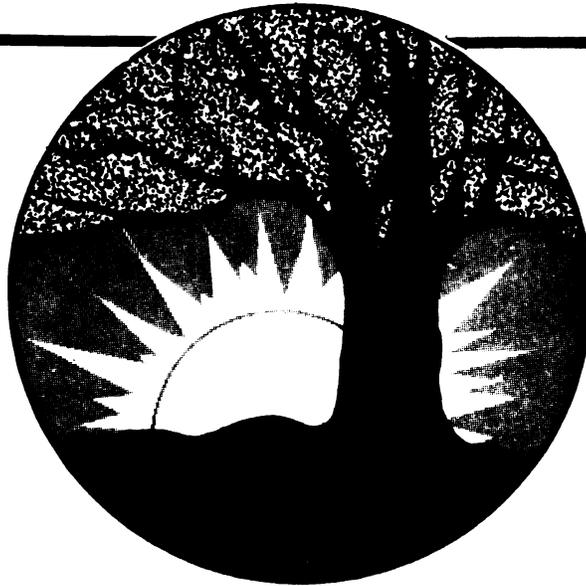


PERFORMANCE AUDIT

Tennessee Corrections Institute
October 2013



Justin P. Wilson
Comptroller of the Treasury



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Comptroller of the Treasury
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October 28, 2013

The Honorable Ron Ramsey
Speaker of the Senate
The Honorable Beth Harwell
Speaker of the House of Representatives
The Honorable Mike Bell, Chair
Senate Committee on Government Operations
The Honorable Judd Matheny, Chair
House Committee on Government Operations
and
Members of the General Assembly
State Capitol
Nashville, Tennessee 37243

Ladies and Gentlemen:

Transmitted herewith is the performance audit of the Tennessee Corrections Institute. This audit was conducted pursuant to the requirements of Section 4-29-111, *Tennessee Code Annotated*, the Tennessee Governmental Entity Review Law.

This report is intended to aid the Joint Government Operations Committee in its review to determine whether the Tennessee Corrections Institute's Board of Control should be continued, restructured, or terminated.

Sincerely,

Deborah V. Loveless, CPA
Director

DVL/dlj
12-109

State of Tennessee

A u d i t H i g h l i g h t s

Comptroller of the Treasury

Division of State Audit

Performance Audit
Tennessee Corrections Institute
October 2013

AUDIT OBJECTIVES

The objectives of the audit were to review Tennessee Corrections Institute's inspections of correctional facilities across Tennessee to determine whether they were being conducted in accordance with stated policies and procedures, including whether compliance with minimum standards was being adequately assessed during each inspection, and to review the training program to ensure that it was being conducted in accordance with stated policies and procedures.

OBSERVATIONS AND COMMENTS

The audit discusses the following issues: no incidences of noncompliance found in the Tennessee Corrections Institute's inspections and certification of local correctional facilities (page 5); the County Corrections Partnership initiative (page 10); trends in local correctional facilities' populations (page 11); and training (page 16).

Performance Audit Tennessee Corrections Institute

TABLE OF CONTENTS

	<u>Page</u>
INTRODUCTION	1
Purpose and Authority for the Audit	1
Objectives of the Audit	1
Scope and Methodology of the Audit	1
Statutory Responsibilities and Organization	2
Revenues and Expenditures	4
OBSERVATIONS AND COMMENTS	5
We Found No Incidences of Noncompliance in the Tennessee Corrections Institute’s Inspection and Certification of Local Correctional Facilities	5
The County Corrections Partnership Initiative	10
Trends in Local Correctional Facilities’ Populations	11
Training	16
APPENDICES	20
Appendix 1 – Title VI and Other Information	20
Appendix 2 – Performance Measures Information	21
Appendix 3 – Glossary of Local Correctional Facility Terms	22
Appendix 4 – List of Local Correctional Facilities Inspected by TCI in Calendar Year 2012	23
Appendix 5 – Plan of Action Information From TCI Website	24

Performance Audit Tennessee Corrections Institute

INTRODUCTION

PURPOSE AND AUTHORITY FOR THE AUDIT

This performance audit of the Tennessee Corrections Institute was conducted pursuant to the Tennessee Governmental Entity Review Law, *Tennessee Code Annotated*, Title 4, Chapter 29. Under Section 4-29-235, the Tennessee Corrections Institute's Board of Control is scheduled to terminate June 30, 2014. The Comptroller of the Treasury is authorized under Section 4-29-111 to conduct a limited program review audit of the agency and to report to the Joint Government Operations Committee of the General Assembly. The audit is intended to aid the committee in determining whether the Tennessee Corrections Institute's Board of Control should be continued, restructured, or terminated.

OBJECTIVES OF THE AUDIT

The objectives of the audit were to

1. Review inspections of correctional facilities across Tennessee to determine whether they were being conducted in accordance with stated policies and procedures, including whether compliance with minimum standards was being adequately assessed during each inspection. For those facilities the Tennessee Corrections Institute had listed as "non-certified" or as operating under a "Plan of Action," auditors reviewed relevant files to determine actions taken to help such facilities come into compliance.
2. Review the training program to ensure that it was being conducted in accordance with stated policies and procedures. This included reviewing whether local jail staff were receiving the required hours of training, whether all relevant topics were covered, and how jails that conduct their own training were monitored.

SCOPE AND METHODOLOGY OF THE AUDIT

We reviewed the activities of the Tennessee Corrections Institute for calendar years 2008 through 2012, with a focus on 2011 and 2012. We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the

evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. Methods used included

1. review of applicable legislation and policies and procedures;
2. examination of the entity's records, reports, and information summaries;
3. review of a sample of inspection reports and training files; and
4. interviews with institute staff and staff of other state agencies that interact with the agency.

For our sampling design (described in more detail in individual sections), we used nonstatistical sampling, which is cost-effective and which we believe provides us with sufficient, appropriate audit evidence to support the conclusions in our report. We determined this was the best approach based on our professional judgment, review of authoritative sampling guidance, and knowledge gained through careful consideration of underlying statistical concepts.

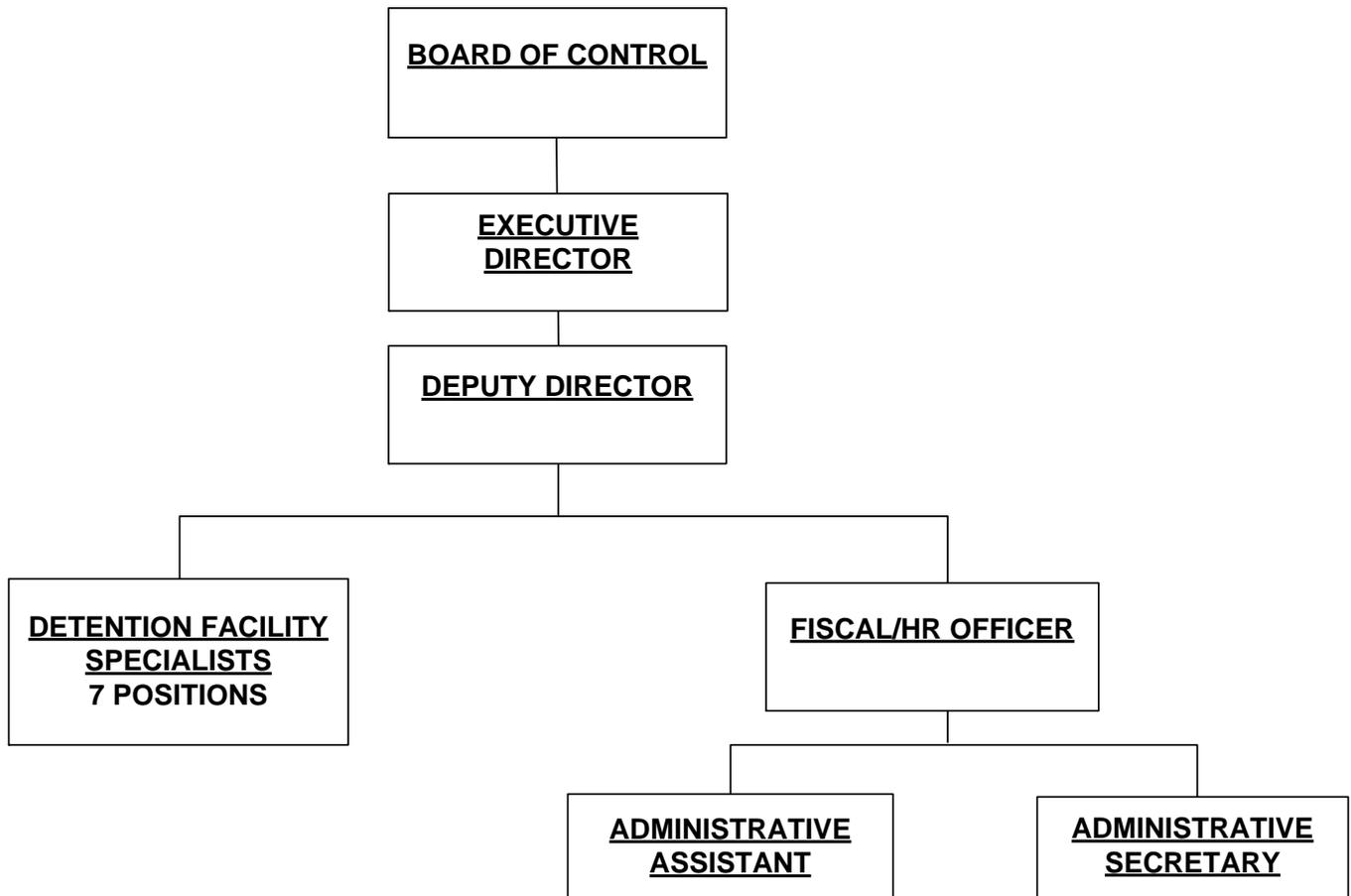
STATUTORY RESPONSIBILITIES AND ORGANIZATION

As stated in Section 41-4-140(a)(1), *Tennessee Code Annotated*, the Tennessee Corrections Institute (TCI) 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. The standards established by TCI must approximate, insofar as possible, those standards established by the Inspector of Jails, Federal Bureau of Prisons, and by the American Correctional Association's *Manual of Correctional Standards* or other such publications as the institute may deem necessary. TCI is charged with inspecting and certifying all local jails, lock-ups, workhouses, and detention facilities at least once a year and with publishing the results of inspections. Inspections must be based on the established standards mentioned above. TCI is also responsible for training local correctional staff.

Section 41-7-105, *Tennessee Code Annotated*, places the correctional services programs of TCI under the direction of a Board of Control. The board consists of seven members (two ex officio and five appointed by the Governor): the Governor or his designee, the Commissioner of Correction or his designee, the chair of the department of criminal justice of an institution of higher education in Tennessee, two sheriffs (one from a county with a population of 200,000 or more and one from a county with a population of less than 200,000), a county mayor, and a chief of police or a county commissioner. (See Appendix 1 for a breakdown of board members by gender and ethnicity.)

An executive director is responsible for the daily operations of the institute. See page 3 for the institute's organizational chart. Effective October 1, 2012, Public Chapter 986 attached TCI administratively to the Department of Commerce and Insurance, which also acts as the fiscal agent for TCI. The Commissioner of the Department of Commerce and Insurance is responsible for hiring the executive director.

TENNESSEE CORRECTIONS INSTITUTE ORGANIZATIONAL CHART FY 2013



REVENUES AND EXPENDITURES

Statement of Revenues* and Expenses Actual Revenues by Source For the Fiscal Year Ending June 30, 2012

Source	Amount	Percent of Total
State	\$811,100	90%
Other	89,100	10%
Total Revenue	\$900,200	100%

*The Tennessee Corrections Institute does not receive federal funds.

Actual Expenditures by Account For the Fiscal Year Ending June 30, 2012

Account	Amount	Percent of Total
Payroll	\$636,300	71%
Operational	263,900	29%
Total Expenses	\$900,200	100%

Estimated Revenues* by Source For the Fiscal Year Ending June 30, 2013

Source	Amount	Percent of Total
State	\$1,430,200	96%
Other	60,000	4%
Total Revenue	\$1,490,200	100%

*The Tennessee Corrections Institute does not receive federal funds.

Source: *State of Tennessee, The Budget, Fiscal Year 2013-2014.*

OBSERVATIONS AND COMMENTS

This audit produced no findings. The topics discussed below did not warrant a finding but are included in this report because of their effect on the operations of the Tennessee Corrections Institute and on the citizens of Tennessee.

We Found No Incidences of Noncompliance in the Tennessee Corrections Institute's Inspection and Certification of Local Correctional Facilities

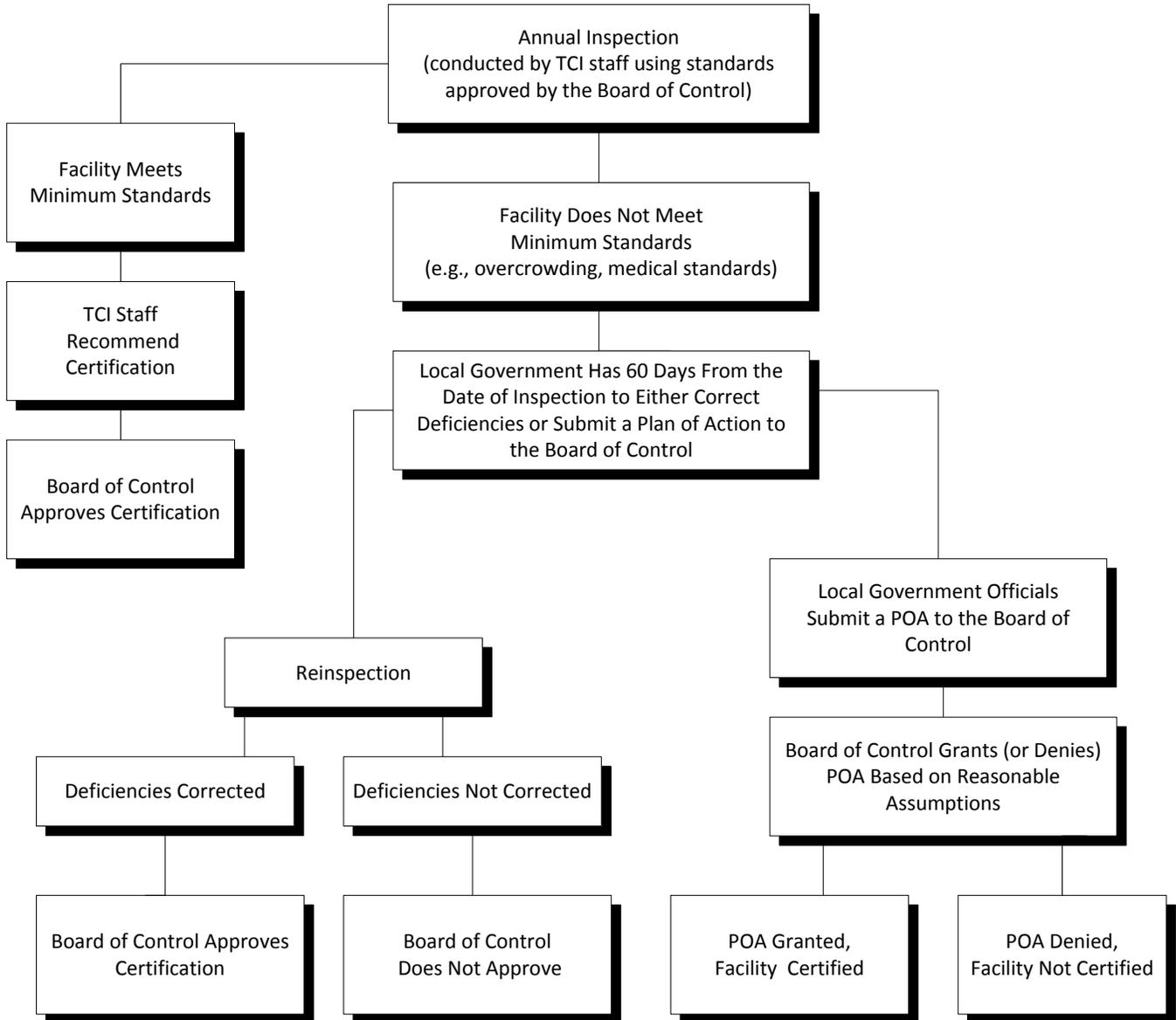
During the course of this performance audit, auditors attended a board meeting, reviewed board minutes, reviewed inspection files, and interviewed institute management and staff to determine whether or not the Tennessee Corrections Institute (TCI) met the requirements set forth for its operation in statute and in its own policies and procedures. We found that the TCI established minimum inspection standards for local jails and correctional facilities, conducted timely inspections of those same facilities, and certified local correctional facilities in compliance with the requirements of Section 41-4-140, *Tennessee Code Annotated*.

Background

Pursuant to Sections 5-7-104 and 106, *Tennessee Code Annotated*, it is the duty of the county legislative body to erect a jail and to maintain that facility at the expense of the county. In addition, Section 8-8-201(a)(3) delegates responsibilities related to the care and custody of prisoners held in county facilities to the office of the sheriff. The sheriff may appoint a jailer, but the sheriff is responsible for the jailer's actions. While counties are responsible for building and maintaining jails or local detention facilities and sheriffs are responsible for managing these facilities, there are also several state agencies like the Tennessee Corrections Institute and the Tennessee Department of Correction that have an impact on county jail operations.

Section 41-4-140(a)(3), *Tennessee Code Annotated*, gives TCI the responsibility to inspect all local jails, detention facilities, and workhouses at least once a year (see Appendix 3 for definitions of terms). TCI staff (detention facility specialists) inspect local correctional facilities using a set of minimum standards established by the institute pursuant to Section 41-4-140(a)(1). If a facility meets TCI standards, it is certified; if it does not meet those standards, it is considered non-certified. See page 6 for a flow chart detailing the certification process. As of December 2012, there were ten counties in the state of Tennessee with non-certified facilities: Campbell, Cocke, Coffee, Greene, Grundy, Hamblen, Pickett, Putnam, Union, and Van Buren.

TCI Certification Process



Counties With Non-Certified Facilities, 2012



Minimum Jail Standards

As noted above, the TCI established minimum standards for local correctional facilities, including standards for physical facilities; for correctional programs for treatment, education, and rehabilitation of inmates; and for the safekeeping, health, and welfare of inmates. According to TCI management, the use of minimum jail standards in Tennessee (1) ensures consistency across jails in terms of operations and level of services provided; (2) helps ensure that constitutional and statutory provisions are adhered to in local facilities; and (3) provides local stakeholders and state lawmakers with an assessment of the condition of local jails and detention facilities. The minimum standards address physical plant; administration/management; personnel; security; discipline; sanitation/maintenance; food services; mail and visiting; prisoner programs and activities; medical services; admission, records, and release; hygiene; supervision of prisoners; and classification. TCI staff verify compliance with the minimum standards through an annual inspection process.

Since 2011, TCI management has been in ongoing discussions with the County Technical Assistance Service (CTAS) and the Tennessee Sheriff's Association Jail Committee to review and revise TCI's existing *Minimum Standards for Local Correctional Facilities* (minimum standards). In 2011, TCI personnel estimated that new minimum standards would be in place by January 2013, but the state's rulemaking process, as well as the institute's move to the Department of Commerce and Insurance, has delayed the implementation until at least 2015. Until that time, all inspections will be conducted under current minimum standards.

Inspections

Pursuant to Section 41-4-140(a)(3), *Tennessee Code Annotated*, TCI's detention facility specialists (DFSs) are responsible for inspecting all local jails, lock-ups, workhouses, and detention facilities at least once a year to ensure compliance with TCI minimum standards. According to management, the inspection process of annual and follow-up inspections is the core function of TCI. Table 1 lists the number of initial inspections and follow-up inspections completed annually from January 2009 through December 2012.

Table 1
Inspections Conducted
Calendar Years 2009 Through 2012

Calendar Year	Number of Detention Facility Specialists	Number of Initial Inspections Conducted*	Number of Re-inspections Conducted
2009	7	127	38
2010	7	127	45
2011	7	126	45
2012	5**	126	58

*All facilities on jail lists conducted. Numbers vary slightly because of closings, mergers, and additions of facilities.

**During 2012, there were two unfilled detention facility specialist positions.

Source: Tennessee Corrections Institute.

Based on documentation reviewed, the Tennessee Corrections Institute conducted annual unannounced inspections at each of the facilities as required. For a list of facilities as of December 2012, see Appendix 4. According to TCI management, the use of unannounced inspections allows TCI's DFSs to observe facilities during routine operations. In Tennessee, the State Fire Marshal's Office also inspects jails. During each annual inspection, DFSs review relevant records, observe facility operations, and examine the physical condition of the facility. During the 2012 inspection year, inspectors also took digital photographs and included those images on compact disc as part of each facility's permanent file.

Each inspection concludes with an exit interview, where the DFS shares his or her preliminary findings. If the facility is in compliance with TCI's minimum standards, the DFS recommends that the Board of Control issue a Certificate of Certification. If, however, deficiencies are noted and the facility is deemed non-certified, the DFS informs the facility administrator that the facility has 60 days to comply with TCI standards and be re-inspected, or to submit a Plan of Action to the Board of Control (discussed on page 9). TCI personnel stated that non-certified facilities are in a less defensible position in the event of a threatened lawsuit. Personnel also indicated that even if a facility does not meet the standards for certification, the facility administrator is encouraged to comply with as many standards as possible to show good faith should there be any future litigation. According to the Executive Director of TCI, the goal of the inspection process is not necessarily to catch local facilities doing something wrong but rather to verify compliance and identify areas where facilities need assistance in meeting minimum standards.

Auditors reviewed a judgmental sample of inspection files for 35 facilities for calendar years 2011 and 2012. Eight of those 35 facilities were reviewed for two additional calendar years (2009 and 2010). In selecting our sample, we included the following: facilities that routinely meet minimum standards for certification; facilities that have not been able to meet minimum standards for certification and therefore have never been certified; facilities that are not meeting minimum standards but remain certified because county officials have submitted (and the Board of Control has accepted) a Plan of Action; and facilities that are not certified but where local government officials and stakeholders have worked with the Tennessee Corrections Institute to create a County Corrections Partnership initiative. Through that review, we found that the facilities were inspected

on an annual basis and, for those facilities that were re-inspected, 95% were re-inspected within 60 days. Table 2 lists the non-certified facilities from calendar year 2009 through calendar year 2012.

**Table 2
Non-Certified Facilities and Counties With a Plan of Action
Calendar Years 2009 Through 2012**

Year	Non-Certified	Certified	Percent Non-Certified	Counties With Non-Certified Facilities	Counties With a Plan of Action
2009	17	110	13%	Benton, Bledsoe, Campbell, Carroll, Clay, Cocke, Grundy, Hardeman, Henderson, Humphreys, Lawrence, McMinn, Pickett, Smith, Union, Van Buren, and Warren	Benton, Blount, Chester, Clay, Dickson, Hamblen, Hamilton, Hardeman, Haywood, Monroe, Morgan, and Stewart
2010	17	110	13%	Benton, Bledsoe, Campbell, Carroll, Clay, Cocke, Coffee (2 facilities), Grundy, Hamblen, Hardeman, Humphreys, Pickett, Smith, Union, Van Buren, and Warren.	Anderson, Cannon, Hamblen, Hamilton, Monroe, and Stewart
2011	12	114	9.5%	Campbell, Clay, Cocke, Coffee (2 facilities), Grundy, Hamblen, Humphreys, Pickett, Rhea, Union and Van Buren	Anderson, Carroll, Franklin, Monroe, Putnam, Stewart, and Tipton
2012	10	116	8%	Campbell, Cocke, Coffee, Greene, Grundy, Hamblen, Pickett, Putnam, Union, and Van Buren	Anderson, Bedford, Blount, Cannon, Carroll, Claiborne, Clay, Fentress, Franklin, Greene, Hancock, Humphreys, Loudon, Monroe, Rhea, Sevier, Stewart, and Tipton

Source: Tennessee Corrections Institute inspection lists.

Plan of Action

A Plan of Action (POA) is a written plan developed by a local government (county, municipality, or local commission or council) to address deficiencies noted in the annual jail inspection. See Appendix 5 for additional information on the POA process. The POA must be submitted to the TCI Board of Control no later than 60 days from the date of the initial inspection and must be approved by the board. Pursuant to Section 41-4-140(d), *Tennessee Code Annotated*, no currently certified facility can lose its certification if the local government submits, within the 60-day time frame, a plan that is reasonably expected to eliminate deficiencies and cause that facility to remain certified. Beginning January 2012, a Plan of Action must be developed in conjunction with a County Corrections Partnership initiative. (See discussion on page 10.)

When a local government submits a POA, the plan must include steps to correct the cited deficiencies and must have a timeline for completion. The local government must also submit

monthly progress reports to TCI. We confirmed that the local governments appropriately submitted POAs and that TCI monitored the POAs, revoking certification when the terms of the POA were not adhered to. Table 2 lists the 18 counties that had POAs on file with the TCI as of December 2012.

Non-Certified Facilities

If a facility fails to meet the minimum standards set by TCI, that facility is listed as non-certified. Agency personnel stated that TCI, in conjunction with the Board of Control, has made it a priority to work with local officials and stakeholders to address conditions in facilities that do not meet the standards for certification. We reviewed facility files, attended a board meeting, reviewed board minutes, and interviewed TCI personnel to determine that detention facility specialists are providing appropriate technical assistance. In 2010, prior to the tenure of the current executive director, there were 17 non-certified facilities and 6 facilities operating with a POA. The current executive director was hired in August 2011, and by December 2012 the number of non-certified facilities had decreased to 10 while the number of facilities with POAs had increased to 18. Agency personnel explained that there is an increased focus on working with communities to improve conditions in their correctional facilities. Assessing compliance with minimum standards is only part of the overall role of TCI—the responsibilities encompass serving as a facilitator and consultant in assisting communities to identify and solve problems with local jails and detention facilities so those facilities can achieve and maintain certification. It is a complex role that has, in part, led to the development of the County Corrections Partnership initiative (see discussion below).

The County Corrections Partnership Initiative

The County Corrections Partnership (CCP) is a voluntary partnership initiative developed by the Tennessee Corrections Institute and implemented January 1, 2012. The purpose of the program is to assist local correctional facilities in developing measures that address jail issues and TCI-recommended changes and reforms. The initiative links local correctional facilities and their corresponding counties to the state and county agencies necessary to correct deficiencies. In addition to TCI, agencies include CTAS (County Technical Assistance Service), MTAS (Municipal Technical Advisory Service), the Tennessee County Services Association, the Association of County Mayors, and the Tennessee Association of Chiefs of Police. Major stakeholders in each county's partnership plan should include county executives, mayors, finance directors, sheriffs, chiefs, commissioners, and other elected officials and designated employees.

The plans that are developed through the cooperative efforts of the above-mentioned stakeholders are county-specific and designed to correct deficiencies within a particular facility. CCP plans can be developed whether or not a facility is under a POA, is currently non-certified, or is being considered for decertification by the Board of Control. The goal of the CCP program is to assist every correctional facility to either maintain certification or work toward certification by the TCI. According to TCI management, TCI provides assistance, shares solutions, and gives suggestions but has no binding authority. The county retains full authority and control over the committee it creates and the recommendations made. Ideally, according to TCI management,

facilities will work in unison with TCI personnel and local stakeholders to document immediate and future needs and work to correct those needs. In the past, several facilities just ignored the inspection results.

As of December 2012, 22 counties have entered into CCP agreements with TCI: Bedford, Blount, Campbell, Cannon, Carroll, Claiborne, Clay, Cocke, Coffee, Fentress, Franklin, Greene, Grundy, Hamblen, Hancock, Humphreys, Loudon, Monroe, Rhea, Sevier, Tipton, and Union. Seven of these counties had facilities that were not certified by TCI in 2012 (Campbell, Cocke, Coffee, Greene, Grundy, Hamblen, and Union).

Counties with Active CCP Agreements as of December 2012



Trends in Local Correctional Facilities’ Populations

According to TCI management, the most serious issue facing Tennessee’s jails and local correctional facilities is overcrowding. Information maintained by the Tennessee Department of Correction reveals the average population of Tennessee’s jails increased from 16,774 in 1997 to approximately 28,775 in 2012, a 71.5% increase. Tables 3 and 4 provide a more detailed look at the growth in population in the last five years. Between 2008 and 2012, the average inmate and detainee population (see Appendix 3 for definitions) increased almost 12% (from 25,752 to 28,775). During that same time period, the average jail capacity across all facilities increased 14% (from 28,130 to 32,018). Even though these numbers indicate that Tennessee’s jails and local detention facilities ranged from 8% to nearly 15% under capacity, information for calendar year 2012 shows that many Tennessee counties have jails that are above the recommended TCI capacity for certification.

Although not included in the scope of this audit, the Tennessee Department of Correction (TDOC) reimburses some local jails to house inmates. In some cases, felons sentenced to TDOC custody are held in local jails while awaiting transfer to a TDOC facility. In other cases, convicted felons serve their time in a local jail because of a contract between the local jail and TDOC. The inmate population of a local jail or workhouse may also include inmates serving time because of a misdemeanor conviction; inmates charged with a felony or misdemeanor but not yet convicted; inmates held in local facilities for federal crimes or city ordinance violations; and convicted felons awaiting sentences or not yet ready to transfer to TDOC because of other pending charges.

Table 3
Average Statewide Jail Capacity and Population
Calendar Years 2008 to 2012

<u>Calendar Year</u>	<u>Jail Capacity</u>	<u>Jail Population</u>	<u>Vacant Beds</u>	<u>Available Beds</u>
2008	28,130	25,752	2,378	703
2009	29,280	26,388	2,892	1,217
2010	30,374	25,937	4,437	2,762
2011	31,108	27,666	3,442	1,767
2012	32,018	28,775	3,243	1,568

Jail Capacity: The TCI-certified bed space capacity of county and city jails and workhouses.

Total Jail Population: All classifications listed in Table 4 (below) equal this number when added together for a given year.

Vacant Beds: The average number of beds available when subtracting “Jail Population” from “Jail Capacity.”

Available Beds: A total of 1,675 beds are reserved for special purposes (e.g., isolation, medical, segregation) and must be subtracted from “Vacant Beds” to arrive at the number of “Available Beds.”

Source: Data from Tennessee Department of Correction, *Tennessee Jail Summary Report*.

Table 4
Statewide Average Jail Population by Classification
Calendar Years 2008 to 2012

Calendar Year	Under TDOC Control		Other Convicted Felons	Federal and Others	Convicted Misdemeanants	Pre-Trial Detainees	
	TDOC Backup	Local Felons				Felons	Misdemeanants
2008	2,244	5,438	648	1,004	5,104	7,932	3,382
2009	2,402	5,359	711	962	5,254	8,125	3,575
2010	2,506	4,622	829	959	5,128	8,446	3,447
2011	3,706	4,518	798	941	5,184	8,590	3,928
2012	4,824	4,634	755	886	4,985	8,911	3,780

TDOC Backup: Felon inmates sentenced to Tennessee Department of Correction (TDOC) custody and held in local jails while awaiting transfer to a TDOC institution.

Local Felons: Convicted felons serving time in a local jail because of a contract with TDOC, and/or convicted felons serving a split confinement sentence.

Other Convicted Felons: Convicted felons awaiting sentencing or not yet ready for transfer to a TDOC facility because of other pending charges. Includes technical violators awaiting probable cause/revocation/rescission hearing or adjudication of pending charges.

Federal and Others: Inmates held in local facilities for federal crimes or city ordinances, etc.

Convicted Misdemeanants: Inmates serving time because of a misdemeanor conviction.

Pre-Trial Felons: Pre-trial felony detainees are inmates charged with a felony but not yet convicted.

Pre-Trial Misdemeanants: Inmates charged with a misdemeanor but not yet convicted.

Source: Data from Tennessee Department of Correction, *Tennessee Jail Summary Report*.

Average Population by Inmate Classification

For January 2008 through December 2012, the largest classification of inmates held in local jails was pre-trial detainees (broken down below as “Pre-Trial Felons” and “Pre-Trial Misdemeanants”). See Table 5. Individuals in these two classifications have been charged with either a felony or a misdemeanor but have not yet been convicted. They are being held in a local facility pending a trial on criminal charges. The combined average of these two classifications during the time period under review was 44.7%. The second largest classification of inmates was those prisoners listed as “TDOC Backup” and “Local Felons.” These inmates were under the jurisdiction of TDOC and, as the table below indicates, during the five-year period from January 2008 through December 2012, accounted for on average 29.9% of local jail populations.

**Table 5
Average Statewide Jail Population Percent by Classification
2008 Through 2012**

Calendar Year	Under TDOC Control				Pre-Trial Detainees			Total Jail Population	TDOC Jurisdiction*
	TDOC Backup	Local Felons	Other Convicted Felons	Federal and Others	Convicted Misdemeanants	Pre-Trial Felons	Pre-Trial Misdemeanants		
2008	8.7%	21.1%	2.5%	3.9%	19.8%	30.8%	13.1%	100%	29.8%
2009	9.1%	20.3%	2.7%	3.6%	19.9%	30.8%	13.5%	100%	29.4%
2010	9.7%	17.8%	3.2%	3.7%	19.8%	32.6%	13.3%	100%	27.5%
2011	13.4%	16.3%	2.9%	3.4%	18.7%	31.0%	14.2%	100%	29.7%
2012	16.8%	16.1%	2.6%	3.1%	17.3%	31.0%	13.1%	100%	32.9%
Average	11.6%	18.3%	2.8%	3.5%	19.1%	31.2%	13.5%	100%	29.9%

*TDOC Jurisdiction = TDOC Backup and Local Felons.

Source: Data from Tennessee Department of Correction, *Tennessee Jail Summary Report*.

Certified but Exceeding Capacity

Of the 126 facilities under the purview of TCI, as of December 2012, 38 facilities reported inmate populations that were above the recommended TCI capacity. Of those 38 facilities, 30 were listed as “certified” by TCI (see page 6). Because of the changing nature of facility population data, we reviewed detailed inmate information for four months (March, June, September, and December) in calendar year 2012. Table 6 lists the number of certified facilities that were above TCI capacity for the months reviewed. That number ranged from a high of 44 facilities in June 2012 to a low of 30 facilities in December 2012.

Table 6
Facilities Above TCI Capacity
For Four Months in 2012

<u>Month in 2012</u>	Number of Facilities Above TCI Capacity	
	<u>Certified</u>	<u>Non-Certified</u>
<i>March</i>	39	9
<i>June</i>	44	10
<i>September</i>	41	8
<i>December</i>	30	8

Source: Data from Tennessee Department of Correction, *Tennessee Jail Summary Reports*.

According to TCI management, compliance with bed space capacity restrictions is an essential component of the minimum standards that are included as part of TCI’s annual inspection; however, having a population above the suggested capacity limits does not automatically lead to decertification. The Tennessee Supreme Court has held that an “insufficient” jail includes one that is so overcrowded that it violates prisoners’ rights under the Eighth Amendment to the United States Constitution. Tennessee Attorney General Opinion 89-65 maintained that “insufficiency under the statute is not the same thing as unconstitutionality. The jail is not necessarily unconstitutionally overcrowded simply because it houses more inmates than its Tennessee Corrections Institute capacity.” An additional Tennessee Attorney General Opinion from February 2009 (Opinion No. 09-18) states that “case law does not establish a minimum square foot requirement for jail cells applicable to all situations.” Rather, the overall living conditions (length of time in jail, length of time in cell every day, sanitary conditions, quality of ventilation system, etc.) in conjunction with limitations of square footage must be considered. However, overcrowding and unsanitary conditions are mutually reinforcing.

TCI management stated that in an environment where Tennessee’s local jails and detention facilities are facing ever-increasing inmate and detainee populations, verified compliance with a set of minimum facility standards works to ensure that constitutional and statutory requirements are maintained. In addition, annual inspections work to ensure consistency across facilities in both the quality of care afforded as well of the overall condition of the facilities where inmates and detainees are housed. The consistent inspection of Tennessee local jails and detention facilities provides policy-makers and stakeholders with valuable information about changes that may need to be implemented.

Increase in Number of Female Inmates

During the February 2013 Tennessee Corrections Institute fiscal review hearing, legislators expressed concern over the increasing female population in jails and local correctional facilities and inquired about the impact this increasing segment of the inmate population might have on facilities being able to maintain TCI certification. Section 41-4-110, *Tennessee Code Annotated*, states that male and female prisoners, except husband and wife, cannot be kept in the same cell or room in the jail. Chapter 1400-1-.17 of TCI’s *Minimum Standards for Local Correctional Facilities* requires that each facility have a written plan for prisoner classification and that the plan ensure “total sight, sound or physical contact separation between male and female inmates.”

Using TDOC data, we compared the female felon population statewide in both TDOC facilities and local facilities from 2008 through 2012 (using the month of December in each calendar year). This information is presented in Table 7. We determined that from December 2008 to December 2012, there was a 21% increase in the number of female felons incarcerated, with the greatest increase in those housed in local facilities. There was an increase of only 2.9% in the number of female felons housed in TDOC facilities, but there was an increase of 42.3% in the number of female felons housed in jails and local detention facilities. We also found that in December 2008, 46% of female felons were housed in local detention facilities and the rest in TDOC facilities. In December 2012, 54% of female felons were housed in local facilities and the remainder in TDOC facilities.

Table 7
Statewide Female Felon Population
December 2008 to December 2012

<u>Month</u>	<u>Total Felon Population</u>	<u>Felons Housed in Local Facilities</u>				<u>Percent</u>	
		<u>TDOC Facilities</u>	<u>Backup</u>	<u>Local</u>	<u>Jail Total</u>	<u>TDOC Facilities</u>	<u>Local Jails</u>
December 2008	2,126	1,150	431	545	976	54%	46%
December 2009	2,008	1,171	356	481	837	58%	42%
December 2010	2,336	1,173	492	671	1,163	50%	50%
December 2011	2,514	1,185	740	589	1,329	47%	53%
December 2012	2,572	1,183	743	646	1,389	46%	54%

Source: Data from Tennessee Department of Correction, *Tennessee Female Felon Population Updates*.

As noted earlier, in some cases felons sentenced to TDOC custody are held in local jails while awaiting transfer to a TDOC facility. In other cases, convicted felons serve their time in a local jail because of a contract between the local jail and TDOC. In both cases, TDOC reimburses the local jails for housing the inmates. In addition, the inmate population of a local jail or workhouse may include inmates serving time because of a misdemeanor conviction, inmates charged with a felony or misdemeanor but not yet convicted, inmates held in local facilities for federal crimes or city ordinance violations, and convicted felons awaiting sentences or not yet ready to transfer to TDOC because of other pending charges. The *Tennessee Female Jail Summary Reports* (published monthly by the Tennessee Department of Correction) began reporting segregated female population data in April 2010. Table 8 contains information about the female population in jails and local correctional facilities for December 2010, December 2011, and December 2012.

Table 8
Female Population in Local Correctional Facilities
As of December 2010, 2011, and 2012

December of Year	TDOC Backup	Local Felons	TDOC Jurisdiction	Other Convicted Felons	Federal and Others	Convicted Misdemeanants	Pre-Trial Felons and Misdemeanants	Total Jail Population
2010	492	671	29%	122	105	835	1,784	4,009
2011	740	589	30%	100	102	934	1,925	4,390
2012	743	646	31.5%	78	106	857	1,980	4,410

TDOC Backup: Felon inmates sentenced to TDOC custody and held in local jails while awaiting transfer to a TDOC institution.

Local Felons: Convicted felons serving time in a local jail because of a contract with TDOC, and/or convicted felons serving a split confinement sentence.

TDOC Jurisdiction: The percentage of the total jail population accounted for by TDOC backup and local felons.

Other Convicted Felons: Convicted felons awaiting sentencing or not yet ready for transfer to a TDOC facility because of other pending charges. Includes technical violators awaiting probable cause/revocation/rescission hearing or adjudication of pending charges.

Federal and Others: Inmates held in local facilities for federal crimes or city ordinances, etc.

Convicted Misdemeanants: Inmates serving time because of a misdemeanor conviction.

Pre-Trial Felons: Inmates charged with a felony but not yet convicted.

Pre-Trial Misdemeanants: Inmates charged with a misdemeanor but not yet convicted.

Source: Data from Tennessee Department of Correction, *Tennessee Female Jail Summary Reports*.

Training

Based on a review of training files, training reports, and other documentation, as well as interviews with institute staff, the institute is providing training as set forth in its policies and is monitoring training provided by local staff. Additional funding for Tennessee Corrections Institute (TCI) training, initially provided in fiscal year 2013, should provide opportunities for TCI to assist local facilities with additional training and for TCI to computerize training records to improve tracking and monitoring of training.

Background

Section 41-7-103, *Tennessee Code Annotated*, requires TCI to “train correctional personnel in the methods of delivering correctional services in municipal, county and metropolitan jurisdictions.” TCI’s *Minimum Standards for Local Correctional Facilities*, Rule 1400-1-06 (3) and (4), requires that all new employees with custody or treatment responsibilities receive 40 hours of basic training within the first year of employment and 40 hours of in-service training annually thereafter.

In addition to performing inspections and providing technical assistance to jail staff, TCI staff (detention facility specialists) provide basic training and 16 hours of the annual in-service training free of charge to local adult correctional facilities in Tennessee. Each facility is responsible for the remaining 24 hours of annual training; course content must be approved by

TCI. Course curriculum should be based on the needs of the individual facilities and relevant to the duties of the detention staff. Standard courses include first aid, CPR, and HIPAA (Health Insurance Portability and Accountability Act), as well as firearms training for transport officers, Spanish for correctional officers, and training in blood-borne pathogens, mental health, TBI fingerprinting, and the Tennessee Offender Management Information System (TOMIS). TCI also conducts two “train-the-trainer” courses and two annual conferences each year, charging a fee to help cover expenses.

TCI Training Staff

TCI’s detention facility specialists (DFSs) provide training to jail personnel. There is no formal training program to become a DFS, but all current staff have career experience in corrections or jail issues and operations. New hires work under the supervision of another specialist for eight to nine months. During calendar year 2012, through the middle of December, TCI’s six DFSs had conducted 137 training events providing 3,044 training hours for 4,059 jail personnel.

Local Training Staff

TCI requires all correctional facilities to appoint a facility training officer (FTO) to coordinate basic and in-service training activities, and create and deliver training specific to the operation of the institute. The FTOs are also encouraged to assist the DFSs in delivering the basic and in-service training that TCI provides. Each employee designated by a facility as its FTO must have completed both the 40-hour basic corrections officer training and the 40-hour train-the-trainer courses offered by the TCI. Thereafter, the FTO is to attend a 20-hour course of in-service instruction during TCI’s annual correctional facility training officer conference to obtain new training materials, topics, and professional correctional information.

Under TCI policies and procedures, some facilities may be granted a waiver to conduct their own basic and in-service training. According to TCI management, the initial intent of the waiver policy was to assist agencies that had large numbers of new correctional officers or had continual training requests that TCI could not immediately fill without the county or state having to pay for several full-time TCI training instructors. Another contributing factor was an inadequate number of TCI staff to conduct training, given their other responsibilities.

Facilities that request a waiver must be referred by a DFS to the TCI executive director, deputy director, and the training administrative assistant. The requests must include the proposed curriculum; training program budget and schedule; documentation of TCI certification of training personnel, and location of training facilities and accommodations. Waivers must be approved by the TCI Board of Control. As of January 2013, 11 facilities had board-approved training waivers. Some waivers are only for basic training or for in-service training, depending on the budgetary conditions of those counties or the expertise levels of their staff.

In 2012, TCI management adopted new procedures to better monitor training conducted by local correctional staff. Those facilities that do in-house training now have their training records reviewed by TCI staff during the facility’s annual inspection. According to TCI

management, prior to inspection, the DFS contacts the Nashville office to confirm that lesson plans and training records were submitted for the previous year. When onsite, the DFS verifies new hires and inspects the training files. Most DFSs usually look at a sample of employees, including training staff, for the required forms and documents that should be in individual training files. TCI management stated that most of the facilities with current waivers are providing the proper number of hours and continuing education, and some facilities expand on the training to provide instruction specific to their institutions. As of December 2012, no facilities have had their waivers revoked.

Review of Facility Training Officer Files

Auditors reviewed a judgmental sample of 37 FTOs' training files maintained by TCI to determine if the officers had attended the training classes required by the TCI. (Our sample, which represented 25 counties and was taken from a population of 116 FTOs statewide, included FTOs from rural and urban counties and the state's three grand divisions.) However, because of issues with the files, we could not determine compliance for the majority of FTOs reviewed. The information on training hours, as well as some employees' start dates, is recorded by hand, which sometimes made the information difficult to read and also presents the risk of entering inaccurate information into the file. Some records were missing key information such as position name, date of basic course training, and start date. At the time we conducted the file review, very little calendar year 2012 information had been entered, so we focused on information for 2011. Only 13 of the files contained information that the FTO had completed the required 40 hours of basic training, the 40-hour train-the-trainer course, and the in-service instruction at the 2011 correctional facility training officer conference. Most of the files reviewed contained information that the FTO had completed the basic training (32 of 37) and the train-the-trainer course (25 of 37); only 20 of 37 files had information that the FTO had attended the 2011 correctional facility training officer conference. As noted above, TCI charges a fee for the conference and for the train-the-trainer course, and the additional costs and time away from work may be difficult for counties with minimal correctional facility staff and budgets.

The new monitoring procedures described above should improve TCI staff's ability to assess training for local correctional staff, including FTOs. Monitoring of training could be further improved by the use of a computer database to compile and track training information.

Funding for TCI Training

Effective July 1, 2012, Public Chapter 972 amended Section 41-7-104, *Tennessee Code Annotated*, to require a ten-cent fee to be collected for each completed phone call made by an inmate housed in a local jail or workhouse. The fees are to be remitted each quarter by the telephone service provider to the state treasurer and credited to a special account in the general fund to be used exclusively to fund certification training provided through TCI for local correctional personnel within the state. This fund is called the Local Correctional Officer Training Fund. Though the Department of Commerce and Insurance acts as the fiscal agent for the institute, the TCI's Board of Control must approve expenditures from the fund.

The same statute that created this fund also requires an annual report to the General Assembly on or before February 1 detailing available reserves, expenditures, and “the manner of making such expenditures.” TCI and the department’s chief fiscal officer submitted a report to the General Assembly on January 11, 2013. According to that report, revenue for calendar year 2012 totaled \$190,604, and there had not yet been any expenditures from the fund. Additional information provided in March 2013 by the department’s chief fiscal officer stated that fee revenues were proposed to be used for salaries and benefits for three additional detention facility specialist positions (\$155,000) and for vehicles, computers, cell phones, and other equipment or expenses for the three new staff (approximately \$100,000). Collected fees will also be used to pay for speakers for the institute’s jail issues conferences and other future seminars.

Recommendations

Based on an examination of the training files maintained by the Tennessee Corrections Institute, the institute should consider updating its method for tracking training hours from handwritten entries to a computerized database to ensure that training histories for facility training officers are accurately recorded, compiled, and tracked. This conversion might potentially be funded by the Local Correctional Officer Training Fund.

The Tennessee Corrections Institute may also wish to consider using monies from the Local Correctional Officer Training Fund to help pay training costs for correctional personnel (particularly the facility training officers) from smaller counties that could not otherwise afford to send staff to additional training, to ensure that local officers providing training have access to the most current information on emerging issues and best practices.

APPENDICES

**Appendix 1
Title VI and Other Information**

The Tennessee Corrections Institute receives no federal funds and is not required to submit a Title VI implementation plan to the Human Rights Commission. See below for a breakdown of institute staff by job title, gender, and ethnicity. Also below is a breakdown of Board of Control members by gender and ethnicity.

**Tennessee Corrections Institute
Staff by Job Title, Gender, and Ethnicity
May 2, 2013**

Title	Gender		Ethnicity	
	<i>Male</i>	<i>Female</i>	<i>Black</i>	<i>White</i>
Administrative Assistant 2	0	1	1	0
Administrative Assistant 3	0	1	0	1
Administrative Secretary	0	1	0	1
Corrections Institute Deputy Director	1	0	0	1
Corrections Institute Director	0	1	0	1
Detention Facility Specialist	4	1	0	5
Training Officer 1	1	0	0	1
	6	5	1	10

**Tennessee Corrections Institute Board of Control
Members by Gender and Ethnicity
May 2, 2013**

Title	Gender			Ethnicity	
	<i>Male</i>	<i>Female</i>	<i>Black</i>	<i>Hispanic</i>	<i>White</i>
Board Member	6	1	1	1	5

Appendix 2
Performance Measures Information

As stated in the Tennessee Governmental Accountability Act of 2002, “accountability in program performance is vital to effective and efficient delivery of governmental services, and to maintain public confidence and trust in government.” In accordance with this act, all executive-branch agencies are required to submit annually to the Department of Finance and Administration a strategic plan and program performance measures. The department publishes the resulting information in two volumes of *Agency Strategic Plans: Volume 1 - Five-Year Strategic Plans* and *Volume 2 - Program Performance Measures*. Agencies were required to begin submitting performance-based budget requests according to a schedule developed by the department, beginning with three agencies in fiscal year 2005, with all executive-branch agencies included no later than fiscal year (FY) 2012. The Tennessee Corrections Institute began submitting performance-based budget requests effective for fiscal year 2011.

Detailed below are the Tennessee Corrections Institute’s performance standards and performance measures, as reported in the September 2012, *Volume 2 - Program Performance Measures* (with an update to the estimated FY 2013 number of facilities inspected, as reported in the state’s *2013-2014 Budget*).

Performance Standards and Measures

Performance Standard 1

Inspect and re-inspect all local facilities within the mandated timeframe to ensure compliance of all standards for the purpose of certification. Facilities are given 60 days from the initial annual inspection to comply with any deficiencies.

Performance Measure 2

Number of facilities inspected by November 1 each year. By completing all inspections by November 1 of each year, the institute can ensure that all facilities are inspected and re-inspected by December 31, as mandated.

Actual (FY 2011-2012)	Estimate (FY 2012-2013)	Target (FY 2013-2014)
127	126	126

Performance Standard 2

Train and monitor as many as possible local correctional officers in both basic and in-service training within each preceding calendar year. This is a continuing process because of the high turnover rate in the jail environment.

Performance Measure 2

Number of officers trained or monitored in a calendar year.

Actual (FY 2011-2012)	Estimate (FY 2012-2013)	Target (FY 2013-2014)
6,719	7,500	7,650

Appendix 3

Glossary of Local Correctional Facility Terms

- (1) Detainee – Any person confined in a local jail not serving a sentence for a criminal offense.
- (2) 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.
- (3) Felon – A person convicted in a court of law of a felony crime (punishable by imprisonment of one year or more).
- (4) 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 hold juveniles as well.
- (5) Lock-up – A jail, especially a temporary confinement facility.
- (6) Misdemeanant – A person convicted in a court of law of a misdemeanor crime (punishable by imprisonment of up to 11 months and 29 days).
- (7) Prisoner – One who is confined to a jail.
- (8) Workhouse – A county confinement facility operated by or for a county that holds primarily sentenced, minimum-security prisoners.

Source: Rules of the Tennessee Corrections Institute and Tennessee Code Annotated.

Appendix 4
List of Local Correctional Facilities Inspected by TCI in Calendar Year 2012

1	Anderson County Detention Center	43	Hamilton County Criminal Justice Center	85	Montgomery County Jail
2	Bartlett Police Department	44	Hamilton County (Silverdale)	86	Montgomery County Workhouse
3	Bedford County Jail	45	Hancock County Jail	87	Moore County Jail
4	Bedford County Workhouse	46	Hardeman County Criminal Justice Center	88	Morgan County Jail
5	Benton County Jail	47	Hardin County Correctional Facility	89	Obion County Jail
6	Bill Kelly Criminal Justice Center (Fayette County)	48	Hawkins County Justice Center	90	Overton County Criminal Justice Center
7	Bledsoe County Jail	49	Haywood County Justice Complex	91	Perry County Jail
8	Blount County Criminal Justice Center	50	Henderson County Jail	92	Pickett County Jail
9	Bradley County Justice Center	51	Henry County Jail	93	Polk County Justice Center
10	Campbell County Jail	52	Hickman County Law Enforcement	94	Putnam County Criminal Justice Center
11	Cannon County Jail	53	Houston County Jail	95	Rhea County Jail
12	Carroll County Jail	54	Humboldt Police Department	96	Roane County Detention Center
13	Carter County Detention Center	55	Humphreys County Jail	97	Robertson County Jail
14	Cheatham County Jail	56	Jackson County Criminal Justice Center	98	Rutherford County Adult Detention Center
15	Chester County Detention Center	57	Jefferson County Justice Center	99	Rutherford County Correctional Work Center
16	Claiborne County Justice Center	58	Jefferson County Workhouse	100	Scott County Justice Center
17	Clay County Jail	59	Johnson City Police Department	101	Sequatchie County Justice Center
18	Cocke County Jail	60	Johnson County Jail	102	Sevier County Jail
19	Cocke County Jail Annex	61	Kingsport Police Department	103	Sevier County Minimum Security Facility
20	Coffee County Jail & Annex	62	Knox County Detention Facility	104	Shelby County Criminal Justice Facility
21	Collierville Police Department	63	Knox County Jail	105	Shelby County Division of Corrections
22	Crockett County Jail	64	Knox County Work Release	106	Shelby County Jail – East
23	Cumberland County Justice Center	65	Lake County Jail	107	Shelby County Jail Annex
24	Davidson County Correctional Development Center – Females	66	Lauderdale County Jail	108	Smith County Justice Center
25	Davidson County Correctional Development Center – Males	67	Lawrence County Detention Center	109	Stewart County Jail
26	Davidson County Criminal Justice Center	68	Lewis County Jail	110	Sullivan County Justice Center
27	Davidson County Hill Building	69	Lincoln County Jail	111	Sumner County Jail
28	Decatur County Jail	70	Loudon County Jail	112	Tipton County Jail
29	DeKalb County Jail & Annex	71	Macon County Justice Center	113	Trenton Police Department
30	Dickson County Jail	72	Madison County Jail Annex	114	Trousdale County Jail
31	Dyer County Jail	73	Madison County Criminal Justice Center	115	Unicoi County Jail
32	Fentress County Jail	74	Madison County Penal Farm	116	Unicoi County Annex
33	Franklin County Jail	75	Marion County Criminal Justice Center	117	Union County Jail
34	Gatlinburg Police Department	76	Marshall County Jail	118	Van Buren County Jail
35	Germantown Police Department	77	Mauzy County Jail	119	Warren County Jail
36	Gibson County Correctional Complex	78	McMinn County Jail	120	Washington County Detention Center
37	Giles County Jail	79	McNairy County Jail	121	Washington County Workhouse
38	Grainger County Detention Center	80	Meigs County Jail	122	Wayne County Criminal Justice Center
39	Greene County Jail	81	Metro Davidson County Detention Facility	123	Weakley County Jail
40	Greene County Workhouse/Annex	82	Milan Police Department	124	White County Jail
41	Grundy County Jail	83	Millington Police Department	125	Williamson County Jail
42	Hamblen County Jail	84	Monroe County Jail & Annex	126	Wilson County Criminal Justice Center

Source: Tennessee Corrections Institute.

Appendix 5
Plan of Action Information From TCI Website



Tennessee Corrections Institute

TCI Plan of Action

Pursuant to Tennessee Code Annotated 41-4-140 sub section (d) No local currently certified facility shall be de-certified if the **local government** has submitted a **plan** within (60) sixty days of the initial annual inspection which is **reasonably** expected to **eliminate fixed ratio deficiencies** within that facility and cause that facility to remain certified.

Definitions

Local government: The governing body and/or responsible officials of which the facility is located (county, municipal or local commission or council).

Plan: Written documentation by a county corrections partnership supporting actions taken to correct fixed ratio standard deficiencies within a specified facility.

Reasonably: Sensible and attainable

Eliminate: Remove, omit or correct

Fixed ratio deficiencies: Standards not met which would cause recommendation for de-certification as prescribed by the TCI Minimum Standards. (i.e. Overcrowding, non-compliance of medical standards.)

TCI Plan of Action: A written plan utilizing a county corrections partnership initiative that will eliminate or correct deficiencies noted in the annual jail inspection submitted for consideration by the T.C.I. Board of Control. Such plan shall be presented at the next scheduled Board of Control meeting following the facilities re-inspection for official approval of the board.

Procedure for Filing the TCI Plan of Action (POA) With the TCI Board of Control

Upon completion of an initial or re-inspection, and it is determined that a P.O.A. will be necessary to retain certification for that facility, a letter will be mailed by the Director of T.C.I. notifying the local government, through the officials of record, that a P.O.A. should be submitted if continued certification is to be granted. Copies will be mailed to the County or City Mayor and to the Sheriff or Chief of Police.

When the local government parties involved elect to proceed with a P.O.A. it must meet the following criteria:

- Government officials where such a facility resides must draft a cover letter requesting to retain certification based on a P.O.A. with an established county corrections partnership initiative.
- Government officials of said county or a representative of the county corrections partnership must be present at the next scheduled Board of Control meeting to answer any questions of concern by board

members.

- A written report must be presented to the Board of Control that will include a detailed outline which identifies standards not met as prescribed by T.C. I. Minimum Standards.
- The report shall also include a formulated plan to correct each standard not met and a specific time line to realistically come into compliance.
- Should funding be required, meeting minutes must be provided demonstrating any such fiscal matters to include where such matters were discussed and any resolutions where such funding was or is to be adopted in order to secure any such funding.
- Resolutions to construct or renovate any facilities or to add additional bed space must be submitted.
- Detailed reports including specific time lines of completion must be submitted to T.C.I. each month. Any construction plans must reflect in each report steps taken in the construction process and its percentage toward completion.
- Reports must be submitted by the local government's executive officer and signed by the Facility Administrator, the county or city mayor or city manager and the Sheriff or Chief of Police.
- The P.O.A. and any subsequent reports shall contain reasonable expectations to ensure compliance in the future based on any feasibility studies and reasonable expectations of correctional administrative staff.

Board of Control Pre-Approval

The P.O.A., once submitted to the Board of Control, will be granted or denied based on reasonable assumptions that the said county and their county corrections partnership can meet their stated goals as outlined within the plan.

- Goals should be listed and the resolve to meet each one written in detail.
- Continued reporting shall be submitted monthly and include any written documentation or copies of meeting minutes which will show cause that each failed standard is continually being addressed in a timely fashion.
- Failure to submit monthly reports in a timely matter will be considered by the Board of Control as failure of compliance with the current P.O.A. and could result in denial of certification during next year's inspection.
- All approvals for P.O.A.'s will require a two-thirds majority vote by the quorum of the board members present.
- Insurance carriers who hold the liability policies for a county who files a P.O.A. will be notified by T.C.I. by letter posted through the US Postal Service informing them that the said county has entered into a formal TCI Plan of Action in order to gain or maintain state certification.

TCI Board Approval of Continued Plan of Action

Each annual inspection performed after the official P.O.A. has been filed will be routinely scrutinized by the Board of Control. When a facility which is operating under a currently approved, monthly monitored plan that includes a county correctional partnership that is continuing to show measurable progress, then the P.O.A. can be annually renewed or updated and continued with Board approval for the following year except when serious life and safety issues are present.

The TCI Detention Facility Specialist conducting the annual inspection and currently assigned to the facility where the plan of action is being utilized, will assist the said county with the proper documentation needed for a new continued plan of action with any available resources necessary. Initial Plans of Action as well as renewed or updated plans will be kept on file at the TCI State Office within the local county facility's file.

TCI Plan of Action Release

The TCI Board of Control may vote to release a county facility from a TCI Plan of Action as soon as all of the standard deficiencies are corrected prior to the next randomly scheduled annual inspection. Such action shall only take place at a regularly scheduled Board of Control meeting following the corrections and verification of all previously stated deficiencies within the related facility. The Board may vote to release the County from the TCI Plan of Action's conditional certification and restore full certification status only after the following guidelines and requirements are met:

- A Local Correctional Facility Plan of Action Release Form must be completed by the facility authorities with the assistance of the assigned TCI Detention Facility Specialist and submitted to the TCI State Office for verification. The information contained on the form shall list the Minimum Standard deficiencies corrected with noted dates of completion and all corrective actions taken. The Form will then be presented to the Board of Control for consideration at their next regularly scheduled meeting.
- The Plan of Action Release Form (see Attached) shall be signed by the Sheriff and County Mayor or any designated official of the local facility's governing body and presented to the Board of Control for consideration and approval of release.