from personnel of this facility.

INFORMED CONSENT

You have been provided with specific, complete, and accurate information about:

- 1) The benefits and methods of treatment
- 2) Options to proposed treatment
- 3) Consequences of not receiving the proposed treatment.
- 4) The initial treatment plan.
- 5) The client rights, confidentiality, and grievance procedure.

The informed consent is effective until treatment is terminated.

In signing this form, I understand my rights as a participant in this program and responsibilities for program participant.

Participant Name/TDOC Number

Participant Signature

Date

Counselor Name

Counselor Signature

Date

Clinical Manager Name

Clinical Manager Signature

Date



**TENNESSEE DEPARTMENT OF CORRECTION
SUBSTANCE USE DISORDER
CONFIDENTIALITY NOTICE AND WAIVER**

INSTITUTION

I, _____ hereby consent to communication
Participant Name *(Please Print)* TDOC Number

between the Tennessee Department of Correction (TDOC) Addictions Treatment Staff and other facility staff (including Institutional Parole Officers) as needed to complete their job.

The purpose of and need for this disclosure is to inform criminal justice agencies of my attendance and progress in substance use disorder treatment. The extent of information to be disclosed is my assessment, information about my attendance and participation or lack of attendance/participation in treatment sessions, my cooperation with and participation in the treatment program, prognosis, recommendations by the staff, participation in Continuing Care, and compliance with my Re-Entry Plan.

I understand that this consent will remain in effect for 12 months from the date signed unless:

- a. It is earlier revoked by me. (I understand that revoking this waiver before the completion of treatment will prevent the TDOC from informing other facility staff, including Institutional Parole Officers, of necessary information to complete their job. By revoking this waiver, my treatment will end and I will receive the associated consequences of an unsuccessful termination.)
- b. There has been a formal and effective termination or revocation of my sentence, release from confinement, probation, parole, or other completed legal proceeding which removes me from facility control.

I also understand that any disclosure made is bound by Part 2 of title 42 of the Code of Federal Regulations governing confidentiality of alcohol and drug abuse patient records, and that recipients of this information may re-disclose it only in connection with their official duties.

Participant Signature

TDOC Number

Date of Birth

Staff Witness Signature

Date



**TENNESSEE DEPARTMENT OF CORRECTION
SUBSTANCE USE DISORDER PARTICIPANT RIGHTS
AND LIMITS OF CONFIDENTIALITY ACKNOWLEDGMENT**

INSTITUTION

As a participant in our program, you have the right to the following:

1. Be informed of your rights verbally and in writing.
2. Give informed consent acknowledging your permission for us to provide treatment.
3. Be provided a safe environment, free from physical, sexual, and emotional abuse.
4. Receive complete and accurate information about your treatment plan, goals, methods, potential risks and benefits, and progress.
5. Receive information about the professional capabilities and limitations of any clinician(s) involved in your treatment.
6. Be free from audio video recording without informed consent.
7. Have the confidentiality of your treatment and treatment records protected. Information regarding your treatment will not be disclosed to any person or agency without your written permission except under circumstances where the law required such information to be disclosed. You have the right to know the limits of confidentiality and the situations in which your therapist/agency is legally required to disclose information.
8. Have access to information in your treatment records:
 - a. With the approval and under the supervision of the clinic director.
 - b. To have information forwarded to a new therapist following your treatment at this facility.
 - c. To challenge the accuracy, completeness, timeliness, and/or relevance of information in your record, and the right to have factual errors corrected and alternative interpretations added.
9. File a grievance if your rights have been denied or limited. You can initiate a complaint in writing to the grievance chair person. You have the right to receive information about the grievance procedure in writing.

PARTICIPANT CONFIDENTIALITY

The Tennessee Department of Correction (TDOC) has a commitment to keep information you provide and your clinical record confidential. Beyond our commitment to Ethical Standards, federal as well as state law requires it. You can give permission to our program counselors in writing if you wish your information to be shared with specific persons outside our agency. There are exceptions when we can/must release information without your written permission. Your clinical information will be released without your written consent if: (1) it is necessary to protect you or someone else from imminent physical harm; (2) we receive valid court order that mandates we release your information; or (3) you are reporting abuse of children, the elderly, or persons with disabilities.

This is to acknowledge that I have read, understood, and agreed with the above information.

Participant Signature

TDOC Number

Date

This acknowledges that I have reviewed and answered questions about the client's rights and confidentiality as well as our services.

Signature of Clinician

Date



TENNESSEE DEPARTMENT OF CORRECTION
TRANSITION CENTER PROGRAM EXIT

INSTITUTION/FACILITY ASSIGNED

Name: _____ TDOC Number: _____

Custody Level: _____ County of Offense: _____

DOB: _____ Race: _____ Offense (s): _____

Released from Custody Determinate Release/Probation Parole

Disciplinary Dismissal Failure to Progress Other _____

Complete the following, if the resident is exiting program resulting from probation, parole and/or release from custody:

Re-entry Services Provided:

Employability Documents	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Housing	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Substance Abuse Treatment	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Clothing	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Transportation	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Strong Positive Social Supports	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Driver's License/State ID	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Birth Certificate	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Additional Comments:

Signatures:

Chief Counselor: _____ Date: _____

Deputy Superintendent: _____ Date: _____

Superintendent: _____ Date: _____



ADMINISTRATIVE POLICIES
AND PROCEDURES
State of Tennessee
Department of Correction

Index #: 513.12

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Effective Date: December 1, 2016

Distribution: B

Supersedes: N/A

Approved by: Tony Parker

Subject: EVIDENCE BASED PROGRAMS

- I. AUTHORITY: TCA 4-3-603; TCA 4-3-606.
- II. PURPOSE: To establish the procedures for the use and consistent implementation of Evidence Based Programs (EBP) specifically targeted at reducing offender risk to recidivate.
- III. APPLICATION: All Tennessee Department of Correction (TDOC) institutional and community supervision staff, Deputy Commissioner of Administration, Deputy Commissioner of Operations, Tennessee Corrections Academy, and training staff, contract staff, and offenders.
- IV. DEFINITIONS:
 - A. Community Supervised Adult Felon: Any individual 18 or above who has been convicted of a felony and is currently under supervision of probation or parole.
 - B. Enrichment Programs: For the purpose of this policy, any faith based or skill based program facilitated by anyone other than TDOC employees. This includes volunteers, mutual self-help groups, sponsors, etc.
 - C. Evidence-Based Programs: Services for which systematic empirical research has provided evidence of statistically significant effectiveness of treatments for specific problems that will lead to a lower rate of return to incarceration.
 - D. Incarcerated Adult Felon: Any individual age 18 or above who has been convicted of a felony and is currently incarcerated in a TDOC facility.
 - E. Incarcerated Juvenile Felon: Any individual under the age of 18 who has been convicted of a felony and is currently incarcerated in a TDOC facility.
 - F. Specialized Evidence Based Program Facilitator: Correctional or Behavioral Health staff who have received and successfully completed specialized training by a qualified trainer in an evidence based program.
 - G. Texas Christian University Criminal Thinking Scale: Designed to measure criminal thinking and cognitive orientation across six scales including entitlement, justification, personal irresponsibility, power orientation, cold heartedness and criminal rationalization.
 - H. Texas Christian University Social Functioning Scale: Designed to measure social functioning across four scales including hostility, risk taking, social support and social desirability.
 - I. Qualified Trainer: For purposes of this policy, an individual who has been credentialed or certified to provide various training such as Thinking for a Change, Cognitive Behavioral Therapy, and so forth.

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- J. Quality Assurance and Improvement Director: Individual responsible for overseeing the monitoring and auditing of the compliance and effectiveness of rehabilitation services programs across the state.

- V. POLICY: All programs facilitated by TDOC staff, including community supervision staff and contract staff, will follow the criteria and implementation standards for evidence based programs.

- VI. PROCEDURES:
 - A. Evidence Based Program Criteria:
 - 1. Consideration shall be given to practices that have been measured, validated, and demonstrated to be reliable, and have shown statistical significance for reducing recidivism.
 - a. Experimental/control research design with controls for attrition for the incarcerated adult felon population, the incarcerated juvenile felon ~~and~~ or community supervised adult felon population.
 - b. Significant sustained reduction in recidivism.
 - c. Multiple replications of EBP with the incarcerated adult felon population, the incarcerated juvenile felon or community supervised adult felon population.
 - d. Preponderance of all evidence supports program's effectiveness as delineated by an exhaustive literature review, conducted by the Specialized EBP Facilitator or the Director of Behavioral Health Services, and/or designee; as instructed in VI.(B).
 - 2. Significant and sustained effects are measured by large longitudinal studies (ones that follow the incarcerated adult felon population, the incarcerated juvenile felon or community supervised adult felon population for several months or years) that verify that reducing criminal behavior is sustained over time.
 - 3. Research that has been conducted on an incarcerated adult felon population, the incarcerated juvenile felon ~~and~~ or community supervised adult felon population over a longitudinal period of time.
 - B. EBP Implementation:
 - 1. In order to implement EBPs into institutions or community supervision, the criteria must be followed in Section VI.(A).
 - 2. Prior to implementation, a request must be sent to the Director of Behavioral Health Services for evaluation to ensure the institution or community supervision office has the adequate resources, staffing, and review of the program to ensure the criteria for EBP is applicable to the incarcerated adult felon population, the incarcerated juvenile felon or community supervised adult felon population.

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3. Once the Director of Behavioral Health Services completes the evaluation, a recommendation will be submitted to the Assistant Commissioner of Rehabilitative Services for final approval or denial.
4. EBPs must be implemented in accordance with the same standardized practices that were utilized when determining that the program met all evidence based criteria. Therefore, EBP implementation will require the exact replication of program delivery which includes the program design, program hours, and program duration.
5. Institutions and Community Supervision offices will not implement or discontinue EBPs without the written approval from the Director of Behavioral Health Services and Assistant Commissioner of Rehabilitative Services.
6. The Associate Warden of Treatment or District Director will notify the Director of Behavioral Health Services of any reassignment of Specialized EBP Facilitators within three business days of the reassignment. Specialized EBP Facilitators include any correctional or behavioral health staff that facilitates EBPs.

C. EBP Facilitator Training Requirements:

1. Training for Specialized EBP Facilitators will be coordinated through the TDOC Training Division to ensure consistency and effectiveness.
2. In order to qualify as a Specialized EBP Facilitator at an institution or community supervision office, training must be completed in the research and theoretical foundation of that research.
3. The institution and community supervision office must keep documentation/statement of proof that a Specialized EBP Facilitator has completed the specialized training to facilitate specified EBP.
4. The Specialized EBP Facilitator will be provided appropriate and adequate facilitator materials prior to inception of EBP into institution or community supervision office.

D. Monitoring the Impact of EBPs:

1. The Specialized EBP Facilitator will administer pretest by using the Texas Christian University (TCU), Criminal Thinking Scale (CTS) and TCU Social Desirability (SOC) to each individual during the program orientation. Upon completion of program, the facilitator will administer the TCU, CTS and SOC posttest.
2. The Specialized EBP Facilitator will submit TCU CTS and SOC pre and post test scores for every participant to the Quality Assurance Improvement Director, quarterly.
3. To ensure the quality of EBP's effectiveness, the Director of Behavioral Health Services will establish a set of outcome data to measure effectiveness. The Specialized EBP Facilitator will submit a Monthly Programming Reporting, CR-3759, of the output data to the Quality Assurance and Improvement Director's designee by the 7th working day of each month.

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4. The Quality Assurance and Improvement Director's designee will provide a quarterly and annual report of program outcome data to the Director of Behavioral Health Services.
 5. The Director of Behavioral Health Services or designee will conduct a review of any EBP that does not meet standardized goals of the specified program. Upon the completion of the review, the Director of Behavioral Health Services will make recommendations to the Assistant Commissioner of Rehabilitative Services of a plan of improving the quality and effectiveness of the EBP. The recommendation can also include discontinuation of a program.
 6. The Director of Decision Support: Research and Planning will provide annual recidivism data upon the request from the Director of Behavioral Health Services. The Director of Behavioral Health Services will request EBP recidivism data by May of each year. The Director of Behavioral Health Services will report the findings to the Deputy Commissioners, Assistant Commissioners, Chief Financial Officer, Chief of Staff, and the Commissioner.
- E. Enrichment Programs: Institutional and community supervision staff will not be assigned to facilitate any Enrichment Program that does not meet EBP criteria.
- VII. ACA STANDARDS: 4-4428, 4-4432, 4-4437, 2-CO-4F-01, 4-APPFS-2A-07, and 4-APPFS-3D-09.
- VIII. EXPIRATION DATE: December 1, 2019.



**TENNESSEE DEPARTMENT OF CORRECTION
MONTHLY PROGRAMMING REPORTING**

Institution: _____
 Program Manager: _____
 Person Submitting Report: _____

Month/Year: _____

I. INTAKE SUMMARY	BEGINNING			RACE				# DISCHARGES	RACE				ENDING
	CENSUS	# REFERRALS	# INTAKES	W	B	H	O		W	B	H	O	
TDOC TC	0	0	0	0	0	0	0	0	0	0	0	0	
CCA TC	0	0	0	0	0	0	0	0	0	0	0	0	
Contractor TC	0	0	0	0	0	0	0	0	0	0	0	0	
Group Therapy	0	0	0	0	0	0	0	0	0	0	0	0	
Transitional Program	0	0	0	0	0	0	0	0	0	0	0	0	
Behavioral TC	0	0	0	0	0	0	0	0	0	0	0	0	
TVDP	0	0	0	0	0	0	0	0	0	0	0	0	
Life Management (MH)	0	0	0	0	0	0	0	0	0	0	0	0	
TOTAL	0	0	0	0	0	0	0	0	0	0	0	0	

II. URINALYSIS TESTING	INMATES TESTED	# NEGATIVE	# REFUSED	# POSITIVE	SUBSTANCES DETECTED				
					THC	AMPH	COC	BENZO	OTHER
INITIAL TESTING	0	0	0	0	0	0	0	0	0
RANDOM (PROG)	0	0	0	0	0	0	0	0	0
RANDOM (SECUR)	0	0	0	0	0	0	0	0	0
END OF PROGRAM	0	0	0	0	0	0	0	0	0
PAROLE TESTING	0	0	0	0	0	0	0	0	0
RETEST/SANCTION	0	0	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0	0	0	0

III. DISCHARGE SUMMARY						
TOTAL DISCHARGES:	SUCCESSFUL	0	UNSUCCESSFUL	0	TOTAL	0

SUCCESSFUL DISCHARGES	Released -	
	General Population	Parole
TDOC TC	0	0
CCA TC	0	0
Contractor TC	0	0
Group Therapy	0	0
Transitional Program	0	0
Behavioral TC	0	0
TVDP	0	0
TOTAL	0	0

UNSUCCESSFUL DISCHARGES	Rule Breaking	Drug Use	Medical	Transferred		Early Parole	Program Mandate	Expired
CCA TC	0	0	0	0	0	0	0	
Contractor TC	0	0	0	0	0	0	0	
Group Therapy	0	0	0	0	0	0	0	
Transitional Program	0	0	0	0	0	0	0	
Behavioral TC	0	0	0	0	0	0	0	
TVDP	0	0	0	0	0	0	0	
TOTAL	0	0	0	0		0	0	0

IV. OTHER PROGRAM ACTIVITIES	
Total Community Services Hours Worked This Month:	
Total GEDs Received This Month:	
Other Significant Activities or Notes for This Month:	