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Sequence
 Number: 07-07-14
 Notice ID(s): 2191-2193
 File Date: 7/9/14

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Department of Commerce and Insurance
Division:	Tennessee Corrections Institute
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Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	Don Coleman
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Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	500 James Robertson Parkway	
Address 2:	Davy Crockett Tower	
City:	Nashville, TN	
Zip:	37243	
Hearing Date :	09/03/14	
Hearing Time:	10:00 AM	<input checked="" type="checkbox"/> _X_CST/CDT <input type="checkbox"/> _EST/EDT

Additional Hearing Information:

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Revision Type (check all that apply):

- Amendment
- New
- Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
1400-01	Minimum Standards For Local Correctional Facilities
Rule Number	Rule Title
1400-01-.02	Basic Information
1400-01-.03	Glossary
1400-01-.04	Physical Plant
1400-01-.05	Administration/Management
1400-01-.06	Personnel
1400-01-.07	Security
1400-01-.08	Discipline
1400-01-.09	Sanitation/Maintenance
1400-01-.10	Food Services
1400-01-.11	Mail and Visiting
1400-01-.12	Prisoner Programs And Activities
1400-01-.13	Medical Services
1400-01-.14	Admission, Records And Release
1400-01-.15	Hygiene
1400-01-.16	Supervision Of Inmates
1400-01-.17	Classification
Chapter Number	Chapter Title
1400-02	Minimum Standards for Non-Secure Holding Facilities for Juveniles
1400-03	Minimum Standards for Juvenile Detention Facilities

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Amendment

Chapter 1400-01

Table of Contents is amended by deleting the table in its entirety and substituting instead the following language, so that as amended, the new table shall read:

**RULES
OF
THE TENNESSEE CORRECTIONS INSTITUTE
CORRECTIONAL FACILITIES INSPECTION**

1400-01-.01	Preface	1400-01-.10	Food Services
1400-01-.02	Basic Information	1400-01-.11	Mail and Visiting
1400-01-.03	Definitions	1400-01-.12	Inmate Programs and Activities
1400-01-.04	Physical Plant	1400-01-.13	Medical Services
1400-01-.05	Administration/Management	1400-01-.14	Admission, Records and Release
1400-01-.06	Personnel	1400-01-.15	Hygiene
1400-01-.07	Security	1400-01-.16	Supervision of Inmates
1400-01-.08	Discipline	1400-01-.17	Classification
1400-01-.09	Sanitation/Maintenance		

1400-01-.02 is amended by deleting the language in its entirety and substituting the following, so as amended, the rule shall read:

1400-01-.02 Basic Information.

- (1) **Statutory Authority:** The standards contained in this document are authorized pursuant to T. C. A. § 41-4-140 to establish minimum standards for the inspection of local jails, lock-ups, workhouses and detention facilities.
- (2) **Categories Covered by Standards:** The minimum standards established and recorded herein will cover the following categories:
 - (a) Physical Plant
 - (b) Administration/Management
 - (c) Personnel
 - (d) Security
 - (e) Discipline
 - (f) Sanitation/Maintenance
 - (g) Food Services
 - (h) Mail and Visiting
 - (i) Inmate Programs and Activities
 - (j) Medical Services
 - (k) Admission Records and Release
 - (l) Hygiene
 - (m) Supervision of Inmates
 - (n) Classification
- (3) **Other Standards:** Nothing contained in these standards shall be construed to prohibit a city, county, or city and county agency operating a local correctional agency from adopting standards governing its personnel and facility, provided such standards meet or exceed and do not conflict with the standards established and recorded herein. Nor shall these standards be construed as authority to violate any state fire safety standards, building standards or health and safety codes.
- (4) **Validity:** In determining the application of these minimum facility standards, the Tennessee Corrections Institute Board of Control has enacted the following:
 - (a) Standards contained herein shall apply to specific types of local correctional facilities as noted at the end of each standard. For the purpose of this document, primarily adult jails or workhouses which house inmates for over seventy-two (72) hours will be considered Type I; primarily adult jails which house inmates for no more than seventy-two (72) hours will be considered Type II; primarily adult jails

which house inmates between one (1) and twelve (12) hours will be considered Type III. Type III does not include facilities used primarily for fingerprinting, photographing, interviewing or interrogating.

- (b) Detention facilities shall be classified according to construction date. Facilities constructed after June 2000, shall be considered as new, while facilities constructed prior to or during the month of June 2000, shall be considered existing facilities.
- (c) An existing facility must meet all applicable standards referring to such facilities and all other applicable standards. A new facility must comply with all applicable standards referring to such facilities and all other applicable standards.
- (d) Any additions or renovations to existing facilities must comply with all applicable standards for new facilities.
- (e) The number of inmates awaiting transfer to the Department of Correction penal system may be discounted from any computations used to determine compliance with standards (2), (3), (4), (5), (6), and (7) of Section 1400-1-04 Physical Plant under the following conditions:
 - 1. The Governor must have invoked the power of delayed intake pursuant to T.C.A. § 41-1-504(a)(2) and/or a federal or state court has delayed intake into the Department of Correction penal system and,
 - 2. More than six (6) percent of the county's total average inmate population over the preceding ninety (90) days in all of its correctional facilities consists of inmates sentenced to the Department of Corrections whose commitments have been delayed pursuant to 1. then,
 - 3. The number of inmates awaiting transfer to the Department of Correction at a particular facility in excess of six (6) percent shall not be used in any computations used to determine compliance with the above stated standards.
- (5) Certification of Facilities: Facilities which meet all applicable standards as determined by an annual inspection shall be recommended for certification by the inspector to the Tennessee Corrections Institute's Board of Control during the first board meeting following the completion of the inspection. Facilities which do not meet all applicable standards shall be recommended for non-certification. Facilities whose annual inspections are completed prior to the fifteenth (15th) of the month shall be recommended for certification or non-certification to be effective on the first (1st) day of the month during which the inspection was completed. Facilities whose annual inspections are completed after the fifteenth (15th) of the month shall be recommended for certification or non-certification to be effective on the first (1st) day of the month following the month in which the inspection was completed. The Judicial Cost Accountant in the Office of the Comptroller shall be immediately notified of any proposed change in a facility's status.
- (6) No currently certified local facility shall be decertified if the local government has submitted a plan of action within sixty (60) days of the initial annual inspection that is reasonably expected to eliminate fixed ratio deficiencies in that facility and cause that facility to remain certified.

Authority: T.C.A. § 41-4-140.

1400-01-.03 Definitions is amended by deleting the language in its entirety and substituting the following, so as amended, the rule shall read:

1400-01-.03 Definitions.

- (1) Basic Training - The introductory training provided by the Tennessee Corrections Institute which prepares a facility employee with general and specific knowledge about the detention of inmates in a local facility.
- (2) Booking- An official recording of an arrest and the identification of the person, place, time, arresting authority, and the reason for the arrest. It is the procedure for the admission of a person charged with or convicted of an offense, which includes searching, fingerprinting, photographing, medical screening, and collecting personal history data. Booking also includes the inventory and storage of the individual's personal property.
- (3) Cell Block - A separate, secure group or cluster of single and/or multiple occupancy cells or detention rooms immediately adjacent and directly accessible to a day or activity room. In some facilities the cell block consists of a row of cells fronted by a dayroom or corridor-like proportion.
- (4) Censor - To read communications such as letters in order to delete material which might be considered harmful to the interests of the organizations or agency or facility.
- (5) Chemical Agent – An active substance, such as pepper spray, used to deter acts that might cause personal injury or property damage.
- (6) Classification - A process for determining the needs and requirements of those for whom confinement has been ordered and for assigning them to housing units and programs according to their needs and existing resources.
- (7) Clear Floor Space - Floor space that is free of obstructions such as bunks, showers, commodes, and lavatories.
- (8) Contraband – Any item that has not been approved for possession or use by inmates or detainees by those legally charged with the responsibility for administration and operation of the facility.
- (9) Control Center – A very secure, self-contained unit designed to maintain the security of the facility. Policies governing the design, staffing, and accessibility of the control center should ensure that it cannot be commandeered by unauthorized persons.
- (10) Corporal Punishment - Physical punishment, as distinguished from pecuniary punishment, inflicted on the body of an inmate or detainee for the purpose of interrupting an impermissible act or deterring undesirable behavior.
- (11) Daily Log - A record of all significant activities that take place during the course of a day.
- (12) Dayroom - A secure area directly adjacent to inmate living area, to which prisoners may be admitted for activities such as bathing, exercise, recreation and dining. Spaces originally designed for circulation, such as corridors, are not dayrooms.
- (13) Detainee - Any person confined in a local facility not serving a sentence for a criminal offense.
- (14) Detainer - A writ or instrument, issued or made by a competent officer, authorizing the keeper of a prison/jail to keep in his custody a person therein named.

- (15) Detention - The confinement of a prisoner in a secure area (usually pretrial inmate).
- (16) Detention Facility - A confinement facility, usually operated by a local law enforcement agency, which holds persons detained pending adjudication and/or persons committed after adjudication.
- (17) Detention Officer - One who is employed or authorized to detain or guard inmates.
- (18) Disciplinary Action - An action taken upon a inmate that is intended to correct or punish.
- (19) Disciplinary Hearing - A non-judicial administrative procedure to determine if substantial evidence exists to find an inmate guilty of a rule violation.
- (20) Disciplinary Report - An account, or announcement that is prepared, presented or delivered, usually in formal or organized form based on the possibility of a rule violation.
- (21) Disciplinary segregation – A form of separation from the general population in which inmates who committed serious violations of conduct regulations are confined for short periods of time to individual cells separated from the general population by the disciplinary committee or other authorized group. Placement in disciplinary detention may only occur after a finding of a rule violation at an impartial hearing and when there is not an adequate alternative disposition to regulate the inmate's behavior.
- (22) Document - To support with written sources.
- (23) Due Process Guarantees – Those procedures that ensure just, equal, and lawful treatment of an individual involved in all stages of the criminal justice system, such as a notice of allegations, impartial and objective fact finding, a written record of the proceedings, a statement of any disposition ordered with the reasons for it, and the right to confront accusers, call witnesses, and present evidence.
- (24) Existing Facility - Detention facility built prior to or during the month of June 2000.
- (25) Facility Administrator - Any official who has primary responsibility for managing and operating a local detention facility.
- (26) Flushable Drain - A pipe or channel which is cleaned by a rapid, brief gush of water.
- (27) Foot-candle - A unit for measuring the intensity of illumination; the amount of light thrown on a surface one foot away from the light source.
- (28) Furnishings – Applies to all living quarters. Includes draperies, curtains, furniture, mattresses and bedding, upholstered or cushioned furniture, wastebaskets, decorations, and similar materials that can burn.
- (29) General Population - A group of individuals confined in an institution that have no institutional restrictions on them, such as segregation.
- (30) Grievance/Grievance Process – A circumstance or action considered to be unjust and grounds for complaint or resentment and/or a response to that circumstance in the form of a written complaint filed with the appropriate body.
- (31) Health/Medical Screen – A structured inquiry and observation to prevent newly-arrived offenders who pose a health and safety threat to themselves or others from being admitted to the general population and to identify offenders who require immediate

medical attention. The screen can be initiated at the time of admission by health care personnel or by a health-trained correctional officer.

- (32) Housing Area - A high-security, medium-security, or low-security cell or room, excluding holding, detoxification, infirmary, and segregation cells or rooms.
- (33) Informed Consent – The agreement by a patient to a treatment, examination, or procedure after the patient receives the material facts regarding the nature, consequences, risks, and alternatives concerning the proposed treatment, examination, or procedure.
- (34) In-Service Training - Training which is given to an employee on an annual basis to reinforce or add to his basic training.
- (35) Jail - A confinement facility, usually operated by a local law enforcement agency, which holds persons detained pending adjudication and/or persons committed after adjudication. Jails, while intended for the confinement of adults, may also confine juveniles.
- (36) Jailer - One who is charged by an institution to detain or guard inmates.
- (37) Library Service – A service that provides reading materials for convenient use; circulation of reading materials; service to help provide users with library materials, educational and recreational materials, or a combination of these services.
- (38) Medical Records - Separate records of medical examinations and diagnoses maintained by the responsible medical provider. Medical records shall include the date and time of the medical examination and copies of standing or direct medical orders from the physician.
- (39) Medication Receipt System - A method that accounts for the administering of medications.
- (40) Menu Pattern - The outline of food items to be included in each meal.
- (41) Monitor - To keep watch over, supervise.
- (42) New Facility - Detention facility built after June 2000.
- (43) Physical Force - Any use of firearms, chemical agents, clubs or other devices in controlling an inmate. Also, any situation which requires an officer to "lay hands" on an inmate or physical force used which subjects an inmate to pain, discomfort or physical incapacitation.
- (44) Physical Plant- A building, set of buildings, portion of a building, or area that is used for the lawful custody and/or treatment of individuals.
- (45) Plan of Action – A written plan that will eliminate or correct deficiencies noted in the annual inspection.
- (46) Potentially Hazardous Food - Any food that consists, in whole or in part, of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. Does not include clean, whole, uncracked, odor-free shell eggs, foods which have a pH level of 4.6 or below, or a water activity (aw) value of 0.85 or less.

- (47) Pre-Service Orientation - Training accomplished prior to assignment of duty, which is intended to familiarize new employees with the operations of the particular jail to which they are to be assigned.
- (48) Preventative Maintenance – A system designed to enhance the longevity and/or usefulness of buildings or equipment in accordance with a planned schedule.
- (49) Range of Sanctions - The various penalties for noncompliance of rules specified by the facility administrator.
- (50) Receiving Area - The point of inmate entry into a jail or detention facility where an inmate undergoes admission processing, which may include orientation and initial classification prior to regular assignment to the housing area.
- (51) Receiving Screening - An observation/initial health assessment to identify newly-arrived inmates who pose a health or safety threat to themselves or others.
- (52) Regular Access - The documented number of hours an inmate may utilize additional living space available as described by facility policy.
- (53) Sally Port - An enclosure situated either in the perimeter wall or fence of the facility or within the interior of the facility, containing gates or doors at both ends, only one of which opens at a time. This method of entry and exit ensures there will be no breach in the perimeter or interior security of the facility.
- (54) Security Devices - Locks, gates, doors, bars, fences, screens, ceilings, floors, walls, and barriers used to confine and control inmates. Also, electronic monitoring equipment, security alarm systems, security light units, auxiliary power supply, and other equipment used to maintain facility safety.
- (55) Security Perimeter - Outer portions of a facility which provide for secure confinement of inmates. This perimeter may vary for individual prisons, depending upon their security classification.
- (56) Segregation – Confinement of an inmate to an individual cell separated from the general population.
- (57) Sick Call - A function which provides inmates the opportunity to receive required medical attention.
- (58) Strip Search – Examination of an inmate's naked body for weapons, contraband, and physical abnormalities and includes a thorough search of all of the individual's clothing while it is not being worn.
- (59) Structural Projections - Some part of the construction that protrudes with sharp or pointed edges.
- (60) Trusty - An inmate, usually in a minimum security classification, who is responsible for performing various maintenance tasks under supervision in a jail.
- (61) Type I Facility – A detention facility housing primarily adults for more than seventy-two (72) hours.
- (62) Type II Facility – A detention facility housing primarily adults for not more than seventy-two (72) hours.

- (63) Type III Facility – A detention facility where persons are detained for between one (1) and twelve (12) hours and does not include detention facilities used primarily for fingerprinting, photographing, interviewing or interrogating.
- (64) Unencumbered Space – Usable space that is not encumbered by furnishings or fixtures. In determining unencumbered space in the area, the total square footage is obtained and the square footage of fixtures and equipment is subtracted. All fixtures and equipment must be in operable position.
- (65) Work Stoppage - A halt by those employed by the facility; usually refers to a strike.
- (66) Workhouse - A county detention facility operated by or for a county which holds primarily sentenced, minimum security inmates.
- (67) Working Prisoner – An inmate who has been screened, selected, and assigned to a formal jail work program (occurring within the security area of the jail, or external to the jail). This includes those inmates who are taken out by various persons/agencies to work offsite (for example, a county employee comes to the jail each day to take a group of inmates to work at a recycling center).

Authority: T.C.A. §41-4-140.

1400-01-.04 Physical Plant is amended by deleting the language in its entirety and substituting the following, so as amended, the rule shall read:

1400-01-.04 Physical Plant.

- (1) All types of facilities shall meet the following requirements:
 - (a) New and existing facilities shall have, on average, lighting of at least twenty (20) foot-candles in activity areas to be measured three (3) feet off the floor.
 - (b) New and existing facilities shall have forced air ventilation in sleeping and activity areas.
 - (c) New facilities shall have access to natural light in sleeping and activity areas.
 - (d) New and existing facilities shall have a temperature of not less than sixty-five (65) degrees Fahrenheit and not more than eighty (80) degrees Fahrenheit in sleeping and activity areas.
 - (e) New facilities, shall have lighting of not less than five (5) average footcandles in sleeping areas, to be measured three (3) feet off the floor.

Applies to Types I, II, and III.

- (2) In new and existing facilities, the minimum size of a single-occupancy cell shall be thirty-five (35) square feet of clear floor space with a ceiling height of not less than eight (8) feet. At least seventy (70) square feet of total floor space shall be provided when the occupant is confined for more than ten (10) hours per day. All dimensions of cell length and width for both single and multiple-occupancy cells shall allow for a reasonable amount of usable floor space for any in-cell activities of inmates. Each cell shall contain a bunk, water closet and lavatory. Any questions pertaining to sufficiency of cell dimensions shall be decided by the Tennessee Corrections Institute

Applies to Types I, II, and III.

- (3) In new and existing facilities, the minimum size of a multiple-occupancy cell (2-64 occupants) shall be twenty-five (25) square feet of clear floor space for each occupant in the sleeping areas, with a ceiling elevation of not less than eight (8) feet. At least thirty-five (35) square feet of clear floor space shall be provided for each occupant when the occupant is confined for more than ten (10) hours per day.

Applies to Types I, II, and III.

- (4) In new jails and workhouses, dormitories shall be designed to accommodate not more than sixty-four (64) persons. A minimum of twenty-five (25) square feet of clear floor space for each inmate must be provided in the housing area with a ceiling elevation of not less than eight (8) feet.

In existing jails and workhouses, dormitories shall provide not less than twenty-five (25) square feet of floor space per occupant, exclusive of the area occupied by bunks, and a ceiling height of not less than eight (8) feet. If an inmate who occupies a dormitory has regular access to additional living areas, the additional area may be added on a pro rata basis to the square footage available to an inmate.

A dayroom is required with thirty-five (35) square feet per inmate for the maximum number of users at one time.

Applies to Type I.

- (5) New facilities shall have a dayroom for each cell block or cluster of cells, which has a minimum of thirty-five (35) square feet of floor space per inmate.

Existing facilities are not required to provide dayrooms.

Applies to Type I.

- (6) Inmates, including those in medical housing units or infirmaries, shall have access to toilets and washbasins with temperature-controlled hot and cold running water twenty-four (24) hours per day. All facilities shall provide operable toilets and washbasins to inmates on a ratio of at least one (1) toilet and washbasin to every twelve (12) male inmates and one (1) toilet and washbasin for every eight (8) female inmates and one (1) toilet and washbasin accessible to occupants of any single-occupancy cell without their having to leave their cell. Urinals may be substituted for up to one-half of the toilets in male facilities. Inmates shall be able to use toilet facilities without staff assistance when they are confined in their cells/sleeping areas. All new facilities constructed after January 1, 2015 shall be required to provide an unbreakable toilet, washbasin or water closet in maximum security areas.

Applies to Types I, II, and III.

- (7) Jails shall have at least one (1) operable shower for every sixteen (16) inmates, which shall be accessible to inmates without their having to leave their cell block.

Workhouses shall have at least one (1) operable shower for every sixteen (16) inmates, which shall be accessible to inmates on a daily basis.

Applies to Types I, and II.

- (8) New facilities shall have at least one (1) single cell for the separation and control of problem inmate. The cell shall conform to the single-occupancy cell dimensions and shall have, at a minimum:
- (a) High security light fixture;
 - (b) Unbreakable water closet and lavatory with control valve located outside the cell;
 - (c) Forced air ventilation; and
 - (d) Concrete bed, a minimum of twelve (12) inches off of the floor and no higher than sixteen (16) inches off of the floor, with rounded edges.

The cell shall contain no structural projections or furnishings that would allow the inmate to harm himself/herself. The cell shall be located to allow continuous monitoring by detention officers.

Applies to Types I, II, and III.

- (9) (a) All facilities shall have at least one (1) special purpose cell for males and one (1) special purpose cell for females to provide for the temporary detention of persons under the influence of intoxicants. The special purpose cells shall conform to multiple-occupancy cell dimensions and capacity. These cells shall have, at a minimum:
- 1. Flushable drain or unbreakable water closet and lavatory;
 - 2. High security light fixture;
 - 3. Forced air ventilation; and
 - 4. No structural projections;
- (b) New facilities shall also provide a concrete bed in the special purpose cell, a minimum of twelve (12) inches off of the floor and no higher than sixteen (16) inches off of the floor with rounded edges.
- (c) In new facilities, this cell shall be located so as to allow continuous monitoring by detention officers.
- (d) The requirement for one (1) special purpose cell applies only to facilities that have construction plans reviewed and approved by the Tennessee Corrections Institute after June 1, 2000. The requirement for two (2) special purpose cells applies to plans reviewed and approved after January 1, 2015.

Applies to Types I, II, and III.

- (10) New facilities shall provide space inside the security perimeter, separate from inmate living areas and administrative offices, for inmate processing as inmates are received and discharged from the facility. This space shall have the following components:
- (a) Pedestrian and/or vehicle sally port;
 - (b) Telephone facilities for inmate use;

- (c) Temporary holding rooms which have fixed benches to seat inmates; and
- (d) A shower, toilet and washbasin.

Existing facilities shall be provided with space where inmates are received, searched, showered, and issued clothing (if provided by the facility) prior to assignment to the living quarters.

Applies to Types I, and II.

- (11) Provisions shall be made for a visiting area which shall allow each inmate at least one (1) hour of visitation each week.

Applies to Type I.

- (12) Provisions shall be made for a private interview room for the use of attorneys and for interrogation of inmates by law enforcement agencies.

Applies to Types I, II, and III.

- (13) New facilities shall have at least one (1) multi-purpose room for conducting programs and for inmate exercise.

Applies to Type I.

- (14) New facilities shall provide a secure outdoor recreation area with dimensions of at least Nine hundred (900) square feet. Covered/enclosed exercise areas in facilities where less than one hundred (100) inmates utilize one recreation area shall have fifteen (15) square feet per inmate for the maximum number of inmates expected to use the space at one time, but not less than five hundred (500) square feet of unencumbered space.

Applies to Type I.

- (15) Facilities shall have space where a physician may conduct sick call, examine patients in privacy and render routine medical treatment.

Applies to Types I, II, and III

- (16) Facilities shall have a secure control center, manned twenty-four (24) hours per day, through which telephone and other communications are channeled. The location of the control center shall provide good visibility or be equipped with a monitoring device. The control center shall monitor the operation of various systems, including fire alarm, smoke and thermal detection, public address, radio and other mechanical and electrical systems as warranted.

Applies to Types I, II, and III.

- (17) Access to potable water, shall be located in all housing areas. In existing facilities, if the water from washbasins is potable, drinking cups must be made available.

Applies to Types I, II, and III.

- (18) Facilities shall have an emergency power source of sufficient capacity to operate security and evacuation electrical devices and equipment and to provide minimum lighting within the facility and its perimeter at times of power failure. The power source shall be checked for functional readiness quarterly and the dates logged.

Applies to Types I, II, and III.

- (19) Facilities shall provide that any electric locks have the capability for manual operation.

Applies to Types I, II, and III.

- (20) Facilities shall have exit signs at each exit which are distinctly marked and continuously illuminated. Exits shall be kept clear and in usable condition to insure the timely evacuation of inmates and staff in the event of fire or other emergency. Exits and exit lights will be approved by the State Fire Marshal's office.

Applies to Types I, II, and III.

- (21) Facilities shall have documentation of compliance with applicable sanitation and fire safety standards.

Applies to Types I, II, and III.

- (22) All kitchens, dining rooms, multiple toilet areas and corridors shall contain operable floor drains.

Applies to Types I, II, and III.

- (23) Facilities shall have cells to accommodate the facility's classification plan. Facilities that house males and females, and juveniles and adults shall have provisions to separate accordingly. Such provisions shall not allow physical contact or sight and sound communication. Provisions shall also be made to separate minimum, medium, and maximum security inmates.

Applies to Types I, II, and III.

- (24) Plans for any new facility to be built and for any existing facility to be renovated shall be in compliance with minimum standards recorded herein and be submitted to the Tennessee Corrections Institute for review and the State Fire Marshal's Office for review and approval.

Plans for the construction of any new facility and the renovation of any existing facility shall state whether the facility's function will be for temporary holding or for permanent confinement of inmates. The facility's primary function may encompass both of these functions.

A plan for operating the facility shall be developed in the initial stages of planning the facility so that the facility can be designed around the operating plan, rather than the reverse. This approach will contribute to the simplification of design and effective use of operating controls.

Applies to Types I, II, and III.

- (25) Any temporary inmate housing shall meet all standards for existing facilities. Temporary housing for inmates shall not be in use for more than eighteen (18) months unless an extension is approved by the Tennessee Corrections Institute Board of Control.

Applies to Types I, II, and III.

Authority: T.C.A. § 41-4-140.

1400-01-.05 Administration/Management is amended by deleting the language in its entirety and substituting the following, so as amended, the rule shall read:

1400-01-.05 Administration/Management.

- (1) Facilities shall maintain fiscal records which clearly indicate the total cost for operating the facility according to generally accepted accounting principles. Such records shall have an itemized breakdown of the total operating expenses, such as wages and salaries, food, and operating supplies.

Applies to Types I, II, and III.

- (2) Facilities shall maintain written policies and procedures governing the facility's operations. The policies and procedures shall be reviewed at least annually and updated as needed. These policies and procedures shall be approved by the sheriff, chief, or warden and shall be made available to all facility employees.

Applies to Types I, II, and III.

- (3) Facilities shall maintain written plans developed in advance for dealing with emergencies such as escape, inmate disturbances, assaults on facility employees, hostage taking, and emergency evacuation plans. The written plans shall be incorporated into the facility's manual. Each facility employee shall be familiar with these plans.

Applies to Types I, II, and III.

- (4) Facilities shall maintain a written policy and procedure to provide for fire drills every three (3) months for all staff members on every shift and document dates of said drills.

Applies to Types I, II, and III.

- (5) Facility administrators shall develop a list of articles and materials that shall be allowed in the cell area. Inmates shall be informed of this list upon admission.

Applies to Types I and II.

- (6) Facilities shall have a written and graphic evacuation plan posted in the housing area, as well as any other specified locations. The plan shall be approved by a contractor or local fire inspector trained in the application of fire safety codes and shall be reviewed annually.

Applies to Types I, II, and III.

- (7) Written policy and procedure shall ensure that inmates shall not be subjected to discrimination based on race, national origin, color, creed, sex, economic status or political belief. When both males and females are housed in the same facility, available services and programs shall be comparable.

Applies to Types I and II.

- (8) A facility preventative maintenance program shall be in place. All equipment shall be in working order. Safety and security equipment shall be repaired or replaced without undue delay. The use of padlocks and/or chains to secure prisoner cells or housing area doors is prohibited.

Applies to Types I, II, and III.

- (9) Each facility relying on regular access to additional living space to comply with minimum cell size requirements under Rule 1400-01-.04 shall maintain a written policy regarding the number of hours of access to additional living space outside an inmate's cell that inmates will be allowed. This policy should take into consideration any relevant factors regarding inmates, including but not limited to inmate classifications. Records shall be maintained on the number of hours per day inmates have access to additional living areas in such facilities.

Applies to Types I and II.

- (10) Facilities shall provide an inmate grievance procedure to all inmates. The grievance procedure must include at least one (1) level of appeal.

Applies to Types I, II and III.

Authority: T.C.A. §41-4-140.

1400-01-.06 Personnel is amended by deleting the language in its entirety and substituting the following, so as amended, the rule shall read:

1400-01-.06 Personnel.

- (1) A criminal record check shall be conducted on all new facility employees, service providers with continuous access to restricted areas, contactors, and volunteers prior to their assuming duties to identify if there are criminal convictions that have a specific relationship to job performance. This criminal record check includes comprehensive identifier information to be collected and run against law enforcement indices. If suspect information on matter with potential terrorism connections is returned on desirable applicant, this information shall be forwarded to the local Joint Terrorism Task Force (JTTF) or other similar agency.

Applies to Types I, II and III.

- (2) Facilities shall develop a personnel policy manual made available to each employee, and which provides information on the following subjects:

- (a) Description of organizational structure;
- (b) Position descriptions;
- (c) Personnel rules and regulations;
- (d) Recruitment procedures;
- (e) Equal employment opportunity provisions;
- (f) Work hours;
- (g) Personnel records;
- (h) Employee evaluation;
- (i) In-Service training;

- (j) Hostage policy; and
- (k) Use of force.

Applies to Type I.

- (3) Prior to assuming duties, all detention facility employees, support employees and non-facility support staff shall receive orientation training regarding the functions and mission of the facility under the supervision of a qualified detention officer. This training may be accomplished through classroom instruction, supervised on-the-job training, an individual review of policies and procedures, or any combination of the three and shall include:

- (a) Facility policies and procedures;
- (b) Suicide prevention;
- (c) Use-of-force;
- (d) Report writing;
- (e) Inmate rules and regulations;
- (f) Key control;
- (g) Emergency plans and procedures;
- (h) Cultural diversity;
- (i) Communication skills; and
- (j) Sexual misconduct.

Applies to Types I, II, and III.

- (4) A Facility Training Officer shall coordinate the staff development and training program. This person shall have specialized training for that position (assigned as a primary or additional duty). The Facility Training Officer (FTO) shall complete the Training the Trainer (3T) course and attend the annual FTO Conference conducted by the Tennessee Corrections Institute.

Applies to Types I, II and III.

- (5) All support employees who have minimal inmate contact shall receive at least sixteen (16) hours of facility training during their first year of employment. All employees in this category shall receive an additional sixteen (16) hours of facility training each subsequent year of employment.

Applies to Types I, II and III.

- (6) All non-facility support staff who have regular or daily inmate contact, shall receive a minimum of four (4) hours continuing annual training, which may include:

- (a) Security procedures and regulations;
- (b) Supervision of inmates;

- (c) Signs of suicide risk;
- (d) Suicide precautions;
- (e) Use-of-force regulations and tactics;
- (f) Report writing;
- (g) Inmate rules and regulations;
- (h) Key control;
- (i) Rights and responsibilities of inmates;
- (j) Safety procedures;
- (k) All emergency plans and procedures;
- (l) Interpersonal relations;
- (m) Social/cultural lifestyles of the inmate population;
- (n) Cultural diversity;
- (o) CPR/first aid;
- (p) Counseling techniques;
- (q) Sexual harassment/sexual misconduct awareness;
- (r) Purpose, goals, policies, and procedures for the facility and the parent agency;
- (s) Security and contraband regulations;
- (t) Appropriate conduct with inmates;
- (u) Responsibilities and rights of employees;
- (v) Universal precautions;
- (w) Occupational exposure;
- (x) Personal protective equipment;
- (y) Bio-hazardous waste disposal; and
- (z) Overview of the correctional field.

Applies to Types I, II, and III

- (7) All detention facility employees, including part-time employees, whose primary duties include the industry, custody, or treatment of inmates shall be required during the first year of employment to complete a basic training program consisting of a minimum of forty (40) hours and provided or approved by the Tennessee Corrections Institute.

Applies to Types I,II, and III.

- (8) All detention facilities employees, including part-time employees, whose primary duties include the industry, custody, or treatment of inmates shall be required to complete an annual in-service program designed to instruct them in specific skill areas of facility operations. This annual in-service shall consist of forty (40) hours with at least sixteen (16) of these hours provided or approved by the Tennessee Corrections Institute. The remaining twenty-four (24) hours may be provided by the facility if course content is approved and monitored by the Tennessee Corrections Institute.

Applies to Types I, II, and III.

- (9) A minimum number of hours of training and any additional courses for basic and in-service training shall be in compliance with the requirements established by the Tennessee Corrections Institute Board of Control.

Applies to Types I, II, and III.

- (10) All facility employees who are authorized to use firearms and less lethal weapons shall receive basic and ongoing in-service training in the use of these weapons. Training shall include decontamination procedures for individuals exposed to chemical agents. All such training shall be recorded with the dates completed and kept in the employee's personnel file.

Applies to Types I, and II.

- (11) Facilities shall maintain records on the types and hours of training completed by each correctional employee, support employee and non-facility support staff.

Applies to Types I, II, and III.

Authority: T.C.A. § 41-4-140.

1400-01-.07 Security is amended by deleting the language in its entirety and substituting the following, so as amended, the rule shall read:

1400-01-.07 Security.

- (1) Each newly admitted inmate shall be thoroughly searched for weapons and other contraband immediately upon arrival in the facility, regardless of whether the arresting officer previously conducted a search.

Applies to Types I and II.

- (2) A record shall be maintained on a search administered to a newly admitted inmate.

Applies to Types I and II.

- (3) Facilities shall maintain policy and procedures to require that all inmates, including trustees, shall be searched thoroughly by detention officers when the inmates enter and leave the security area.

Applies to Type I.

- (4) Facilities shall maintain a written policy and procedure to for searches of the facilities and inmates to control contraband.

Applies to Type I.

- (5) Procedure shall differentiate between the searches allowed (orifice, pat, or strip) and identify when these shall occur and by whom such searches may be conducted. All orifice searches shall be done under medical supervision. Inmates shall be searched by facility employees of the same sex, except in emergency situations.

Applies to Types I, II, and III.

- (6) Facilities shall maintain a written policy and procedure for key control, including the inventory and use of keys, shall be established and the operator of the control center shall have knowledge of who has the keys in use and the location of duplicate keys. All day-to-day operations shall be centralized and controlled through the control center.

Applies to Type I.

- (7) There shall be one (1) full set of well-identified keys, other than those in use, secured in a place accessible only to facility personnel for use in the event of an emergency. These keys shall be easily identifiable by sight and touch under adverse conditions.

Applies to Type I.

- (8) Written policy and procedures shall govern the availability, control, inventory, storage, and use of firearms, less-lethal weapons, and related security devices, and specify the level of authority required for their access and use. Chemical agents and electrical disablers shall be used only with the authorization of the facility administrator or designee. Access to storage areas shall be restricted to authorized facility employees and the storage space shall be located in an area separate from and apart from inmate housing or activity areas. A written report shall be submitted to the facility administrator when such weapons are used.

Applies to Types I, II, and III.

- (9) Facilities shall develop a written policy and procedure to require that firearms, chemical agents, and related security and emergency equipment inventoried and tested at least quarterly to determine the condition and expiration dates. This written policy and procedure shall provide for regular inspection of ABC type fire extinguishers, smoke detectors, and other detection and suppression systems.

Applies to Types I, II, and III.

- (10) All tools, toxic, corrosive and flammable substances and other potentially dangerous supplies and equipment shall be stored in a locked area which is secure and located outside the security perimeter of the confinement area. Tools, supplies and equipment which are particularly hazardous shall be used by inmates only under direct supervision.

Applies to Types I, and II.

- (11) Facilities shall develop a written policy and procedure to, require at least weekly inspection of all security facilities and documentation the dates of inspections.

Applies to Types I, and II.

- (12) Facilities shall develop a written policy and procedure to provide for continuous inspection, inventory, and maintenance of all locks, tools, kitchen utensils, toxic,

corrosive, and flammable substances and other potentially dangerous supplies and equipment.

Applies to Type I.

- (13) Facilities shall develop a written plan that provides for continuing operations in the event of a work stoppage or other job action. Copies of this plan shall be available to all supervisory personnel who are required to familiarize themselves with it.

Applies to Type I.

- (14) Detention officer posts shall be located in close proximity to inmate living areas to permit officers to see or hear and respond promptly to emergency situations. There shall be written orders for every detention officer duty and post.

Applies to Types I, II, and III.

- (15) The facility administrator or designee shall visit the facility's living and activity areas at least weekly.

Applies to Types I, II, and III.

- (16) The facility perimeter shall ensure that inmates are secured and that access by the general public is denied without proper authorization.

Applies to Types I, II, and III.

- (17) All inmate movement from one area to another shall be controlled by facility employees.

Applies to Types I, II, and III.

- (18) Facility employees shall maintain a permanent log and prepare shift reports that record routine information, emergency situations, and unusual incidents.

Applies to Types I, II, and III.

- (19) Facilities shall have sufficient staff, including designated supervisor, to provide, at all times, the performance of functions relating to the security, custody, and supervision of inmates as needed to operate the facility in conformance with the standards.

Applies to Types I, II, and III.

- (20) Restraint devices shall never be applied as punishment. Facilities shall define circumstances under which supervisory approval is needed prior to application.

Applies to Types I, II, and III.

- (21) Four/five-point restraints shall be used only in extreme instances and only when other types of restraints have proven ineffective. Advance approval shall be secured from the facility administrator/ designee before an inmate is placed in a four/five-point restraint. Subsequently, the health authority or designee shall be notified to assess the inmate's medical and mental health condition, and to advise whether, on the basis of serious danger to self or others, the inmate should be in a medical/mental health unit for emergency involuntary treatment with sedation and/or other medical management, as appropriate. If the inmate is not transferred to a medical/mental health unit and is

restrained in a four/five-point restraint, the following minimum procedures shall be followed:

- (a) Continuous direct visual observation by facility employees prior to an assessment by the health authority or designee;
- (b) Subsequent visual observation is made at least every fifteen (15) minutes;
- (c) Restraint procedures are in accordance with guidelines approved by the designated health authority; and
- (d) Documentation of all decisions and actions.

Applies to Types I, II, and III.

(22) The use of firearms shall comply with the following requirements:

- (a) A written policy and procedure that governs the availability, control, and use of chemical agents and firearms;
- (b) Firearms, chemical agents, and related security and emergency equipment are inventoried and tested at least quarterly;
- (c) Weapons are subjected to stringent safety regulations and inspections;
- (d) A secure weapons locker is located outside the secure perimeter of the facility;
- (e) Except in emergency situations, firearms and authorized weapons are permitted only in designated areas to which inmates have no access;
- (f) Facility employees supervising inmates outside the facility perimeter follow procedures for the security of weapons;
- (g) Facility employees are instructed to use deadly force only after other actions have been tried and found ineffective, unless the employee believes that a person's life is immediately threatened;
- (h) Facility employees on duty use only firearms or other security equipment that has been approved by the facility administrator;
- (i) Appropriate equipment is provided to facilitate safe unloading and loading of firearms; and;
- (j) A written report shall be submitted to the facility administrator when such weapons are used.

Applies to Types I, II, and III.

Authority: T.C.A. §41-4-140.

1400-01-.08 Discipline is amended by deleting the language in its entirety and substituting the following, so as amended, the rule shall read:

1400-01-.08 Discipline.

- (1) Facilities shall maintain policies and procedures to insure written or electronic facility rules along with the corresponding range of sanctions for rule violations and disciplinary procedures to be followed shall be provided to each inmate during the booking process prior to being placed into the general population. A record shall be maintained of this transaction. Socially, mentally, or physically impaired inmates shall be assisted by facility employees in understanding the rules. The rules and regulations shall be available for viewing during confinement and shall be translated into those languages spoken by a significant number of inmates.

Applies to Type I.

- (2) Disciplinary reports shall be prepared by facility employees and must include, but are not limited to, the following information:
 - (a) Names of persons involved;
 - (b) Description of the incident;
 - (c) Specific rule(s) violated;
 - (d) Employee or inmate witnesses;
 - (e) Any immediate action taken, including use of force; and
 - (f) Reporting staff member's signature, date and time report is made.

Applies to Type I.

- (3) Facilities shall maintain written policies and procedures governing disciplinary actions, administrative actions, and criminal offenses. Each county is required by T.C.A § 41-2-111 to have a disciplinary review board.

Applies to Type I.

- (4) Facilities shall maintain written policies and procedures to provide for disciplinary hearings to be held in cases of alleged violations of inmate conduct rules. Hearings shall include the following administrative due process guarantees:
 - (a) Not less than twenty-four (24) hours prior to the scheduled start of the hearing, the inmate shall receive written notice of charges and time of hearing.
 - (b) The inmate shall be allowed time, not less than twenty-four (24) hours, to prepare for appearance before an impartial officer or board.
 - (c) The inmate shall have the right to call and cross examine witnesses and present evidence in his own defense, when permitting him to do so will not be unduly hazardous to institutional safety or correctional goals.
 - (d) An inmate may be excluded during testimony. An inmate's absence or exclusion shall be documented.
 - (e) The reasons for any limitations placed on testimony or witnesses shall be stated in writing by the hearing officer.
 - (f) There must be a written statement by the fact finders to include, at a minimum, evidence relied on and reasons for the disciplinary action.

(g) Appeals process is available.

Applies to Type I.

- (5) Facilities shall maintain a written policy and procedure to allow inmates to receive a hearing prior to segregation, except in cases where the security of the facility is threatened, as determined by the facility administrator or his/her designee.

Applies to Type I.

- (6) For segregated inmates, a disciplinary hearing must be held within seventy-two (72) hours of placement in segregation, excluding holidays, weekends and emergencies, and for other inmates, a disciplinary hearing must be held within seven (7) days of the write-up.

Applies to Type I.

- (7) The facility shall give the inmate a copy of the disciplinary decision and the facility shall keep a copy of the disciplinary decision in the inmate's record.

Applies to Type I.

- (8) Facilities shall maintain a written policy and procedure to provide that the disciplinary reports are removed from all files on inmates found not guilty of an alleged violation.

Applies to Type I.

- (9) Corporal punishment is not permitted under any circumstances.

Applies to Types I, II, and III.

- (10) Use of physical force may be used when authorized and shall be thoroughly documented with detailed account of who was involved, the force that was used, and justification for its use. This report shall be submitted to the facility administrator. Force may be used to:

- (a) Overcome resistance,
- (b) Repel aggression,
- (c) Protect life, and
- (d) Retake inmate or property.

Applies to Type I.

Authority: T.C.A. § 41-4-140.

1400-01-.09 Sanitation/Maintenance is amended by deleting the language in its entirety and substituting the following, so as amended, the rule shall read:

1400-01-.09 Sanitation/Maintenance.

- (1) Facilities shall be clean and in good repair. Floors throughout the facility shall be kept clean, dry, and free of any hazardous materials or substance.

Applies to Types I, II, and III.

- (2) A facility employee shall make daily sanitation and safety inspections. Dates of inspections shall be recorded and conditions noted. Any maintenance problems shall be recorded on a regular maintenance report.

Applies to Type I.

- (3) Facilities shall provide for regularly scheduled disposal of liquid, solid, and hazardous material complying with applicable government regulations.

Applies to Type I.

- (4) Facilities shall provide for control of vermin and pests and shall remove inmates from treatment areas if there is a risk of illness.

Applies to Types I, II, and III.

- (5) Inmate housing area walls shall be kept clean and free of pictures or other objects which provide hiding places for vermin or create a fire hazard.

Applies to Type I.

- (6) All walls, ceilings, floors, showers, and toilets shall be kept free from mold and mildew.

Applies to Types I, II, and III.

Authority: T.C.A. § 41-4-140.

1400-01-.10 Food Services is amended by deleting the language in its entirety and substituting the following, so as amended, the rule shall read:

1400-01-.10 Food Services.

- (1) Food service guidelines and a menu pattern approved by a dietician, at least annually, shall be used by each facility in the preparation of meals. Menu evaluations shall be conducted, at least quarterly, by food service supervisory staff to verify adherence to the established basic dietary servings.

Applies to Type I.

- (2) Working inmates shall receive at least three (3) meals every twenty-four (24) hours with no more than fourteen (14) hours between any two (2) meals. At least two (2) of these meals shall be hot. Non-working inmates shall receive at least two (2) meals every twenty-four (24) hours with no more than fourteen (14) hours between any two (2) meals. Variations may be allowed based on weekend and holiday food service demands, as long as basic nutritional goals are met.

Applies to Type I.

- (3) All meals shall be prepared (except when catered) and served under the direct supervision of staff.

Applies to Types I, II, and III.

- (4) Inmates involved in the preparation of the food shall receive an agency-approved pre-assignment medical screening to ensure freedom from illness transmittable by food or utensils. Facilities shall have a policy to insure those currently assigned to food service preparation duties who are identified by food service staff as having an illness or infection shall be removed from those duties.

Applies to Types I, II, and III.
- (5) Written policy and procedure shall require that accurate records are maintained on the number of meals served per day, the actual food served, and meal schedule.

Applies to Type I.
- (6) Facilities shall inspect all food service areas on a weekly basis, including dining and food preparation areas and equipment by administrative, medical, or food service personnel.

Applies to Types I, II and III.
- (7) Written policy shall require that food shall never be used as a reward or disciplinary measure.

Applies to Types I, and II.
- (8) Modified diets shall be prepared for inmates when requested by medical staff or by a physician's order, and all reasonable efforts shall be made to accommodate dietary needs of a religion.

Applies to Types I, and II.
- (9) Shelf goods shall be maintained between forty-five (45) degrees and eighty (80) degrees Fahrenheit; refrigerated foods between thirty-five (35) degrees and forty (40) degrees Fahrenheit; and frozen foods at zero (0) degrees Fahrenheit or below.

Applies to Types I, II and III.
- (10) The preparation or storage of open food, other than a reasonable amount of commissary food, shall not be permissible in the immediate housing area.

Applies to Types I, II and III.
- (11) Refrigerators shall be clean and contain a thermometer.

Applies to Types I, II and III.
- (12) All food products shall be stored at least six (6) to eight (8) inches off the floor on shelves or in shatter-proof containers with tight fitting lids.

Applies to Types I, II and III.
- (13) Insecticide, cleaning agents and poisonous substances shall be plainly labeled and stored away from food.

Applies to Types I, II and III.
- (14) Culinary equipment (knives and other sharp instruments) shall be securely stored, inventoried and their use controlled.

Applies to Types I, II and III.

- (15) Stoves shall be equipped with operable hooded exhaust systems and the filters shall be kept clean.

Applies to Types I, II and III.

Authority: T.C.A. § 41-4-140.

1400-01-.11 Mail and Visiting is amended by deleting the language in its entirety and substituting the following, so as amended, the rule shall read:

1400-01-.11 Mail and Visiting.

- (1) Facilities shall maintain a written policy outlining the facility's procedures governing inmate mail.

Applies to Type I.

- (2) Facilities shall develop a written policy governing the censoring of mail. Any regulation for censorship must meet the following criteria:

(a) The regulation must further an important and substantial governmental interest unrelated to the suppression of expression (e.g., detecting escape plans which constitute a threat to facility security and/or the well-being of employees and/or inmates); and

(b) The limitation must be no greater than is necessary to the protection of the particular governmental interest involved.

Applies to Type I.

- (3) Both incoming and outgoing mail shall be inspected for contraband items prior to delivery, unless received from the courts, attorney of record, or public officials, where the mail shall be opened in the presence of the inmate.

Applies to Type I.

- (4) Outgoing mail shall be collected and incoming mail shall be delivered without unnecessary delay.

Applies to Type I.

- (5) An inmate shall be notified if a letter addressed to the inmate or written by the inmate is rejected. If the inmate wrote the rejected letter, the inmate must be given a reasonable opportunity to protest the rejection.

Applies to Type I.

- (6) Written policy and procedure shall provide that the facility permits postage for two (2) free personal letters per week for inmates that have less than two dollars (\$2.00) in their account. Facilities shall also provide postage for all legal or official mail.

Applies to Type I.

- (7) Facilities shall maintain a written policy to define the facility's visitation policies which shall include, at a minimum:
- (a) One (1) hour of visitation each week for each inmate;
 - (b) A list of possible visitors submitted by each inmate;
 - (c) Children shall be allowed to visit their parents;
 - (d) Visitors shall register before admission and may be denied admission for refusal to register, for refusal to consent to search, or for any violation of posted institutional rules; and
 - (e) Probable cause shall be established in order to perform a strip or body cavity search of a visitor. When probable cause exists, the search shall be documented

Applies to Type I.

Authority: T.C.A. § 41-4-140.

1400-01-.12 Inmate Programs and Activities is amended by deleting the language in its entirety and substituting the following, so as amended, the rule shall read:

1400-01-.12 Inmate Programs And Activities.

- (1) Library services shall be made available to all inmates.

Applies to Type I.

- (2) Inmates shall have access to exercise and recreation opportunities. A written plan shall provide that all inmates have the opportunity to participate in an average of one (1) hour of physical exercise per day outside the cell. Outdoor recreation may be available when weather and staffing permit.

Applies to Type I.

- (3) Written policy and procedure requires that the facility shall provide for inmates to voluntarily participate in religious activity at least once each week.

Applies to Type I.

- (4) Policy and procedure shall provide for the inmates' to have reasonable private access to a telephone. Telephone procedure, including any limitations, shall be in writing and posted so as to be conspicuous to inmates. The procedure shall include, at a minimum:

- (a) The hours during which such access shall generally be provided,
- (b) A statement regarding the privacy of telephone communication,
- (c) Inmates with hearing and/or speech disabilities shall be afforded access to a Telecommunications Device for the Deaf (TDD), or comparable equipment. Public telephones with volume control shall be made available to inmates with a hearing impairment. Information regarding the availability of TDD communication

devices shall be posted. Inmates with hearing and/or speech impairments shall be afforded access similar to those inmates without impairments.

Applies to Types I, II and III.

- (5) Release programs shall require:
- (a) Written operational procedures,
 - (b) Careful screening and selection procedures,
 - (c) Written rules of inmate conduct,
 - (d) A system of supervision to minimize inmate abuse of program privileges,
 - (e) A complete record-keeping system,
 - (f) A system for evaluating program effectiveness, and
 - (g) Efforts to obtain community cooperation and support.

Applies to Type I.

- (6) Written policy shall provide that inmates be allowed to have confidential access to attorneys and their authorized representatives at any reasonable hour.

Applies to Types I,II, and III.

- (7) Inmates shall have unrestricted and confidential access to the courts. Inmates shall have the right to present any issue before a court of law or governmental agency. The facility shall establish reasonable hours during which attorneys may visit and/ or telephonically communicate. Inmates shall have access to legal materials.

Applies to Types I,II, and III.

- (8) Written policy shall provide that pretrial detainees shall not be required to work, except to do personal housekeeping.

Applies to Types I, and II.

- (9) Foreign nationals shall have access to the diplomatic representatives of their country of citizenship through the State Department consular notification protocols and contact information.

Applies to Types I, II, and III.

Authority: T.C.A. § 41-4-140.

1400-01-.13 Medical Services is amended by deleting the language in its entirety and substituting the following, so as amended, the rule shall read:

1400-01-.13 Medical Services.

- (1) The provision of medical services for the facility shall be the responsibility of a designated medical authority such as a hospital, clinic, or physician. There shall be an agreement between the governmental funding agency responsible for the facility and the hospital/clinic/physician

responsible for such services. The designated medical authority must be notified in instances where an inmate may be in need of medical treatment and the facility shall document this notification. The health authority shall meet with the Sheriff and/ or facility administrator at least annually.

Applies to Types I, II, and III.

- (2) Clinical decisions are the sole province of the responsible clinician and shall not be countermanded by non-clinicians.

Applies to Types I, II, and III.

- (3) All health care professional staff shall comply with applicable state and federal licensure, certification, or registration requirements. Verification of current credentials shall be available upon request from the provider. Health care staff shall work in accordance with profession-specific job descriptions approved by the health authority. If inmates are assessed or treated by non-licensed health care personnel, the care shall be provided pursuant to written standing or direct orders by personnel authorized to give such orders.

Applies to Type I, II, and III.

- (4) Continuity of care is required from admission to transfer or discharge from the facility, including referral to community-based providers, when indicated. When health care is transferred to providers in the community, appropriate information shall be shared with the new providers in accordance with consent requirements. Prior to release from custody or transfer, inmates with known serious health conditions shall be referred to available community resources by the facility's health care provider currently providing treatment.

Applies to Types I, II, and III.

- (2 5) Written policy and procedure shall prohibit inmates from performing patient care services, scheduling health care appointments or having access to medications, health records or medical supplies and equipment.

Applies to Type I.

- (3 6) First aid kits shall be available and a physician shall approve the number, contents, and location of such kits on an annual basis. Documentation of such approval must be in the facility's permanent records or attached to the kit itself.

Applies to Types I, II, and III.

- (4 7) Receiving screening shall be performed on all inmates upon admission to the facility and before placement in the general housing area. The findings shall be recorded on a printed screening form. The officer performing this duty shall check for:

- (a) A serious illness,
- (b) A comatose state,
- (c) Obvious wounds,
- (d) Prescribed medications, and
- (e) Suicide risk assessment, including suicidal ideation or history of suicidal behavior or other mental health illness.

Applies to Types I, II, and III.

- (5 8) A more complete examination shall be completed on inmates within fourteen (14) days of the inmate's initial confinement date. If the facility can document that health appraisal was conducted within the previous ninety (90) days, this fourteen (14)-day physical is not required unless medical conditions dictate otherwise. This examination shall be performed by a physician or a person who has been designated by a physician as capable of performing such examination. If a designee performs the examination he/she must do so under supervision of a physician and with a protocol or set of instructions and guidelines from the physician. This examination shall include:
- (a) Inquiry into current illness and health problems, including those specific to women,
 - b) Inquiry into medications taken and special health requirements,
 - (c) Screening of other health problems designated by the responsible physician,
 - (d) Behavioral observation, including state of consciousness and mental status,
 - (e) Notification of body deformities, trauma markings, bruises, lesions, jaundice, ease of movement, etc.,
 - (f) Condition of skin and body orifices, including rashes and infestations,
 - (g) Disposition/referral of inmates to qualified medical personnel on an emergency basis,
 - (h) A review of the initial intake receiving screening, and
 - (i) An individual treatment plan as appropriate.

Applies to Type I.

- (9) All intersystem transfer inmates (transferred from one confinement facility to another within the same county's jurisdiction) shall receive a health screening by health-trained or qualified health care personnel, which commences on their arrival at the facility. All findings are recorded on a screening form approved by the health authority. At a minimum, the screening includes the following:
- (a) A review of the inmate's medical, dental, and mental health problems;
 - (b) Current medications; and
 - (c) Current treatment plan.

Applies to Types I, II and III.

- (10) Sick call, conducted by a physician or other person designated by a physician as capable of performing such duty, shall be available to each inmate according to written procedure for sick call. The inmate shall be informed of these procedures, including any copayment requirements, as well as procedures for submitting grievances, upon admission.

Applies to Types I, II and III.

- (11) Inmates shall have access to mental health services as clinically warranted in accordance with protocols established by the health authority that include:
- (a) Screening for mental health problems;
 - (b) Referral to outpatient services, including psychiatric care;
 - (c) Crisis intervention and management of acute psychiatric episodes;

- (d) Stabilization of the mentally ill and prevention of psychiatric deterioration in the facility;
- (e) Referral and admission to inpatient facilities; and
- (f) Informed consent for treatment.

Applies to Types I, II, and III.

- (12) A suicide prevention program shall be approved by the health authority and reviewed by the facility administrator. The program must include specific procedures for handling intake, screening, identifying, and continually supervising the suicide-prone inmate. All facility employees responsible for supervising suicide-prone inmates shall be trained annually on program expectations.

Applies to Types I, II, and III.

- (13) At least one (1) person per shift, assigned to work at the facility, shall be trained in First Aid/CPR, as defined by the American Red Cross, and CPR, as defined by the American Heart Association. Training shall also cover:

- (a) Awareness of potential emergency situations
- (b) Transfer to appropriate medical provider
- (c) Recognition of symptoms of illness most common to the facility
- (d) Giving of medication to prisoners

In addition, the health authority shall approve policies and procedures that insure that emergency supplies and equipment are readily available and in working order.

Applies to Types I, II and III.

- (14) Detoxification from alcohol, opiates, hypnotics, and other stimulants shall be conducted under medical supervision in accordance with local, state, and federal laws. When performed at the facility, detoxification shall be prescribed in accordance with clinical protocols approved by the health authority. Specific criteria shall be established for referring symptomatic inmates suffering from withdrawal or intoxication for more specialized care at a hospital or detoxification center.

Applies to Types I, II and III.

- (15) Facilities shall provide dental treatments, not limited to extractions, when the health of the inmate would otherwise be adversely affected during confinement, as determined by a physician or dentist.

Applies to Type I.

- (16) Facilities shall confiscate all medications in the possession of an inmate at the time of admission to the facility. The identification of and the need for such medication shall be verified by a physician or qualified health care personnel before it is administered.

Applies to Types I,II, and III.

- (17) Medications issued to inmates shall be strictly controlled.. All medications shall be prescribed by a physician and shall be kept in a secure place within the administrative or medical offices in the facility. An officer or qualified health care personnel shall verify that the medicine is taken as directed.

Applies to Types I, and II.

- (18) All medications shall be prescribed by a physician or his designee at the time of use and a medication receipt system established. This shall include controlled drugs and injections.

Applies to Types I, and II.

- (19) Medical and mental health records on the inmate's physical condition on admission, during confinement, and at discharge shall be kept in a separate file from the inmates other facility records. The medical record shall indicate all medical orders issued by the facility's physician and/or any other medical personnel who are responsible for rendering medical services. These medical records shall be retained for a period of five (5) years after the inmate's release.

Applies to Types I, II and III.

- (20) Informed consent standards of the jurisdiction shall be observed and documented for inmate care in a language understood by the inmate. In the case of minors, the informed consent of a parent, guardian, or a legal custodian applies when required by law. Inmates routinely have the right to refuse medical interventions. When health care is rendered against the inmate's will, it shall be in accordance with state and federal laws and regulations.

Applies to Types I, II, and III.

- (21) Involuntary administration of psychotropic medication(s) to inmates shall be authorized by a physician and provided in accordance with policies and procedures approved by the health authority, and in accordance with applicable laws and regulations of the jurisdiction.

Applies to Types I, II and III.

- (22) The use of inmates in medical, pharmaceutical, or cosmetic experiments is prohibited. This does not preclude inmate access to investigational medications on a case-by-case basis for therapeutic purposes in accordance with state and federal regulations.

Applies to Types, I, II, and III.

- (23) In case of medical emergencies, there shall be specific information readily accessible to all employees, such as telephone numbers and names of persons to be contacted, so that professional medical care can be received. There shall also be available the names and telephone numbers of persons to contact in case of death.

Applies to Types I, II, and III.

- (24) Inmates suffering from communicable diseases and those who are sick but do not require hospitalization shall be housed separate from other inmates as recommended by medical authorities.

Applies to Types I, II and III.

- (25) When an inmate is placed in segregation for health concerns, health care personnel shall be informed as soon as practical and provide assessment and review as indicated by the protocols established by the health authority.

Applies to Type I and II.

- (26) Medical/dental instruments and supplies (syringes, needles, and other sharp instruments) shall be inventoried, securely stored, and use shall be controlled.

Applies to Types I and II.

- (27) Pregnant inmates shall have access to obstetrical services (prenatal, per partum, and post-partum care) by a qualified health care provider.

Applies to Types I and II.

- (28) Inmates with chronic medical conditions, such as diabetes, hypertension, and mental illness shall receive periodic care by a qualified health care provider in accordance with individual treatment plans that include monitoring of medications and laboratory testing.

Applies to Types I, II and III.

- (29) Information shall be provided to inmates about sexual abuse/assault including:

- (a) Prevention/ intervention;
- (b) Self-protection;
- (c) Reporting sexual abuse/assault; and
- (d) Treatment and counseling.

This information shall be communicated in writing or electronically, in a language clearly understood by the inmate, upon arrival at the facility.

Applies to Type I, II, and III.

- (30) Sexual conduct between facility employees and inmates, volunteers or contract personnel and inmates is prohibited and subject to administrative, disciplinary and criminal sanctions. The prohibition applies regardless of consent.

Applies to Types I, II and III.

- (31) The health authority shall develop and approve protocols for identifying and evaluating major risk management events related to inmate health care, including inmate deaths, preventable adverse outcomes, and serious medication errors.

Applies to Types I, II and III.

Authority: T.C.A. § 41-4-140.

1400-01-.14 Admission, Records and Release is amended by deleting the language in its entirety and substituting the following, so as amended, the rule shall read:

1400-01-.14 Admission, Records And Release.

- (1) An intake form shall be completed for every inmate admitted to the facility and shall contain the following information, unless otherwise prohibited by statute:
- (a) Picture;
 - (b) Booking number;
 - (c) Date and time of intake;
 - (d) Name and aliases of person;
 - (e) Last known address;

- (f) Date and time of commitment and authority therefore;
- (g) Names, title, signature and authority therefore;
- (h) Specific charge(s);
- (i) Sex;
- (j) Age;
- (k) Date of birth;
- (l) Place of birth;
- (m) Race;
- (n) Occupation;
- (o) Last place of employment;
- (p) Education;
- (q) Name and relationship of next of kin;
- (r) Address of next of kin;
- (s) Driver's license and social security numbers;
- (t) Disposition of vehicle, where applicable;
- (u) Court and sentence (if sentenced prisoner);
- (v) Notation of cash and property;
- (w) Bonding company;
- (x) Amount of bond;
- (y) Date of arrest;
- (z) Warrant number;
- (aa) Court date and time;
- (bb) Cell assignment;
- (cc) Fingerprints; and
- (dd) Criminal history check.

Applies to Types I, II, and III.

- (2) The admitting officer shall ensure that each inmate received is committed under proper legal authority.

Applies to Types I, II, and III.

- (3) At the time of booking, a telephone shall be available within the receiving or security area. The detainee shall be allowed to complete at least one (1) telephone call to the person of his choice. Pursuant to T.C.A. § 40-7-106(b), no person under arrest by any officer or private citizen shall be

named in any book, ledger, or any other record until such time that the person has successfully completed a telephone call to an attorney, relative, minister, or any other person that the person shall choose, without undue delay. One (1) hour shall constitute a reasonable time without undue delay.

Applies to Types I, II, and III.

- (4) Cash and personal property shall be taken from the inmate upon admission, listed on a receipt form in duplicate, and securely stored pending the inmate's release. The receipt shall be signed by the receiving officer and the inmate, the duplicate given to the inmate, and the original kept for the record. If the inmate is in an inebriated state, there shall be at least one witness to verify this transaction. As soon as the inmate is able to understand what he is doing, he shall sign and be given the duplicate of the receipt.

Applies to Types I, II, and III.

- (5) Facilities shall maintain custody records on all inmates committed to or assigned to the facility, which shall include but are not limited to the following:

- (a) Intake/ booking information;
- (b) Court generated background information;
- (c) Cash and property receipts;
- (d) Reports of disciplinary actions, grievances, incidents, or crime(s) committed while in custody;
- (e) Disposition of court hearings;
- (f) Records of program participation;
- (g) Work assignments; and
- (h) Classification records;

Inmates shall have reasonable access to information in their records. Access is only limited due to safety or security concerns for the inmate, other inmates, or the facility.

Applies to Types I, II, and III.

- (6) Written policy and procedure shall ensure that inmate records are current and accurate.

Applies to Types I, II, and III.

- (7) Inmate records shall be safeguarded from unauthorized and improper disclosure.

Applies to Types I, II, and III.

- (8) As part of the inmate accounting system, facilities shall maintain on a daily basis the following information:

- (a) Admissions
 - 1. Adult Juvenile
 - 2. Male - Female
 - 3. Race

4. Charge

(b) Releases

1. Adult - Juvenile

2. Male - Female

3. Race

4. Charge

(c) Inmate Population

1. Sentenced – Non-sentenced

2. Adult - Juvenile

3. Male - Female

4. Felons - Misdemeanants

5. Race

Applies to Type I

(9) Facilities shall keep records on each inmate specifying:

(a) Date of confinement;

(b) Length of sentence;

(c) Reduction of sentences provided by statutes; and

(d) Release date.

Applies to Type I

(10) The administrator of a facility or designee shall maintain a record which indicates:

(a) When an inmate is to be discharged and under what conditions;

(b) If any detainers or pending detainers are placed against the inmate and if such be the case, the appropriate authorities shall be notified of his release date; and

(c) The time when and the authority by which the inmate was released.

Applies to Type I.

(11) Facilities shall maintain written policy and procedures for releasing inmates from the facility include, but are not limited to, the following:

(a) Identification of outstanding warrants, wants, or detainers;

(b) If released into the custody of another officer, appropriate credentials must be reviewed;

(c) Positive identification of the inmate by the releasing officer;

(d) Verification of release papers;

- (e) Completion of release arrangements, including notification of the parole authorities in the jurisdiction of release, if required;
- (f) Return of personal property including cash. All items shall be inventoried on a receipt and witnessed by the releasing officer. This receipt shall be kept in the permanent records of the facility;
- (g) Provision of a listing of available community resources; and
- (h) Provision of medication as directed by the health authority.

Applies to Types I, II and III.

- (12) All inmates released from the facility shall sign a receipt for property, valuables and cash returned at the time of release. All items shall be carefully inventoried on the receipt and witnessed by the releasing officer. The receipt shall be kept in the permanent records of the facility.

Applies to Types I, II, and III.

Authority: T.C.A. § 41-4-140.

1400-01-.15 Hygiene is amended by deleting the language in its entirety and substituting the following, so as amended, the rule shall read:

1400-01-.15 Hygiene.

- (1) Inmates shall be issued clothing within a reasonable time frame that is properly fitted and suitable for the climate and shall include the following:
 - (a) Clean socks;
 - (b) Clean undergarments;
 - (c) Clean outer garments; and
 - (d) Footwear.
 - (e) Inmates' personal clothing (if available and clean) may be substituted for institutional clothing at the discretion of the facility administrator.

Applies to Types I, and II.

- (2) Provisions shall be made so that inmates can regularly obtain the following minimum hygiene items:
 - (a) Soap;
 - (b) Toothbrush;
 - (c) Toothpaste or toothpowder;
 - (d) Comb;
 - (e) Toilet paper;
 - (f) Hygiene materials for women; and
 - (g) Shaving equipment.

- (h) These items or services shall be made available at the inmate's expense unless the inmate cannot afford to pay, in which case the inmate shall be provided the item or services free of charge.

Applies to Types I, and II.

- (3) An inmate commissary may be available for which inmates can purchase approved items that are not furnished by the facility. The commissary operations shall be strictly controlled using standard accounting procedures.

Applies to Types I and II.

- (4) Inmates shall be allowed freedom in personal grooming except when a valid governmental interest justifies otherwise. Arrangements for inmate's haircuts shall be made available, at the inmate's expense, on a regular basis. If an inmate cannot afford this service, it shall be provided free of charge.

Applies to Type I.

- (5) Each inmate who is detained overnight shall be provided with the following standard issue:

- (a) One (1) clean fire-retardant mattress in good repair;
- (b) One (1) clean mattress cover;
- (c) If pillows are provided, they shall be fire-retardant and a clean pillowcase shall be provided;
- (d) Sufficient clean blankets to provide comfort under existing temperature conditions; and
- (e) One (1) clean bath-size towel.

Applies to Types I, and II.

- (6) Facilities shall maintain an adequate supply of bedding and towels so that the following laundry or cleaning frequencies may be adhered to:

- (a) Sheets, pillowcases, mattress covers, and towels shall be changed and washed at least once a week;
- (b) All mattresses shall be disinfected quarterly and documented; and
- (c) Blankets shall be laundered monthly and otherwise sterilized before re-issue.

Applies to Type I.

- (7) Inmate clothing, whether personal or institutional, shall be exchanged and cleaned at least twice weekly unless work, climatic conditions or illness necessitate more frequent change.

Applies to Type I.

Authority: T.C.A. § 41-4-140.

1400-01-.16 Supervision Of Inmates is amended by deleting the language in its entirety and substituting the following, so as amended, the rule shall read:

1400-01-.16 Supervision Of Inmates.

- (1) All inmates shall be personally observed by a facility employee at least once every hour on an irregular schedule. More frequent observation shall be provided for inmates who are

violent, suicidal, mentally ill, intoxicated, and for inmates with other special problems or needs. The time of all such checks shall be logged, as well as the results.

Applies to Types I, II, and III.

- (2) The facility shall have a system to physically count inmates and record the results on a twenty-four (24) hour basis. At least one formal count shall be conducted for each shift.

Applies to Types I, II, and III.

- (3) Incidents which involve or endanger the lives or physical welfare of staff or inmates shall be recorded in a daily log and retained. Incidents shall include, at a minimum:

- (a) Death;
- (b) Attempted suicide;
- (c) Escape;
- (d) Attempted escape;
- (e) Fire;
- (f) Riot;
- (g) Battery on a staff member or inmate;
- (h) Serious infectious disease within facility; and
- (i) Sexual assault.

1. An investigation shall be conducted and documented whenever a sexual assault or threat is reported; and

2. Victims of sexual assault are referred under appropriate security provisions to a community facility for treatment and gathering of evidence.

Applies to Types I, II, and III.

- (4) Facilities that are utilized for the confinement of females shall have a trained female officer on duty or on call when a female is confined in the facility, to perform the following functions:

- (a) Searches
- (b) Health and welfare checks

Applies to Types I, II, and III.

- (5) Inmates shall not be permitted to supervise, control, assume or exert authority over other inmates.

Applies to Type I.

- (6) Nonsmoking inmates shall not be exposed to second-hand smoke.

Applies to Types I, II and III.

Authority: T.C.A. § 41-4-140.

1400-01-.17 Classification is amended by deleting the language in its entirety and substituting the following, so as amended, the rule shall read:

1400-01-.17 Classification

- (1) There shall be a written plan for inmate classification specifying criteria and procedures for classifying inmates in terms of level of custody required, housing assignment and participation in correctional programs. The plan shall include a process for review and appeal of classification decisions.

Applies to Types I, II, and III.

- (2) This plan ensures total sight, sound or physical contact separation between male and female inmates and between adults and juveniles being tried as adults.

Applies to Types I, II, and III.

- (3) Inmates with disabilities, including temporary disabilities, shall be housed and managed in a manner that provides for their safety and security. Housing used by inmates with disabilities, including temporary disabilities, shall be designed for their use and shall provide for integration with other inmates. Program and service areas shall be accessible to inmates with disabilities.

Applies to Types I, II and III.

Authority: T.C.A. § 41-4-140.

1400-02 Minimum Standards for Non-Secure Holding Facilities for Juveniles is repealed.

Authority: T.C.A. § 41-4-140.

1400-03 Minimum Standard for Juvenile Detention Facilities is repealed.

Authority: T.C.A. § 41-4-140.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: 7/9/2014

Signature: Joseph Underwood

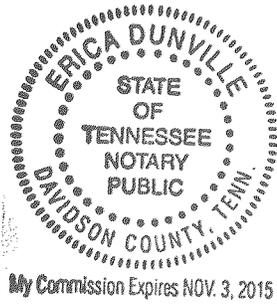
Name of Officer: Joseph Underwood

Title of Officer: Chief Counsel for Fire Prevention & Law Enforcement

Subscribed and sworn to before me on: 7/9/14

Notary Public Signature: Erica Dunville

My commission expires on: 11/3/15



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Filed with the Department of State on: 7/9/14

Tre Hargett
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Secretary of State

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