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Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205).

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission: Department of Commerce and Insurance
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Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. 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 Prisoners
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:

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 1400-01-.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 to delete material which might be considered harmful to the interests of the organizations, 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 – An 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 inmates 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 - A 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 an inmate in a secure area (usually pretrial inmates).
- (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 – A person who is employed or authorized to detain or guard inmates.
- (18) Disciplinary Action - An action taken upon an 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 - An 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 who 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) Inmate – A person, whether in pretrial, un-sentenced, or sentenced status, who is confined in a correctional facility.
- (35) In-Service Training - Training which is given to an employee on an annual basis to reinforce or add to his basic training.
- (36) 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.
- (37) Jailer – A person who is charged by an institution to detain or guard inmates.

- (38) 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.
- (39) Medical Records - Records of medical examinations and diagnoses maintained by the responsible medical provider for each inmate separate from the inmate's file. Medical records shall include the date and time of the medical examination and copies of standing or direct medical orders from the physician.
- (40) Medication Receipt System - A method that accounts for the administering of medications.
- (41) Menu Pattern - The outline of food items to be included in each meal.
- (42) Monitor - To keep watch over, supervise.
- (43) New Facility - Detention facility built after June 2000.
- (44) 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.
- (45) 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.
- (46) Plan of Action – A written plan that will eliminate or correct deficiencies noted in the annual inspection.
- (47) 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.
- (48) 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.
- (49) Preventative Maintenance – A system designed to enhance the longevity and/or usefulness of buildings or equipment in accordance with a planned schedule.
- (50) Range of Sanctions - The various penalties for noncompliance of rules specified by the facility administrator.
- (51) 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.
- (52) Receiving Screening - An observation/initial health assessment to identify newly-arrived inmates who pose a health or safety threat to themselves or others.
- (53) Regular Access - The documented number of hours an inmate may utilize additional living space available as described by facility policy.

- (54) 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.
- (55) 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.
- (56) Security Perimeter - Outer portions of a facility which provide for secure confinement of inmates. This perimeter may vary for individual facilities, depending upon their security classification.
- (57) Segregation – Confinement of an inmate to an individual cell separated from the general population.
- (58) Sick Call - A function which provides inmates the opportunity to receive required medical attention.
- (59) 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.
- (60) Structural Projections - Some part of the construction that protrudes with sharp or pointed edges.
- (61) Trusty - An inmate, usually in a minimum security classification, who is responsible for performing various maintenance tasks under supervision in a jail.
- (62) Type I Facility – A detention facility housing primarily adults for more than seventy-two (72) hours.
- (63) Type II Facility – A detention facility housing primarily adults for not more than seventy-two (72) hours.
- (64) Type III Facility – A detention facility where persons are detained between one (1) and twelve (12) hours and does not include detention facilities used primarily for fingerprinting, photographing, interviewing or interrogating.
- (65) 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.
- (66) Work Stoppage - A halt by those employed by the facility; usually refers to a strike.
- (67) Workhouse - A county detention facility operated by or for a county which holds primarily sentenced, minimum security inmates.
- (68) Working Inmate – 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 foot-candles 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(s). 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 provide 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.

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 pursuant to Tenn. Comp. R. & Regs 0780-02-03.

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 inmate 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 Tenn. Comp. R. & Regs. 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, contractors, 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 the person, 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 (FTO) 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 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 provide 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, 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 Types 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 Types 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 are 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 of 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 that 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) Inmates 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; and,

(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 circumstance in a disciplinary proceeding.

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 for 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 who 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 that the inmates have reasonable 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; and,
 - (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 health 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 health 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) Medical decisions are the sole province of the responsible health care provider and shall not be countermanded by non-medical personnel.

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.

- (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.

- (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.

- (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.

- (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 a 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 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 health care provider;
 - (c) Recognition of symptoms of illness most common to the facility; and,
 - (d) Giving of medication to inmates.

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 and shall be kept in a secure place within the administrative or medical offices in the facility.

Applies to Types I and II.

- (18) All medications shall be prescribed by a physician or his designee at the time of use. An officer or qualified health care personnel shall verify that the medication is taken as directed 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 inmate's other facility records. The medical record shall indicate all medical orders issued by the facility's physician and/or any other health care personnel who are responsible for rendering health care services. These medical records shall be retained for a period of ten (10) 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 health care 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 Types 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, 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 Types I, II, and III.

- (30) Sexual conduct between facility employees, 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, except detainees, 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 inmate);
- (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 after 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 so, the appropriate authorities to be notified of his/her 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 which 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 by 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 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 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 (1) 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; and,
 - (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.

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Bill Oldham	X				
Armando Fontes	X				
Derrick Schofield	X				
Brian McCormack	X				
Dan Hughes	X				
Buddy Lewis	X				
VACANT SEAT				X	

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Tennessee Correction Institute's Board of Control on 09/03/14, and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 07/09/14

Rulemaking Hearing(s) Conducted on: (add more dates). 09/03/14



Date: 10/14/2014

Signature: Joseph M. Underwood

Name of Officer: Joseph M. Underwood

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

Subscribed and sworn to before me on: October 14, 2014

Notary Public Signature: Ann Jones

My commission expires on: June 21, 2016

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Herbert H. Slatery III
 Herbert H. Slatery III
 Attorney General and Reporter
October 28, 2014
 Date

Department of State Use Only

2014 OCT 29 11:44:04
 SECRETARY OF STATE

Filed with the Department of State on: 10-29-14

Effective on: 1-27-15

Tre Hargett
 Tre Hargett
 Secretary of State

Public Hearing Comments

One copy of a document containing responses to comments made at the public hearing must accompany the filing pursuant to T.C.A. § 4-5-222. Agencies shall include only their responses to public hearing comments, which can be summarized. No letters of inquiry from parties questioning the rule will be accepted. When no comments are received at the public hearing, the agency need only draft a memorandum stating such and include it with the Rulemaking Hearing Rule filing. Minutes of the meeting will not be accepted. Transcripts are not acceptable.

No public comments were made during the Rulemaking Hearing and no letters of inquiry were submitted.

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

(If applicable, insert Regulatory Flexibility Addendum here)

1. The types and estimated number of small businesses directly affected:

No small businesses will be affected by the promulgation of these rules.

2. The projected reporting, recordkeeping, and other administrative costs:

There is no foreseeable alteration in small business reporting or recordkeeping that will result from the promulgation of these rules.

3. The probable effect on small businesses:

No small businesses will be affected by the promulgation of these rules.

4. Less burdensome, intrusive, or costly alternative methods:

Since the proposed rules will not impact small businesses, a less burdensome, intrusive or costly alternative method has not been identified or recommended for use.

5. Comparison with federal and state counterparts:

The proposed rules will amend existing Chapter 1400-01, and repeal Chapters 1400-02 and 1400-03, but there is no other comparison to federal or state counterparts.

6. Effect of possible exemption of small businesses:

There are no exemptions for small businesses to the requirements contained in the proposed rules because the proposed rules will not affect small businesses.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 “any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments.” (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

The proposed rules will have an impact on local governments.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

The rules establish the minimum standards for local correctional facilities, including jails and workhouses.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

T.C.A. § 41-4-140 provides that the Tennessee Corrections Institute has the power and duty to establish minimum standards for local jails, lock-ups and workhouses, including, but not limited to, standards for physical facilities and standards for correctional programs of treatment, education and rehabilitation of inmates and standards for the safekeeping, health and welfare of inmates.

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

Sheriff Departments operating local correctional facilities, including jails and workhouses, and employees and contractors working in those facilities urge adoption of proposed rules.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

OAG 03-101 (8/19/03)

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

Minimal

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Beth Ashe, Executive Director of Tennessee Corrections Institute; Joseph Underwood, Chief Counsel for Fire Prevention and Law Enforcement

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Beth Ashe, Executive Director of Tennessee Corrections Institute; Joseph Underwood, Chief Counsel for Fire Prevention and Law Enforcement

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Beth Ashe, Executive Director of Tennessee Corrections Institute, 500 James Robertson Parkway, Nashville, TN 37243, beth.ashe@tn.gov (615-741-3816); Joseph Underwood, Chief Counsel for Fire Prevention and Law Enforcement, 500 James Robertson Parkway, Nashville, TN 37243, joseph.underwood@tn.gov (615-741-3899).

- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

None

THE TENNESSEE CORRECTIONS INSTITUTE
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**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	Glossary/Definitions	1400-01-.12	Prisoner-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 Prisoners/Inmates
1400-01-.08	Discipline	1400-01-.17	Classification
1400-01-.09	Sanitation/Maintenance		

1400-01-.02 Basic Information.

- (1) **Statutory Authority:** The standards contained in this document are based on the authorizedty of Section 41-4-140 of the pursuant to Tennessee Code Annotated § 41-4-140 to require the establishment of 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) Prisoner-Inmate Programs and Activities
 - (j) Medical Services
 - (k) Admission Records and Release
 - (l) Hygiene
 - (m) Supervision of Inmates Prisoners
 - (n) Classification

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(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.

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(4) Validity: In determining the application of these minimum facility jail 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 prisoners for no more than seventy-two (72) hours will be considered Type II; primarily adult jails which house inmates for no more than 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 prisoners-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 1400-01-05 Administration/Management.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,

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2. More than six (6%) percent of the county's total average prisoner-inmate population over the preceding ninety (90) days in all of its correctional facilities consists of prisoners-inmates sentenced to the Department of Corrections whose commitments have been delayed pursuant to (1,) then,

3. The number of prisoners-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. These facilities which do not meeting all applicable standards shall be recommended for non-certification. Facilities whose annual

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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.

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Authority: T.C.A. § 41-4-140.

1400-01-.03 Glossary-Definitions.

- (1) ~~Attorney~~ One who is licensed to practice law and is authorized to act in the place or stead of another.
- (21) **Basic Training** - The introductory training provided by the Tennessee Corrections Institute which prepares a jail-facility employee with general and specific knowledge about the detention of prisoners 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 institution~~ 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.
- (56) **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.
- (67) **Clear Floor Space** - Floor space that is free of obstructions such as bunks, showers, commodes, and lavatories.
- (7) ~~Coma~~ - A state of deep, prolonged unconsciousness, usually the result of injury, disease or ingestion of toxins.
- (8) ~~Communicable Disease~~ - An illness that may be transmitted to others.

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- (98) 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.
- (4010) Corporal Punishment - Any kind of punishment inflicted on the body, such as whipping. Any act of inflicting punishment directly on the body, causing pain or injury. 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.
- (44) Corrosive – Capable of producing the process of dissolving or wearing away, especially of metals.
- (42) Counsel – Advice or guidance.
- (4311) Daily Log - A record of all significant activities that take place during the course of a day.
- (4412) Dayroom - A secure area directly adjacent to inmate prisoner living area, to which prisoner inmates may be admitted for activities such as bathing, exercise, recreation and dining. Spaces originally designed for circulation, such as corridors, are not dayrooms.
- (4513) Detainee - Any person confined in a local facility jail not serving a sentence for a criminal offense.
- (4614) 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.
- (4715) Detention - The confinement of an inmate prisoner in a secure area (usually pretrial prisoners inmates).
- (4816) 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. Jails, while intended for the confinement of adults, sometimes hold juveniles as well.
- (4917) Detention Officer – A person One who is employed or authorized to detain or guard prisoners inmates.
- (2018) Disciplinary Action - An action taken upon an prisoner inmate that is intended to correct or punish.
- (2419) Disciplinary Hearing - A non-judicial administrative procedure to determine if substantial evidence exists to find a prisoner an inmate guilty of a rule violation.
- (2220) 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.

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- (23) ~~Disinfect—To cleanse or rid of pathogenic microorganisms.~~
- (24) ~~Disposition—Final adjudication by courts and administrative boards.~~
- (2522) Document - To support with written sources.
- (2923) 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.
- (2624) Existing Facilities-Facility - Facilities-Detention facility built prior to or during the month of June, 2000.
- (2725) Facility Administrator - Any official who has primary responsibility for managing and operating a local detention facility.
- ~~(2828) Fire Retardant—Material that will burn, but at a slow rate.~~
- ~~(2929) Flammable – Easily ignitable and capable of burning with great rapidity; highly combustible.~~
- (3026) Flushable Drain - A pipe or channel which is cleaned by a rapid, brief gush of water.
- (3127) 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.
- (3229) General Population - A group of individuals confined in an institution that who 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.
- (3332) 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) Inmate – A person, whether in pretrial, un-sentenced, or sentenced status, who is confined in a correctional facility.

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(345) In-Service Training - ~~That training~~ Training which is given to an employee on an annual basis to reinforce or add to his basic training.

(35) Infraction - A breach or violation of a facility rule.

(36) 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, ~~sometimes may~~ also confine juveniles, as well.

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(37) Jailer - ~~One~~ A person who is charged by an institution to detain or guard prisoners ~~inmates.~~

(38) 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.

(389) Medical Records - ~~Records of medical examinations, diagnoses, treatments and physicians' orders. Records of medical examinations and diagnoses maintained by the responsible medical provider for each inmate separate from the inmate's file. Medical records shall include the date and time of the medical examination and copies of standing or direct medical orders from the physician.~~

(3940) Medication Receipt System - A method that accounts for the administering of medications.

(401) Menu Pattern - The outline of food items to be included in each meal.

(412) Monitor - To keep watch over, supervise.

(423) ~~New Facilities~~ Facility - ~~Facilities~~ Detention facility built after June 2000.

(4344) Physical Force - Any use of firearms, chemical agents, clubs or other devices in controlling a ~~prisoner~~ inmate. Also, any situation which requires an officer to "lay hands" on a ~~prisoner~~ inmate or physical force used which subjects a ~~prisoner~~ inmate to pain, discomfort or physical incapacitation.

(4445) ~~Physical Plant~~ The building - A building, set of buildings, portion of a building, or area that is used for the lawful custody and/or treatment of individuals.

(4946) Plan of Action - A written plan that will eliminate or correct deficiencies noted in the annual inspection.

(45) ~~Policy~~ - A statement of what is to be done in relation to a particular issue. It reflects the philosophy of the organization and defines the purpose for which the action is taken.

(4647) 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. ~~The term d~~ Does not include clean, whole, uncracked, odor-free shell eggs, ~~or~~ of foods which have a pH level of 4.6 or below, or a water activity (aw) value of 0.85 or less.

(48) ~~Pre-Service Training~~ 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.

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- (49) Preventative Maintenance - A system designed to enhance the longevity and/or usefulness of buildings or equipment in accordance with a planned schedule.
- (48) ~~Prisoner~~ - One who is confined to a jail.
- (49) ~~Procedure~~ - A procedure provides a detailed description of how a policy is to be accomplished. It details the steps to be taken, the order in which they will be carried out, and by whom.
- (50) Range of Sanctions - The various penalties for noncompliance of rules specified by the facility administrator.
- (5451) Receiving Area - The point of ~~prisoner~~ inmate entry into a jail or detention facility; the period when ~~awhere an prisoner inmate~~ an inmate undergoes admission processing, which may include orientation and initial classification prior to regular assignment to the housing area.
- (52) Receiving Screening - An system of structured observation/initial health assessment to identify newly-arrived ~~prisoners inmates~~ inmates who pose a health or safety threat to themselves or others.
- (5353) Regular Access - The documented number of hours ~~an prisoner inmate~~ an inmate may utilize additional living space available as described by facility policy.
- (54) ~~Rules~~ - These guidelines which govern ~~an prisoner inmate's~~ an inmate's behavior while he/she is confined in a jail ~~facility~~.
- (5554) 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.
- (56) ~~Search~~ - To examine the person or his/her personal effects in order to detect contraband.
- (57) ~~Secure~~ - ~~To provide~~ Providing a degree of restriction of ~~prisoner inmate~~ inmate movement within a detention facility.
- (5855) Security Devices - Locks, gates, doors, bars, fences, screens, ceilings, floors, walls, and barriers used to confine and control ~~prisoners inmates~~ inmates. Also, electronic monitoring equipment, security alarm systems, security light units, auxiliary power supply, and other equipment used to maintain facility safety.
- (5956) Security Perimeter - Outer portions of a facility which ~~actually provide for secure confinement of prisoners inmates~~ actually provide for secure confinement of inmates. This perimeter may vary for individual ~~prisons facilities~~ facilities, depending upon their security classification.
- (57) Segregation - Confinement of an inmate to an individual cell separated from the general population.
- (6058) Sick Call - A function which provides ~~prisoners inmates~~ inmates the opportunity to receive required medical attention.
- (59) 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.

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- (6460) **Structural Projections** - Some part of the construction that protrudes with sharp or pointed edges.
- (62) **Toxic** - Poisonous; harmful, destructive or deadly.
- (6361) **Trusty** - A prisoner An inmate, usually in a minimum security classification, who is responsible for performing various maintenance tasks under supervision in a jail.
- (62) **Type I Facility** - A detention facility housing primarily adults for more than seventy-two (72) hours.
- (63) **Type II Facility** - A detention facility housing primarily adults for not more than seventy-two (72) hours.
- (64) **Type III Facility** - A detention facility where persons are detained between one (1) and twelve (12) hours and does not include detention facilities used primarily for fingerprinting, photographing, interviewing or interrogating.
- (65) **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.
- (6466) **Work Stoppage** - A halt by those employed by the facility; usually refers to a strike.
- (6567) **Workhouse** - A county confinement detention facility operated by or for a county which holds primarily sentenced, minimum security prisoners inmates.
- (68) **Working Inmate** - 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.

- (1) All types of facilities shall provide, for at a minimum meet the following requirements:
- (a) ~~In new~~New and existing facilities, shall have, on average, lighting of at least twenty (20) foot-candles in activity areas shall have lighting of at least twenty (20) footcandles, 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.

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- (e) ~~New facilities sleeping areas in new facilities shall have lighting of at least not less than five (5) average footcandles in sleeping areas, on the average, to be measured three (3) feet off the floor.~~

~~Applies to Types I, II, and III, IV, and V.~~

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- (2) ~~For in new and existing facilities, the minimum size of a single-occupancy cell shall have be fifty (50) 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. For existing facilities, the minimum size of a single-occupancy cell shall be forty five (45) square feet with a ceiling height of at least eight (8) feet. Each single cell in an existing facility shall contain a bunk, water closet and lavatory. If a prisoner who occupies a single-occupancy cell in either an existing or a new facility has regular access to additional living areas outside the cell, this additional area may be added on a pro rata basis to the square footage available to the prisoner.~~

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~~Applies to Types I, II, and III, IV, and V.~~

- (3) ~~In new and existing facilities, the minimum size of a multiple-occupancy cells (2-64 occupants) in new facilities shall not be designed to accommodate more than sixteen (16) persons. A minimum of forty (40) shall be twenty-five (25) square feet of clear floor space for each occupant must be provided 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. In existing facilities, multiple-occupancy cells shall allow twenty-five (25) square feet of floor space per occupant, exclusive of the floor area occupied by the bunks, with a ceiling height of not less than eight (8) feet. If a prisoner who occupies a multiple-occupancy cell in either an existing or a new facility has regular access to additional living areas, the additional area may be added on a pro rata basis to the square footage available to a prisoner.~~

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~~Applies to Types I, II, and III, IV, and V.~~

- (4) ~~In new jails and workhouses, dormitories shall not 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 occupant inmate must be provided in the housing area with a ceiling elevation of not less than eight (8) feet. This type of housing shall be used only for minimum security prisoners~~

~~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 the bunks, and a ceiling height of not less than eight (8) feet. If a prisoner an inmate who occupies a dormitory in either an existing or a new facility has regular access to additional living areas, the additional area may be added on a pro rata basis to the square footage available to a prisoner 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.~~

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- (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 prisoner inmate.

Existing facilities are not required to provide dayrooms.

Applies to Types I and IV.

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- (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. Two (2) urinals may equal one (1) toilet. 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, IV, and V.

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

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

Applies to Types I, and II, IV, and V.

- (8) New facilities shall be provided with have at least one (1) single cell for the separation and control of problem inmate(s) prisoners. The cell shall conform to the single-occupancy cell dimensions and shall have, at a minimum, the following features:

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- (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 prisoner inmate to harm himself/herself. The cell shall be located to allow continuous monitoring by detention staff/officers.

Applies to Types I, II, and III, IV, and V.

- (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. ~~This~~ The special purpose cells shall conform to multiple-occupancy cell dimensions and capacity. These cells shall have, at a minimum, the following features:

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1. Flushable drain or unbreakable water closet and lavatory;

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- 2. High security light fixture;
 - 3. Forced air ventilation; and,
 - 4. No structural projections.
- (eb) New facilities shall also provide ~~in this cell 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.
- (fc) In new facilities, this cell shall be located so as to allow continuous monitoring by detention staff ~~officers.~~
- (gd) ~~The requirement for one (1) special purpose cell~~ This standard applies only to ~~jails 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, and IV.~~

- (10) New facilities shall provide space inside the security perimeter, separate from prisoner ~~inmate~~ living areas and administrative offices, for the ~~inmate~~ processing of prisoners as they ~~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 prisoner ~~inmate~~ use;
- (c) Temporary holding rooms which have fixed benches to seat prisoners ~~inmates~~; and,
- (d) A shower, toilet and washbasin.

Existing facilities shall ~~be provided with~~ provide space where prisoners ~~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, and IV.~~

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

Applies to Types I, ~~and IV.~~

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

Applies to Types I, II, ~~and III, IV, and V.~~

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

Applies to Types I, ~~and IV.~~

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- (14) ~~Each new facility~~New facilities shall provide a secure outdoor recreation area with dimensions of at least ~~thirty (30) feet by thirty (30) feet, 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.

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Applies to Types I, and ~~IV.~~

- (15) ~~Space shall be provided~~ 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, IV, and V.~~

- (16) ~~Every facility~~Facilities shall be provided with 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, IV, and V.~~

- (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, IV, and V.~~

- (18) ~~Facilities shall have~~ An emergency power source shall be provided to activate at times of power failure with of sufficient capacity to operate security and evacuation electrical devices and equipment and to provide minimum lighting within the jail 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, IV, and V.~~

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

Applies to Types I, II, and ~~III, IV, and V.~~

- (20) ~~Each facility~~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.~~

Applies to Types I, II, and ~~III, IV, and V.~~

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

Applies to Types I, II, and ~~III, IV, and V.~~

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

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Applies to Types I, II, and III, IV, and V.

- (23) ~~There Facilities shall be have cells to accommodate the facility's classification plan. Facilities that house both-males and females, and as-well-as-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 prisoners inmates.~~

Applies to Types I, II, and III, IV, and V.

- (24) ~~Plans for any new facility to be built and for any existing facility to be renovated construction or renovation 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 pursuant to Tenn. Comp. R. & Regs. 0780-02-03.~~

~~In planning a new facility it shall be necessary, at the outset, to determine clearly the function and purpose which the facility will serve. In essence, Plans for the construction of any new facility and the renovation of any existing facility shall define state whether or not its the facility's function will be for temporary holding or for permanent confinement of inmates an institution to which convicted persons are sent. Its-The facility's primary function may encompass both of these functions.~~

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

Applies to Types I, II, and III, IV, and V.

- (25) ~~Any temporary prisoner-inmate housing shall meet all standards for existing facilities, and all other applicable standards. Temporary housing for prisoners-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, IV, and V.

Authority: T.C.A. §41-4-140.

1400-01-.05 Administration/Management.

- (1) ~~Each facility/Facilities shall maintain fiscal records which will 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, IV, and V.

- (2) ~~Each jail-Facilities shall have-maintain-written policies and procedures governing the facility's operations. They 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, IV, and V.

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- (3) ~~There Facilities shall be maintain written plans developed in advance for dealing with emergencies such as escape, prisoner inmate disturbances, assaults on facility employees, hostage taking, and emergency evacuation plans. These 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, IV, and V.~~

- (4) ~~Facilities shall maintain a Written-written policy and procedure to shall provide for each shift at a facility to have fire drills every six (6) three (3) months for all staff members on every shift and document dates of said drills.~~

~~Applies to Types I, II, and III, IV, and V.~~

- (5) ~~The facilityFacility 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, IV, and V.~~

- (6) ~~The facilityFacilities shall have a written and graphic evacuation plan posted in the living 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, IV, and V.~~

- (7) ~~Written policy and procedure shall ensure that prisoners 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, IV, and V.~~

- (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 inmate cells or housing area doors is prohibited.~~

~~Applies to Types, I, II, and III, IV, and V.~~

- (9) ~~Each facility relying on regular access to additional living space to comply with minimum cell size requirements under Rule Tenn. Comp. R. & Regs. 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.

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1400-01-.06 Personnel.

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- (1) A criminal record check shall be conducted on all new facility employees, service providers with continuous access to restricted areas, contractors, 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 the person, this information shall be forwarded to the local Joint Terrorism Task Force (JTTF) or other similar agency.

Applies to Types I, II, and III.

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

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- (a) Description of organizational structure;
- (b) Position specifications 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 Types I and IV.

- (2 3) ~~Each facility shall be required to offer jail personnel a pre-service (orientation) program designed to familiarize each person with the functions and mission of the facility. 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:~~

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- (a) Facility policies and procedures;
- (b) Suicide prevention;
- (c) Use-of-force;
- (d) Report writing;
- (e) Inmate rules and regulations;

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- (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, ~~IV,~~ and V.

- (4) A Facility Training Officer (FTO) 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 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;

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- (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

- (3 ~~7~~) All ~~personnel~~ detention facility employees, including part-time employees, whose primary duties include the industry, custody, or treatment of prisoners-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, ~~IV,~~ and ~~V.~~

- (4-~~8~~) All ~~personnel~~ correctional detention facilities employees, including part-time employees, whose primary duties include the industry, custody, or treatment of prisoners-inmates shall be required to complete an annual in-service program designed to instruct them in specific skill areas of jail-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, ~~IV,~~ and ~~V.~~

- (5 ~~9~~) A minimum number of hours of training and any additional courses for basic and in-service training shall be ~~complied with as in compliance with the requirements~~ established by the Tennessee Corrections Institute Board of Control.

Applies to Types I, II, and III, ~~IV,~~ and ~~V.~~

- (6 ~~10~~) All jail ~~facility personnel-employees~~ who are authorized to use firearms or chemical agents and less lethal weapons shall receive basic and ongoing in-service training in the

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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 officer's ~~employee's~~ personnel file.

Applies to Types I, ~~and II, , and IV.~~

- (7-11) ~~Each facility~~ Facilities shall maintain records on the types and hours of training completed by each ~~detention officer~~ correctional employee, support employee and non-facility support staff.

Applies to Types I, II, ~~and III, ,IV, and V.~~

Authority: T.C.A. § 41-4-140.

1400-01-.07 Security.

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

Applies to Types I and II.

- (3) ~~Facilities shall maintain~~ The facility's policy and procedures shall to require that all ~~inmates prisoners, including trustees, shall be searched thoroughly by detention personnel officers whenever the inmates prisoners enter or~~ and leave the security area.

Applies to Type I.

- (4) ~~Facilities shall maintain a w~~ Written policy and procedure shall to provide for searches of ~~the facilities and prisoners 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 ~~made~~ conducted. All orifice searches shall be done under medical supervision. ~~Prisoners~~ Inmates shall be searched by ~~jail facility personnel employees~~ of the same sex, except in emergency situations.

Applies to Types I, II, ~~and III, ,IV, and V.~~

- (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 Types I ~~and IV.~~

- (7) There shall be one (1) full set of well-identified keys, other than those in use, secured in a place accessible only to ~~jail facility~~ personnel for use in the event of an emergency.

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These keys shall be notched for easy identification ~~easily identifiable by sight and touch under adverse conditions.~~

~~Applies to Types I, IV, and V.~~

- (8) ~~Written policy and procedure shall govern the availability, control and use of chemical agents and firearms. 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 persons-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, IV, and V.~~

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

~~Applies to Types I, II, and III, IV, and V.~~

- (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 ~~prisoners-inmates~~ only under direct supervision.

~~Applies to Types I, and II, and IV.~~

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

~~Applies to Types I, and II, and IV.~~

- (12) ~~Facilities shall develop a Written-written policy and procedure shall ~~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 Types I and IV.~~

- (13) ~~There shall be~~ 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 Types I and IV.~~

- (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.

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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.

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- (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.

- (1) Facilities shall maintain policies and procedures to insure that written or electronic Written facility rules along with the corresponding range of sanctions for rule violations and disciplinary procedures to be followed shall be given-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 staff membersfacility 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 Types I, and IV.

- (2) Disciplinary reports shall be prepared by staff membersfacility 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;

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- (d) Staff ~~Employee~~ or prisoner ~~inmate~~ witnesses;
- (e) Any immediate action taken, including use of force; and
- (f) Reporting staff member's signature, date and time report is made.

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Applies to Types I and IV

- (3) ~~Each facility~~Facilities shall develop ~~maintain~~ written policies and procedures governing disciplinary and administrative actions. ~~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 Types I and IV.

- (4) ~~Facilities shall maintain~~ Written ~~written~~ policies and procedures shall ~~to provide~~ for disciplinary hearings to be held in cases of alleged violations of prisoner ~~inmate~~ conduct rules. These ~~h~~ Hearings shall include the following administrative due process guarantees:

- (a) ~~Inmates shall receive~~ written notice of charges and time of hearing;
- (b) ~~The inmate shall be allowed time.~~ A brief period of time after the notice, ~~no not less than twenty-four (24) hours,~~ shall be allowed for the prisoner to prepare for appearance before an impartial officer or board;
- (c) ~~Prisoner~~ ~~The inmate~~ has ~~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~~ e) The reasons for any limitations placed on testimony or witnesses shall be stated in writing by the hearing officer;
- (~~e~~ f) ~~There must be a written statement by the fact finders to include, at a minimum,~~ as to evidence relied on and reasons for the disciplinary action; ~~and,~~
- (~~f~~ g) Appeals process is available.

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Applies to Types I and IV.

- (5) ~~Facilities shall maintain a~~ Written ~~written~~ policy and procedure to allow ~~provides for~~ prisoners ~~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 Types I and IV.

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

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Applies to Types I and IV.

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

Applies to Types I and IV.

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

Applies to Types I and IV.

- (9) ~~Corporal punishment is not to be permitted under any circumstances in a disciplinary hearing.~~

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 prisoner or property.~~

~~Use of physical force 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.~~

Applies to Types I and IV.

Authority: T.C.A. § 41-4-140.

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, IV, and V.

- (2) ~~A member of the staff 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 Types I and IV.

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

Applies to Types I and IV.

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

Applies to Types I, II, and III, IV, and V.

- (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 Types I and IV.

- (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.

- (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 Types I and IV.

- (2) Working ~~inmates prisoners~~ 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 prisoners~~ 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 Types I and IV.

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

Applies to Types I, II, and III, IV, and V.

- (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.

- (4 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 Types I and IV.

- (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.

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Applies to Types I, II, and III.

- (5 7) Written policy shall require that food shall never be used as a reward or disciplinary measure.

Applies to Types I, and II, IV, and V.

- (6 8) Modified diets shall be prepared for inmates prisoners 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, IV, and V.

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

Applies to Types I, II, and III, and IV.

- (8 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, and IV.

- (9 11) Refrigerators shall be clean and contain a thermometer. The temperature shall be 45o F or below.

Applies to Types I, II, and III, and IV.

- (10 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, and IV.

- (11 13) Insecticide, cleaning agents and poisonous substances shall be plainly labeled and stored away from food and plainly labeled.

Applies to Types I, II, and III, and IV.

- (14) Culinary equipment (knives and other sharp instruments) shall be securely stored, inventoried and their use controlled.

Applies to Types I, II, and III.

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

Applies to Types I, II, and III, and IV.

Authority: T.C.A. § 41-4-140.

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1400-01-.11 Mail and Visiting.

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

Applies to Types I and IV.

- (2) ~~Each-Facilities~~ jail 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 staff-employees and/or prisonersinmates); and,
- (b) The limitation must be no greater than is necessary ~~to-for~~ the protection of the particular governmental interest involved.

Applies to Types I and IV.

- (3) Both incoming and outgoing ~~incoming~~ 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 prisonerinmate.

Applies to Types I and IV.

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

Applies to Types I and IV.

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

Applies to Types I and IV.

- (6) ~~When a letter is rejected, the author must be given a reasonable opportunity to protest that decision.~~

Applies to Types I and IV.

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

Applies to Types I and IV.

- (87) Facilities shall maintain a ~~Written-written~~ policy shall ~~to~~ define the facility's visitation policies which shall include, at a minimum:

- (a) One (1) hour of visitation each week for each inmate prisoner;

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- (b) A list of possible visitors submitted by each inmate prisoner;
- (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 ~~de-perform~~ a strip or body cavity search of a visitor. When probable cause exists, the search shall be documented.

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Applies to Types I and IV.

Authority: T.C.A. § 41-4-140.

1400-01-.12 Prisoner ~~Inmate~~ Programs And Activities.

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

Applies to Types I and IV.

- (2) ~~Inmates shall have access to exercise and recreation opportunities. A written plan shall provide that all inmates prisoners have the opportunity to participate in an average of one (1) hour of physical exercise per day, with at least three (3) exercise periods per week, outside the cell. Outdoor recreation may be available when weather and staffing permit.~~

Applies to Types I and IV.

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

Applies to Types I and IV.

- (4) Policy and procedure shall provide ~~for that the inmates prisoners' have reasonable private access to a telephone. Such Telephone procedure, including any limitations, shall be in writing and posted so as to be conspicuous to prisonersinmates. 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; and.
- ~~(e) A statement that limitations will be imposed to ensure that charges for the call are correctly billed~~

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- (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, and IV.

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- (5) Release programs shall require:
- (a) Written operational procedures;
 - (b) Careful screening and selection procedures;
 - (c) Written rules of ~~prisoner-inmate~~ conduct;
 - (d) A system of supervision to minimize ~~prisoner-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 prisoners~~ be allowed to have confidential access to attorneys and their authorized representatives at any reasonable hour.

Applies to Types I, II, and III, IV, and V.

- (7) ~~Every-Inmates prisoner~~ shall have unrestricted and confidential access to the courts. ~~Inmates Prisoners~~ 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, IV, and V.

- (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, IV, and V.

- (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.

- (1) The provision of medical services for the facility shall be the responsibility of a designated ~~health~~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 ~~health~~medical authority must be notified in instances where an ~~inmate~~ prisoner 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, IV, and V.

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- (2) Medical decisions are the sole province of the responsible health care provider and shall not be countermanded by non-medical personnel.

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 prisoners 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 with and a physician shall approve approving 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, IV, and V.

- (4 7) Receiving screening shall be performed on all inmates prisoners upon admission to the facility and before their 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, IV, and V.

- (5 8) A more complete examination shall be completed on prisoners-inmates within fourteen (14) days of their-the inmate's initial confinement date. If the facility can document that a health appraisal was conducted within the previous ninety (90) days, this fourteen (14)-

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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 prisoners-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 and IV.

(9) All intersystem transfer inmates (transferred from one confinement facility to another within the same county's jurisdiction) shall receive a health screening by 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.

(6 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 prisoner-inmate according to written procedure for sick call. The inmate prisoner 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, and IV.

(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;

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- (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.

- (7 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 health care/medical provider;
- (c) Recognition of symptoms of illness most common to the facility; and,
- (d) Giving of medication to prisoners/inmates.

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, and IV.

- (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.

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

Applies to Types I and IV.

- (9 16) Facilities shall confiscate all medications in the possession of an inmate prisoner at the time of admission to the facility, shall be taken from him/her and (The identification of and the need for such medication shall be verified by a physician or qualified health care

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personnel before it is administered.

Applies to Types I, II, and III, IV, and V.

- (17) There shall be strict control of medications. Medications to be issued to inmates prisoners shall be strictly controlled and they shall be kept in a secure place within the administrative or medical offices in the facility. An officer shall be responsible to see that the medicine is taken as directed.

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Applies to Types I, and II, IV, and V.

- (18) All medications shall be issued prescribed by a physician or his designee at the time of use. An officer or qualified health care personnel shall verify that the medication is taken as directed and a medication receipt system established. This shall include controlled drugs and injections.

Applies to Types I, and II, IV, and V.

- (19) Medical and mental health records shall be kept, in a separate file from other inmate prisoner records, on the inmate's prisoner's physical condition on admission, during confinement, and at discharge shall be kept in a separate file from the inmate's other facility records. The medical record shall indicate all medical orders issued by the jail facility's physician and/or any other health care medical personnel who are responsible for rendering health care medical services. These medical records shall be retained for a period of five ten (5/10) years after the inmate's prisoner's release.

Applies to Types I, II, and III and IV.

- (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.

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Applies to Types I, II, and III, IV, and V.

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

Applies to Types I, II, and III and IV.

- (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 Types 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, 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, 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.

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Applies to Types I, II, and III.

Authority: T.C.A. § 41-4-140.

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

(1) An intake form shall be completed for every person ~~inmate, except detainees,~~ 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;
- (~~f~~ s) Driver's license and social security numbers;
- (~~s~~ t) Disposition of vehicle, where applicable;
- (~~t~~ u) Court and sentence (if sentenced prisoner~~inmate~~);
- (~~u~~ v) Notation of cash and property;
- (~~v~~ w) Bonding company;

- (w x) Amount of bond;
- (x y) Date of arrest;
- (y z) Warrant number;
- (z aa) Court date and time;
- (aa bb) Cell assignment;
- (bb cc) Fingerprints; and,
- (dd) Criminal history check.

Applies to Types I, II, and III, IV, and V.

- (2) The admitting officer shall assure ~~himself/herself~~ ensure that each inmate prisoner received is committed under proper legal authority.

Applies to Types I, II, and III, IV, and V.

- (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 after 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, IV, and V.

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

- (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;

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(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.

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

Applies to Types I, II, and III and IV.

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

Applies to Types I, II, and III and IV.

(7 8) As part of the inmate prisoner accounting system, the facility/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 Prisoner Population

1. Sentenced – Non-sentenced
2. Adult - Juvenile
3. Male - Female
4. Felons - Misdemeanants
5. Race

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Applies to Type I

(8 9) ~~Facilities Records shall be kept~~keep records on each inmate prisoner specifying:

- (a) Date of confinement;
- (b) Length of sentence;
- (c) Reduction of sentences provided by statutes; and,
- (d) Release date.

Applies to Type I.

(9 10) The administrator of a facility jail or a ~~designated member of his staff~~designee shall maintain a record which indicates:

- (a) When an inmate prisoner is to be discharged and under what conditions;
- (b) If any detainers or pending detainers are placed against the inmate prisoner and ~~if such be the case~~if so, the appropriate authorities shall ~~to be notified of his/her~~be notified of his/her release date; and,
- (c) The time when and the authority by which the inmate prisoner was released.

Applies to Type I.

(10 11) ~~Written policy and procedure shall specify when a prisoner is released into the custody of another officer, appropriate credentials must be reviewed. Positive identification of a prisoner shall be made by the releasing officer before discharge or release. Facilities shall maintain written policy and procedures for releasing inmates from the facility which 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, and IV.

(11 12) All inmates prisoners 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

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receipt and witnessed by the releasing officer. The receipt shall be kept in the permanent records of the jail facility.

Applies to Types I, II, and III, IV, and V.

Authority: T.C.A. § 41-4-140.

1400-01-.15 Hygiene.

- (1) ~~The standard clothing issue for anyone detained longer than forty-eight (48) hours in a facility for both males and females~~ 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) ~~Clean prisoner's~~ 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, IV, and V.

- (2) Provisions shall be made so that inmates ~~prisoners~~ 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 he or she/the inmate cannot afford to pay, in which case they/the inmate shall be provided the item or services free of charge.

Applies to Types I, and II, IV, and V.

- (3) An inmate commissary may be available by 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.

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

Applies to Types I and IV.

- ~~(4 5) Facilities that are utilized for the confinement of females shall have a trained female correctional officer on duty or on-call when a female is confined in the facility, to perform the following functions:~~

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

~~Applies to Types I, II and III and IV.~~

- (5) Each inmate prisoner 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 IV, and V.

- (6) ~~Facilities shall maintain An an~~ adequate supply of bedding and towels shall be maintained 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 or otherwise sterilized before re-issue.

Applies to Types I and IV.

- (7) Inmate Prisoner 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 Types I and IV.

Authority: T.C.A. § 41-4-140.

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1400-01-16 Supervision Of Inmates Prisoners.

- (1) All inmates prisoners shall be personally observed by a ~~staff member~~ facility employee at least once every hour on an irregular schedule. More frequent observation shall be provided for inmates prisoners who are violent, suicidal, mentally ill, intoxicated, and for inmates prisoners 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, IV, and V.

- (2) The facility shall have a system to physically count ~~prisoners~~ inmates and record the results on a twenty-four (24) hour basis. At least one (1) formal count shall be conducted for each shift.

Applies to Types I, II, and III, IV, and V.

- (3) Incidents which involve or endanger the lives or physical welfare of custodial officers, staff or inmates prisoners 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 prisoner inmate;
- (h) Sexual assault Serious infectious disease within facility; and,
- (i) Serious infectious disease within facility 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, IV, and V.

- (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, and,
- (b) Health and welfare checks.

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Applies to Types I, II, and III, IV, and V.

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

Applies to Types I and IV.

- (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

- (1) There shall be a written plan for prisoner-inmate classification specifying criteria and procedures for classifying inmates prisoners 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, IV, and V.

- (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, IV, and V.

- (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.

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**RULES
OF
THE TENNESSEE CORRECTIONS INSTITUTE**

**CHAPTER 1400-2
MINIMUM STANDARDS FOR NON-SECURE HOLDING FACILITIES FOR JUVENILES**

TABLE OF CONTENTS

1400-2-.01	Introduction	1400-2-.08	Supervision
1400-2-.02	Detention Statutes	1400-2-.09	Training
1400-2-.03	Definitions	1400-2-.10	Services
1400-2-.04	Length of Stay	1400-2-.11	Security
1400-2-.05	Physical Plant	1400-2-.12	Life Safety
1400-2-.06	Admission	1400-2-.13	Administration/Management
1400-2-.07	Medical/Health	1400-2-.14	Personnel

1400-2-.01 INTRODUCTION.

- ~~(1) Purpose of Certification: The primary purpose of certification is protection. Protection has a triple focus which is that of (a) properly housing children; (b) protection of the community at large; and (c) reduce the liability for the facility and the staff. Minimum requirements seek to maintain adequate health, safety, and supervision of children while they are under the care of the court system, consistent with the charge of treatment, training, and rehabilitation called for in T.C.A. §37-1-101.~~
- ~~(2) Child Care Services: Under the direction of the court, child care service may be offered by either facilities directly owned by the county/municipality, or provided directly under contract with the county/counties/municipality.~~
- ~~(3) Legal Basis for Certification: Under the authority of T.C.A. §41-4-140, the Tennessee Corrections Institute is required to establish minimum standards for local detention facilities in the state and conduct an annual inspection of each facility.~~
- ~~(4) Local Child Care Facilities: These facilities are one of the initial steps in the housing of children involved with the court system and within them, those children receive their first impression of this system. Their experience will be a major force in their future development in the community.~~
- ~~(5) Temporary Holding Resource., A short term (72 hours, exclusive of non-judicial days) placement alternative for children pending adjudication, or dispositional placement, or pending return to a dispositional placement.~~
- ~~(6) The Tennessee Corrections Institute: In carrying out its mission and responsibilities under the authority of T.C.A. §41-4-140, the Tennessee Corrections Institute opens communication with local agencies with the intent to upgrade the delivery of services to the children of Tennessee.~~
- ~~(7) Basic Information:
 - ~~(a) Statutory Authority. The standards contained in this document are a result of revisions of the 1985 Standards of the Tennessee Corrections Institute. These standards have been revised under the authority of T.C.A. §41-4-140.~~
 - ~~(b) The standards contained herein refer only to a non-secure temporary holding facility for children which may have secure capabilities. This facility is designed to provide a short term placement as an alternative to detention in an adult jail for children under the age of eighteen (18) who meet the criteria outlined by T.C.A. §37-1-114. Temporary Holding Resources located on the~~~~

(Rule 1400-2-.01, continued)

same grounds or under the same roof as an adult jail must meet the requisites of separation as set forth by T.C.A. §37-1-116.

- (c) ~~This facility is designed primarily to house no more than eight (8) children, and be primarily a staff secure facility with a maximum of two (2) hardware secure rooms. At least half of the rooms in the facility shall be non-secure.~~
- (d) ~~This facility is designed to house children who:
 - 1. ~~Are in need of legal temporary placement;~~
 - 2. ~~Are pending adjudication; or~~
 - 3. ~~Are awaiting disposition.~~~~
- (e) ~~Nothing contained in these standards shall be construed to prohibit a city, county, or city/county agency operating a facility 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 the standards be construed as authority to violate any state fire safety standard, building standard, health or safety code, or any Department of Human Services licensure requirement.~~
- (f) ~~Notes. Any notes or recommendations following a standard are advisory in nature and will not be mandatory.~~
- (g) ~~Validity. If any article, section, sentence, clause, or phrase of the minimum standards established and recorded herein is for any reason held to be unconstitutional, contrary to statute, exceeding the authority of the Tennessee Corrections Institute, or otherwise inoperative, such decision shall not affect the validity of the remaining portion of the standards.~~

Authority: T.C.A. §41-4-140. *Administrative History:* Original rule filed April 16, 1986; effective May 16, 1986. Repealed and new rule filed November 10, 1992; effective March 1, 1993.

~~1400-2-.02 DETENTION STATUTES.~~

- (1) ~~T.C.A. §37-1-114 Detention or shelter care of child prior to hearing of petition.~~
 - (a) ~~A child taken into custody shall not be detained or placed in shelter care prior to the hearing on the petition unless there is probable cause to believe that:
 - 1. ~~The child has committed the delinquent or unruly act with which he is charged; or~~
 - 2. ~~The child is a neglected, dependent or abused child, and in either case his detention or shelter care is required because the child is subject to an immediate threat to his health or safety to the extent that delay for a hearing would likely result in severe or irreparable harm, or the child may abscond or be removed from the jurisdiction of the court, and, in either case, there is no less drastic alternative to removal of the child from custody of his parents, guardian, or legal custodian available which would reasonably and adequately protect the child's health or safety or prevent the child's removal from the jurisdiction of the court pending a hearing.~~~~
 - (b) ~~Children alleged to be unruly shall not be detained for more than twenty four (24) hours excluding non-judicial days unless there has been a detention hearing and a judicial determination that there is probable cause to believe the child has violated a valid court order, and in no event shall such child be detained for more than seventy two (72) hours exclusive of~~

(Rule 1400-2-.02, continued)

non-judicial days prior to an adjudicatory hearing. Nothing herein shall prohibit the court from ordering the placement of children in shelter care where appropriate, and such placement shall not be considered detention within the meaning of this section.

(c) ~~A child shall not be detained in any secure facility or secure portion of any facility unless:~~

~~1. There is probable cause to believe the child has committed a delinquent offense constituting a crime against a person resulting in the serious injury or death of the victim or involving the likelihood of serious injury or death to such victim;~~

~~2. There is probable cause to believe the child has committed a delinquent offense involving the likelihood of serious physical injury or death, or a property offense constituting a felony, and the child:~~

~~(i) Is currently on probation;~~

~~(ii) Is currently awaiting court action on a previous alleged delinquent offense;~~

~~(iii) Is alleged to be an escapee or absconder from a juvenile facility, institution or other courtordered placement; or~~

~~(iv) Has, within the previous twelve (12) months, willfully failed to appear at any juvenile court hearing, engaged in violent conduct resulting in serious injury to another person or involving the likelihood of serious injury or death, or been adjudicated delinquent by virtue of an offense constituting a felony if committed by an adult;~~

~~3. There is probable cause to believe the child has committed a delinquent offense and special circumstances in accordance with the provisions of subsection (a) indicate the child should be detained; however, in any such case the judge shall, within twenty four (24) hours of the actual detention, excluding non-judicial days, issue a written order on a form prescribed by the Tennessee Council of Juvenile and Family Court Judges setting forth the specific reasons necessitating such detention; however, nothing in this item shall be construed as requiring a hearing or formal finding of fact except as otherwise required by T.C.A. §37-1-117;~~

~~4. The child is alleged to be an escapee from a secure juvenile facility or institution;~~

~~5. The child is wanted in another jurisdiction for an offense which, if committed by an adult, would be a felony in that jurisdiction.~~

~~6. There is probable cause to believe the child is an unruly child who has violated a valid court order or who is a runaway from another jurisdiction; however, any detention of such a child shall be in compliance with subsection (b) above; and,~~

~~7. In addition to any of the conditions listed above in subdivisions 1-6 of this subsection, there is no less restrictive alternative that will reduce the risk of flight or of serious physical harm to the child or to others, including placement of the child with a parent, guardian, legal custodian, or relative; use of any of the alternatives listed in T.C.A. §37-1-116(g); and/or, the setting of bail.~~

(2) ~~TC.A. §37-1-116 Place of detention.~~

(Rule 1400-2-.02, continued)

- (a) ~~Notwithstanding the provisions of this section to the contrary, in any facility which meets the following requisites of separateness, children who meet the detention criteria of T.C.A. §37-1-114(c) may be held in a juvenile detention facility which is in the same building or on the same grounds as an adult jail or lockup:~~
- ~~1. Total separation between juvenile and adult facility spatial areas such that there could be no haphazard or accidental contact between child and adult residents in the respective facilities;~~
 - ~~2. Total separation in all juvenile and adult program activities within the facilities including recreation, education, counseling, health care, dining, sleeping, and general living activities;~~
 - ~~3. Separate child care and adult staff including management, security staff, and direct care staff such as recreational, educational, and counseling. Specialized services staff such as cooks, bookkeepers, and medical professionals who are not normally in contact with detainees or whose infrequent contacts occur under conditions of separation of children and adults can serve both; and~~
 - ~~4. In the event that state standards or licensing requirements for secure juvenile detention facilities are established, the juvenile facility must meet the standards and be licensed or approved as appropriate.~~
- (b) ~~In determining whether the criteria set out in this subsection are met, the following factors will serve to enhance the separateness of child care and adult facilities:~~
- ~~1. Child care staff are employees of or volunteers for a juvenile service agency or the juvenile court with responsibility only for the conduct of the child serving operations. Child care staff are specially trained in the handling of children and the special problems associated with this group;~~
 - ~~2. A separate child care operations manual with written procedures for staff and agency reference specifies the function and operation of the program;~~
 - ~~3. There is minimal sharing between the facilities of public lobbies or office/support space for staff;~~
 - ~~4. Children do not share direct service or access space with adult offenders within the facilities including entrance to and exits from the facilities. All facility intake and admission processes take place in a separate area and are under the direction of the child care facility staff. Secure entrances (sally ports, waiting areas) are independently controlled by child care staff and separated from adult entrances. Public entrances, lobbies, and waiting areas for the detention program are also controlled by child care staff and separated from similar adult areas. Adult and children residents do not make use of common passageways between intake areas, residential spaces, and program/service spaces;~~
 - ~~5. The space available for children's living, sleeping, and the conduct of programs conforms to the requirements for secure detention specified by prevailing case law, prevailing professional standards of care, and by state code; and,~~
 - ~~6. The facility is formally recognized as a detention center by the state agency responsible for monitoring, review, and/or certification of detention facilities.~~

(Rule 1400-2-.02, continued)

Authority: T.C.A. §41-4-140. Administrative History: Original rule filed April 16, 1986; effective May 16, 1986. Repealed and new rule filed November 10, 1992; effective March 1, 1993.

~~1400-2-.03 DEFINITIONS.~~

- ~~(1) Supervisor: A person in direct attendance to the child.~~
- ~~(2) Search: A visual as well as hands on inspection of either a child or a location.~~
- ~~(3) Clothed body search: The method of having trained staff to "frisk" the clothed body of a child and thoroughly inspect that child for any contraband or weapons. All attempts will be made to guarantee the dignity of the child.~~
- ~~(4) Contraband* Any item possessed by the child or found within the facility that is illegal by law or that is expressly prohibited by those legally charged with the responsibility for administration and operation of the facility or program.~~
- ~~(5) Panic Hardware: A door latching assembly incorporating a device which releases the latch upon the application of force in the direction of exit travel. Tennessee Fire Marshall Standard Building Code 1114.2 (1988).~~
- ~~(6) Secure Facility. A facility that is designed and operated to ensure that all entrances and exits are under the exclusive control of the facility's staff, thereby not allowing a child to leave the facility unsupervised or without permission.~~
- ~~(7) Child Detention Specialist: An employee of a county, local jurisdiction, or private agency who has chosen to successfully complete a one hundred and twenty (120) hour program of designated training as specified and monitored by the Tennessee Corrections Institute.~~
- ~~(8) Status Offenders: Children who are charged with or who have committed offenses that would not be criminal if committed by an adult.~~
- ~~(9) Non Offenders: Dependent and neglected children, abused, throw away children, etc.~~
- ~~(10) Deinstitutionalization of Status Offenders (DSO) Violation: Federal and state law prohibit the secure detention or placement of status offenders or non-offenders for more than twenty four (24) hours exclusive of non-judicial days, unless there is probable cause to believe that the child has violated a valid court order. A status offender may be securely detained beyond the twenty four (24) hour grace period if a detention hearing held within the twenty four (24) hour period reveals that there is a probable cause to believe the child has violated a valid court order. In such instances, a hearing on the violation must be held within seventy-two (72) hours exclusive of non-judicial days. A non-offender cannot be held for violating a valid court order.~~
- ~~(11) Valid Court Order: For the purpose of determining whether a valid court order exists and a juvenile has been found to be in violation of that valid order all of the following conditions must be present prior to secure incarceration:
 - ~~(a) The juvenile must have been brought into a court of competent jurisdiction and made subject to an order issued pursuant to proper authority. The order must be one which regulates future conduct of the juvenile.~~
 - ~~(b) The court must have entered a judgment and/or remedy in accord with established legal principles based on the facts after a hearing which observes proper procedures.~~~~

(Rule 1400-2-.03, continued)

~~(c) The juvenile in question must have received adequate and fair warning of the consequences of violation of the order at the time it was issued and such warning must be provided to the juvenile and to his attorney and/or to his legal guardian in writing and be reflected in the court record and proceedings.~~

~~(d) All judicial proceedings related to an alleged violation of a valid court order must be held before a court of competent jurisdiction. A juvenile accused of violating a valid court order may be held in secure detention beyond the twenty four (24) hour grace period permitted by a non-criminal juvenile offender under Office of Juvenile Justice and Delinquency Prevention monitoring policy, for protective purposes as prescribed by state law, or to assure the juvenile's appearance at the violation hearing, as provided by state law, if there has been a judicial determination based on a hearing during the twenty four (24) hour grace period that there is probable cause to believe the juvenile violated the court order. In such case, the juvenile may be held pending a violation hearing for such period of time as is provided by state law, but in no event should detention prior to a violation hearing exceed seventy two (72) hours exclusive of non-judicial days. A juvenile found in a violation hearing to have violated a court order may be held in a secure detention or correctional facility.~~

~~(e) Prior to and during the violation hearing the following full due process rights must be provided:~~

- ~~1. The right to have the charges against the juvenile in writing served upon him a reasonable time before the hearing;~~
- ~~2. The right to a hearing before a court;~~
- ~~3. The right to an explanation of the nature and consequences of the proceeding;~~
- ~~4. The right to legal counsel and the right to have such counsel appointed by the court if indigent;~~
- ~~5. The right to confront Witnesses;~~
- ~~6. The right to present witnesses;~~
- ~~7. The right to have a transcript or record of the proceedings; and~~
- ~~8. The right of appeal to an appropriate court.~~

~~(f) In entering any order that directs or authorizes disposition of placement in a secure facility, the judge presiding over an initial probable cause hearing or violation hearing must determine that all the elements of a valid court order and the applicable due process rights were afforded the juvenile and, in the case of a violation hearing, the judge must determine that there is no less restrictive alternative appropriate to the needs of the juvenile and the community.~~

~~(g) A non-offender such as a dependent or neglected child cannot be placed in secure detention or correctional facilities for violating a valid court order.~~

~~(12) Escaper: Any juvenile who:~~

- ~~(a) Is alleged or adjudicated to be delinquent;~~

(Rule 1400-2-.03, continued)

1. ~~Is confined to a secure detention or correctional facility designated, operated, or approved by the court; and~~
 2. ~~Absconds or attempts to abscond from such facility may be charged with the offense of escape or attempted escape and a petition alleging such offense may be filed with the juvenile court of the county in which the alleged offense occurred;~~
- (b) ~~Is alleged or adjudicated to be delinquent; and~~
1. ~~Has been placed by the court in a secure detention or correctional facility, designated, operated, or approved by the court;~~
 2. ~~Is being transported to or from such facility; and~~
 3. ~~Absconds or attempts to abscond from the custody of the person responsible for such transportation; may be charged with the offense of escape or attempt to escape.~~
- (13) ~~Runaway: An unruly child who is away from the home or residence of his parents or guardians without their consent. T.C.A. §37-1-102).~~
- (14) ~~Secure Detention Facility: Any public or private residential facility which:~~
- (a) ~~Includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and~~
 - (b) ~~Is used for the temporary placement of any juvenile who is accused of having committed an offense, of any non-offender, and of any other individual accused of having committed a criminal offense. (JJDP Act §103-12)~~
- (15) ~~Secure Correctional Facility: Any public or private residential facility which:~~
- (a) ~~Includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and~~
 - (b) ~~Is used for the placement after adjudication and disposition, of any juvenile who has been adjudicated as having committed an offense, any non-offender, or any other individual convicted of a criminal offense. (JJDP Act §103-13)~~

Authority: T.C.A. §41-4-140. Administrative History: Original rule filed April 16, 1986; effective May 16, 1986. Repealed and new rule filed November 10, 1992; effective March 1, 1993.

LENGTH OF STAY.

- (1) ~~Children shall be detained in the Temporary Holding Resource in accordance with T.C.A. §§37-1-114 and 37-1-116.~~
- (2) ~~Placement in Temporary Holding Resources shall be for as short a time as possible not to exceed a seventy two (72) hour maximum length of stay, exclusive of non-judicial days.~~
- (3) ~~Children who are alleged to be delinquent and meet the criteria for secure detention of T.C.A. §37-1-214(c) may be placed in secure custody in a Temporary Holding Resource for as short a time as possible, not to exceed a seventy two (72) hour maximum length of stay, exclusive of non-judicial days.~~

(Rule 1400-2-.04, continued)

- (4) ~~As provided by T.C.A. §37-1-114(b), children who are alleged to be status offenders may not be placed in secure custody in a Temporary Holding Resource for more than twenty-four (24) hours, exclusive of non-judicial days, unless there is probable cause to believe the child has violated a valid court order.~~
- (5) ~~Dependent/neglected children shall not be detained in secure custody.~~
- (6) ~~Children placed in the Secure Room must meet the Criteria established in T.C.A. §§37-1-114 and 37-1-116.~~

~~Authority: T.C.A. §41-4-140. Administrative History: Original rule filed April 16, 1986; effective May 16, 1986. Repealed and new rule filed November 10, 1992; effective March 1, 1993.~~

~~1400-2-.05 PHYSICAL PLANT.~~

- (1) ~~Secure Rooms shall be optional with a maximum of two (2). At least half of the rooms in the facility shall be non-secure.~~
- (2) ~~Secure Rooms shall only be used as single occupancy and shall have a minimum of fifty (50) square feet of clear floor space if constructed after July 1, 1985. Facilities used for detention prior to July 1, 1985, shall have a minimum of forty five (45) square feet. This room shall have at a minimum the following features:~~
 - (a) ~~A tamper-resistant light fixture;~~
 - (b) ~~Unbreakable watercloset and lavatory with cut-off valve located outside the room; and~~
 - (c) ~~Concrete bed, sixteen (16) inches off the floor with rounded edges.~~

~~The room shall contain no structural projections which would allow the child to harm himself/herself.~~
- (3) ~~Each facility shall have documentation of compliance with applicable sanitation and fire safety standards.~~
- (4) ~~There must be access to natural lighting in the facility, i.e., the bedroom area or in the office/activity area.~~
- (5) ~~Each child in placement overnight in the facility shall be provided with bedding, a fire retardant mattress, and a fire retardant pillow. The mattress, pillow and bedding shall be in good repair.~~
- (6) ~~Space in the facility must be sufficient to accommodate the following activities:~~
 - (a) ~~Interviews between child and court staff, attorneys, and other permitted by the court, including the capability of providing privacy, when necessary, for such interviews;~~
 - (b) ~~Space for reading or other quiet activities;~~
 - (c) ~~Eating;~~
 - (d) ~~Sleeping; and~~
 - (e) ~~Staff work assignments, i.e., paperwork, interviews, counseling, etc.~~

(Rule 1400-2-.05, continued)

- ~~(7) There must be easy and unrestricted public access to the facility area for persons who have official business as designated by the court.~~
- ~~(8) The facility shall have at least one (1) toilet and washbasin to every eight (8) children in the non-secure area.~~
- ~~(9) There shall be at least one (1) operable shower in the facility for every eight (8) children.~~
- ~~(10) Smoke detectors must be installed and operable in the facility.~~
- ~~(11) Ceilings in the facility must be solid with no drop ceilings.~~
- ~~(12) All glass in the facility area (windows, vision panels, etc.) shall be made of safety glass. All new construction, after January 1, 1991, shall have all windows, vision panels, etc., made of a mar resistant poly carbonate laminate.~~
- ~~(13) All housing and activity areas shall provide at a minimum:
 - ~~(a) Lighting of at least twenty (20) footcandles, to be measured three (3) feet off the floor, in the office/activities area;~~
 - ~~(b) Lighting of at least 3 footcandles, to be measured three (3) feet off the floor, in all sleeping rooms, which are operable twenty four (24) hours a day; and,~~
 - ~~(c) A temperature of not less than sixty-five (65) degrees Fahrenheit and no more than eighty (80) degrees Fahrenheit.~~~~
- ~~(14) The facility shall have emergency lights that are tested quarterly.~~
- ~~(15) The facility shall have exit signs at all exits which are continuously illuminated.~~
- ~~(16) Child care facilities located under the same roof or on the same grounds as an adult jail must meet the following criteria for separateness as outlined in T.C.A. §37-1-116(i).
 - ~~(a) Total separation between child care and adult facility spatial areas such that there could be no haphazard or accidental contact between children and adult residents in the respective facilities;~~
 - ~~(b) Total separation in all children's and adult's program activities within the facilities, including recreation, education, counseling, health care, dining, sleeping, and general living activities;~~
 - ~~(c) Separate child care and adult staff including management, security staff, and direct care staff such as recreational, educational, and counseling. Specialized services staff such as cooks, bookkeepers, and medical professionals who are not normally in contact with detainees or whose infrequent contacts occur under conditions of separation of children and adults can serve both; and~~
 - ~~(d) A separate child care operations manual with written procedures for staff and agency reference specifying the function and operation of the child care program.~~~~
- ~~(17) Plans for any new child care facility construction or renovation shall be in compliance with minimum standards recorded herein and be submitted to the Tennessee Corrections Institute and the State Fire Marshal's office for review prior to the start of construction.~~

(Rule 1400-2-.05, continued)

- ~~(18) Plans for any new child care facility construction or renovation shall include provisions for handicapped persons to have access to all facilities and services.~~

~~Authority: T.C.A. §41-4-140. Administrative History: Original rule filed April 16, 1986; effective May 16, 1986. Repealed and new rule filed November 10, 1992; effective March 1, 1993.~~

~~1400-2-.06 ADMISSION.~~

- ~~(1) The facility administrator shall designate staff who have responsibility for the provision of or arrangement for the following services:~~
- ~~(a) Admission on a twenty-four (24) hour basis;~~
 - ~~(b) Food service for those in placement;~~
 - ~~(c) Notification of parents when children are in placement;~~
 - ~~(d) Notification of the juvenile court and other appropriate agencies when children are in placement;~~
 - ~~(e) Assurance of the provision of due process rights and procedures for children in placement; and~~
 - ~~(f) Explanation of facility rules and procedures and provision of written copy to children in placement.~~

~~Authority: T.C.A. §41-4-140. Administrative History: Original rule filed April 16, 1986; effective May 16, 1986. Repealed and new rule filed November 10, 1992; effective March 1, 1993.~~

~~1400-2-.07 MEDICAL/HEALTH.~~

- ~~(1) Admission Medical Screening shall be performed on all children prior to placement in the facility. The findings shall be recorded on a printed screening form. The child care worker performing this duty shall check for:~~
- ~~(a) A serious illness or communicable disease;~~
 - ~~(b) A comatose state;~~
 - ~~(c) Obvious wounds;~~
 - ~~(d) Prescribed medications; and~~
 - ~~(e) Homicidal/suicidal ideation.~~
- ~~(2) 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. A copy of the agreement shall be on file in the facility clearly designating the extent of the authority and the procedures to follow including procedures for dispensing and recording medication (standing orders).~~
- ~~(3) A first aid kit approved by a physician shall be provided.~~
- ~~(4) All meals shall be prepared (except when catered) and served under the direct supervision of staff.~~

(Rule 1400-2-.07, continued)

- (5) ~~Policies and Procedures shall provide for at a minimum:~~
 - (a) ~~Documentation of all requests by children to access medical treatment, and~~
 - (b) ~~Documentation of treatment received per request;~~
 - (c) ~~Documentation of all injuries to children and staff.~~
 - (d) ~~Documentation of authority to access medical care.~~

~~Authority: T.C.A. §41-4-140. Administrative History: Original rule filed April 16, 1986; effective May 16, 1986. Repealed and new rule filed November 10, 1992; effective March 1, 1993.~~

~~1400-2-.08 SUPERVISION.~~

- (1) ~~A female child care worker must be available when there are female children in the facility to conduct and document:~~
 - (a) ~~Searches;~~
 - (b) ~~Showers;~~
 - (c) ~~Health checks; and~~
 - (d) ~~Periodic observations (refer to No. 4 of this section).~~
- (2) ~~Child care staff must have direct visual access to children who are in placement.~~
- (3) ~~Child care staff shall be physically present at all times when children are in placement.~~
- (4) ~~Child care staff must provide continual supervision of all children in placement, including at a minimum the following levels of visual contact:~~
 - (a) ~~Every fifteen (15) minutes for all incoming children for the first six (6) hours.~~
 - (b) ~~Every fifteen (15) minutes for all children housed in the secure rooms;~~
 - (c) ~~Every thirty (30) minutes for children in non-secure rooms;~~
 - (d) ~~Children exhibiting homicidal/suicidal ideation should be under constant direct supervision or at a minimum shall be observed every fifteen (15) minutes:~~
 - 1. ~~Referral to appropriate and predesignated mental health practitioner shall be made and documented;~~
 - 2. ~~Reasons for removal from the general population documented;~~
 - 3. ~~Behavior of child during this period shall be clearly documented; and~~
 - 4. ~~Authorization for release from constant supervision shall be made by licensed and designated authority.~~

(Rule 1400-2-.08, continued)

- (e) ~~The time of all supervision checks shall be logged as well as the documentation of the behavioral observations of the child.~~

Authority: T.C.A. §41-4-140. Administrative History: Original rule filed April 16, 1986; effective May 16, 1986. Repealed and new rule filed November 10, 1992; effective March 1, 1993.

~~1400-2-.09 TRAINING.~~

- (1) ~~Each full/part time person who directly supervises children in placement in a facility must have successfully completed an accredited CPR and emergency techniques course. Within the first month, all staff must receive at least eight (8) hours of formal documented pre-service training designed to familiarize each person with the function and mission of the facility, as approved by the Tennessee Corrections Institute and shall include but not be limited to:~~
- (a) ~~Expected behavior of children upon detention;~~
 - (b) ~~Active listening;~~
 - (c) ~~Crisis intervention;~~
 - (d) ~~Substance Abuse;~~
 - (e) ~~Physical/sexual abuse and victimization;~~
 - (f) ~~Cultural/ethnic awareness;~~
 - (g) ~~Suicide detection and screening;~~
 - (h) ~~Brief history and description of Jail Removal Services Project;~~
 - (i) ~~Juvenile court process;~~
 - (j) ~~Description of the purpose and operating policies and procedures of the facility; and~~
 - (k) ~~Purpose and function of child care staff in regard to holding children in a non hardware secure facility.~~
- (2) ~~The administrator, as well as each full time child care staff who directly supervises children, must receive forty (40) hours of basic training for Child Care Workers provided by the Tennessee Corrections Institute within the first year of employment.~~
- (3) ~~The administrator, as well as each full time child care staff who directly supervises children must receive, after the first year of employment, forty (40) hours of in service training in working with children and not less than sixteen (16) hours of which are to be provided 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.~~
- (4) ~~All training records shall be kept in both the facility files and in the individual files of each employee.~~

Authority: T.C.A. §41-4-140. Administrative History: Original rule filed April 16, 1986; effective May 16, 1986. Repealed and new rule filed November 10, 1992; effective March 1, 1993.

~~1400-2-10 SERVICES.~~

- (1) ~~Each facility shall provide directly or provide access to at a minimum:~~
- ~~(a) Admission services, available on a twenty-four (24) hour basis;~~
 - ~~(b) Visitation;~~
 - ~~(c) Family and individual counseling;~~
 - ~~(d) Diagnostic services;~~
 - ~~(e) Mental health services;~~
 - ~~(f) Medical services;~~
 - ~~(g) Legal counsel;~~
 - ~~(h) Food services with three (3) meals each twenty-four (24) hour period, with a maximum of twelve (12) hours between each meal;~~
 - ~~(i) Exercise; and~~
 - ~~(j) Transportation.~~
- (2) ~~Each facility shall provide the following articles:~~
- ~~(a) Clean socks;~~
 - ~~(b) Clean undergarments;~~
 - ~~(c) Clean outer garments;~~
 - ~~(d) Footwear;~~
 - ~~(e) Clean personal clothing (if available) may be substituted for clothing provided by the facility at the discretion of the facility administrator;~~
 - ~~(f) Soap;~~
 - ~~(g) Toothbrush;~~
 - ~~(h) Toothpaste;~~
 - ~~(i) Comb;~~
 - ~~(j) Toilet paper; and~~
 - ~~(k) Feminine hygiene materials.~~

Authority: T.C.A. §41-4-140. Administrative History: Original rule filed April 16, 1986; effective May 16, 1986. Repealed and new rule filed November 10, 1992; effective March 1, 1993.

~~1400-2-11 SECURITY.~~

- ~~(1) — Only child care staff shall control use of all entrances and exits.~~
- ~~(2) — Facility policy and procedure shall require that all children be searched upon admission.~~
- ~~(3) — Written policy shall provide that backup staff be available in the event of a need for emergency assistance. Name and phone numbers of emergency backup staff shall be conspicuously posted in the facility.~~

~~Authority: T.C.A. §41-4-140. Administrative History: Original rule filed April 16, 1986; effective May 16, 1986. Repealed and new rule filed November 10, 1992; effective March 1, 1993.~~

~~1400-2-12 LIFE SAFETY.~~

- ~~(1) — Provisions shall be made for handicapped persons to have access to all facilities and services. This shall be accomplished through construction design in all new construction and affirmatively through policy and procedure in all existing facilities.~~
- ~~(2) — Policy and procedure for emergency evacuation of the facility shall be developed in writing and posted in clear view throughout the area.~~
- ~~(3) — Panic hardware shall be installed on all outside exits.~~

~~Authority: T.C.A. §41-4-140. Administrative History: Original rule filed November 10, 1992; effective March 1, 1993.~~

~~1400-2-13 ADMINISTRATION/MANAGEMENT.~~

- ~~(1) — Each facility shall have written policies and procedures governing the facility's operations. They shall be reviewed and updated annually. These policies and procedures shall be given to all employees and receipt documented.~~
- ~~(2) — There shall be a policy and procedure for the provision of admission services on a twenty-four (24) hour basis.~~
- ~~(3) — Policies shall provide for visitation, mail, and phone calls.~~
- ~~(4) — Policies shall establish the procedures for the delivery of or access to the following required services:
 - ~~(a) — Admission services available on a twenty-four (24) hour basis;~~
 - ~~(b) — Visitation;~~
 - ~~(c) — Family and individual counseling;~~
 - ~~(d) — Diagnostic services;~~
 - ~~(e) — Mental health services;~~
 - ~~(f) — Medical services;~~
 - ~~(g) — Legal counsel;~~~~

(Rule 1400-2-.13, continued)

- ~~(h) Food services with three (3) meals each twenty four (24) hour period, no more than 12 hours apart;~~
- ~~(i) Exercise; and~~
- ~~(j) Transportation.~~
- ~~(5) Policies shall provide for positively based sanctions and prohibit the use of food, chemical agents, or corporal punishment as disciplinary actions.~~
- ~~(6) Written policies shall provide for immediate notification of parents, court, and other necessary agencies.~~
- ~~(7) Written policies shall ensure that the length of stay of children is in accordance with T.C.A. §37-1-114.~~
- ~~(8) Written policies and procedures shall provide for Admission Data Forms to be completed for each child in placement and shall contain the following information unless otherwise prohibited by statute:
 - ~~(a) Date and time of admission and authority therefore;~~
 - ~~(b) Name and aliases of child;~~
 - ~~(c) Last known address;~~
 - ~~(d) Specific charge(s);~~
 - ~~(e) Sex;~~
 - ~~(f) Age;~~
 - ~~(g) Date of birth;~~
 - ~~(h) Place of birth;~~
 - ~~(i) Race;~~
 - ~~(j) Employment;~~
 - ~~(k) Education;~~
 - ~~(l) Name and relationship of next of kin;~~
 - ~~(m) Address of next of kin;~~
 - ~~(n) Other key contact person(s) to notify in case of emergency (if different from above);~~
 - ~~(o) Address of other key contact person(s) to notify in case of emergency;~~
 - ~~(p) Legal custodian;~~
 - ~~(q) Driver's license and social security number;~~
 - ~~(r) Disposition of vehicle, where applicable;~~~~

(Rule 1400-2-.13, continued)

- ~~(s) — Notation of cash and property;~~
- ~~(t) — Court date and time;~~
- ~~(u) — Room assignment; and~~
- ~~(v) — County of residence.~~
- ~~(9) — Policies shall provide for record keeping/documentation including at a minimum:~~
 - ~~(a) — Due process compliance;~~
 - ~~(b) — Medication needs, medication dispensed, and precautions;~~
 - ~~(c) — Frequency of visual contacts between child care staff and children;~~
 - ~~(d) — Unusual behavior (i.e., extreme mood changes, suicide threats/gestures, prolonged depression, incoherence, withdrawals, etc.);~~
 - ~~(e) — Disciplinary actions;~~
 - ~~(f) — Unusual searches (i.e., strip searches, transport to medical for body cavity search, etc.);~~
 - ~~(g) — Contact such as visitors and telephone calls made and received by the child; and~~
 - ~~(h) — Physical restraint of an acting out child to include at a minimum:
 - ~~1. — Procedures to use prior to placing a hand on a child, and;~~
 - ~~2. — Procedures which have been designated by the facility, and in which staff have been continuously trained, and;~~
 - ~~3. — Are the least restrictive in nature.~~~~
- ~~(10) — Policies and procedures shall provide for documentation of all searches of children, to include at a minimum:~~
 - ~~(a) — Clothed body searches at entry into the facility;~~
 - ~~(b) — Clear written policy regarding the use of a strip search of a child, when it is clearly indicated that:
 - ~~1. — The child may be carrying contraband which may either injure:
 - ~~(i) — That child;~~
 - ~~(ii) — Other children; or~~
 - ~~(iii) — Staff in the facility, and~~~~
 - ~~2. — The items would not be found doing a clothed body search.~~~~

(Rule 1400-2-.13, continued)

- ~~(c) — Explicit written policy regarding the transfer of a child to designated, licensed, and approved medical personnel to perform any needed body cavity searches when:
 - ~~1. — The behavior of the child indicates a need for immediate cavity/medical search for internally concealed drugs and/or weapons; or~~
 - ~~2. — There is any visible evidence of contraband in a body cavity of a child which is detected in a properly documented strip search; or~~
 - ~~3. — The child is too frightened or refuses to submit to a proper, documented search (clothed or stripped).~~~~

- ~~(11) — Policy and procedure shall provide for transportation guidelines which include but are not limited to the following:
 - ~~(a) — A description of roles of youth services officers, law enforcement officials, and transportation providers in detaining and transporting children;~~
 - ~~(b) — A procedure for determining that children meet the criteria as outlined in T.C.A. §37-1-114(c) and must be transported to an appropriate facility in another county;~~
 - ~~(c) — A procedure to assure that the transportation provider is furnished with the required paper work for detention;~~
 - ~~(d) — A procedure that enables the transportation provider to communicate any problems or needs of the child while in his/her custody to the care provider; and~~
 - ~~(e) — A statement that a female child needing transportation shall be in the company of or custody of a female person/provider.~~~~

- ~~(12) — Policies and procedures shall provide that transportation providers shall meet the following specifications:
 - ~~(a) — Be approved by the juvenile court;~~
 - ~~(b) — Attend a minimum four (4) hour documented orientation training program approved or provided through the local juvenile court unless the provider is a previously trained law enforcement officer in which case training need only include information applicable to the transporting of children and the admission procedures of facilities receiving them;~~
 - ~~(c) — Follow local Emergency Transportation Operations Manual of Policies and Procedures;~~
 - ~~(d) — Be employed by the police department, sheriff's department, juvenile court, county or city government, or be any county official covered by liability insurance with said county;~~
 - ~~(e) — Present a valid Class D with an F endorsement Tennessee driver's license, T.C.A. §55-50-102;~~
 - ~~(f) — Carry automobile liability insurance or drive a government vehicle which is covered by liability insurance; and~~
 - ~~(g) — Be covered by workers compensation insurance as a local government employee; however, this does not apply to counties which are self-insured.~~~~

(Rule 1400-2-.13, continued)

- ~~(13) Written policy shall specify the duties of the transportation providers to include but not be limited to:~~
- ~~(a) Furnish a vehicle that is appropriate and reliable;~~
 - ~~(b) Equip the vehicle to insure the safety of the passengers including an emergency first aid kit, snow tires, or chains (when appropriate), and portable or mobile radio communication (e.g., Citizen Band Radio);~~
 - ~~(c) Furnish an enclosed vehicle to provide protection from cold and inclement weather, which allows the operator a constant viewing capability of the child being transported; and~~
 - ~~(d) Provide the county an up-to-date copy of automobile liability insurance coverage for any personal automobile which provider shall use to transport any child.~~
- ~~(15) Written policy shall provide that each child housed be allowed to visit with his/her parents or guardian at least once a day during the hours of 12:00 noon until 6:00 p.m. unless visitation is specifically prohibited by the juvenile court judge. Other visitors or hours of visitation must be approved by the temporary holding resource administrator or juvenile court judge.~~
- ~~(16) Written policy shall provide that each child will be allowed to receive up to two (2) telephone calls a day from parents or guardian during the hours of 8:00 a.m. and 9:00 p.m. unless specifically prohibited by the juvenile court judge. Other callers or hours must be approved by the temporary holding resource administrator or juvenile court judge.~~
- ~~(17) Written policy shall provide that each child be permitted unrestricted and confidential access to his/her attorney at any reasonable hour.~~
- ~~(18) Written policy shall provide that mail received for a child in placement at the temporary holding resource will be opened in the presence of the child, searched for contraband, and given immediately to the child. Any mail from the child's attorney will be delivered immediately unopened to the child.~~
- ~~(19) Written policy shall provide for written notification to the Department of Human Services of any suspected or reported instances of either sexual or physical abuse within twenty four (24) hours of discovery.~~
- ~~(20) Written policy shall provide for written notification within twenty four (24) hours of discovery to the Department of Human Services, the Tennessee Corrections Institute, and the Tennessee Commission on Children and Youth of any report of or evidence of physical or sexual abuse or injury of a child in a facility while the child is in custody.~~
- ~~(21) Written policy shall provide for notification of the Tennessee Corrections Institute and the Tennessee Commission on Children and Youth of any deinstitutionalization of status offenders violation.~~
- ~~(22) Written policy shall provide for resident records to be safeguarded from unauthorized and improper disclosure.~~
- ~~(23) Written policy shall provide for records of children to be maintained until the child's 23rd birthday.~~
- ~~(24) Written policy shall provide for at a minimum:~~
- ~~(a) Documentation of all requests by children to access medical treatment, and~~
 - ~~(b) Documentation of treatment received per request;~~

(Rule 1400-2-.13, continued)

(c) — Documentation of all injuries to children and staff.

Authority: T.C.A. §41-4-140. *Administrative History:* Original rule filed November 10, 1992; effective March 1, 1993.

1400-2-.14 PERSONNEL.

- (1) — Written policy shall indicate that there is an Affirmative Action based hiring plan to include at a minimum, a clear commitment to recognize and develop the abilities of all minorities, women, and handicapped persons in compliance with Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and the "Americans with Disabilities Act" (P.L. 101-336) of 1990.
- (2) — Written policy shall indicate that there is a clear commitment to recognize diversity in hiring.
- (3) — Written personnel policy shall provide for a hiring procedure which shall include at a minimum:
 - (a) — Background check with National Crime Information Center;
 - (b) — Background check with the Sex Abuse Registry;
 - (c) — Background check with local law enforcement officials;
 - (d) — Grievance procedure; and
 - (e) — Review.

Authority: T.C.A. §41-4-140. *Administrative History:* Original rule filed November 10, 1992; effective March 1, 1993.

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

**CHAPTER 1400-3
MINIMUM STANDARDS FOR JUVENILE DETENTION FACILITIES**

TABLE OF CONTENTS

1400-3-.01	Introduction	1400-3-.09	Sanitation/Maintenance
1400-3-.02	Detention Statutes	1400-3-.10	Food Services
1400-3-.03	Glossary	1400-3-.11	Mail and Visiting
1400-3-.04	Physical Plant	1400-3-.12	Programs and Activities
1400-3-.05	Administration/Management	1400-3-.13	Medical Services
1400-3-.06	Personnel	1400-3-.14	Admission, Records and Release
1400-3-.07	Security	1400-3-.15	Hygiene
1400-3-.08	Discipline	1400-3-.16	Supervision

1400-3-.01 INTRODUCTION.

- ~~(1) Purpose of Certification. The primary purpose of certification is protection. Protection has a triple focus which is that of: 1) properly housing children; 2) protection of the community at large; and 3) reducing the liability for the facility and the staff. Minimum requirements seek to maintain adequate health, safety, and supervision of children while they are under the care of the court system, consistent with the charge of treatment, training, and rehabilitation called for in T.C.A. §37-1-101.~~
- ~~(2) Legal Basis for Certification. Under the authority of T.C.A. §41-4-140, the Tennessee Corrections Institute is required to establish minimum standards for local detention facilities in the state and conduct an annual inspection of each facility.~~
- ~~(3) Local Juvenile Detention Facilities. These facilities are one of the initial steps in the housing of children involved with the court system and within them, those children receive their first impression of this system. Their experience will be a major force in their future development in the community. Services under the direction of the court may be offered by either facilities directly owned by the county/municipality, or provided directly under contract with the county (counties)/municipality.~~
- ~~(4) The Tennessee Corrections Institute. In carrying out its mission and responsibilities under the authority of T.C.A. 41-4-140, the Tennessee Corrections Institute opens communication with local agencies with the intent to upgrade the delivery of services to the children of Tennessee.~~
- ~~(5) Basic Information:

 - ~~(a) Statutory Authority. The standards contained in this document are a result of revisions of the 1985 Standards of the Tennessee Corrections Institute. These standards have been revised under the authority of T.C.A. §41-4-140.~~
 - ~~(b) The standards contained herein refer only to local juvenile detention facilities for children. This facility is designed to provide a short term placement as an alternative to detention in an adult jail for children under the age of eighteen (18) who meet the criteria outlined by T.C.A. §37-1-114. Local juvenile detention facilities which may be located on the same grounds or under the same roof as an adult jail must meet the requisites of separation as set forth by T.C.A. §37-1-116.~~
 - ~~(c) This facility is designed to detain children who meet the criteria of T.C.A. §37-1-114 (c), and who:~~~~

(Rule 1400-3-.01, continued)

1. ~~are in need of legal temporary placement;~~
 2. ~~are pending adjudication; or~~
 3. ~~are awaiting disposition and/or placement.~~
- (d) ~~Nothing contained in these standards shall be construed to prohibit a city, county, or city/county agency operating a facility 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 the standards be construed as authority to violate any state fire safety standard, building standard, health or safety code, or any Dept. of Human Services licensure requirement.~~
- (e) ~~Notes. Any notes or recommendations following a standard are advisory in nature and will not be mandatory.~~
- (f) ~~Validity. If any article, section, sentence, clause, or phrase of the minimum standards established and recorded herein is for any reason held to be unconstitutional, contrary to statute, exceeding the authority of the Tennessee Corrections Institute, or otherwise inoperative, such decision shall not affect the validity of the remaining portion of the standards.~~
- (7) ~~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) ~~Programs and Activities~~
 - (j) ~~Medical Services~~
 - (k) ~~Admission, Records and Release~~
 - (l) ~~Hygiene~~
 - (m) ~~Supervision of Youth~~
- (8) ~~Validity: In determining the application of these minimum standards, the Tennessee Corrections Institute Board of Control has enacted the following:~~
- (a) ~~Standards contained herein shall apply to specific types of local juvenile detention facilities.~~

(Rule 1400-3-.01, continued)

- ~~(b) — Detention facilities shall be classified according to construction date. Facilities constructed after January 1, 1991, shall be considered as new, while facilities constructed prior to that date 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 to existing facilities must comply with all applicable standards for new facilities.~~
- ~~(9) — 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. Those facilities not meeting all applicable standards shall be recommended for non certification. Facilities whose annual inspections are completed prior to the fifteenth (15) 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 Tennessee Commission on Children and Youth shall be immediately notified of any proposed change in facility status.~~

~~Authority: T.C.A. §41-4-140. Administrative History: Original rule filed April 7, 1993; effective July 28, 1993.~~

~~1400-3-.02 CITED STATUTES.~~

~~(1) — T.C.A. §37-1-101 Construction.~~

~~(a) — This part shall be construed to effectuate the following public purposes:~~

- ~~1. — to provide for the care, protection, and wholesome moral, mental and physical development of children coming within its provisions;~~
- ~~2. — consistent with the protection of the public interest, to remove from children committing delinquent acts the taint of criminality and the consequences of criminal behavior and to substitute therefor a program of treatment, training and rehabilitation;~~
- ~~3. — to achieve the foregoing purposes in a family environment whenever possible, separating the child from his parents only when necessary for his welfare or in the interest of public safety;~~
- ~~4. — to provide a simple judicial procedure through which this part is executed and enforced and in which the parties are assured a fair hearing and their constitutional and other legal rights recognized and enforced; and~~
- ~~5. — to provide simple interstate procedures which permit resort to cooperative measures among the juvenile courts of the several states when required to effectuate the purposes of this part; and~~
- ~~6. — to generally deinstitutionalize children who have not been found to be delinquent.~~

~~(b) — It is the intention of the general assembly in the passage of this part to promulgate laws relative to children which are to be uniform in application throughout the state.~~

(Rule 1400-3-.02, continued)

~~(c) Each of the juvenile courts in all the counties and municipalities of the state as described in 37-1-102 shall have all of the jurisdiction, authority, rights, powers and duties prescribed by the provisions of this part, and any additional jurisdiction, authority, rights, powers or duties conferred by special or private act upon any of the juvenile courts in the state are not intended to be invalidated or repealed by this part except where inconsistent or in conflict with any provisions of this part.~~

~~(2) T.C.A. §37-1-114 Detention or shelter care of child prior to hearing of petition.~~

~~(a) A child taken into custody shall not be detained or placed in shelter care prior to the hearing on the petition unless there is probable cause to believe that:~~

~~1. the child has committed the delinquent or unruly act with which he is charged; or~~

~~2. the child is a neglected, dependent or abused child; and~~

~~3. in either case his detention or shelter care is required because the child is subject to an immediate threat to his health or safety to the extent that delay for a hearing would likely result in severe or irreparable harm; or~~

~~4. the child may abscond or be removed from the jurisdiction of the court; and,~~

~~5. in either case, there is no less drastic alternative to removal of the child from custody of his parents, guardian, or legal custodian available which would reasonably and adequately protect the child's health or safety or prevent the child's removal from the jurisdiction of the court pending a hearing.~~

~~(b) Children alleged to be unruly shall not be detained for more than twenty four (24) hours excluding non-judicial days unless there has been a detention hearing and a judicial determination that there is probable cause to believe the child has violated a valid court order, and in no event shall such child be detained for more than seventy two (72) hours exclusive of non-judicial days prior to an adjudicatory hearing. Nothing herein shall prohibit the court from ordering the placement of children in shelter care where appropriate, and such placement shall not be considered detention within the meaning of this section.~~

~~(c) A child shall not be detained in any secure facility or secure portion of any facility unless:~~

~~1. There is probable cause to believe the child has committed a delinquent offense constituting a crime against a person resulting in the serious injury or death of the victim or involving the likelihood of serious injury or death to such victim;~~

~~2. There is probable cause to believe the child has committed a delinquent offense involving the likelihood of serious physical injury or death, or a property offense constituting a felony, and the child:~~

~~(i) is currently on probation;~~

~~(ii) is currently awaiting court action on a previous alleged delinquent offense;~~

~~(iii) is alleged to be an escapee or absconder from a juvenile facility, institution, or other court-ordered placement; or~~

(Rule 1400-3-.02, continued)

(iv) ~~has, within the previous twelve (12) months, willfully failed to appear at any juvenile court hearing, engaged in violent conduct resulting in serious injury to another person or involving the likelihood of serious injury or death, or been adjudicated delinquent by virtue of an offense constituting a felony if committed by an adult;~~

3. ~~There is probable cause to believe the child has committed a delinquent offense and special circumstances in accordance with the provisions of subsection (a) indicate the child should be detained; however, in any such case the judge shall, within twenty-four (24) hours of the actual detention, excluding non-judicial days, issue a written order on a form prescribed by the Tennessee Council of Juvenile and Family Court Judges setting forth the specific reasons necessitating such detention; however, nothing in this item shall be construed as requiring a hearing or formal finding of fact except as otherwise required by T.C.A. §37-1-117;~~

4. ~~The child is alleged to be an escapee from a secure juvenile facility or institution;~~

5. ~~The child is wanted in another jurisdiction for an offense which, if committed by an adult, would be a felony in that jurisdiction;~~

6. ~~There is probable cause to believe the child is an unruly child who has violated a valid court order or who is a runaway from another jurisdiction; however, any detention of such a child shall be in compliance with subsection (b) above; and~~

7. ~~In addition to any of the conditions listed above in subdivisions 1. - 6. of this subsection, there is no less restrictive alternative that will reduce the risk of flight or of serious physical harm to the child or to others, including placement of the child with a parent, guardian, legal custodian, or relative; use of any of the alternatives listed in T.C.A. §37-1-116(g); and/or, the setting of bail.~~

(3) ~~T.C.A. §37-1-116 Place of detention:~~

(a) ~~Notwithstanding the provisions of this section of the contrary, in any facility which meets the following requisites of separateness, children who meet the detention criteria of T.C.A. §37-1-114(c) may be held in a juvenile detention facility which is in the same building or on the same grounds as an adult jail or lockup:~~

1. ~~total separation between juvenile and adult facility spatial areas such that there could be no haphazard or accidental contact between child and adult residents in the respective facilities;~~

2. ~~total separation in all juvenile and adult program activities within the facilities including recreation, education, counseling, health care, dining, sleeping, and general living activities;~~

3. ~~separate child care and adult staff including management, security staff, and direct care staff such as recreational, educational, and counseling. Specialized services staff such as cooks, bookkeepers, and medical professionals who are not normally in contact with detainees or whose infrequent contacts occur under conditions of separation of children and adults can serve both; and~~

4. ~~In the event that state standards or licensing requirements for secure juvenile detention facilities are established, the juvenile facility must meet the standards and be licensed or approved as appropriate.~~

(Rule 1400-3-.02, continued)

- (b) ~~In determining whether the criteria set out in this subsection are met, the following factors will serve to enhance the separateness of child care and adult facilities:~~
1. ~~Child care staff are employees of or volunteers for a juvenile service agency or the juvenile court with responsibility only for the conduct of the child-serving operations. Child care staff are specially trained in the handling of children and the special problems associated with this group;~~
 2. ~~A separate child care operations manual with written procedures for staff and agency reference specifies the function and operation of the program;~~
 3. ~~There is minimal sharing between the facilities of public lobbies or office/support space for staff;~~
 4. ~~Children do not share direct service or access space with adult offenders within the facilities including entrance to and exits from the facilities. All facility intake and admission processes take place in a separate area and are under the direction of the child care facility staff. Secure entrances (sally ports, waiting areas) are independently controlled by child care staff and separated from adult entrances. Public entrances, lobbies, and waiting areas for the detention program are also controlled by child care staff and separated from similar adult areas. Adult and children residents do not make use of common passageways between intake areas, residential spaces, and program/service spaces;~~
 5. ~~The space available for children's living, sleeping, and the conduct of programs conforms to the requirements for secure detention specified by prevailing case law, prevailing professional standards of care, and by state code; and~~
 6. ~~The facility is formally recognized as a detention center by the state agency responsible for monitoring, review, and/or certification of detention facilities.~~

Authority: T.C.A. §41-4-140. *Administrative History:* Original rule filed April 7, 1993; effective July 28, 1993.

1400-3-.03 GLOSSARY.

- (1) ~~Admitting Area~~ The point of child's entry into a detention facility; the period when a child undergoes admission processing, which may include orientation and initial classification prior to regular assignment to the housing area.
- (2) ~~Adjudication~~ Finding of guilt or innocence.
- (3) ~~Admission Screening~~ A system of structured information gathering to:
 - (a) ~~determine legal authority for detention; and~~
 - (b) ~~assess health and safety conditions for acceptance for detention.~~
- (4) ~~Attorney~~ One who is licensed to practice law and is authorized to act in the place or stead of another.
- (5) ~~Basic Training~~ Skill oriented introductory training provided by the Tennessee Corrections Institute which prepares a child detention staff with general and specific knowledge about the detention of youth in a local facility.

(Rule 1400-3-.03, continued)

- ~~(6) Censor—To read communications such as letters in order to delete material which might be considered harmful to the interests of the organizations or facility.~~
- ~~(7) Child Detention Staff—Any individual who is primarily responsible for the direct care of or supervision of a child for any period of time.~~
- ~~(8) Child Detention Specialist—An employee of a county, local jurisdiction, or private agency who has chosen to successfully complete a one hundred and twenty (120) hour program of designated training as specified and monitored by the Tennessee Corrections Institute.~~
- ~~(9) Classification—A process for determining the needs and requirements of those for whom detention has been ordered and for assigning them to living areas and programs according to their needs and existing resources.~~
- ~~(10) Clear Floor Space—Floor space that is free of obstructions such as beds, showers, commodes, and lavatories.~~
- ~~(11) Coma—A state of deep, prolonged unconsciousness, usually the result of injury, disease or ingestion of toxins.~~
- ~~(12) Communicable Disease—Any illness which may be transmitted through casual contact.~~
- ~~(13) Contraband—Any item possessed by the child or found within the facility that is illegal by law or that is expressly prohibited by those legally charged with the responsibility for administration and operation of the facility or program.~~
- ~~(14) Corporal Punishment—Any kind of punishment inflicted on the body, such as whipping.~~
- ~~(15) Corrosive—Capable of producing the process of dissolving or wearing away, especially of metals.~~
- ~~(16) Counseling—Providing advice or guidance.~~
- ~~(17) Daily Log—A record of all significant activities that take place during the course of a day.~~
- ~~(18) Dayroom—A secure area directly adjacent to living area, to which a child may be admitted for activities such as exercise, recreation and dining. Spaces originally designed for circulation, such as corridors, are not dayrooms.~~
- ~~(19) Deinstitutionalization of Status Offenders (DSO) Violation: Federal and state law prohibit the secure detention or placement of status offenders or non-offenders for more than twenty-four (24) hours exclusive of non-judicial days, unless there is probable cause to believe that the child has violated a valid court order. A status offender may be securely detained beyond the twenty-four (24) hour grace period if a detention hearing held within the twenty-four (24) hour period reveals that there is probable cause to believe the child has violated a valid court order. In such instances, a hearing on the violation must be held within seventy-two (72) hours exclusive of non-judicial days. A non-offender cannot be held for violating a valid court order.~~
- ~~(20) Detained Child—Any child confined in a local facility.~~
- ~~(21) Detention—The confinement of a child in a secure area.~~
- ~~(22) Detention Facility—This facility is designed to house children who meet the criteria of T.C.A. §37-1-114 (e), and who:~~

(Rule 1400-3-.03, continued)

- ~~(a) — are in need of legal temporary placement;~~
- ~~(b) — are pending adjudication; or,~~
- ~~(c) — are awaiting disposition and/or placement.~~

- ~~(23) — Disciplinary Action — An action taken upon a child that is intended to correct behavior.~~
- ~~(24) — Disciplinary Hearing — A non-judicial administrative procedure to determine if substantial evidence exists to find a child guilty of a facility rule violation.~~
- ~~(25) — Disciplinary Report — An account, or announcement that is prepared, presented or delivered, usually in formal or organized form based on the possibility of a facility rule violation.~~
- ~~(26) — Disinfect — To cleanse or rid of pathogenic microorganisms.~~
- ~~(27) — Disposition — Final adjudication by courts.~~
- ~~(28) — Document — To support with written sources.~~
- ~~(29) — Escapee: Any juvenile who:
 - ~~(a) — Is alleged or adjudicated to be delinquent; is confined to a secure detention or correctional facility designated, operated, or approved by the court; and absconds or attempts to abscond from such facility may be charged with the offense of escape or attempted escape and a petition alleging such offense may be filed with the juvenile court of the county in which the alleged offense occurred;~~
 - ~~(b) — Is alleged or adjudicated to be delinquent; and has been placed by the court in a secure detention or correctional facility, designated, operated, or approved by the court; is being transported to or from such facility; and absconds or attempts to abscond from the custody of the person responsible for such transportation; may be charged with the offense of escape or attempt to escape. (T.C.A. §37-1-116)~~~~
- ~~(30) — Existing Facilities — Centers built prior to January 1, 1991.~~
- ~~(31) — Facility Administrator — Any official who has primary responsibility for managing and operating a local detention facility.~~
- ~~(32) — Fire Retardant — Material that will burn, but at a slow rate.~~
- ~~(33) — Flammable — Easily ignitable and capable of burning with great rapidity; highly combustible.~~
- ~~(34) — Flushable Drain — A pipe or channel which is cleaned by a rapid, brief gush of water.~~
- ~~(35) — Footcandle — A unit for measuring the intensity of illumination; the amount of light thrown on a surface one-foot away from the light source.~~
- ~~(36) — General Population — A group of children confined in a facility that have no restrictions on them, such as segregation.~~
- ~~(37) — Infectious Disease — An illness that may be transmitted to others through either intimate contact or contact through the exchange of bodily fluids.~~

(Rule 1400-3-.03, continued)

- ~~(38) In Service Training—That training which is given to an employee on an annual basis to reinforce or add to their basic training.~~
- ~~(39) Infraction—A breach or violation of a facility rule.~~
- ~~(40) Legal Counsel—An attorney, or court authorized personnel responsible for advising a child.~~
- ~~(41) Living Area—A high security, medium security, or low security room, excluding holding, detoxification, infirmary, and segregation rooms.~~
- ~~(42) Medical Records—Records of medical examinations, diagnoses, treatments and physicians' orders.~~
- ~~(43) Medication Receipt System—A method that accounts for the administering of medications.~~
- ~~(44) Menu Pattern—The outline of food items to be included in each meal.~~
- ~~(45) Monitor—To keep watch over, supervise.~~
- ~~(46) New Facilities—Any structure built after January 1, 1991.~~
- ~~(47) Non Offenders—Dependent and neglected children, abused, throwaway children, etc.~~
- ~~(48) Panic Hardware—A door latching assembly incorporating a device which releases the latch upon the application of force in the direction of exit travel. *Tennessee Fire Marshall Standard Building Code 1114.2 (1988).*~~
- ~~(49) Petition~~
- ~~(a) Who may make: The petition may be made by any person including a law enforcement officer, who has knowledge of the facts alleged or is informed and believes that they are true. *T.C.A. §37-1-119.*~~
- ~~(b) Contents: The petition shall be verified and may be on information and belief. It shall set forth plainly:~~
- ~~1. the facts which bring the child within the jurisdiction of the court with a statement that it is in the best interest of the child and the public that the proceeding be brought and, if delinquency or unruly conduct is alleged, that the child is in need of treatment or rehabilitation;~~
 - ~~2. the name, age, and residence address, if any, of the child on whose behalf the petition is brought;~~
 - ~~3. the names and residence addresses, if known to petitioner, of the parents, guardian or custodian of the child and the child's spouse, if any; and~~
 - ~~4. if the child is in custody and, if so, the place of his detention and the time he was taken into custody. *T.C.A. §37-1-120*~~
- ~~(50) Physical Force—Any situation which requires a child care worker "lay hands" on a child or which subjects a child to pain, discomfort or physical incapacitation.~~
- ~~(51) Physical Plant—The building.~~

(Rule 1400-3-.03, continued)

- (52) ~~Policy~~—A statement of what is to be done in relation to a particular issue. It reflects the philosophy of the organization and defines the purpose for which the action is taken.
- (53) ~~Potentially Hazardous Food~~—Any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustaceans, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include clean, whole, uncracked, odor-free shell eggs or foods which have a PH level of 4.6 or below or a water activity (aw) value of 0.85 or less.
- (54) ~~Pre-Service Training~~—Training accomplished prior to assignment of duty, which is intended to familiarize new employees with the operations of the particular facility to which they are to be assigned.
- (55) ~~Probable cause~~—shall be established in order to do a strip or body cavity search of a visitor. When probable cause exists, the search shall be documented.
- (56) ~~Procedure~~—A procedure provides a detailed description of how a policy is to be accomplished. It details the steps to be taken, the order in which they will be carried out, and by whom.
- (57) ~~Range of Sanctions~~—The various penalties for noncompliance of rules specified by the facility administrator.
- (58) ~~Rules~~—Those guidelines which govern a child's behavior while they are detained.
- (59) ~~Runaway~~—An unruly child who is away from the home or residence of his parents or guardians without their consent. (*T.C.A. §37-1-102*)
- (60) ~~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.
- (61) ~~Search~~—A visual as well as hands on inspection of either a child or a location.
- (62) ~~Secure~~—Providing a degree of restriction of detainee movement within a detention facility.
- (63) ~~Secure Facility~~—A facility that is designed and operated to ensure that all entrances and exits are under the exclusive control of the facility's staff, thereby not allowing a child to leave the facility unsupervised or without permission.
- (64) ~~Secure Detention Facility~~—Any public or private residential facility which:
- (a) ~~includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and~~
 - (b) ~~is used for the temporary placement of any juvenile who is accused of having committed an offense, of any non-offender, and of any other individual accused of having committed a criminal offense. (JJDP Act 103-12)~~
- (65) ~~Secure Correctional Facility~~: Any public or private residential facility which:
- (a) ~~includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and~~

(Rule 1400-3-.03, continued)

- ~~(b) is used for the placement, after adjudication and disposition, of any juvenile who has been adjudicated as having committed an offense, any non-offender, or any other individual convicted of a criminal offense. (JJDP Act 103-13)~~
- ~~(66) Security Devices—Locks, gates, doors, bars, fences, screens, ceilings, floors, walls, and barriers used to confine and control detained youth. Also, electronic monitoring equipment, security alarm systems, security light units, auxiliary power supply, and other equipment used to maintain facility safety.~~
- ~~(67) Security Perimeter—Outer portions of a facility which actually provide for secure confinement of detained youth. This perimeter may vary for individual facilities, depending upon their security classification.~~
- ~~(68) Sick Call—A function which provides detained youth the opportunity to receive required medical attention.~~
- ~~(69) Status Offenders—Children who are charged with or who have committed offenses that would not be criminal if committed by an adult.~~
- ~~(70) Structural Projections—Some part of the construction that protrudes with sharp or pointed edges.~~
- ~~(71) Supervisor—A person in direct attendance to the child.~~
- ~~(72) Temporary Housing—Shall meet all standards for existing facilities and all other applicable standards and shall not be in use for more than eighteen (18) months.~~
- ~~(73) Toxic—Poisonous, harmful, destructive or deadly.~~
- ~~(74) Valid Court Order—For the purpose of determining whether a valid court order exists and a juvenile has been found to be in violation of that valid order, all of the following conditions must be present prior to secure incarceration:~~
- ~~(a) The juvenile must have been brought into a court of competent jurisdiction and made subject to an order issued pursuant to proper authority. The order must be one which regulates future conduct of the juvenile.~~
- ~~(b) The court must have entered a judgment and/or remedy in accord with established legal principles based on the facts after a hearing which observes proper procedures.~~
- ~~(c) The juvenile in question must have received adequate and fair warning of the consequences of violation of the order at the time it was issued and such warning must be provided to the juvenile and to his attorney and/or to his legal guardian in writing and be reflected in the court record and proceedings.~~
- ~~(d) All judicial proceedings related to an alleged violation of a valid court order must be held before a court of competent jurisdiction. A juvenile accused of violating a valid court order may be held in secure detention beyond the twenty four (24) hour grace period permitted for a non-criminal juvenile offender under Office of Juvenile Justice and Delinquency Prevention monitoring policy, for protective purposes as prescribed by state law, or to assure the juvenile's appearance at the violation hearing, as provided by state law, if there has been a judicial determination based on a hearing during the twenty four (24) hour grace period that there is probable cause to believe the juvenile violated the court order. In such case, the juvenile may be held pending a violation hearing for such period of time as is provided by state law, but in no event should detention prior to a violation hearing exceed seventy two (72) hours exclusive of~~

(Rule 1400-3-.03, continued)

~~non-judicial days. A juvenile found in a violation hearing to have violated a court order may be held in a secure detention or correctional facility.~~

(e) ~~Prior to and during the violation hearing the following full due process rights must be provided:~~

- ~~1. the right to have the charges against the juvenile in writing served upon him a reasonable time before the hearing;~~
- ~~2. the right to a hearing before a court;~~
- ~~3. the right to an explanation of the nature and consequences of the proceeding;~~
- ~~4. the right to legal counsel and the right to have such counsel appointed by the court if indigent;~~
- ~~5. the right to confront witnesses;~~
- ~~6. the right to present witnesses;~~
- ~~7. the right to have a transcript or record of the proceedings; and~~
- ~~8. the right of appeal to an appropriate court.~~

(f) ~~In entering any order that directs or authorizes disposition of placement in a secure facility, the judge presiding over an initial probable cause hearing or violation hearing must determine that all the elements of a valid court order and the applicable due process rights were afforded the juvenile and, in the case of a violation hearing, the judge must determine that there is no less restrictive alternative appropriate to the needs of the juvenile and the community.~~

(g) ~~A non-offender such as a dependent or neglected child cannot be placed in secure detention or correctional facilities for violating a valid court order.~~

(75) ~~Work Stoppage~~ A halt by those employed by the facility; usually refers to a strike.

Authority: T.C.A. §41-4-140. *Administrative History:* Original rule filed April 7, 1993; effective July 28, 1993.

1400-3-.04 PHYSICAL PLANT.

(1) ~~All facilities shall provide for at a minimum:~~

- (a) ~~In new and existing facilities, activity areas shall have lighting of at least twenty (20) footcandles, on the average, 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) ~~Facilities constructed after January 1991 shall have access to natural light in sleeping areas.~~
- (d) ~~New and existing facilities shall have a temperature of not less than sixty-five (65) degrees Fahrenheit and no more than eighty (80) degrees Fahrenheit in sleeping and activity areas.~~
- (e) ~~Sleeping areas in new facilities shall have lighting of at least five (5) footcandles, on the average, to be measured three (3) feet off the floor.~~

(Rule 1400-3-.04, continued)

- (2) ~~For new facilities, the minimum size of a single occupancy room shall have fifty (50) square feet of clear floor space with an elevation of not less than eight (8) feet. All dimensions of room length and width for both single and multiple occupancy room shall allow for a reasonable amount of useable floor space for any in room activities of youths. Any questions pertaining to sufficiency of room dimensions shall be decided by the Corrections Institute. Each room shall contain a bunk, toilet and lavatory. For existing facilities, the minimum size of a single occupancy room shall be forty five (45) square feet with a ceiling height of at least eight (8) feet. Each room shall contain a bunk, toilet and lavatory. If a detained youth who occupies a single occupancy room in an existing facility has regular access to additional living areas outside the room, this additional area may be added on a pro rata basis to the square footage available to the detained youth.~~
- (3) ~~Multiple occupancy rooms in new facilities shall not be designed to accommodate more than eight (8) youth. A minimum of forty (40) square feet of clear floor space for each youth must be provided in the sleeping areas, with a ceiling elevation of not less than eight (8) feet. In existing facilities, multiple occupancy rooms shall allow twenty five (25) square feet of floor space per youth, exclusive of the floor area occupied by the bunks, with a ceiling height of not less than eight (8) feet. If a youth who occupies a multiple occupancy room in an existing facility has regular access to additional living areas, the additional area may be added on a pro rata basis to the square footage available to a youth.~~
- (4) ~~New facilities shall have a dayroom for each cluster of rooms, which has a minimum of thirty five (35) square feet of floor space per youth. Existing facilities are not required to provide dayrooms.~~
- (5) ~~All facilities shall provide operable toilets and washbasins to detained youth on a ratio of at least one (1) toilet and washbasin to every eight (8) youth and one (1) toilet and washbasin accessible to occupants of any single occupancy room without their having to leave their room.~~
- (6) ~~Facilities shall have at least one (1) operable shower for every sixteen (16) detained youth which shall be accessible to youth without their having to leave their designated area.~~
- (7) ~~New facilities shall be provided with at least one (1) single room for the separation and control of problem youth. The room shall conform to the single occupancy room dimensions and shall have, at a minimum, the following features:~~
- ~~(a) high security light fixture;~~
 - ~~(b) unbreakable watercloset and lavatory with control valve located outside the room;~~
 - ~~(c) forced air ventilation;~~
 - ~~(d) concrete bed, sixteen (16) inches from the floor, with rounded edges.~~
- ~~The room shall contain no structural projections or furnishings that would allow the youth to harm himself/herself. The room shall be located to allow continuous monitoring by detention staff.~~
- (8) ~~all facilities shall have at least one (1) special purpose room to provide for the temporary detention of persons under the influence of intoxicants. This room shall conform to multiple occupancy room dimensions and capacity. These rooms shall have, at a minimum, the following features:~~
- ~~(a) unbreakable toilet and lavatory;~~
 - ~~(b) high security light fixture;~~
 - ~~(c) forced air ventilation;~~

(Rule 1400-3-.04, continued)

~~(d) — no structural projections.~~

~~New facilities shall also provide in this room a bed, sixteen (16) inches from the floor with rounded edges.~~

~~In new facilities this room shall be located so as to allow continuous monitoring by detention staff.~~

~~(9) — New facilities shall provide space inside the security perimeter, separate from living areas and administrative offices for the processing of youth as they are received and discharged from the facility. This space shall have the following components:~~

~~(a) — pedestrian sally port;~~

~~(b) — telephone facilities for detainee use;~~

~~(c) — temporary holding rooms which have fixed benches to seat youth;~~

~~(d) — a shower, toilet and washbasin.~~

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

~~(10) — Provisions shall be made for a visiting area.~~

~~(11) — Provisions shall be made for a private room to allow for discussions between clergy, attorneys and others authorized by the juvenile court of jurisdiction.~~

~~(12) — Each new facility shall have at least one (1) multipurpose room for education, recreation and other activities.~~

~~(13) — Each new facility shall provide a secure outdoor recreation area with dimensions of at least thirty (30) feet by thirty (30) feet or an indoor recreation area of the same dimensions which has access to natural light.~~

~~(14) — Space shall be provided where a health care professional may conduct sick call, examine patients in privacy and provide medical treatment.~~

~~(15) — Every facility shall be provided with a secure control center, staffed around the clock, 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 security and life safety systems.~~

~~(16) — Drinking fountains, with potable water, shall be located in all sleeping and activity areas of new facilities. In existing facilities, if the water from washbasins is potable, it will not be necessary to add drinking fountains but sanitary drinking cups must be available.~~

~~(17) — An emergency power source shall be provided to activate at times of power failure with sufficient capacity to operate security and evacuation electrical devices and equipment and to provide minimum lighting within the facility and its perimeter. The power source shall be checked for functional readiness quarterly and the dates logged.~~

~~(18) — Each facility shall provide for electric locks to be manually operated.~~

(Rule 1400-3-.04, continued)

- ~~(19) Each facility shall have exit signs at each exit which are distinctly marked and continuously illuminated. Exits shall be kept clear and in usable condition.~~
- ~~(20) Each facility shall have documentation of compliance with applicable sanitation and fire safety standards.~~
- ~~(21) All kitchens, dining rooms, multiple toilet areas and corridors shall contain operable floor drains.~~
- ~~(22) There shall be cells to accommodate the facility's classification plan. Facilities that house both males and females as well as 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 prisoners.~~
- ~~(23) Plans for any new facility construction or renovation shall be in compliance with minimum standards recorded herein and be submitted to the Tennessee Corrections Institute and the State Fire Marshal's Office for review. In planning a new facility it shall be necessary, at the outset, to determine clearly the function and purpose which the facility will serve. In essence, define whether or not its function will be for temporary holding or an institution for longer detention. Its primary function may encompass both of these functions. A plan for operating the facility shall be developed in the initial stages of planning the physical plant so that the facility can be designed around the operating plan, rather than the reverse. This approach will contribute to simplicity of design and effective use of operating controls.~~
- ~~(24) The capacity of each room or housing area as determined by the Tennessee Corrections Institute shall not be exceeded.~~
- ~~(25) The use of padlocks and chains to secure housing areas is prohibited.~~

Authority: T.C.A. §41-4-140. Administrative History: Original rule filed April 7, 1993; effective July 28, 1993.

1400-3-.05 ADMINISTRATION/MANAGEMENT.

- ~~(1) Each facility shall develop a mission statement and written policies and procedures governing the facility's operations. They shall be reviewed and updated annually. These policies and procedures shall be accessible to all employees at all times.~~
- ~~(2) There shall be written plans developed in advance for dealing with emergencies such as escape, disturbances, assaults on employees, hostage taking, and emergency evacuation plans. These shall be incorporated into the facility's manual. Each employee shall be familiar with these plans.~~
- ~~(3) Written policy and procedure shall provide for each shift at a facility to have fire drills every six (6) months and document dates of said drills, participating staff and results.~~
- ~~(4) The facility administrator shall develop a list of articles and materials that shall be allowed in the living area. Detained youth shall be informed in writing of this list.~~
- ~~(5) The facility shall have a written and graphic evacuation plan posted in the living area, as well as any other specified locations.~~
- ~~(6) Written policy and procedure shall ensure that detained youth shall not be subjected to discrimination based on race, national origin, color, creed, sex, economic status, sexual orientation, or political belief.~~
- ~~(7) Juvenile facilities located under the same roof or on the same grounds as an adult jail must meet the following criteria for separateness, as outlined in T.C.A. §37-1-116 (i):~~

(Rule 1400-3-.05, continued)

- ~~(a) total separation between juvenile and adult facility special areas such that there could be no haphazard or accidental contact between juvenile and adult residents in the respective facilities;~~
 - ~~(b) total separation in all juvenile and adult program activities within the facilities, including recreation, education, counseling, health care, dining, sleeping and general living activities;~~
 - ~~(c) separate juvenile and adult staff, including management, security staff, and direct care staff such as recreational, educational, and counseling. Specialized services staff such as cooks, bookkeepers, and medical professionals who are not normally in contact with detainees or whose infrequent contacts occur under conditions of separation of juveniles and adults, can serve both; and;~~
 - ~~(d) a separate juvenile operations manual, with written procedures for staff and agency reference, specifying the function and operation of the juvenile program.~~
- ~~(8) New juvenile detention facilities should not be located under the same roof or on the grounds of an adult detention facility.~~
- ~~(9) Written policy shall provide for written notification within twenty four (24) hours of discovery to the Dept. of Human Services, the Tennessee Corrections Institute, and the Tennessee Commission on Children and Youth of any report of or evidence of physical or sexual abuse of a child in a facility while the child is in custody.~~
- ~~(10) Written policy shall provide for notification of the Tennessee Corrections Institute and the Tennessee Commission on Children and Youth of any deinstitutionalization of status offenders violation.~~

Authority: T.C.A. §41-4-140. Administrative History: Original rule filed April 7, 1993; effective July 28, 1993.

~~1400-3-.06 PERSONNEL.~~

- ~~(1) The facility shall develop a personnel policy manual, to be distributed to each employee, which provides information on the following subjects:~~
- ~~(a) description of organizational structure~~
 - ~~(b) position qualifications and specifications~~
 - ~~(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.~~
- ~~(2) Each facility shall be required to provide personnel 40 hr. of pre-service training before assuming individual job responsibilities. All employees who have not received this 40 hr. of training must be accompanied at all times by an employee who has received such training. There shall be documentation~~

(Rule 1400-3-.06, continued)

of topics covered and dates covered and class roster. Topics shall include but not limited to: hostage policy, crisis management, use of force, admission & release, security procedures, medical procedures, indicators of mental illness & potential for suicide, professional ethics & standards of conduct and cultural diversity.

- (3) All personnel whose duties include the supervision, custody, or treatment of detained youth shall be required during the first year of employment to complete a basic juvenile training program consisting of a minimum of forty (40) hours and provided by or approved and monitored by the Tennessee Corrections Institute.
- (4) All personnel whose duties include the supervision, custody, or treatment of youth shall be required to complete an annual in-service program designed to instruct them in specific skill areas of detention operations. This annual in-service shall consist of forty (40) hours to be approved and monitored by the Tennessee Corrections Institute. At least sixteen (16) of these hours may be provided by the Tennessee Corrections Institute.
- (5) A minimum number of hours of training and any additional courses for basic and in-service training shall be complied with as established by the Tennessee Corrections Institute Board of Control.
- (6) All detention personnel who are authorized to use chemical agents shall receive basic and ongoing in-service training in their use. All such training shall be recorded with the dates completed and kept in the employee's personnel training file.
- (7) Each facility shall maintain records on the types and hours of training completed by each detention worker.

Authority: T.C.A. §41-4-140. Administrative History: Original rule filed April 7, 1993; effective July 28, 1993.

1400-3-.07 SECURITY.

- (1) Procedure shall differentiate between the searches allowed (orifice, pat, or strip) and identify when these shall occur and by whom such searches may be made. All orifice searches shall be done by medical personnel. Youth shall be searched by facility personnel of the same sex, except in emergency situations involving an immediate threat to life, limb or property.
- (2) Key control 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.
- (3) 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 notched for easy identification under adverse conditions.
- (4) Written policy and procedure shall govern the availability, control and use of chemical agents. A written report shall be submitted to the facility administrator when such substances are used.
- (5) Written policy and procedure shall require that chemical agents and related security and emergency equipment are inventoried and tested at least quarterly to determine their condition and expiration dates. This shall include regular inspection of ABC type fire extinguishers, smoke detectors, and other detection and suppression systems.
- (6) 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.

(Rule 1400-3-.07, continued)

- ~~(7) Written policy and procedure shall require at least weekly inspection of all security facilities and documentation of said dates.~~
- ~~(8) Written policy and procedure shall provide for continuous inspection and maintenance of all locks.~~
- ~~(9) There shall be 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.~~

Authority: T.C.A. §41-4-140. Administrative History: Original rule filed April 7, 1993; effective July 28, 1993.

~~1400-3-.08 DISCIPLINE.~~

- ~~(1) Written facility rules along with the corresponding range of sanctions for rule violations and disciplinary procedures to be followed shall either be posted conspicuously in the facility within security areas or given to each youth during the intake process. If rules are given during the intake process, a record shall be maintained of this transaction. Illiterate youth shall be assisted by staff members in understanding the rules.~~
- ~~(2) Disciplinary reports shall be prepared by staff members 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) staff or youth witnesses~~
 - ~~(e) any immediate action taken, including use of force~~
 - ~~(f) reporting staff member's signature, date and time report is made.~~~~
- ~~(3) Each facility shall develop written policies and procedures governing disciplinary and administrative actions.~~
- ~~(4) Written policies shall provide for disciplinary hearings to be held in cases of alleged violations of detainee conduct rules. These hearings shall include the following administrative due process guarantees:
 - ~~(a) Youth receives written notice of charges and time of hearing prior to hearing.~~
 - ~~(b) A brief period of time after the notice, no less than twenty four (24) hours, shall be allowed for the youth to prepare for appearance before an impartial officer or board.~~
 - ~~(c) Youth has the right to call and cross examine witnesses and present evidence in their own defense, when permitting them to do so will not be unduly hazardous to institutional safety or correctional goals.~~
 - ~~(d) The reasons for any limitations placed on testimony or witnesses shall be stated in writing by the hearing chairperson.~~~~

(Rule 1400-3-.08, continued)

- (e) ~~There must be a written statement by the fact finders as to evidence relied on and reasons for the disciplinary action.~~
- (f) ~~Appeals process is available.~~
- (5) ~~Written policy provides for youth 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 their designee.~~
- (6) ~~For segregated youth, a disciplinary hearing must be held within seventy two (72) hours of placement in segregation, excluding holidays, weekends and emergencies, and for other youth a disciplinary hearing must be held within seven (7) days of the write-up if the youth is still present in the facility.~~
- (7) ~~The youth receives a copy of the disciplinary decision and a copy is kept in the youth's record. The youth's legal guardian/custodian shall receive written notification of major disciplinary actions taken against the youth.~~
- (8) ~~Written policy and procedure provide that the disciplinary reports are removed from all files on youth found not guilty of an alleged violation.~~
- (9) ~~Appropriate, necessary force may be used to:~~
 - (a) ~~overcome resistance~~
 - (b) ~~repel physical aggression~~
 - (c) ~~protect life~~
 - (d) ~~retake detainee or property~~

Use of physical force 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.

Authority: T.C.A. §41-4-140. Administrative History: Original rule filed April 7, 1993; effective July 28, 1993.

1400-3-.09 SANITATION/MAINTENANCE.

- (1) ~~Floors, walls and ceilings throughout the facility shall be kept clean, dry, and free of any hazardous materials or substance. All plumbing fixtures shall be clean and sanitary.~~
- (2) ~~A member of the staff shall be assigned to make daily sanitation and safety inspections. Dates of inspections shall be recorded and conditions noted.~~
- (3) ~~The facility shall provide for regularly scheduled disposal of waste and trash in accordance with local or state health regulations.~~
- (4) ~~The facility shall provide for control of vermin and pests and shall remove youth from treated areas if there is a risk of illness.~~
- (5) ~~Walls shall be kept clean and free of pictures or other objects which provide hiding places for vermin or create a fire hazard.~~

Authority: T.C.A. §41-4-140. Administrative History: Original rule filed April 7, 1993; effective July 28, 1993.

1400-3-10 FOOD SERVICES.

- ~~(1) Food service guidelines and a menu pattern approved by a dietician shall be used by each facility in the preparation of meals.~~
- ~~(2) Youth shall receive at least three (3) meals every twenty four (24) hours with no more than fourteen (14) hours between any two meals. At least two (2) of these meals shall be hot.~~
- ~~(3) All meals shall be prepared (except when catered) and served under the direct supervision of staff.~~
- ~~(4) 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.~~
- ~~(5) Written policy shall require that food shall never be used as a reward or disciplinary measure.~~
- ~~(6) Modified diets shall be prepared for youth 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.~~
- ~~(7) Proper storage of food shall assure that there will be minimal contamination of the food from any source. The temperature of potentially hazardous food shall be 45°F or below or 140°F or above at all times except as otherwise provided in the current edition of the USPHS Food Service Sanitation Manual.~~
- ~~(8) The preparation or storage of food shall not be permissible in the housing area.~~
- ~~(9) Refrigerators shall be clean and contain a thermometer. The temperature shall be 45°F or below.~~
- ~~(10) 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.~~
- ~~(11) Insecticide, cleaning agents and poisonous substances shall be stored away from food and plainly labeled.~~
- ~~(12) Stoves shall be equipped with operable hooded exhaust systems and the filters shall be kept clean.~~

Authority: T.C.A. §41-4-140. Administrative History: Original rule filed April 7, 1993; effective July 28, 1993.

1400-3-11 MAIL AND VISITING.

- ~~(1) Written policy shall outline the facility's procedures governing youth's mail.~~
- ~~(2) Each facility shall develop 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 staff and/or prisoners); and~~
 - ~~(b) The limitation must be no greater than is necessary to the protection of the particular governmental interest involved.~~~~
- ~~(3) Incoming 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 youth.~~

(Rule 1400-3-.11, continued)

- (4) ~~Outgoing mail shall be collected and incoming mail shall be delivered without unnecessary delay.~~
- (5) ~~A youth shall be notified if a letter is rejected, whether it is written by or addressed to him.~~
- (6) ~~When a letter is rejected, the author must be given an opportunity to protest that decision to the facility administrator.~~
- (7) ~~Written policy and procedure shall provide that the facility permits postage for at least two (2) free personal letters per week for youth. They shall also receive postage for all legal or official mail.~~
- (8) ~~Written policy shall define the facility's visitation policies which shall include, at a minimum:~~
 - (a) ~~a visitation schedule providing a minimum of one (1) hour of visitation each week for each youth with their parent/guardian unless specifically prohibited by the juvenile judge or his/her designee.~~
 - (b) ~~the maintenance of a visitors log.~~
 - (c) ~~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 facility rules.~~
 - (d) ~~notification of the possibility of visitor searches. Probable cause shall be established in order to do a strip or body cavity search of a visitor. When probable cause exists, the search shall be documented.~~
- (9) ~~Written policy and procedure shall provide that youth be allowed to have confidential access to attorneys and/or their authorized representatives at any reasonable hour. The facility shall establish the hours during which attorneys may visit.~~

Authority: T.C.A. §41-4-140. Administrative History: Original rule filed April 7, 1993; effective July 28, 1993.

1400-3-.12 PROGRAMS AND ACTIVITIES.

- (1) ~~Reading material shall be made available to all youth.~~
- (2) ~~Written policy and procedure requires that the facility shall allow for youth to voluntarily participate in religious activity at least once a week.~~
- (3) ~~Policy and procedure shall provide for the youths' reasonable access to a telephone. Such procedure, including any limitations, shall be in writing and posted so as to be conspicuous to youth. 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) ~~a statement that limitations will be imposed to ensure that charges for the call are correctly billed.~~
- (4) ~~Every youth shall have unrestricted and confidential access to the courts. Youth shall have the right to present any issue before a court of law or governmental agency.~~
- (5) ~~The facility shall provide or make available the following minimum services and programs to adjudicated and preadjudicated juveniles:~~

(Rule 1400-3-.12, continued)

~~an education program;~~
~~visiting with parents/guardians;~~
~~private communication with visitors and staff;~~
~~counseling;~~
~~continuous supervision of living units;~~
~~medical services;~~
~~food service;~~
~~recreation and exercise; and reading materials.~~

- (6) ~~Programs and services shall be initiated for all juveniles as soon as they are admitted to living units.~~
- (7) ~~Educational opportunities shall be available to all juveniles except when there is substantial evidence to justify otherwise.~~
- (8) ~~Written policy and procedure shall provide a recreation and leisure time plan that includes, at a minimum, at least one hour per day of physical exercise/large muscle activity outside the room and one hour per day of structured leisure time activities.~~
- (9) ~~Detained juveniles shall be afforded access to religious, mental health counseling and crisis intervention services in accordance with their needs.~~
- (10) ~~There shall be a system for juveniles and staff to communicate with one another at all times.~~
- (11) ~~When information is requested by the counselor or probation officer assigned by the court to supervise a juvenile in the community, it shall be supplied promptly by facility staff.~~
- (12) ~~Juveniles shall not be permitted to perform any work prohibited by state and federal regulations and statutes pertaining to child labor.~~
- (13) ~~Work assignments do not conflict with education program.~~

Authority: T.C.A. §41-4-140. Administrative History: Original rule filed April 7, 1993; effective July 28, 1993.

1400-3-.13 MEDICAL SERVICES.

- (1) ~~The facility shall be responsible for arranging medical services and/or designating a medical authority such as a hospital, clinic, or physician. The designated medical authority must be notified in instances where a youth may be in need of medical treatment and the facility shall document this notification. Any medical record or information shall be confidential.~~
- (2) ~~First aid kits shall be available with a physician approving the number, contents, and location of such kits. Documentation of such approval must be in the facility's permanent records or attached to the kit itself.~~
- (3) ~~Receiving screening shall be performed on all youth upon admission to the facility and before their placement in the general housing area. The findings shall be recorded on a printed screening form. The juvenile care worker performing this duty shall check for:~~
- (a) ~~a serious illness/communicable disease or condition~~
 - (b) ~~a comatose state~~
 - (c) ~~obvious wounds~~

(Rule 1400-3-.13, continued)

- (d) ~~prescribed medications~~
 - (e) ~~intoxication—alcohol/drug use~~
 - (f) ~~pregnancy (last; menstrual cycle)~~
 - (g) ~~physical or sexual abuse.~~
- (4) ~~A more complete examination shall be completed on youth within fourteen (14) days of their initial confinement date. 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 youth to qualified medical personnel on an emergency basis.~~
- (5) ~~Sick call, conducted by a physician or other person designated by a physician as capable of performing such duty, shall be available to each youth according to written procedure for sick call. The youth shall be informed of these procedures upon admission.~~
- (6) ~~At least one (1) person per shift, assigned to work at the facility, shall be trained in First Aid, as defined by the American Red Cross. 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 youth;~~
 - (d) ~~giving medication to youth;~~
 - (e) ~~confidentiality of medical records and information.~~
- (7) ~~Dental treatments, not limited to extractions, shall be provided when the health of the youth would otherwise be adversely affected during confinement, as determined by a physician or dentist.~~
- (8) ~~All medications in possession of a youth at the time of admission to the facility shall be taken from him/her and the identification of and the need for such medication shall be verified by a physician before it is administered.~~

(Rule 1400-3-.13, continued)

- (9) ~~There shall be strict control of medications to be issued to youth. All medications shall be given only upon a doctor's written orders, and they shall be kept in a secure place within the administrative offices in the facility. An officer shall be responsible to see that the medicine is taken as directed.~~
- (10) ~~All medications shall be issued by a physician or their designee at the time of use and a medication receipt system established. This shall include controlled drugs and injections.~~
- (11) ~~Medical records shall be kept, in a separate file from other records, on the youth's physical condition on admission, during confinement, and at discharge. The record shall indicate all medical orders issued by the facility physician and/or any other medical personnel who are responsible for rendering medical services. These records shall be retained until the youth's nineteenth (19th) birthday.~~
- (12) ~~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.~~
- (13) ~~Notify Department of Human Services if physical or sex abuse alleged or suspected.~~

Authority: T.C.A. §41-4-140. Administrative History: Original rule filed April 7, 1993; effective July 28, 1993.

1400-3-.14 ADMISSION, RECORDS AND RELEASE.

- (1) ~~An intake form(s) shall be completed for every youth admitted to the facility and shall contain the following information, unless otherwise prohibited by statute:~~
- (a) ~~date and time of admission and authority~~
 - (b) ~~name and aliases of youth~~
 - (c) ~~last known address~~
 - (d) ~~specific charge(s)~~
 - (e) ~~sex~~
 - (f) ~~age~~
 - (g) ~~date of birth~~
 - (h) ~~place of birth~~
 - (i) ~~race~~
 - (j) ~~employment~~
 - (k) ~~education~~
 - (l) ~~name, relationship and address of next of kin~~
 - (m) ~~other key contact person(s) and addresses to notify in case of emergency~~
 - (n) ~~legal guardian~~

(Rule 1400-3-.14, continued)

- ~~(o) — driver's license and social security numbers~~
 - ~~(p) — status: pre/post adjudication~~
 - ~~(q) — notation of cash and property~~
 - ~~(r) — bonding company~~
 - ~~(s) — amount of bond~~
 - ~~(t) — court date and time~~
 - ~~(u) — room assignment~~
- ~~(2) — The admitting worker shall assure themselves that each youth received is committed under proper legal authority.~~
- ~~(3) — At the time of admission, a telephone shall be available within the receiving or security area. The detainee shall be allowed to complete at least one (1) telephone call.~~
- ~~(4) — Cash and personal property shall be taken from the youth upon admission, listed on a receipt form in duplicate, and securely stored pending the youth's release. The receipt shall be signed by the receiving worker and the youth, the duplicate given to the youth, and the original kept for the record. If the youth is unable or unwilling to participate in the process, there shall be at least one witness to verify this transaction.~~
- ~~(5) — Written policy and procedure shall ensure that detainee records are current and accurate.~~
- ~~(6) — Written policy and procedure shall ensure that detained youth's records shall be maintained confidentially.~~
- ~~(7) — Written policy and procedure shall specify when a youth is released into the custody of another agency, appropriate credentials must be reviewed. Positive identification of a youth shall be made by the releasing personnel before discharge or release.~~
- ~~(8) — All youth 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 personnel. The receipt shall be kept in the permanent records of the facility.~~

~~Authority: T.C.A. §41-4-140. Administrative History: Original rule filed April 7, 1993; effective July 28, 1993.~~

1400-3-.15 HYGIENE.

- ~~(1) — The standard clothing issue for anyone detained longer than forty eight (48) hours in a facility for both males and females shall include the following:~~
- ~~(a) — clean socks~~
 - ~~(b) — clean undergarments~~
 - ~~(c) — clean outergarments~~
 - ~~(d) — footwear~~

(Rule 1400-3-.15, continued)

- ~~(2) Clean personal clothing (if available) may be substituted for institutional clothing at the discretion of the facility administrator.~~
- ~~(3) Provisions shall be made so that detainees can regularly obtain the following hygiene items supplied by the facility:
 - ~~(a) soap/shampoo~~
 - ~~(b) toothbrush~~
 - ~~(c) toothpaste or toothpowder~~
 - ~~(d) comb~~
 - ~~(e) toilet paper~~
 - ~~(f) hygiene materials for women~~
 - ~~(g) deodorant~~~~
- ~~(4) Any haircuts for detained youth shall be made available at the discretion of the facility.~~
- ~~(5) Detainees shall be permitted to take a hot shower daily.~~
- ~~(6) Each youth 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~~
 - ~~(e) one (1) clean bath size towel.~~~~
- ~~(7) An adequate supply of bedding and towels shall be maintained 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) Mattresses shall be disinfected quarterly.~~
 - ~~(c) Blankets shall be laundered or otherwise sterilized before reissue.~~~~
- ~~(8) Clothing, whether personal or institutional, shall be exchanged and cleaned at least twice weekly unless work, climatic conditions or illness necessitate more frequent change.~~

Authority: T.C.A. §41-4-140. Administrative History: Original rule filed April 7, 1993; effective July 28, 1993.

~~1400-3-16 SUPERVISION OF RESIDENTS.~~

- ~~(1) Staff shall provide continual supervision of all youth in placement, including at a minimum the following levels of visual contact:
 - ~~(a) every 15 minutes for all incoming youth for the first six (6) hours~~
 - ~~(b) every 30 minutes for youth detained beyond six (6) hours~~
 - ~~(c) Youth who are violent, suicidal, mentally ill, intoxicated or with other special problems or needs shall be observed every fifteen (15) minutes.~~
 - ~~(d) The time of all supervision checks shall be logged as well as the documentation of the behavioral observations of the youth.~~~~
- ~~(2) The facility shall visually count youth and record the results on a twenty four (24) hour basis.~~
- ~~(3) Incidents which involve or endanger the lives or physical welfare of facility staff or youth or which involve escape or attempted escape shall be documented and such documentation retained.~~
- ~~(4) Facilities that are utilized for the confinement of females shall have female staff on duty when a female is confined in the facility, to perform at a minimum the following functions:
 - ~~(a) searches~~
 - ~~(b) health and welfare checks~~~~
- ~~(5) Youth shall not supervise, control, assume or exert authority over other youth.~~

Authority: T.C.A. §41-4-140. *Administrative History:* Original rule filed April 7, 1993; effective July 28, 1993.