

for approval within 30 days of the offender's anticipated release.

8. DRIVING. The facility director approves driving privileges for a BOP offender. The USPO approves USPO offenders to drive unless otherwise specified by the USPO.

Ordinarily, offenders may operate motor vehicles for employment purposes and when public transportation is unavailable and the appropriate approval is documented in the offender's file. The offender's file, both BOP and USPO, will contain all supporting documentation used to determine if the offender is appropriate to drive.

If the facility director approves driving privileges, the contractor will document all relevant information on the BOP form entitled AUTHORIZATION TO OPERATE A MOTOR VEHICLE in the offender's file.

The offender must adhere to the following conditions:

- The offender must provide proof of valid insurance, (at least liability or the minimum state requirement), a driver's license, vehicle licensing, registration and a current driving record. to the contractor. The offender is responsible to ensure the registration, driver's license, and insurance are valid throughout their stay at the facility. The contractor will maintain copies of these documents, in the offender's file, with the exception of the driver's license. The contractor will also include the driver's license number, expiration date and a description of the vehicle in the offender's file.
- If the vehicle to be used is the property of a person other than the offender, the contractor must have documented proof of valid insurance, vehicle licensing and registration, and a signed authorization (either notarized or witnessed by RRC staff) to use the vehicle obtained from the legal owner.

9. TRANSITION SKILLS PROGRAM. The contractor will implement and administer the Transition Skills Program. This program is nine weeks long and utilizes interactive journals. The program is designed to be interactive with structured activities to address common issues offenders encounter during their transition back into the community.

All offenders (except TDAT participants) are required to participate in the journaling program within two (2) weeks of their arrival at the facility and will sign the "Agreement to

Participate in the Bureau Of Prisons Transition Skills Group (attachment G). The contractor will be responsible for facilitating the group sessions and ensuring offenders complete the journal. The Transition Skills group will be no larger than 24 participants. The duration of the groups will be no less than one hour, 90 minutes is optimum and group sessions will be scheduled during the resident's non-working hours. If an offender chooses not to participate, he or she will be restricted to the Community Corrections Component until release.

The Facilitator's Guide will be available through the NIC Information Center, at 800-877-1461 or www.nicic.org at no charge. The contractor is responsible for purchasing the Transition Skills Journal for all offenders (except TDAT participants). Journals are to be purchased from The Change Companies, at 888-889-8866 or www.changecompanies.net.

10. TRANSITIONAL DRUG ABUSE TREATMENT (TDAT). The Regional Transitional Drug Abuse Treatment Coordinator (T-DATC) will determine which offenders will participate in drug abuse, mental health and sex offender treatment. Drug abuse, mental health and sex offender treatment will be provided by TDAT contract treatment providers identified by the T-DATC. The T-DATC provides clinical oversight of the inmates treatment and oversight of the contract treatment providers.

The RRC will be notified of an offender's participation in TDAT by the T-DATC via a TDAT Authorization. The TDAT Authorization will contain the contract drug abuse treatment providers name, address and telephone number. The RRC staff have an obligation to ensure the offender contacts the agency within 3 days of arriving at the RRC to schedule an appointment. If the TDAT Authorization is sent after the inmate's arrival at the RRC, the contact should be made within 3 days of receiving the form. The inmate must be seen for an initial appointment within 10 days of arrival at the RRC or with 10 days of receiving the TDAT Authorization. The RRC will work with the contract treatment provider to ensure offenders are attending all subsequent appointments.

Communication between RRC staff and the treatment provider ensures that continuous inmate accountability and public safety are maintained. Regular contact (at least monthly) between the RRC staff, treatment staff and other involved staff is essential. This may be accomplished through on-site visits to the RRC, RRC staff making on-site visits to the treatment provider, telephone contact, or treatment providers may request to be a member of the RRC's Community Relations' Advisory Board. RRC staff observe the inmate's daily behavior and can reinforce the importance of the relationship between the inmate's compliance with RRC regulations and treatment.

11. SPECIAL SUPERVISION CONDITIONS. Courts or the Parole Commission may require offenders to become involved in specific programs upon release from the RRC or in some instances, while confined at the RRC, e.g., mental health aftercare, alcohol treatment, community service obligation. The contractor will confer with the USPO and CCM on policy and procedures for implementation of all special supervision conditions.

12. MARRIAGE. The contractor will refer a BOP offender's request for marriage to the CCM, with the contractor's recommendations. Marriage requests for offenders under supervision will be forwarded to the USPO.

CHAPTER 11 - Security and Accountability

The contractor will provide written policy and procedures on offender accountability and security inspections.

The contractor will have a comprehensive offender accountability program that ensures every offender is accounted for while in the community, the facility or on home confinement. The contractor will have a security inspection plan that provides a safe and secure environment for both staff and offenders. The expected results are that continuous offender accountability and safety are maintained through a system of reasonable and accurate controls. The contractor's program will control the introduction of contraband; insure the facility's safety, security, and good order; prevent escapes; maintain sanitary standards; and eliminate fire and safety hazards.

1. **MONITORING ACCOUNTABILITY.** The contractor will be able to locate and verify the whereabouts of offenders at all times. Written procedures will be established to guide staff in meeting this requirement. The contractor will contact the offender either telephonically or in-person at random times at work, home, or at authorized destinations to maintain accountability. This should occur at a frequency that ensures accountability and should be commensurate with the accountability needs of each individual offender. **The contractor will have a electronic monitoring systems utilizing GPS equipment for residents residing in areas remote to the RRC or with a PSF (public safety factor).** The CCM will determine the appropriate placement with the GPS equipment. The contractor may request the CCM to modify the daily contacts if it is in the best interest of offender accountability and program objectives. The CCM has the authority to increase or decrease the number of required accountability checks.

a. **Sign-in/Sign-out System.** The contractor will monitor offender movement in and out of the facility. The monitoring of offender movement, particularly during the evening and night hours, serves to protect offenders, staff, and the public.

The contractor will authorize an offender to leave the facility through sign-out procedures only for an approved program activity (see Authorized Absences). Documentation of an offender's movement in and out of the facility must include:

- offender's full name and register number;
- type of offender;
- method of transportation;
- work contact information;

- pass site contact information;
- time out;
- destination;
- purpose;
- authorized return time;
- time-in; and
- section for special comments, and certification by staff's initials for each entry.

The intent is to provide a chronological record of the offender's movement.

The contractor will identify and document all individuals, e.g. visitors, contractors, volunteers, entering or exiting the facility by using a sign-in/sign-out system. The contractor will maintain, monitor, and control access to this system. Documentation must include:

- visitor's name,
- organization (if applicable),
- purpose; and
- times in/out of the facility

In the event of an emergency evacuation, the contractor will continue offender accountability as outlined in the contractor's emergency plans.

The sign-in/sign-out system alone is invalid for overnight release or distances of more than 100 miles. In these circumstances, the contractor will follow the requirements for passes or furloughs.

Ordinarily, offenders will return to the facility from employment before signing out to participate in another approved program activity. However, the facility director may make an exception when travel time or distance is excessive, or when the offender is working unexpected overtime. These instances are on a case-by-case basis. The intent is to balance the offender's approved program objectives with the offender's requirement to return to the facility. Accountability is paramount. Ordinarily, an offender should not routinely sign-out for more than 12 consecutive hours daily without returning to the facility. Any unusual circumstances that may warrant this must be approved by the CCM.

If an offender's place of employment is more than 100 miles from the facility or travel time compromises the established curfew, the contractor will consult with the CCM to make special arrangements for the offender. These requests are considered on a case-by-case basis, and the CCM is authorized to modify the requirements to meet specific needs.

Other than for employment or programming, an offender must be in the center from 9:00 P.M. to 6:00 A.M., unless exceptions are made by the facility director.

b. Authorized Absences. Authorized absences are an integral part of the facility's program. The offender's absence from the facility is to achieve specific programing objectives to include seeking employment, strengthening family ties, engaging in religious activities, education, recreation, and counseling. The contractor approves these program activities as long as the public interest is served. During authorized absences, the contractor is still responsible for accountability of the resident. The contractor will have written procedures for accountability of residents to include authorized absences for job searches, work, religious services, programming activities, social passes, furloughs, and placement on home confinement.

Ordinarily, the job search is the first time an offender will be in the community unsupervised since incarceration. Consequently, special emphasis should be made on developing an accountability plan. When on an authorized absence to seek employment, the offender will be required to provide an itinerary and points of contact for each job search outside the facility. The contractor will have a process in place to ensure that indigent offenders will have the ability to contact the RRC in the event of an emergency while seeking employment.

c. Pass. A pass is used for overnight or weekend absence, ordinarily to the release residence. The requested pass location must be visited and approved by contractor staff prior to a pass being approved. The offender's family members/significant others living at the proposed pass location must ordinarily attend an orientation meeting at the RRC, to describe the purpose, accountability and expectations of the offender, prior to pass approval. However, if the family/significant others can not attend the orientation meeting at the RRC then the orientation can take place during the site visit conducted by contractor staff. Contractor staff should consult US Probation to ascertain if there are any known reasons to preclude the requested location as an approved pass site. Overnight or weekend absences are limited to the local community (up to a 100 mile radius). If the USPO doesn't respond within one week (7 days) staff may proceed with the request.

A pass may be approved when an offender is successfully programming, i.e., the offender is meeting their program plan goals and has obtained gainful employment (employment may not be a factor for the disabled, ill, or aged). The facility director or assistant will contact the CCM for direction when a pass approval is questionable.

The offender requests a pass by completing and signing the BOP form entitled PASS REQUEST AND APPROVAL. The facility director or designee may approve these passes, unless otherwise specified by the CCM. Passes may be recommended only by a paid staff member and not a volunteer. The approval or denial is noted on this form, and it is retained in the offender's file. Prior to receiving approval for an overnight or weekend pass, the offender will be required to provide the facility director with a current itemized phone bill. Each offender will be required to provide a copy of the approved pass site's telephone bill every month until completion of the RRC program.

The pass will begin the last day of an offender's scheduled work week and extend for 2 days up to curfew. However, an extended pass may be approved for a long weekend when a legal holiday falls on the preceding Friday or the following Monday. More than one pass during a given week, not to include special religious passes, requires a furlough request and CCM approval.

For purposes of accountability, the contractor will make and document random checks to determine compliance with the conditions of the pass. These checks may be made telephonically or in-person unless otherwise specified by the CCM. This should occur at least twice a day. The intent is to set a frequency that provides for appropriate offender accountability.

d. Furlough. The contractor will comply with the most recent version of the P.S. Furloughs. The contractor's recommendation with written justification will be sent to the CCM for approval along with the BOP form FURLOUGH APPLICATION - APPROVAL AND RECORD and appropriate questionnaires. The offender must sign the form. Only the CCM approves furloughs.

The contractor will maintain a record of furloughs including the date and time of departure, the date and time of return, random accountability checks, and notes regarding the offender's adjustment during the furlough period.

The per diem rate for offenders on furlough will be one-half the regular per diem rate. The contractor will reserve a bed for offenders on furlough.

When an offender sentenced in the District of Columbia (DC) Superior Court desires to visit another judicial district, the contractor will contact the CCM for direction.

2. DRUG AND ALCOHOL SURVEILLANCE PROGRAM. The contractor must establish a surveillance program to deter and to detect the illegal introduction of drugs and alcohol in its facility.

a. Frequency. The contractor will randomly test at least 5 percent of all the BOP cases monthly. (With a minimum of one test). Offenders with a condition of drug aftercare, known to have a history of drug abuse, required to participate in TDAT Services, or who are suspected of illegal drug use will be tested no less than four times a month. Testing in greater numbers requires the approval of the CCM. USPO cases are to be included in this requirement.

b. Testing. All urine testing will be conducted on an unscheduled basis in accordance with Attachment D. Staff of the same sex as the offender being tested will directly supervise the giving of the urine sample. To eliminate the possibility of a diluted or adulterated sample, staff will keep the offender under direct supervision until a complete sample is furnished. If the offender is unable to provide the sample, at the time of the request, staff will continue the direct supervision for a two hour period. To assist the offender in giving the sample, staff will offer the offender eight ounces of water at the beginning of the two hour time period. If an offender is unwilling to provide a urine sample within two hours of a request, staff will file an incident report. No waiting period or extra time will be allowed for an offender who directly and specifically refuses to provide a urine sample.

As soon as the sample has been collected, staff will secure the specimen. No unauthorized persons or offenders may be involved in the handling of supplies or the collecting, recording, mailing, or processing of test results under any circumstances.

The contractor may exercise the option of employing alternative methods of testing i.e. test cup, strip test, however, regardless of the testing protocol used a follow up sample must be collected using the standard urine analysis test if the initial test sample results in a positive finding.

c. Lab. The contractor will use a laboratory which meets the requirements of 42 CFR Part 493, entitled Laboratory Requirements to engage in urine drug testing for federal offenders. The contractor will maintain certification documents and evidence that the lab meets all specifications in Attachment D for inspection by the BOP. The urinalysis lab will detect and identify drugs and/or metabolites by basic screen at the minimal levels shown in Attachment D.

A positive written report from the lab for any of the drugs listed in Attachment D indicates that the particular drug has been identified by an initial screening test and then confirmed by a laboratory procedure.

Retesting at the offender's request is not permitted.

d. Positive tests. For an incident report charging use of a particular drug to be justified, the minimum waiting period between successive positive samples as outlined in Attachment D must be observed. In addition, waiting periods also apply to offenders who initially arrive at the facility.

When a positive finding cannot be explained, RRC staff will thoroughly investigate the positive urine test result to validate the positive finding. The contractor will report all unauthorized positive test results to the CCM on the day received.

The contractor will maintain a log entitled Urine Sampling Program documenting all urine testing and maintain the log in the facility at all times. The log will indicate:

- offenders tested;
- staff performing the test;
- date, time and type of test administered;
- test results; and
- column to indicate if the offender refused to cooperate.

e. Alcohol Testing. The contractor will maintain a surveillance program in order to deter and detect introduction or use of alcohol in the facility. Offenders will be tested every time they return to the facility from an unsupervised activity.

The contractor will maintain a log documenting:

- offenders tested;
- staff performing the test;
- date, time and type of test administered;
- test results; and
- column to indicate if the offender refused to cooperate.

A reliable testing instrument such as the one used by the BOP (Alco-Sensor Model II, III or IV), or comparable instrument/device, will be used for testing. An adequate number of devices will be kept and calibrated, at least monthly, in accordance with manufacturer standards. These checks will be documented in the test log.

The contractor will ensure staff using the instrument are familiar with its operation as outlined in the manufacturer's operating instructions. If a positive alcohol test results, .02 or higher (Alco Sensor Models), a second confirmation test must be completed 15 minutes later. If confirmation is received, an incident report will be prepared charging the offender with using intoxicants.

Offenders who refuse to submit to an alcohol test, either through word or action, will receive an incident report.

3. SEARCHES AND CONTRABAND. The contractor will have written policy and procedures for searches to control contraband and its disposition. The policy will identify items which are considered contraband at the facility. This policy will be made available to all staff and offenders. The contractor shall train staff on the proper techniques for offender pat, room, vehicle, and common area searches. This training shall be conducted within the first week that the employee is hired and annually thereafter.

Staff shall conduct random pat searches of offenders as necessary. These searches need not be documented. However, they should be conducted in accordance with the contractor's policy on searches.

The contractor shall conduct searches of the facility and personal belongings of offenders, including any motor vehicle operated by an offender, as needed, but at least once per month. These facility searches shall be documented in a log. The log will be made available to BOP upon inspection.

If any unknown substance resembling narcotics is found, the contractor shall use a Narcotic Identification Kit to determine the identity. The contractor shall maintain a supply of Narcotic Identification Kits to determine the identity of the unknown substances. Staff shall be proficient in using the Narcotic Identification Kit and shall ordinarily be responsible for testing unknown substances. The contractor shall maintain these commercially available kits at the facility to meet this requirement.

4. Report of Incident. The contractor will report all unusual or serious incidents immediately to the CCM by telephone. Serious incidents include, but are not limited to the following:

- escapes, "standard of conduct" violations, spill of hazardous materials, disturbances, gang activities, work-place violence, civil disturbances or protests, staff use of force, assaults on staff or offenders, fights, fires, suicide attempts, deaths, hunger strikes, natural disasters, adverse weather (e.g., hurricanes, floods, significant ice or snow storms, heat waves, tornadoes), injuries, any law enforcement visits, bomb threats, significant environmental problems that impact facility operations, transportation accidents, offender victim contacts, offender strip searches, adverse incidents that may result in significant publicity, any arrest and/or

detainment of offenders by law enforcement authorities.

Immediately following CCM notification, the contractor will submit a report via - fax and/or e-mail detailing the incident which includes, but is not limited to, the following:

- Type of incident, date and time;
- Person(s) involved (if offender, include register number);
- Notifications (who, date and time);
- Any media attention; and
- Brief summary of incident.

In addition, the contractor will immediately notify the CCM when an offender shows evidence of suicidal tendencies, or unusual or dangerous behavior. If the contractor is in doubt, they will contact the CCM.

CHAPTER 12 - Discipline

To ensure offenders live in a safe and orderly environment, it is necessary for the contractor to impose discipline on those offenders whose behavior is not in compliance with the rules.

The contractor will provide written policy and procedures for offender discipline. The contractor will establish facility rules of conduct and sanctions, and disciplinary procedures when the offender violates the rules of conduct, to include informal resolution. The contractor will submit to the BOP all minor rules and sanctions, which the contractor has created, for approval.

All staff members, excluding staff representatives, who participate in the Center Discipline Committee (CDC) must demonstrate working knowledge and competency of the discipline procedures by passing the standardized test administered by the COTR.

The contractor will use the prohibited acts in Attachment E and may add other approved minor rules necessary to ensure the safe and secure operation of the facility. If additional minor rules are added by the contractor, the contractor will associate available sanction(s) to impose for the violation of each added rule. When determining a sanction, the contractor will ensure the sanction is commensurate and appropriate to the violation.

The rules of conduct and sanctions will be defined in writing and communicated to all offenders and staff. The contractor will carry out disciplinary procedures within appropriate time limits, and with respect for the offenders. Disciplinary action may not be capricious or retaliatory.

There is a wide range of sanctions a contractor may impose or recommend for violations of facility rules of conduct. The majority of these are minor in nature and an informal resolution, e.g., reprimand, loss of television or other privileges, may resolve the issue. The contractor is encouraged to resolve all incidents at the lowest level and utilize progressive discipline when appropriate. Although informal resolutions are encouraged, they will not be used for repeat offenses or where progressive discipline has failed. Care must be taken that the recommendation for disciplinary transfer is not used inappropriately. However, regional variances may occur, therefore, the contractor needs to ensure they are familiar with and follow the Regional Management Team's instructions for the application of discipline.

The disciplinary requirements in this SOW apply to BOP offenders. USPO offenders participating in the RRC must adhere to the

facility rules of conduct. If a USPO offender commits an offense which warrants disciplinary sanction the contractor will contact the USPO for guidance.

1. GENERAL. The contractor will take disciplinary action at such times, and to the degree necessary, to regulate an offender's behavior within BOP's prohibited acts and rules of conduct. The contractor will control offender behavior in a completely impartial and consistent manner. The contractor may not impose or allow imposition of corporal punishment of any kind.

a. The contractor will use the following BOP discipline forms (provided by the CCM):

- CENTER DISCIPLINE COMMITTEE (CDC) REPORT (RRC'S) is used by the CDC to summarize the action taken by the CDC.
- DUTIES OF STAFF REPRESENTATIVES (RRC'S) is used to outline the responsibilities of an employee who is available to assist the offender if the offender desires by speaking to witnesses and by presenting favorable evidence to the CDC on the merits of the charge(s) or in extenuation or mitigation of the charge(s).
- INCIDENT REPORT (RRC'S) is used to document the offender's misconduct (summary of the offense committed and prohibited act code). The document must be legible.
- INMATE RIGHTS AT CENTER DISCIPLINE COMMITTEE HEARING is used to notify the offender of their rights before the CDC and allows the offender to waive the 24-hour notice prior to appearing before the CDC.
- NOTICE OF CENTER DISCIPLINE COMMITTEE HEARING (RRC'S) is used to notify the offender of date and time of the CDC.
- WAIVER OF APPEARANCE (RRC'S) is used to notify the offender of their right to appear before the CDC and allows the offender to waive their appearance before the CDC.

2. CATEGORIES. There are four categories of prohibited acts (see Attachment E) - Greatest (100 level), High (200 level), Moderate (300 level), and Low Moderate (400 level). Specific sanctions are authorized for each category. Imposition of a sanction requires that the offender first is found to have

committed a prohibited act. The following guideline indicates the available sanctions to impose if an offender is found to have committed a prohibited act:

1) Greatest Category Offenses (100 level codes). The CDC will refer all 100 level codes to the DHO. The contractor will immediately notify the CCM of all 100 level code violations.

2) High Category Offenses (200 level codes). The CDC may impose and execute one or more of sanctions G through M, except for a VCCLEA offender rated as violent or for a PRISON LITIGATION REFORM ACT (PLRA) offender. These exceptions must be referred to the DHO.

3) Moderate Category Offenses (300 level codes). The CDC may impose one or more sanctions G through N, with the option to suspend any sanction or sanctions imposed. The CDC ordinarily will refer to the DHO a moderate category charge for a VCCLEA offender rated as violent or for a PLRA offender if found to have committed a moderate category offense during the offender's current anniversary year. **Current anniversary year means the twelve month period of time for which an offender may be eligible to earn good conduct time.** The CDC must thoroughly document in writing the reasons why the charge for such an offender was not referred to the DHO. The CDC will consult with the CCM for specific information.

4) Low Moderate Category Offenses (400 level codes). The CDC may impose one or more sanctions G through P, with the option to suspend any sanction or sanctions imposed. The CDC ordinarily will refer to the DHO a low moderate category charge for a VCCLEA offender rated as violent or for a PLRA offender if found to have committed two low moderate category offenses during the offender's current anniversary year. **Current anniversary year means the twelve month period of time for which an offender may be eligible to earn good conduct time.** The CDC must thoroughly document in writing the reasons why the charge for such an offender was not referred to the DHO. The CDC will consult with the CCM for specific information.

a. Aiding. Aiding another person to commit any of these offenses, attempting to commit any of these offenses, and making plans to commit any of these offenses, in all categories of severity, will be considered the same as a commission of the offense itself. In these cases, the letter "A" is combined with the offense code. For example, planning an escape would be considered an Escape and coded 102A. Likewise, attempting the adulteration of any food or drink would be coded 209A.

c. Suspensions of Any Sanction. Suspensions of any sanction cannot exceed six months. Revocation and execution of a

suspended sanction require that the offender first is found to have committed any subsequent prohibited act. The CDC may execute, suspend, or revoke and execute suspensions of sanctions G through P. Revocations and execution of suspensions may be made only at the level which originally imposed the sanction.

3. PROCEDURES UPON ADMISSION TO RRC. The contractor will develop a pamphlet, summarizing the disciplinary system to include BOP prohibited acts and contractor's rules of conduct. The offenders will be given the pamphlet when they first arrive at the RRC as part of the orientation program. A signed receipt is to be obtained from each offender acknowledging that a copy of the pamphlet was received and is to be placed in the offender's file.

The contractor will, to the extent reasonably available, have a qualified staff member or translator to help offenders who have a language or literacy problem understand the BOP rules on discipline. When a significant portion of the offender population speaks a language other than English, the pamphlet is to be made available in that language. The contractor will post copies of the rules at a prominent location, accessible to all offenders.

4. TYPES OF DISCIPLINARY ACTION.

a. Informal Resolution. The contractor may resolve misconduct through an informal resolution process. Informal resolution of misconduct is preferred and will always be considered before taking formal disciplinary action. The contractor can only informally resolve 300 and 400 level codes.

A record of the misconduct and the informal resolution in the 300 or 400 level codes (whether between the offender and the writer of the report, the offender and the CDC) will be maintained in the offender's file. A record of any informal resolutions will be maintained by the facility director for twelve months. The record is to reflect the offender's name, register number, subject of the informal resolution, and the agreed upon disposition. This procedure should enable the facility director, and others as necessary, to monitor the informal resolution process.

NOTE: Staff may suspend disciplinary proceedings for a period not to exceed two calendar weeks while informal resolution is undertaken and accomplished. If informal resolution is unsuccessful, staff may reinstate disciplinary proceedings at the same stage at which they were suspended. The time requirements then begin running again, at the same point at which they were suspended.

5. BOP INCIDENT REPORT (RRC'S). Staff will prepare an incident report on all major violations that are not subject to informal resolution. The BOP encourages informal resolution (requiring consent of both parties) of incidents involving violations of regulations. However, staff will prepare an incident report when there is reasonable belief that a violation of regulations has been committed, and considers an informal resolution inappropriate or unsuccessful. Reporting staff will complete Part I of the incident report.

Note: When a volunteer observes a violation, that person will submit a written description of the incident and a staff member will complete the BOP incident report. In addition, staff may complete an incident report from information on a police report. The charge may be translated into terms of the prohibited acts. A telephone report from an approved laboratory of a positive urinalysis is sufficient evidence to write a report; however, documentary confirmation must be obtained before the formal hearing.

The entire language of the prohibited act(s) does not have to be copied. Only the relevant portion need be used. For example, "destroying government property, code no. 218" "possessing narcotics, code no. 113" would be acceptable listings for appropriate charges.

The description of the incident should contain the details of the activity which is being reported. All facts about the incident known by the employee and that are not confidential should be recorded. If there is anything unusual about the offender's behavior, this would be noted. The reporting employee should also list those persons (staff, offenders, others) present at the scene, and the disposition of any physical evidenced (weapons, property, etc.) that the employee may have personally handled. The report is also to reflect any immediate action taken during the incident, including the notification of law enforcement. The reporting employee will sign the report and indicate his or her title in the appropriate blocks. The date and time of the report being signed should be entered. The incident report should then be forwarded to the appropriate investigating officer for disposition.

Staff will give each offender charged with violating a BOP prohibited act a written copy of the charge(s) against the offender, ordinarily within 24 hours of the time staff became aware of the offender's involvement in the incident. This is accomplished by providing the offender a copy of PART I of the

incident report. The staff member will note the date and time the offender received a copy of the incident report.

6. SPECIAL REPORT WRITING INSTRUCTIONS. Because of national data collection requirements, the contractor will obtain guidance when one of the following violations occur:

- Code 100 - Killing
- Code 101 - Assaulting any Person (Serious)...
- Code 107 - Taking Hostages
- Code 203 - Threatening Another with Bodily Harm...
- Code 205 - Engaging in Sexual Acts
- Code 206 - Making Sexual Proposals or Threats to Another
- Code 224 - Assaulting any Person (Less Serious)..

7. INVESTIGATION. Staff will conduct the investigation promptly unless circumstances beyond the control of the investigating officer intervene. The facility director will appoint an investigating officer ordinarily within 24 hours of the time the violation is reported. Staff writing the report may not investigate the report. The investigation is initiated and ordinarily completed within 24 hours of this appointment. If the investigation cannot be completed in three days, the contractor will document the reasons and notify the CCM.

The investigating officer is responsible for attaching these completed forms to the incident report and providing the offender with copies.

The investigator will advise the offender of the right to remain silent at all stages of the disciplinary process but that the offender's silence may be used to draw an adverse inference against the offender at any stage of the disciplinary process. The investigator will also inform the offender that the offender's silence alone may not be used to support a finding that the offender had committed a prohibited act. The investigator will document the fact that the offender has been advised of the right to remain silent in the investigative portion of the incident report. The investigator will read the charge(s) to the offender and ask for the offender's statement concerning the incident unless it appears likely that the incident may be the subject of criminal prosecution. When the offender did not receive a copy of the incident report at the beginning of the investigation, the reason(s) for this should be stated in the investigative portion of the incident report. Comments about the offender's attitude may be included with the offender's statement on the charge(s).

To the extent practicable, the offender's statements offering a rationale for his or her conduct or for the charges against him or her should be investigated.

The investigating officer should talk to those persons with direct and relevant information, and summarize their statements. The disposition of evidence should be recorded. Often, the investigating officer will want to talk to the reporting employee to obtain a report firsthand and to clarify any question(s) the investigating officer may have. Under comments and conclusions, the investigating officer may include their:

- Comments on the offender's prior record and behavior,
- Analysis of any conflict between witnesses, and or
- Conclusions of what in fact happened.

Note: the investigating officer may informally resolve all 300 and 400 level codes.

a. BOP Forms. The investigating officer will give the following forms to the offender for signature.

- INMATE RIGHTS AT CENTER DISCIPLINE COMMITTEE HEARING
- NOTICE OF CENTER DISCIPLINE COMMITTEE HEARING (RRC'S)
- WAIVER OF APPEARANCE (RRC'S)
- DUTIES OF STAFF REPRESENTATIVES (RRC'S)

b. Investigation By The Contractor. The investigating officer will thoroughly investigate the incident and will record all steps and actions taken on PART III of the incident report. Once completed, PART III will be forwarded with all relevant material to the CDC. The offender does not receive a copy of PART III.

c. Outside Investigations. When it appears likely that the incident is subject to criminal prosecution, the investigating officer will suspend the investigation and notify the CCM for guidance. Staff may not question the offender until the Federal Bureau of Investigation or other investigative agency interviews have been completed or until the agency responsible for the criminal investigation advises that staff questioning may occur.

d. Confidential Informant. When a discipline decision will be based on confidential informant information, the contractor will seek the guidance of the CCM for appropriate use and documentation.

8. STAFF REPRESENTATION. The offender may request a staff representative. The contractor will ensure that the offender has a staff representative and the CDC will arrange for the presence of the staff representative selected. The offender may not use an attorney as a representative. The staff representative may

review the investigation to ensure the offender's rights have not been violated. However, the staff representative is advised the offender may not receive a copy of the investigation or have knowledge of sensitive information. The staff representative will be available to assist the offender by speaking to witnesses and presenting favorable evidence to the CDC on the merits of the charge(s) or in extenuation or mitigation of the charge(s).

9. WITNESSES. The offender or their representative may request witnesses from inside or outside the RRC, where their presence at the hearing would not pose a threat to the security of the witness or the RRC. The investigating officer will notify the requested witnesses of the formal hearing. The reporting employee and other adverse witnesses need not be called if their knowledge of the incident is adequately summarized in the incident report, investigation, or other material supplied to the CDC. Witnesses whose testimony would be repetitious or irrelevant need not be called; written statements of unavailable witnesses will be accepted in place of "live" testimony. However, there must be good reason for failure to call a witness in person, and the reason must be documented.

10. FORMAL HEARING. If an incident cannot be resolved informally, and the offender is a BOP case, the contractor will proceed with a formal CDC hearing. The contractor will have the CDC hear all 200 level code violations. The CDC will also refer a prohibited act in the 200, 300 and 400 level codes when the prohibited act has been committed by a VCCLEA offender rated as violent or by a PLRA offender as outlined in this chapter. The CDC will make a disposition on all 200 level codes, except VCCLEA offenders rated as violent or by a PLRA offender, and all 300 and 400 level codes not informally resolved or required to be referred to the DHO due to VCCLEA and PLRA status. The CDC cannot impose sanctions A through F in Attachment E.

When a referral is made to the DHO, the CDC will recommend one or more of the sanctions commensurate to the prohibited acts outlined in Attachment E. Only those sanctions can be recommended.

If the offender is being held locally (within a 50 mile radius), the CDC will make arrangements for an in-person hearing, unless the offender waives the in-person hearing. If circumstances do not allow for in-person hearing, e.g., permission cannot be obtained by the holding official or the offender is on escape status, the CDC will conduct the hearing in absentia and notify the CCM. Remote hearings will not diminish the offenders rights at CDC.

The contractor will delegate to one or more staff members the authority and duty to hold a formal hearing upon completion of

the investigation. In order to ensure impartiality, the appropriate staff member(s) (hereinafter usually referred to as the CDC) may not be the reporting or investigating officer or a witness to the incident, or play any significant part in having the charges referred to the CDC. However, a staff member witnessing an incident may serve on the CDC where virtually every staff member in the facility witnesses the incident in whole or in part. If the CDC finds at the formal hearing that an offender has committed a prohibited act, the CDC may impose dispositions and sanctions. When an alleged violation of BOP rules is serious and warrants consideration for other than what the CDC may impose, the CDC will refer the charges to the DHO. The following minimum standards apply to formal hearings in all RRCs:

- Each offender so charged is entitled to a formal hearing before the CDC, ordinarily held within three work days from the time staff became aware of the offender's involvement in the incident. This three work day period excludes the day staff became aware of the offender's involvement in the incident, weekends, and holidays.

For example, if staff become aware of an offender's involvement in the incident on a Tuesday and provide the offender with a copy of the report on Tuesday, the three work day period starts the following day, Wednesday.

- The offender is entitled to be present at the formal hearing except during deliberations of the decision maker(s) or when security would be jeopardized by the offender's presence. The CDC will clearly document in the record of the hearing, reasons for excluding an offender from the hearing. An offender may waive the right to be present at the CDC hearing provided that the waiver is documented by staff.
- The offender is entitled to make a statement and to present documentary evidence in the offender's own behalf.
- The CDC will convene and formally refer all 100 level codes to the DHO.

The CDC will consider all evidence presented at the hearing and will make a decision based on at least some facts, and if there is conflicting evidence, it must be based on the greater weight of the evidence. All sanctions must be commensurate with the prohibited act. The contractor will consider the requirements of this chapter regarding a VCCLEA offender rated as violent or PLRA offender.

Accordingly, the CDC will take one of the following actions:

- Informally resolve the incident;
- Find that the offender did not commit the prohibited act charged or a similar prohibited act if reflected in the incident report;
- Find that the offender committed the prohibited act charged and/or a similar prohibited act if reflected in the incident report and impose sanctions (G thru P, commensurate with the prohibited act); or
- Find that the offender committed the prohibited act charged and/or a similar prohibited act if reflected in the incident report and refer the packet to the DHO to impose sanctions, (A thru P, commensurate with the prohibited act).

The CDC cannot impose sanctions A thru F listed in Attachment E. If any of these sanctions are appropriate for the violation for the prohibited act committed, the CDC will refer the incident to the DHO.

NOTE: The phrase "some facts" refers to facts indicating the offender did commit the prohibited act. The phrase "greater weight of the evidence" refers to the merits of the evidence, not to its quantity nor to the number of witnesses testifying.

If the CDC finds a prohibited act was committed, the chairperson, will complete the PART II of the incident report and BOP form NOTICE CENTER DISCIPLINE COMMITTEE (CDC) REPORT. A verbatim record is not required. These documents are certification of those persons serving on the CDC and the CDC proceedings. The names of other CDC members, if any, participating in the hearing are to be noted in Part II of the incident report in the space provided. The evidence relied upon, the decision, and the reasons for the recommendations will be written out in specific terms, unless doing so would jeopardize center or individual security. Under "evidence relied upon," there must be reference to the specific facts the CDC relied upon and not mere reference to the incident report that contains those facts.

When sanctions are recommended to the DHO, immediately following the hearing staff will forward the completed CDC packet to the CCM with copies placed in the offender's file. The CCM will review the CDC packet for accuracy and tracking purposes then forward to the DHO.

The CDC packet will consist of:

- INCIDENT REPORT (RRC'S);
- CENTER DISCIPLINE COMMITTEE REPORT;
- INMATE RIGHTS AT CENTER DISCIPLINE COMMITTEE HEARING;

- NOTICE OF CENTER DISCIPLINE COMMITTEE HEARING (RRC'S);
- WAIVER OF APPEARANCE (RRC'S);
- DUTIES OF STAFF REPRESENTATIVES (RRC'S); and
- Other pertinent information related to the proceedings.

The CDC will give the offender a written copy of the decision and disposition and advise they may appeal the decision through the Administrative Remedy Process.

In the event the CDC finds that no prohibited act was committed, the CDC will indicate it on the incident report, PART II. A copy will be provided to the offender. All other material will be expunged by staff. If the finding (the offender committed the act) is overturned on appeal, the CCM will notify the contractor with advisement. If the DHO requires additional action in the proceedings, the CDC will comply.

The DHO will advise the CCM of the hearing decision. The CCM will advise the contractor and offender. In addition, the CCM will again advise the offender of his/her right to appeal the decision directly to the Regional Office through the Administrative Remedy Process.

CHAPTER 13 - Administrative Remedy

The contractor will establish a written grievance procedure and make it available to all offenders.

The contractor will comply with the most recent version of the P.S. 1330.13 Administrative Remedy Program.

CHAPTER 14 - Food Services

1. FOOD SERVICES OPERATIONS. The contractor will comply with the most recent copy of the FDA, U.S. Department of Public Health, Food Code.

The contractor will ensure that food provided to the offenders is safe and does not become a vehicle in a disease outbreak or in the transmission of communicable disease. The contractor will, to the extent possible, ensure that food is unadulterated, prepared in a clean environment, and honestly presented.

The contractor's food service dining area, either in-house or contracted out, will not be part of an establishment that serves alcoholic beverages.

The contractor will require any person who serves, prepares or handles food to have a prior physical examination and possess a valid Food handlers license, if applicable.

The contractor will provide meals to offenders who work irregular hours and are not available at regularly scheduled meal times.

The contractors will not prepare anything made with poppy seeds. Since poppy seeds could appear in a urinalysis and suggest the use of narcotics, the contractor will advise offenders in writing not to eat poppy seeds. The offender must acknowledge this notice by signing an acknowledgment of this information. The contractor will document this acknowledgment in the offender's file.

Provisions. All offenders, regardless of employment or financial status, will be provided the opportunity for food services (3 meals per day). On weekends (to include extended weekends when a federal holiday falls on the Friday preceding or the Monday following a weekend), the contractor may provide a brunch instead of a breakfast and lunch (supper is still required). Under no circumstances will the offender be required to pay for these services. The contractor will include these costs in the per-diem rate.

The contractor will provide a food service program either by contractor preparation and serving on-site or through an off-site food service provider. When provided on-site the area will be separated from sleeping quarters and will be well ventilated, properly furnished, and clean. If the contractor wishes to change the delivery from on-site to an off-site, or visa versa, they must request approval through the COTR to the CO.

a. Menus. All menus must be approved by a Registered Dietician (RD). A RD is defined as a person who has completed

academic and experience requirements established by the Commission on Dietetic Registration, the crediting agency for the American Dietetic Association (ADA). All fixed menus will be reviewed and approved by a RD at least once during each cycle. The contractor will maintain a copy of the RD's current credentials and the certified menus for inspection by the BOP.

A RD will annually review and approve the nutritional value of the menu, if fixed and semi-annually if not fixed. All the meals will meet the recommended dietary allowances and the dietary guidelines as set by the current version of the ADA. The contractor will maintain a copy of the RD's current credentials and the certified menus for inspection by the BOP.

1) Menus will be prepared and be posted in a conspicuous place for offender's viewing.

2) Special Menus or Diets. The contractor will provide meals which meet diets required by confirmed religious preference, physician or dentist.

b. Vendor or Food Service Provider. The contractor providing meals to offenders through arrangements with a local vendor or food service provider, will provide a copy of their agreement and ensure the following:

- The contractor will be responsible for the person in charge as defined in the FDA, U.S. Department of Public Health, Food Code. This responsibility cannot be delegated.
- The contractor will comply with the requirements in the FDA, U.S. Department of Public Health, Food Code. The contractor will show evidence the establishment meets all state and/or local sanitation and health codes, and complies with the FDA, U.S. Department of Public health, Food Code.
- The contractor will show evidence the vendor or food services provider is a full-service organization, capable of providing breakfast, lunch, and dinner, and identify the person operating as the person in charge on behalf of the vendor or food service provider. In addition, the contractor will identify the person who legally owns and operates the vending company or food service.
- The contractor will show evidence the owner is a permit holder. Permit means the document issued by the regulatory authority that authorizes a person to

operate a food establishment. The contractor will maintain a valid copy of the permit.

c. On-site food service by the contractor.

- When food services are provided in the facility, the contractor will have adequate space to provide for food preparation and service and provide an eating and seating area, i.e., at least 15 square feet per person, for all who dine at the same time.
- When food services are provided in the facility and it is necessary to provide these services in shifts due to space constraints, the contractor will submit a plan indicating the time services will be provided and the number of offenders that can be accommodated.
- When the contractor prepares and serves meals in the facility, the contractor will comply with the requirements of the FDA, U.S. Department of Public Health, Food Code. In addition, all persons preparing food will comply with federal, state, and local health and sanitation codes. In the event of any conflict in these codes, the most stringent will apply. The contractor will identify the person in charge of food preparation to the COTR.
- The contractor will comply with NFPA, as it relates to fire extinguishing systems over cooking services. They will be equipped with automatic shut-off devices for when the fire extinguishing system is activated. Fuse links are to be changed and the system tested in accordance with the manufacturers' recommendation.
- Grease filters are to be kept clean and should be made of stainless steel for safety reasons.

d. Refuse. Refuse is solid waste not carried by water through the sewage system.

- Garbage and refuse will be kept in durable insect and rodent-proof containers which do not leak or absorb liquids. Garbage and refuse will be disposed of often enough to prevent the development of odor and other conditions that attract or harbor insects and rodents.

e. Liquid Waste. The contractor will prevent backflow or back siphonage in accordance with the FDA, U.S. Department of Public Health, Food Code. The system will meet American Society of Sanitary Engineering (ASSE) standards for construction,

installation, maintenance, inspection, and testing for that specific application and type.

CHAPTER 15 - Medical Services

1. **MEDICAL SERVICES.** The contractor will provide offenders an opportunity to access medical care and treatment. The intent is to assist the offender in maintaining the continuity of medical care and treatment in accordance with the requirements of this SOW.

The contractor will provide on-site emergency first aid and crisis intervention to include a first aid kit, trained staff in basic first aid, and policy that outlines steps that employees take in case of an emergency. The contents of the first aid kit will meet and be maintained by the standards set by the American Red Cross.

The contractor will ensure that all staff are certified in cardiopulmonary resuscitation (CPR). In addition, the contractor will ensure that staff are trained to respond to health-related situations to include universal precautions and suicide prevention.

The contractor will have written policy and procedure regarding the control and distribution of an offender's prescribed medication. The written policy will be submitted to the CCM for review and approval.

The contractor will ensure offender medications are stored in an environment absent of extreme temperature, humidity, and according to the medication labeling, e.g., refrigeration required. The contracting staff will provide the inmate with proper access to the medication.

The contractor will develop and use a consent form which gives the contractor access to an offender's medical information if the offender becomes hospitalized and is physically unable to provide this consent. This consent will be in writing and meet all local standards, laws and regulations unique to the contractor's place of performance. This consent will be secured by the contractor during the intake screening process and filed in the offender's file.

2. **EXPENSES.** The contractor must receive pre-approval for any non-emergent healthcare treatment, to include mental health treatment, from the CCM. The CCM will coordinate approval with the Regional Health Services Administrator (HSA). In addition to requesting pre-approval for treatment or services, the contractor must determine if the offender has insurance or other resources to pay for the treatment. The contractor must also make every effort to obtain no-cost healthcare treatment for the offender through local social service agencies.

All requests for non-emergent healthcare treatment approval will include: a description of the type of treatment being requested; the estimated cost for the treatment; a statement of the offender's ability to pay for the treatment through private health insurance or other financial resources; a description of the contractor's efforts to secure treatment through local social services if necessary; and a discussion of whether the contractor will or will not be financially able to pay for the treatment and then be reimbursed by the government.

The contractor is expected to compensate the healthcare provider for treatment of services. The contractor will forward the invoice from the healthcare provider to the CCM. The CCM will forward the invoice through the Regional Management Team to the Regional Health Services Administrator for approval and payment to the contractor.

If other than emergency medical treatment is provided without pre-approval or discussions on how the healthcare treatment will be paid by the Bureau, then the costs may **not** be reimbursed by the Bureau and could become the responsibility of the contractor.

a. Emergency. In an emergency, the contractor will obtain the necessary emergency medical treatment required to preserve the offender's life. The contractor will immediately notify the CCM of emergency treatment.

If at any time an offender appears to have a communicable or debilitating physical problem, the contractor will notify the CCM for approval to make arrangements for an examination. An exception to this requirement is Medical Screening upon the offender's initial arrival to the facility.

b) Payment. If the offender cannot pay or if the emergency treatment is not covered by the offender's insurance, the contractor will pay and submit the paid invoice with the regular monthly billing to the CCM. The Government will reimburse the contractor for all emergency medical treatment for BOP offenders.

3. EXAMINATION OF OFFENDERS COMMITTED DIRECTLY TO THE RRC. USPO cases committed directly to the facility will be screened to identify any medical/mental health conditions from which the offender is suffering and needs medical attention. The offender will receive a complete physical/mental health examination to detect any health problems. Special emphasis should be given to chronic health conditions such as diabetes, hypertension, etc., infectious diseases such as TB, HIV, hepatitis, etc., and any mental health problems. However, if an offender is suspected of having an infectious or debilitating health problem through the initial screening process, the contractor will arrange for an

immediate medical examination within one calendar day after arrival.

The examination is to determine any urgent medical or mental health care needs, restrictions from work, and freedom from infectious disease. The contractor will notify the CCM of those offenders with immediate mental or medical health needs and infectious disease. The results will be documented and sent to the CCM with copies to the offender's file. These procedures are for the protection of the patient and other offenders and staff.

The complete health examination will include relevant diagnostic procedures. All offenders should be tested for TB (PPD test and if positive, a chest x-ray), and any other infectious/communicable diseases if clinically indicated.

Health examinations for offenders committed directly to a RRC, will be paid by the contractor who will then request reimbursement from the government by listing health exam expenses as a line item on the next monthly billing. Supporting documentation must accompany the reimbursement request.

If indicated by the CCM, the offender's medical examination may include a blood test for DNA classification. Test kits will be provided by the government at no charge to the contractor or medical facility.

4. INFECTIOUS DISEASE. The facility director has a need to know of institution transfers with positive human immunodeficiency virus (HIV) or hepatitis B virus (HBV) status for purposes of pre-release management and access to care. In instances of notification, the contractor will take precautions to ensure that only authorized persons with a legitimate need to know are allowed access to the information in accordance with the Privacy Act of 1974.

The contractor will observe universal precautions. This method of infection control requires all employees to assume that all human blood and specified human body fluids are infectious for HIV, HBV, and other blood borne pathogens. Where differentiation of types of body fluids is difficult or impossible, all body fluids are to be considered as potentially infectious.

CHAPTER 16 - Records and Reports

The contractor will ensure records are safeguarded from unauthorized and improper disclosure. When any part of the information system is computerized, a security system must be in place to ensure confidentiality is maintained. The contractor will NOT establish a separate system of records without prior approval of the CCM.

1. OFFENDER FILE. Several sections of this SOW require the contractor to maintain records on offenders, which is considered to be part of the offender's file. The contractor will maintain a file on each offender that includes all significant decisions and events relating to the offender, and at least the following information:

- Documented legal authority to accept resident,
- Case information from referral source, if available,
- Case history/social history,
- Medical record, when available,
- Initial intake information form,
- Signed acknowledgment of receipt of facility rules,
- Signed acknowledgment of receipt of disciplinary policy,
- Individual program plan,
- Signed release of information forms, including medical and any other consent forms,
- Evaluation and case notes,
- Current employment data,
- Record of resident finances.
- Grievance and disciplinary record,
- Referrals to other agencies,
- Terminal report.

In order to facilitate the planning, implementation, and evaluation of programs, documents entered into the files will be dated and signed by the staff member making the entry.

The contractor will provide a method to account for each file and will ensure documents are filed in a timely manner.

2. CONTRACT RECORDS. Documents that are unique to contract performance are the property of the BOP. All records related to contract performance will be retained in a retrievable format for the duration of the contract. Except as otherwise expressly provided in this SOW, the contractor will, upon completion or termination of the resulting contract, transmit to the BOP any records and/or documents related to the performance of the contract.

3. DOCUMENTATION.

a. Sign in/Sign out System. The contractor will monitor and maintain documentation of offenders, visitors, contractors and volunteers entering or exiting the facility by using a sign in/sign out system.

b. Employment. The contractor will maintain documentation of an offender's employment, and/or unemployment. Documentation will include:

- the offender(s) name and register number;
- date of arrival and date employed; and
- list of offender(s) who have not obtain employment 21 calendar days from their arrival.

c. Searches. The contractor will maintain documentation of all searches conducted in the facility.

d. Urine Sample Testing. The contractor will maintain documentation of all urine samples taken from offenders.

e. The contractor will complete the BOP form for RRC's URINE SAMPLING PROGRAM on a monthly basis and submit it to the CCM with the monthly bill. The contractor will also send a copy of this report to the Chief USPO.

e. Alcohol Testing. The contractor will maintain documentation of all alcohol tests taken from offenders.

f. The CCM, in concurrence with the contracting officer, may require additional documentation.

4. BILLING. The contractor will provide the CCM with a monthly bill along with a report of each offender's finances to include total salary hours worked plus the amount of subsistence collected, and any financial obligations, i.e., restitution, COIF, fine payments, Court ordered child support paid by the offender.

The contractor will ensure invoices arrive in the CCM office by the 10th of the month, however, the CCM may require earlier submission.

5. CONFIDENTIALITY. The Privacy Act and Freedom of Information Act (FOIA) sets forth a series of requirements governing federal agency record keeping practices intended to safeguard individuals against invasions of personal privacy. The determination of what information may be released requires staff to have a basic understanding of both the FOIA and the Privacy Act. Staff also

should be aware that the Privacy Act establishes criminal penalties and civil liabilities for unauthorized disclosures.

The contractor will not release any BOP document to an offender without the approval of the CCM.

The contractor will not release information about an offender to any individual without obtaining a signed release of information form from the offender and the approval of the CCM.

BOP documents that are sought by subpoena, Court order, or other Court requests are subject to the approval of the Attorney General or his or her designee before they may be released. The guidelines are set forth in 28 CFR §16, subpart B. Accordingly, if a contractor receives such requests they will consult with the CCM regarding proper handling of the request.

Pre-Sentence Report (PSR) - Particular care must be taken to protect the PSR and third party disclosure. This document is the property of the US Courts and copies may not be provided to anyone, even the offender, without permission from the Court. The PSR must be returned to the BOP upon the offenders release, termination, escape or death. Contractors must consult with their CCM and follow Bureau instructions for safeguarding the PSR. All questions are to be directed to the CCM.

CHAPTER 17 - Release Procedures

The contractor will ensure timely and appropriate release of offenders from custody. The contractor will provide written procedures for staff to follow prior to releasing an offender. These procedures will include, at a minimum, the following:

- Verification of identity;
- Verification of release papers;
- Completion of release arrangements;
- Notification of the USPO, if required;
- Return of personal effects such as medication;
- Check to see that no facility property leaves the facility;
- Arrangements for completion of any pending action;
- Arrangements for community follow up if required;
- Forwarding address and telephone number; and
- Instruction on forwarding of mail

1. RELEASE PLANNING. The contractor will have written procedures for establishing a formal release plan for offenders and execute appropriate release certificates. At a minimum, the plan will include:

- offender's verified residence,
- employment and or enrollment in a training program,
- medication needs, and
- follow-up appointments for medical, mental health and or substance abuse treatment

With the exception of a FULL TERM RELEASE with no supervision to follow, staff must submit the proposed release plan to the USPO for investigation and approval, at least six weeks before the offender's release date. Once staff receive approval of the release plan they will submit the release plan along with a parole certificate request to the U.S. Parole Commission (USPC).

Parole certificates are mailed or faxed to the RRC directly from the USPC. The contractor will consult with the CCM to ensure that the number of days remaining to be served is accurate and that any special conditions are noted on the reverse side of the parole certificate prior to the offender being released from the RRC. The contractor will mail the signed parole certificate to the CCM.

NOTE: Conditions of release must be read to the offender and the offender's signature must be witnessed and dated by a staff member. This is to be obtained on each of the parole certificates and SPT certificates, when applicable. Each page of the certificate is signed individually, in pen, and is not carbonized. Release on parole is not effective without the

offender's signature. Copies are distributed as follows:

- (a) original to offender;
- (b) copy to USPO;
- (c) "institution copy" to CCM; and
- (d) copy to USPC Office.

If an offender is releasing to some type of supervision, the contractor must advise the offender to report to the USPO within 72 hours of release from the RRC. The contractor will notify the USPO of the offender's release by faxing the Notice of Release and Arrival form to the USPO.

2. RELEASE CLOTHING FUNDS, AND TRANSPORTATION. The BOP provides release clothing, funds and transportation at the time an offender is transferred from an institution to a RRC.

In unusual circumstances, such as the location of the RRC or the conditions of an offender's confinement in a RRC, the need may arise for the contractor to provide release clothing, funds, and transportation for a releasee. The contractor will develop and submit an itemized plan for an offender's release clothing, funds, and transportation needs to the CCM for approval prior to release. If approved, the contractor will provide the release funds, clothing, and make the necessary transportation arrangements for the offender. Documentation, e.g., paid invoices, will be forwarded with the monthly billing. The contractor will be reimbursed by the Government for CCM approved release clothing, funds, and transportation.

3. PROPERTY. The contractor will establish and maintain procedures to dispose of an offender's personal property in the event of death, escape or transfer. Property will be immediately secured and inventoried prior to the end of the work shift. Personal property left behind by an escapee will be considered voluntarily abandoned. An inventory of an offender's personal property must be accomplished by no less than two staff members who will sign and complete an inventory list. If an offender is being held in a local jail, whoever was listed to be notified on the intake screening form will be advised to pick up the property after the property is released by the investigating officers, when applicable.

4. TYPES OF RELEASES. For a discussion of release types, refer to P.S. 5800.13, Inmate Systems Management Manual, Chapter 11.

a. Violent Crime Control and Law Enforcement Act (VCCLEA). Institution transfers (BOP cases only) who are subject to VCCLEA notification provision should be notified in writing of their status before leaving the BOP institution. In the event they

were not notified, the following notification statement will be written or typed in the plan:

Offender is subject to notification under 18 U.S.C. §4042(b), (Yes/No), due to the offenders (indicate whether):

- (1) conviction for a drug trafficking crime*
- (2) current conviction for a crime of violence*
- (3) past conviction for a crime of violence*

If an inmate disagrees, they may use the Administrative Remedy procedure to contest the VCCLEA notification requirement.

5. RELEASE DOCUMENTS. The contractor will verify all release documents with the CCM five days prior to release. The contractor will ensure all releasing documents have original signatures, are dated and appropriately distributed. The contractor is responsible for obtaining release documents, that may include the following:

- Parole Certificate,
- Mandatory Release Certificate,
- Special Parole Term Certificate,
- Conditions of Supervision,
- Notice of Release and Arrival, or
- Notice to the U.S. Attorney of Release of Inmate with Criminal fine.

a. TERMINAL REPORT. The contractor will complete a terminal report on all releasing offenders within five working days of release. The report will address all elements listed in the case notes (attachment C). Distribution: original to CCM, copy to the USPC (if applicable), and a copy to the appropriate USPO.

Upon an offender's actual release, the contractor will immediately notify the CCM either telephonically, by fax or e-mail. The notification procedure will be developed locally between the CCM and the contractor.

6. FILES. Upon completion or termination of the offender's program, the contractor will forward the terminal report to the CCM within five calendar days. The contractor will shred the BOP referral packet. The contractor may retain public information which can identify the former offenders, copies of research data which have been depersonalized and copies of reports generated by the contractor.

CHAPTER 18 - Escape Procedures

1. ESCAPE.

a. Definition. An escape occurs when an offender fails to remain in custody by:

- not reporting to the facility for admission at the scheduled time;
- not remaining at the approved place of employment or training/treatment during the hours specified by the terms of the employment or training/treatment program;
- not returning to the facility at the time prescribed;
- not returning from an authorized furlough or pass at the time and place stipulated;
- not abiding by conditions of employment and or curfew conditions of home confinement;
- being arrested; or
- leaving the facility without permission from staff.

b. Staff Action. The contractor will provide written procedures that ensure all staff understand what constitutes an escape and appropriate procedures for reporting an escape. These procedures will include instructions to reasonably attempt to locate the offender which may include going to the pass location or residence. The contractor will develop step-by-step procedures that cover the following:

- internal notification;
- a thorough search of all areas inside the facility;
- telephone contacts where the offender has signed-out;
- telephone inquires to determine if the offender has been arrested or injured.

This should ordinarily take less than 20 minutes. If all efforts to locate the offender have failed, the **facility director** will consider the offender as ESCAPED and **immediately notify the CCM**. This responsibility can not be delegated below the duty officer of the facility. The contractor will prepare an incident report and conduct a discipline hearing in accordance with guidelines established in the current version of the P.S. Inmate Discipline and Special Housing Units.

USPO cases are not in the custody of the BOP and cannot be considered escapees. These offenders are referred to as absconders. When they are deemed missing, the contractor will immediately report this to the supervising authority or follow locally coordinated procedures with the supervising authority. When an offender absconds during normal business hours, the

contractor will notify the CCM the same day it happens. When an offender absconds after normal business hours, the contractor will notify the CCM the next business day.

c. Fiscal Impact. The BOP does not pay the contractor for the day of the escape.

d. Preventive Measures. The contractor will train staff to recognize aberrant behaviors and report these instances. Offenders with Public Safety Factors or any special needs case exhibiting unusual behavior require closer attention and reporting to the CCM.

If an offender receives an incident report that may cause program failure, the contractor will contact the CCM prior to issuing the report. The CCM will consider coordinating the issuance of the report with the USM's apprehension of the offender.

The contractor will allow any offender, who has been considered in escape status, to return to the facility, unless the offender presents a significant safety or security issue to the facility, offender and staff. In the cases where the offender is to return to the facility, the contractor will immediately notify the CCM so that an appropriate action plan can be determined.

CHAPTER 19 - Serious Illness, Injury, or Death

The contractor will immediately notify the CCM when an offender becomes seriously ill, requires emergency medical treatment or dies. In the event of the offender's death the CCM will notify the offender's family or next of kin.

Immediately upon the death of an offender, the contractor will assemble and advise the CCM of the following information concerning the deceased offender:

- (1) Name, register number, date of birth;
- (2) Offense and sentence;
- (3) Date, time, and location of death;
- (4) Apparent cause of death;
- (5) Investigative steps being taken, if necessary;
- (6) Name and address of survivor or designee;
- (7) Notifications made;
- (8) Status of autopsy request; and
- (9) Brief medical history related to death.

The contractor will arrange for the fingerprinting of the thumb of the right hand to be taken, and staff will date and sign the fingerprint card to ensure positive identification has been made. The fingerprint card will then be sent to the CCM.

If death is due to violence, accident surrounded by unusual or questionable circumstances, or if death is sudden and the deceased was not under medical supervision, staff will notify appropriate law enforcement officials of the local jurisdiction. The purpose of this notification is to review the case and examine the body, if necessary.

When there is no longer an official interest in the body, it may be turned over to family members or next of kin. Should the family decline the body or be unable to afford funeral expenses, the contractor will contact the CCM for disposal instructions.

Personal property of a deceased offender will be inventoried and forwarded to the person to be notified in case of emergency on the intake screening form.

CHAPTER 20 - USPO Cases

Ordinarily, USPOs are responsible for the overall supervision of offenders who are placed in a RRC as a condition of pre-trial, probation, parole, mandatory release, or supervised release supervision.

The contractor will not accept persons described in this chapter unless they have been approved for placement by the CCM.

The contractor will provide all services and programs cited in the SOW for all persons described in this chapter, except as specified below:

- Driving - Permission to drive must be approved by the facility director and the supervising USPO.
- Discipline - Persons under supervision as described in this chapter are subject to facility rules and minor sanctions. However, if an act is alleged to have been committed by an offender under supervision and the recommendation is to impose a major sanction, a formal discipline hearing is not required. Rather, staff will forward the original report of misconduct with recommendations to the USPO for disposition. The contractor will forward a copy to the CCM.
- Intake - Staff must work with the USPO, when developing the individual reentry plan for each offender.
- Financial Obligation - Offenders under supervision will pay subsistence. The contractor will immediately notify the CCM if the Court indicates that subsistence should not be collected on USPO cases.
- Medical Services - The contractor will notify the USPO of medical problems of probationers, parolees, mandatory releasees and supervised releasees. All medical and dental expenses for persons under supervision of a USPO are the responsibility of the offender. Staff should assist the offender in finding appropriate community resources.
- Marriage - Offenders under supervision will submit requests for marriage to the USPO.

The contractor may not request persons under supervision be placed in USMS custody.

- Any unauthorized absence of persons described in this chapter will be reported immediately to the USPO. If the unauthorized absence occurs after regular business

hours, the CCM will be notified the next calendar day or as directed by the CCM.

- Drug counseling and alcohol surveillance are the administrative and fiscal responsibility of the USPO. The contractor will work closely with the supervising USPO to coordinate services.
- Financial Responsibility - Supervision cases are subject to the same financial responsibility procedures as BOP offenders, including subsistence collection.
- Release - When the term specified by the Court has been satisfied, or the facility director determines an offender's program is completed or participation will produce no further significant benefits, staff will notify the USPO of the termination. The contractor will copy the CCM with this action. A terminal report will be completed by the contractor and forwarded to the USPO and the CCM. The contractor will ensure the CCM has been properly notified of all requests for program termination and received terminal reports before release.
- Offenders identified in this chapter are not eligible for furloughs or home confinement. Absences other than "sign-out" will be approved by the supervising USPO, and documented by the contractor.
- Death - In the event of death, the contractor will immediately notify the USPO and CCM. The USPO is responsible for disposal of the body and any administrative follow-up procedures.
- Basic mental health treatment for offenders under supervision is the financial responsibility of the supervising authority if the resident is uninsured or is unable to pay. Note: Initial medical screening is paid by the contractor.

CHAPTER 21 - Research and Evaluation

The BOP does not operate RRC facilities using BOP staff and is therefore dependent upon data generated and maintained by the contractor for research and evaluation purposes.

The contractor may be requested to participate in "pilot testing" of new and innovative BOP program initiatives on an as-needed basis.

The contractor will be responsive to all BOP surveys, data collection request or questionnaires in a timely manner.

The contractor will participate in research studies as directed by the BOP.

The pilot programs/studies may include, but are not limited to: program plans, inmate adjustment, discipline, prognosis for success, etc.

CHAPTER 22 - BOP Inspections

The objective of BOP inspections are to ensure that the contractor is in compliance with applicable laws, regulations, policies, contract requirements, and that fraud, waste, abuse, mismanagement, and illegal acts are prevented, detected, and reported.

The contractor will receive feedback to inspections in the form of monitoring reports or direct correspondence. This feedback may assign deficiencies which the contractor will remedy. A deficiency is determined when evidence indicates that the contractor has failed to meet the performance requirements of the contract. The evidence that supports a deficiency will be factually sufficient to lead a knowledgeable, reasonable person who is not an expert in the program area to come to the same conclusion as the reviewer.

The BOP reserves the right to determine the resources, e.g., number and type of staff, number of working days necessary to perform all inspections and monitoring visits as defined in this chapter.

1. PREOCCUPANCY VISIT. After contract award, but before the CO issues the "notice to proceed" the BOP may conduct a preoccupancy visit at the facility. During this visit, the BOP will determine the contractor's ability to begin performance by inspecting, at a minimum, all emergency plans and life/safety for compliance to the SOW.

a. Emergency Plans. After contract award, but before the CO issues the "notice to proceed", the contractor will submit to the CCM a complete written copy of the facility's emergency plans as required in the SOW.

b. Life/Safety Issues. After contract award, but before the CO issues the notice to proceed, the contractor will be in compliance with all life safety issues as required by the SOW, unless otherwise indicated by the CCM.

2. OTHER VISITS. The contractor will accept and accommodate visit(s) or inspection(s) by the BOP, or an investigative authority as indicated in the SOW, at anytime during the life of the contract. Other visits may occur for the purpose of training or to resolve general contract issues.

3. FULL MONITORING. A full monitoring is a comprehensive inspection and review of all aspects of the contractor's operation and facility. The first full monitoring ordinarily occurs 60-90 days from the date performance began. Ordinarily, the contractor is given notice of an upcoming full monitoring in

advance. A full monitoring may take several days and will produce a monitoring report.

A monitoring report contains all the deficiencies as determined by the reviewer. The report also outlines appropriate corrective action. The contractor will respond to the CCM within 30 days of receipt of the report (unless otherwise directed by the CCM). The contractor's response will address all suggestions, advised items, discrepancies, deficiencies, and significant findings, and specify a plan of action for correction. The contractor will also indicate a realistic time frame/date when each correction will be completed. This in no way releases the contractor from performing the requirements of the contract.

4. INTERIM MONITORING. An interim monitoring is an unannounced on-site examination of deficiencies noted in a prior monitoring. Ordinarily, the interim monitoring inspects, but is not limited to, those areas which are problematic. It is ordinarily brief and is not intended to be as lengthy and comprehensive as a full monitoring. Subsequent to an interim monitoring, the contractor will receive a letter acknowledging the interim monitoring from the CCM. The letter will also indicate all areas found non-compliant. The contractor will respond in accordance with the requirements in the full monitoring section of the SOW.

Prior to monitorings and/or other visits, BOP staff may query contractors concerning community meetings/organizations they may want to attend during their inspections.

5. REMOTE MONITORING. A remote monitoring is an evaluation of the contractors performance that is conducted from the CCM office. To facilitate the monitoring the CCM will request specific documentation and indicate the means and time frames by which this information will be delivered e.g. electronically, facsimile or mailed.

6. CONTRACTOR EVALUATION FORM (CEF). The CEF is an annual assessment conducted by the COTR. The rating period represents 12 months of contract performance and ordinarily is conducted at the end of each performance period as identified on the Contract Award document. Upon review and approval by the Regional Management Team, the COTR sends the CEF to the CO who reviews the document then provides it to the contractor for comments. The contractor will have 15 working days to make comment and return the form to the CO.

7. RESPONSIBILITIES OF THE CONTRACTOR. The contractor will respond to all inspections, i.e., monitoring reports, CEFs and CCM inquiries within the appropriate time frame.

The contractors response must indicate the areas of

non-compliance have been corrected or provide a plan that includes time frames to correct deficiencies.

The contractor will take appropriate actions to correct deficiencies and improve operations, and ensure that adequate administrative controls and monitoring systems are in place to prevent the deficiency from recurring. Failure to respond to the direction given by the COTR or the result of the monitoring reports could result in adverse contract action.

8. REPEAT DEFICIENCIES. A repeat deficiency is a serious issue. Therefore, the authorized negotiator will provide a separate response to the CCM, with a copy to the CO, specifically addressing the repeat deficiency. This is in addition to the facility director's response to the CCM. The authorized negotiator must describe the measures and internal controls to be implemented to ensure that the problem will not occur again, as well as explain why the problem was not corrected from the prior review. The authorized negotiator's response is due no later than five calendar days after receipt of the report.

CHAPTER 23 - Cost Reimbursements

When a contractor fails to respond to an inspection report or repeatedly fails to correct documented deficiencies, the BOP may increase the number of its inspections, and thus charge the contractor for the reasonable costs associated with these visits. If the BOP must repeatedly visit facilities above and beyond the routinely scheduled activity of monitoring and training, the contractor will be required to reimburse the BOP for all reasonable costs associated with providing technical assistance, training and oversight required to improve contractor performance to a satisfactory level. These costs will be deducted from the monthly billing to the Government.

In addition, the contractor will be subject to Government withholding, when and if they have been found to be in non-compliance with the conditions of the contract. Once the contractor has been informed of a problem, and does not comply within the specified time, they will be notified of pending withholdings and the basis for the withholdings by the CCM.

The BOP will schedule a preoccupancy inspection following contract award and before performance. If the BOP must repeatedly inspect the place of performance (facility and location) due to the contractor's failure to complete necessary facility repairs or renovations, or failure to meet minimum programmatic requirements so that performance may begin, the contractor will be required to reimburse the BOP for all reasonable costs associated with a second (or subsequent) preoccupancy inspection. These costs will be deducted from the monthly billing to the Government.

The requirements of this chapter do not modify nor waive the rights of the BOP to terminate a contract for default under the terms and conditions of the contract.

Request for Contract Staff Background Investigation

Facility: _____ Location Code: _____

Please type all information

LAST NAME	FIRST NAME	MIDDLE NAME OR INITIAL	OTHER NAMES USED
POSITION OR JOB TITLE	ANTICIPATED HIRE DATE	CRIMINAL HISTORY, IF APPLICABLE	

SEX	RACE	HAIR	EYES	HGT	WGT	DOB

DRIVERS LICENSE - STATE & NUMBER	SOCIAL SECURITY NUMBER	CITY AND STATE OF BIRTH

OTHER STATES LIVED OR WORKED IN		

If this is a Key Staff Member, a copy of the applicants application and resume must be attached. Upon Conditional Approval, a sealed transcript must be sent directly to the CCM office from any schools, colleges or universities identified on the application which substantiate the individuals qualifications to fulfill the position.

Applicants Acknowledgment:

I authorize the release to the Federal Bureau of Prisons of any information generated as a result of a national Crime Information Center/National Law Enforcement Telecommunications System (NCIC/NLETS) criminal history check on me, or any other information necessary to determine my suitability for work with federal offenders.

I also authorize the Federal Bureau of Prisons to disclose to the facility director or the contractor's "authorized negotiator" all information generated as a result of a National Crime Information Center/National Law Enforcement Telecommunications System (NCIC/NLETS) criminal history check on me, or any other information necessary to determine my suitability for work with federal residents at the above noted facility.

I understand that all my records are protected under federal privacy regulations and cannot be disclosed without my written consent unless otherwise provided for in the regulations. I also understand that I may revoke this consent at any time except to extent that action has been taken in reliance on it. In any event, this consent will cease to be effective after my employment.

Signature of Applicant_____
Date_____
Printed Name and Signature of Witness (Program Director)_____
Date

*Photocopy
(If permitted by law)
Drivers License
in this Box*

*Photocopy
Social Security Card
in this Box*

Attachment B

INITIAL INTAKE FORM

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

Facility Name and Address:

Contract staff Completing the Interview (Print):

Name of Offender:	Register Number:			
Offender Home Address:	DOB:	SSN:	Race:	Sex:
Religion:	Date and Time of Arrival:			

1. NOTIFICATION IN CASE OF EMERGENCY/DEATH (Offender Completes):

In an emergency or death, I direct that my _____, whose name and address is _____, (relationship) _____, be notified.

(Name) (Street) (City) (State) (Telephone Number)

Name and Telephone Number of Personal Physician:

Special Medical/Mental Health Needs: To include medications issued at the institution, medication left, prescribed medications to be controlled by facility, medication compliance, etc.

Disposition of Personal Property:

Personal and Release Needs:

2. STATUS (Contract staff Completes):

Component Assigned: Community Corrections Pre-Release Home Confinement

Type of Case (BOP or USPO):

(BOP cases are in custody and subject to removal to a BOP institution)

Case Manager Assigned:

3. SIGNATURES (Contract staff and Offender Completes):

Contract staff Signature	Date & Time	Offender Signature	Date and Time
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Record Copy - Facility Director; Copy - CCM

(This form may be replicated via Computer)

CASE NOTES

SECTION A

- A.1 Identify the offender by name and register number.
- A.2 List type case, BOP or USPO case.
- A.3 List offender's assigned component, community corrections, pre-release, or home confinement and special instructions, if any.
- A.4 Indicate offender's release date and how verified.
- A.5 Identify, if applicable, if written notice of VCCLEA and PLRA was done.

SECTION B - Facility adjustment (brief summary)

- B.1 Program plans and time tables;
- B.2 Employment, include job search progress;
- B.3 Educational/vocational participation;
- B.4 Program participation list both current and completed, also indicate when and by whom the pre-release or home confinement component was approved;
- B.5 Disciplinary actions, chronologically list all actions at the RRC (informal resolutions are not to be included);
- B.6 Physical and mental health, including any significant mental or physical health problems, prescribed medication compliance, and any corrective action taken;
- B.7 Financial responsibility plan and current status; and
- B.8 Passes/Furlough (chronologically list all and summarize offender's success).

SECTION C Release planning:

- C.1 When appropriate, staff will request that the offender to provide a specific release plan that includes address and employment;
- C.2 Staff will identify available release resources and any particular problem that may be present in release planning.

Have both offender and contract staff sign and date the notes.

Attachment D

URINALYSIS PROCEDURES

URINALYSIS TESTING SPECIFICATIONS

The laboratory must comply with all specifications contained herein and all applicable local, state, and federal law as indicated in 42 CFR Part 493.

Urine samples submitted for testing will contain the laboratory's required minimum amount of urine, ordinarily 25 milliliters.

If necessary because of litigation, the laboratory must provide a qualified expert witness to testify as to laboratory procedures employed as well as to accuracy and reliability of test results. Additionally, the laboratory must be able to prove chain of custody.

The laboratory must demonstrate a satisfactory intrinsic quality control program and must participate in at least one proficiency testing program conducted by local, state, or federal agencies, or professional groups, and must have demonstrated satisfactory performance in that proficiency testing program for at least the last two years. The laboratory will provide results of proficiency testing to the contractor, at least annually. CCMs will review these findings during monitoring visits.

Specifications of Methodology.

Sensitivity. The laboratory will have the capability to detect and identify certain drugs and metabolites by basic screen at minimal levels, or lower, as indicated in the PRIMARY TEST PANEL.

Basic Screening Procedures. All primary initial screen tests will be with Enzyme Multiplied Immunoassay Technique (EMIT)/FDA Approved Methodology Testing as indicated, with the SPECIAL test initial screen being EMIT/FDA Approved Methodology Testing as indicated under the SPECIAL test group. All testing will be performed according to manufactures specifications for all requests and instruments, as in FDA approved package inserts or appropriate manufacturer accreditation body which has reviewed and accepted the laboratories modified protocol.

Confirmation of Positive Tests. The approved methods of confirmation of specimens testing positive are listed in both the Primary and SPECIAL test panels above. Confirmation tests must be done on all initial positives. Authorized confirmation methodologies include Thin Layer Chromatography (TLC), High Performance Thin Layer Chromatography (HPTLC), and GC/MS test methodology. No substitutions can be made to the methods. The positive rate of all samples is estimated to be between 6 percent and 7 percent.

Other Requirements. The laboratory must perform the test within 48 hours of receipt. The laboratory will telephonically notify the contractor facility of positive results within 24 hours of the time the test was performed. Urine specimens testing positive must be retained by the laboratory for minimum of 30 days for possible retesting, if requested.

Primary Screen Panel

DRUG/SUBSTANCE CONFIRMATION	SCREEN METHOD	SCREEN LEVEL	CONFIRMATION METHOD	CUTOFF
Amphetamines Amphetamine Methamphetamine	Enzyme Multiplied Immunoassay Technique or a Certified Comparable Testing Technology	1000 ng/ml	Gas Chromatography or a Certified Comparable Testing Technology	300 ng/ml
Barbiturates Amobarbital Butabarbital Butalbital Pentobarbital Phenobarbital Secobarbital	Enzyme Multiplied Immunoassay Technique or a Certified Comparable Testing Technology	300 ng/ml	Gas Chromatography / Mass Spectrometry or a Certified Comparable Testing Technology	300 ng/ml
Benzodiazepines	Enzyme Multiplied Immunoassay Technique or a Certified Comparable Testing Technology	300 ng/ml	Gas Chromatography or a Certified Comparable Testing Technology	200 ng/ml
Cannabinoids (THC/Marijuana)	Enzyme Multiplied Immunoassay Technique or a Certified Comparable Testing Technology	50 ng/ml	High Performance Thin Layer Chromatography or a Certified Comparable Testing Technology	50 ng/ml
Cocaine Benzoylecgonine	Enzyme Multiplied Immunoassay Technique or a Certified Comparable Testing Technology	300 ng/ml	Gas Chromatography or a Certified Comparable Testing Technology	300 ng/ml
Methadone	Enzyme Multiplied Immunoassay Technique or a Certified Comparable Testing Technology	300 ng/ml	Gas Chromatography or a Certified Comparable Testing Technology	300 ng/ml
Opiates Codeine Hydromorphone Morphine	Enzyme Multiplied Immunoassay Technique or a Certified Comparable Testing Technology	300 ng/ml	Gas Chromatography or a Certified Comparable Testing Technology	300 ng/ml

Phencyclidine	Enzyme Multiplied Immunoassay Technique or a Certified Comparable Testing Technology	25 ng/ml	Gas Chromatography or a Certified Comparable Testing Technology	25 ng/ml
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STANDARD PROCEDURES FOR COLLECTING URINE SURVEILLANCE SAMPLES

1. To the extent possible, urine samples should be collected in one or two centralized areas of the facility, (e.g., facility director's office or other private office), by contract staff who are thoroughly familiar with the procedures specified below.
2. Offenders will be thoroughly searched to detect any device designed to provide a urine substitute or possible contaminant and will thoroughly wash their hands prior to providing the sample.
3. When the offender reports for testing contract staff will:
 - Make a positive picture identification of the offender;
 - Collect the sample from the offender;
 - Assign the sample a urine sample identification number;
 - Label the urine bottle with that number and the date, and;
 - Record the number next to the offender's name on the lab slip.
4. Bottles will be kept under direct contract staff observation and control at all times, both before and after the offender furnishes the urine sample.
5. Two report form lines are provided for each urine sample on the lab form. Ordinarily, to be submitted for testing, bottles will be full (i.e., 60cc or 2 oz). Once a sufficient sample is provided, contract staff will ensure that the urine sample identification number on the bottle corresponds to the number assigned to that offender on the lab slip. Contract staff will then document this verification by initialing the lab slip entry for that offender. Until the lab form is revised to provide a column specifically for initials, initials should be placed in the right most portion of the medication column.
6. The offender will then be asked to verify the numbers on the bottle and the lab slip and to initial the lab slip to indicate his/her verification. A cover sheet should be used which will permit the offender to view only his/her entries on the lab slip. If the offender refuses, a second contract staff member should make this verification and initial the form.
7. After samples are collected they will be maintained under direct contract staff observation until moved to a locked area where they may be stored until mailing. This area should be designated by the Urine facility director and will be accessible to a very limited number of contract staff. Under no circumstances will offenders have access to this area.
8. All samples will be mailed to the testing laboratory no later than 72 hours after collection, (excluding holidays).
9. When a positive result is received, and an incident report written, a photocopy of both the slip returned by the lab and the slip listing the offender's name and urine sample identification number (retained at the facility) will be attached to the incident report and made a part of the disciplinary record. Other offender names will be blocked out of the photocopy.

DETECTION PERIODS FOR SELECTED DRUGS

The time periods below are estimates of the maximum lengths of time, after last use, that a person's urine would be positive for a particular drug. These periods also represent the minimum waiting periods between samples on which successive disciplinary actions for the same drug ordinarily may be based. For example, ordinarily at least 30 days must elapse between urine collection dates before disciplinary action may be taken for a second THC positive. The offender could, however, be retested within this 30 day period and disciplinary action could be based on positive results for drugs other than THC.

3 days	Amphetamines Methamphetamine Cocaine Cocaine Metabolite
5 days	Methadone Methadone Metabolite
6 days	Morphine Codeine Opiates Meperidine (Demorol) Pentazocine (Talwin) Propoxyphene (Darvon)
11 days	Barbiturates Phencyclidine (PCP)
14 days	Phenobarbital
30 days	THC

 PROHIBITED ACTS AND DISCIPLINARY SEVERITY SCALE

GREATEST CATEGORY

The CDC will refer all Greatest Severity Prohibited Acts to the DHO with recommendations as to an appropriate disposition.

CODE	PROHIBITED ACTS	SANCTIONS
100	Killing	A. Recommend parole date rescission or retardation.
101	Assaulting any person (includes sexual assault) or an armed assault on the institution's secure perimeter (a charge for assaulting any person at this level is to be used only when serious physical injury has been attempted or carried out by an inmate)	B. Forfeit earned statutory good time or non-vested good conduct time (up to 100%) and/or terminate or disallow extra good time (an extra good time or good conduct time sanction may not be suspended).
102	Escape from escort; escape from a secure institution (low, medium, and high security level and administrative institutions); or escape from a minimum institution <u>with</u> violence	B.1 Disallow ordinarily between 50 and 75% (27-41 days) of good conduct time credit available for year (a good conduct time sanction may not be suspended).
103	Setting a fire (charged with this act in this category only when found to pose a threat to life or a threat of serious bodily harm or in furtherance of a prohibited act of Greatest Severity, e.g. in furtherance of a riot or escape; otherwise the charge is properly classified Code 218, or 329)	C. Disciplinary Transfer (recommend). D. Disciplinary segregation (up to 60 days). E. Make monetary restitution. F. Withhold statutory good time (Note - can be in addition to A through E - cannot be the only sanction executed).

G. Loss of privileges (Note - can be in addition to A through E - cannot be the only sanction executed).

GREATEST CATEGORY (Contd.)

<u>CODE</u>	<u>PROHIBITED ACTS</u>	<u>SANCTIONS</u>
104	Possession, manufacture, or introduction of a gun, firearm, weapon, sharpened instrument, knife, dangerous chemical, explosive or any ammunition	Sanctions A-G
105	Rioting	
106	Encouraging others to riot	
107	Taking hostage(s)	
108	Possession, manufacture, or introduction of a hazardous tool (Tools most likely to be used in an escape or escape attempt or to serve as weapons capable of doing serious bodily harm to others; or those hazardous to institutional security or personal safety; e.g., hack-saw blade)	
109	(Not to be used)	
110	Refusing to provide a urine sample or to take part in other drug-abuse testing	
111	Introduction of any narcotics, marijuana, drugs, or related paraphernalia not prescribed for the individual by the medical staff	
112	Use of any narcotics, marijuana, drugs, or related paraphernalia not prescribed for the individual by the medical staff	
113	Possession of any narcotics, marijuana, drugs, or related paraphernalia not prescribed for the individual by the medical staff	

197 Use of the telephone to
further criminal
activity.

GREATEST CATEGORY (Contd.)

CODE	PROHIBITED ACTS	SANCTIONS
198	Interfering with a staff member in the performance of duties. (<u>Conduct must be of the Greatest Severity nature.</u>) This charge is to be used only when another charge of greatest severity is not applicable.	Sanctions A-G
199	Conduct which disrupts or interferes with the security or orderly running of the institution or the Bureau of Prisons. (<u>Conduct must be of the Greatest Severity nature.</u>) This charge is to be used only when another charge of greatest severity is not applicable.	

HIGH CATEGORY

CODE	PROHIBITED ACTS	SANCTIONS
200	Escape from unescorted Community Programs and activities and Open	A. Recommend parole date rescission or retardation.

	Institutions (minimum) and from outside secure institutions-- <u>without</u> violence.	B.	Forfeit earned statutory good time or non-vested good conduct time up to 50% or up to 60 days, whichever is less, and/or terminate or disallow extra good time (an extra good time or good conduct time sanction may not be suspended)
201	Fighting with another person		
202	(Note to be used)		
203	Threatening another with bodily harm or any other offense		
204	Extortion, blackmail, protection: Demanding or receiving money or anything of value in return for protection against others, to avoid bodily harm, or under threat of informing	B.1	Disallow ordinarily between 25 and 50% (14-27 days) of good conduct time credit available for year (a good conduct time sanction may not be suspended).
205	Engaging in sexual acts		
206	Making sexual proposals or threats to another		
207	Wearing a disguise or a mask	C.	Disciplinary Transfer (recommend).
208	Possession of any unauthorized locking device, or lock pick, or tampering with or blocking any lock device (includes keys), or destroying, altering, interfering with, improperly using, or damaging any security device, mechanism, or procedure	D.	Disciplinary segregation (up to 30 days).
209	Adulteration of any food or drink	E.	Make monetary restitution.
210	(Not to be used)	F.	Withhold statutory good time
211	Possessing any officer's or staff clothing		

HIGH CATEGORY (Contd.)

CODE	PROHIBITED ACTS	SANCTIONS
212	Engaging in, or encouraging a group demonstration	G. Loss of privileges: commissary, movies, recreation, etc.

213	Encouraging others to refuse to work, or to participate in a work stoppage	H.	Change housing (quarters)
214	(Not to be used)	I.	Remove from program and/or group activity
215	Introduction of alcohol into BOP facility	J.	Loss of job
216	Giving or offering an official or staff member a bribe, or anything of value	K.	Impound inmate's personal property
217	Giving money to, or receiving money from, any person for purposes of introducing contraband or for any other illegal or prohibited purposes	L.	Confiscate contraband
		M.	Restrict to quarters
218	Destroying, altering, or damaging government property, or the property of another person, having a value in excess of \$100.00 or destroying, altering, damaging life-safety devices (e.g., fire alarm) regardless of financial value		
219	Stealing (theft; this includes data obtained through the unauthorized use of a communications facility, or through the unauthorized access to disks, tapes, or computer printouts or other automated equipment on which data is stored.)		

HIGH CATEGORY (Contd.)

CODE	PROHIBITED ACTS	SANCTIONS
220	Demonstrating, practicing, or using martial arts, boxing (except for use of a punching bag), wrestling, or	Sanctions A-M]

other forms of physical encounter, or military exercises or drill (except for drill authorized and conducted by staff)

- 221 Being in an unauthorized area with a person of the opposite sex without staff permission
- 222 Making, possessing, or using intoxicants
- 223 Refusing to breathe into a breathalyser or take part in other testing for use of alcohol
- 224 Assaulting any person (charged with this act only when less serious physical injury or contact has been attempted or carried out by an inmate)
- 297 Use of the telephone for abuses other than criminal activity (e.g., circumventing telephone monitoring procedures, possession and/or use of another inmate's PIN number; third-party calling; third-party billing; using credit card numbers to place telephone calls; conference calling; talking in code).
- 298 Interfering with a staff member in the performance of duties. (Conduct must be of the High Severity nature.) This charge is to be used only when another charge of the high severity is not applicable.
- 299 Conduct which disrupts or interferes with the security or orderly running of the institution or the Bureau of Prisons. (Conduct must be of the High Severity nature.) This charge is to be used only when another charge of high severity is not applicable.

MODERATE CATEGORY

CODE	PROHIBITED ACTS	SANCTIONS
300	Indecent Exposure	A. Recommend parole date rescission or retardation.
301	(Not to be used)	
302	Misuse of authorized medication	B. Forfeit earned statutory good time or non-vested good conduct time up to 25% or up to 30 days, whichever is less, and/or terminate or disallow extra good time (an extra good time or good conduct time sanction may not be suspended).
303	Possession of money or currency, unless specifically authorized, or in excess of the amount authorized	
304	Loaning of property or anything of value for profit or increased return	
305	Possession of anything not authorized for retention or receipt by the inmate, and not issued to him through regular channels	
306	Refusing to work, or to accept a program assignment	B.1 Disallow ordinarily up to 25% (1-14 days) of good conduct time credit available for year (a good conduct time sanction may not be suspended).
307	Refusing to obey an order of any staff member (May be categorized and charged in terms of greater severity, according to the nature of the order being disobeyed; e.g., failure to obey an order which furthers a riot would be charged as 105, Rioting; refusing to obey an order which furthers a fight would be charged as 201, Fighting; refusing to provide a urine sample when ordered would be charged as Code 110)	C. Disciplinary Transfer (recommend). D. Disciplinary segregation (up to 15 days).
308	Violating a condition of a furlough	E. Make monetary restitution.
309	Violating a condition of a community program	F. Withhold statutory good time
310	Unexcused absence from work or any assignment	
311	Failing to perform work as instructed by the supervisor	
312	Insolence towards a staff member	

MODERATE CATEGORY (Contd.)

CODE	PROHIBITED ACTS	SANCTIONS
313	Lying or providing a false statement to a staff member.	G. Loss of privileges: commissary, movies, recreation, etc.
314	Counterfeiting, forging or unauthorized reproduction of any document, article of identification, money, security, or official paper. (May be categorized in terms of greater severity according to the nature of the item being reproduced; e.g., counterfeiting release papers to effect escape, Code 102 or Code 200)	H. Change housing (quarters). I. Remove from program and/or group activity. J. Loss of job. K. Impound inmate's personal property.
315	Participating in an unauthorized meeting or gathering	L. Confiscate contraband.
316	Being in an unauthorized area	M. Restrict to quarters.
317	Failure to follow safety or sanitation regulations	N. Extra duty.]
318	Using any equipment or machinery which is not specifically authorized	
319	Using any equipment or machinery contrary to instructions or posted safety standards	
320	Failing to stand count	
321	Interfering with the taking of count	
322	(Not to be used)	
323	(Not to be used)	
324	Gambling	
325	Preparing or conducting a gambling pool	

- 326 Possession of gambling paraphernalia
- 327 Unauthorized contacts with the public
- 328 Giving money or anything of value to, or accepting money or anything of value from: another inmate, or any other person without staff authorization

MODERATE CATEGORY (Contd.)

CODE	PROHIBITED ACTS	SANCTIONS
329	Destroying, altering or damaging government property, or the property of another person, having a value of \$100.00 or less	Sanctions A-N]
330	Being unsanitary or untidy; failing to keep one's person and one's quarters in accordance with posted standards	
331	Possession, manufacture, or introduction of a non-hazardous tool or other non-hazardous contraband (Tool not likely to be used in an escape or escape attempt, or to serve as a weapon capable of doing serious bodily harm to others, or not hazardous to institutional security or personal safety; Other non-hazardous contraband includes such items as food or cosmetics)	
332	Smoking where prohibited	
397	Use of the telephone for abuses other than criminal activity (e.g., conference calling, possession and/or use of another inmate's PIN number, three-way calling, providing false information for preparation of a telephone list).	
398	Interfering with a staff member in the performance of duties. <u>(Conduct must be of the Moderate Severity nature.)</u> This charge is to be used only when another charge of moderate severity is not applicable.	

399 Conduct which disrupts or interferes with the security or orderly running of the institution or the Bureau of Prisons. (Conduct must be of the Moderate Severity nature). This charge is to be used only when another charge of moderate severity is not applicable.

LOW MODERATE CATEGORY

<u>CODE</u>	<u>PROHIBITED ACTS</u>	<u>SANCTIONS</u>
400	Possession of property belonging to another person	B.1 Disallow ordinarily up to 12.5% (1-7 days) of good conduct time
401	Possessing unauthorized amount of otherwise authorized clothing	credit available for year (to be used only where inmate found to have committed a second violation of the same prohibited act within 6 months); Disallow ordinarily up to 25% (1-14 days) of good conduct time credit available for year (to be used only where inmate found to have committed a third violation of the same prohibited act within 6 months) (a good conduct time sanction may not be suspended).]
402	Malingering, feigning illness	E. Make monetary restitution.
403	Not to be used	F. Withhold statutory good time.
404	Using abusive or obscene language	G. Loss of privileges: commissary, movies, recreation, etc.
405	Tattooing or self-mutilation	H. Change housing (quarters).
406	Unauthorized use of mail (Restriction, or loss for a specific period of time, of these privileges may often be an appropriate sanction G) (May be categorized and charged in terms of greater severity, according to the nature of the unauthorized use; e.g., the mail is used for planning, facilitating, committing an armed assault on the institution's secure perimeter, would be charged as Code 101, Assault)	
407	Conduct with a visitor in violation of Bureau regulations (Restriction, or loss for a specific period of time, of these privileges may often be an appropriate sanction G)	

- | | |
|---|--|
| | I. Remove from program and/or group activity.] |
| 408 Conducting a business | J. Loss of job. |
| 409 Unauthorized physical contact (e.g., kissing, embracing) | K. Impound inmate's personal property. |
| 497 Use of the telephone for abuses other than criminal activity (e.g., exceeding the 15-minute time limit for telephone calls; using the telephone in an unauthorized area; placing of an unauthorized individual on the telephone list). | L. Confiscate contraband. |
| | M. Restrict to quarters. |
| | N. Extra duty. |
| | O. Reprimand. |
| 498 Interfering with a staff member in the performance of duties. <u>Conduct must be of the Low Moderate Severity nature.</u>) This charge is to be used only when another charge of low moderate severity if not applicable. | P. Warning. |
| 499 Conduct which disrupts or interferes with the security or orderly running of the institution or the Bureau of Prisons. <u>(Conduct must be of the Low Moderate severity nature.)</u> This charge is to be used only when another charge of low moderate severity is not applicable. | |

NOTE: Aiding another person to commit any of these offenses, attempting to commit any of these offenses, and making plans to commit any of these offenses, in all categories of severity, will be considered the same as a commission of the offenses itself.]

When the prohibited act is interfering with a staff member in the performance of duties (Code 198, 298, 398, or 498), or Conduct Which Disrupts (Code 199, 299, 399, or 499), the DHO or CDC, in its findings, should indicate a specific finding of the severity level of the conduct, and a comparison to an offense (or offenses) in that severity level which the DHO or CDC finds is most comparable.

Example: "We find the act of _____ to be of High severity, most comparable to prohibited act Engaging in a Group Demonstration."

Sanction B.1 may be imposed on the Low Moderate category only where the inmate has committed the same low moderate prohibited act more than one time within a six-month period except for a VCCLEA inmate rated as violent or a PLRA offender.

Attachment F

EXPLANATION OF TERMS

AVERAGE MONTHLY POPULATION (AMP) - The contractor adds the days invoiced on the monthly bill for three consecutive months and divides by three to determine the AMP.

BUREAU OF PRISONS (BOP) - A component of the Department of Justice responsible for federal offenders sentenced to a term of imprisonment.

BOP INTERNET HOME PAGE - www.bop.gov

CALIFORNIA TECHNICAL BULLETINS - The California Bureau of Home Furnishings and Thermal Insulation enforces California statutes and regulations governing upholstered furniture, bedding, and thermal insulation industries.

The bulletins referenced in the SOW are published by the California Bureau of Home Furnishings and Thermal Insulation. The Bureau of Home Furnishings and Thermal Insulation bulletins are available by contacting the following address: 3485 Orange Grove AVE; North Highlands, California, 95660; (916) 574-2041.

RESIDENTIAL REENTRY CENTER (RRC) - The location in which the Contractor's programs are operated; also called facility, center, community treatment center (CTC), or a halfway house. A RRC is considered a penal or correctional facility.

COMMUNITY CORRECTIONS MANAGER (CCM) - The BOP employee responsible for all functions, programs and services related to Community Corrections within a judicial district(s).

COMMUNITY CORRECTIONS MANAGEMENT CENTER ADMINISTRATOR (MCA) - The BOP employee who supervises the CCM. The MCA exercises responsibility for Community Corrections operations and programs within a geographical area originally covering more than one CCM office.

COMMUNITY CORRECTIONS REGIONAL ADMINISTRATOR (CCRA) - The BOP employee responsible for all Community Corrections functions, services and operations within a region.

COMMUNITY CORRECTIONS REGIONAL SAFETY SPECIALIST (CCRSS) - a BOP staff member responsible for contract compliance with county, city, state, federal and national safety policies.

COMPREHENSIVE SANCTIONS CENTER (CSC) - The location in which the Contractor's programs are operated; also called facility or a halfway house. A CSC is considered a penal or correctional facility.

CONTRABAND - Contraband will be considered anything not authorized for retention by the facility rules and regulations or not issued by authorized staff.

CONTRACT AWARD - The date the Contracting Officer signs the contract.

CONTRACT EMPLOYEE - Contract employee means individuals hired by the contract to perform the services required by the SOW. The terms contract employee, employee, staff and contract staff are used interchangeably throughout this document.

CONTRACT OVERSIGHT SPECIALIST (COS) - The BOP employee who, under the direction of the CCM, inspects and monitors contract compliance.

CONTRACTING OFFICER (CO) - A BOP employee with the authority to enter into, administer, negotiate, award, cancel and/or terminate contracts, and make related determinations and findings on behalf of the United States Government.

CONTRACTING OFFICER'S TECHNICAL REPRESENTATIVE (COTR) - A BOP employee ordinarily a CCM, designated in writing by a CO to act as an authorized representative in monitoring and administering a contract. Acts as technical liaison between the Contractor and the CO. (See Section G of the solicitation for an expanded outline of these authorities and responsibilities.)

CONTRACTOR - The individual, partnership, corporation or other legal entity who has been awarded a contract by the BOP. ("contractor employees," "staff," "provider" and "contractor" are used interchangeably throughout this document.) All staff from the Chief Executive Officer (CEO) level to line staff are included.

DISABILITY - Person with a disability has a permanent physical or mental impairment that substantially limits one or more major life activities; has a record of such an impairment; or is perceived as having such an impairment.

DISCIPLINE HEARING OFFICER (DHO) - A BOP employee responsible for conducting fact-finding hearings covering alleged acts of misconduct and violations of prohibited acts including those acts which could result in criminal charges.

EMERGENCY - Any significant disruption (e.g., adverse weather, bomb threat, disturbances, escape, fire, hostage, work or food strike, etc) of normal facility procedures, policy or activity.

ELECTRONIC MONITORING EQUIPMENT - Equipment which monitors a federal offender's compliance with the RRC Electronic Monitoring Program's conditions. The program has a system of accounting for an offender at all times, including verification of activities, reporting of tardiness and/or absences from required services or activities, as well as other program violations.

HOME CONFINEMENT - Home Confinement is a generic term used to cover all circumstances in which a federal offender is required to remain at home during non-working hours of the day.

INDIGENT - Indigent is a condition an offender experiences when they are physically or mentally disabled and impoverished to the point that they are

temporarily unable to earn money. Participation in the RRC should remedy this situation and assist the offender in becoming self-sufficient.

INMATE - (see resident)

INVESTIGATING OFFICER. Refers to the disciplinary process. The term Investigating Officer refers to an employee of supervisory level who conducts the investigation concerning alleged charge(s) of offender misconduct. The Investigating Officer may not be the employee reporting the incident, or one who was involved in the incident in question.

LIFE CONNECTIONS PROGRAM - A program to foster personal growth and responsibility and to right the relationships among the victim, the community and the inmate. The program will use the inmate's faith commitment to bring reconciliation and restoration. Participants will be helped to take responsibility for their criminal behavior. Faith groups in the community at the inmate's release destination will be asked to volunteer as support groups for the inmate participants upon release to a RRC.

NFPA, NATIONAL FIRE PROTECTION ASSOCIATION - The National Fire Protection Association (NFPA), headquartered in Quincy, Massachusetts, USA, is an international, nonprofit, membership organization founded in 1896 to protect people, their property and the environment from destructive fire. The mission of NFPA, which was organized in 1896, is to reduce the burden of fire on the quality of life by advocating scientifically based consensus codes and standards, research and education for fire and related safety issues.

The codes referenced in the SOW are available by contacting NFPA at the following address: 1 Batterymarch Park Quincy, MA 02269-9101 USA Telephone: (617) 770-3000 Facsimile: (617) 770-0700; Customer Sales Department at 800-344-3555; Internet Home Page: NFPA.ORG

OSHA, OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION - regulates occupational safety and health standard which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe or healthful employment and places of employment.

OFFENDER - (see resident)

OFFEROR - The individual, partnership, corporation or other legal entity who submits a proposal in response to the BOP's needs outlined in a solicitation.

PROGRAM STATEMENT (P.S.) - A BOP written directive that establishes policy procedures in a given area. (Available on BOP Internet web page.)

PRELIMINARY SITE INSPECTION - One BOP scheduled, on-site inspection of the offeror's facility and location (place of performance) for evaluating the proposed site.

PREOCCUPANCY INSPECTION - One BOP scheduled, on-site inspection of the Contractor's place of performance to ensure facility repairs or renovations have been completed and minimum programmatic requirements have been met so performance may begin.

PRE-TRIAL DEFENDANT - ordinarily means a person awaiting trial, being tried, or awaiting a verdict. The term "pre-trial inmate" also includes a person awaiting sentence after having pleaded or been found guilty when the BOP has not received notification of conviction.

PRE-TRIAL SERVICES OFFICER (PSO) - An officer of the federal court responsible for supervising federal defendants, before trial or sentencing, as directed by the federal court. PSOs are more common in large metropolitan areas. U.S. Probation Officers (USPOs) function in the capacity of a PSO in most judicial districts. The terms USPO and PSO may be used interchangeably throughout this document about pre-trial service defendant responsibilities.

PRISON LITIGATION REFORM ACT (PLRA) - For the purpose of this SOW, the CCM will identify PLRA case to the contractor with specific instructions. Specific requirements are outlined in the chapters on Programs and Discipline.

REASONABLE COSTS - The costs of travel (airfare, rental car, etc.) and per diem allowances for United States Government travel, as set forth in the federal Travel Regulations.

REGIONAL TRANSITIONAL DRUG ABUSE TREATMENT COORDINATOR (REGIONAL T-DATC) - The BOP employee who is responsible for placing offenders in Transitional Drug Abuse Treatment (TDAT), procuring treatment, monitoring treatment providers, certifying bills, ensuring quality control, and performing liaison activities among federal institutional programs, U.S. Probation, and contract community treatment providers.

REGISTERED DIETICIAN (RD) - RD means that a person has completed academic and experience requirements established by the Commission on Dietetic Registration, the credentialing agency for American Dietetic Association (ADA).

RESIDENT - federal inmate, inmate, prisoner or offender. The terms resident, inmate, prisoner and offender are used interchangeably throughout this document.

ROUTINE MONITORING - The BOP's scheduled and unscheduled, on-site inspection visits to the Contractor's facility to evaluate performance.

Facilities with an average daily population of federal offenders of 15 or fewer, there will be at least one full monitoring and at least two unannounced interim monitoring visits every 18 months.

Facilities with 16 to 30 federal offenders will have at least one full monitoring and at least two unannounced interim monitoring visits every 12 months.

Facilities with 31 or more federal offenders will have at least one full and three unannounced interim monitoring visits every twelve months.

TYPES OF OFFENDERS - The BOP places several types of offenders in a RRC. There are many variables which determine the type and how an offender is placed and programed in a RRC. To avoid confusion, the contractor should consider two broader categories, BOP and USPO cases. It is important to understand which case the offender is assigned because of the differences in programing. The CCM will provide direction in this regard.

Confinement of all BOP cases are reimbursable. Confinement of USPO cases are reimbursable except pre-trial defendants. The CCM can answer questions regarding reimbursable offenders.

a. Condition of Supervision Placement. Offenders under conditions of probation or supervision by the Court, or parole or mandatory release supervision by the U.S. Parole Commission may be ordered to reside in a RRC for a period of time. These placements are USPO cases.

b. Community Confinement. Community Confinement offender is under custody and a BOP case who resides in a RRC and participates in gainful employment, employment search efforts, community service, vocational training, treatment, educational programs, or similar facility approved programs as a condition of supervised release or probation.

c. Intermittent Confinement. Intermittent Confinement offender is under custody and a BOP case who resides in a RRC during nights, weekends, or other intervals.

d. Institution Transfers. Institution transfer is a BOP case who has transferred from a federal institution and is completing the last portion of their sentence.

UNIVERSAL PRECAUTIONS - as defined by Centers for Disease Control and Prevention (CDC), Department of Health and Human Services, are a set of precautions designed to prevent transmission of human immunodeficiency virus (HIV), hepatitis B virus (HBV), and other blood borne pathogens when providing first aid or health care. Under universal precautions, blood and certain body fluids of all patients are considered potentially infectious for HIV, HBV and other blood borne pathogens.

U.S. PROBATION OFFICER (USPO) - An officer of the United States District Court responsible for supervising USPO federal offenders.

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT (VCCLEA) - For the purpose of this SOW, the CCM will identify VCCLEA case to the contractor with specific instructions.

AGREEMENT TO PARTICIPATE IN THE BUREAU OF PRISONS TRANSITION SKILLS GROUP

The Federal Bureau of Prisons offers a range of re-entry programs for inmates transferring to a Residential Reentry Center (RRC) pending release from custody. All program participants entering a RRC who are not participating in the Transition Drug Abuse Treatment Program will participate in the Transition Skills groups that are conducted in the RRC.

All eligible BOP inmates will agree to participate in the Transition Skills group as designated by the RRC or will be restricted to the Community Corrections component until release.

All Transition Skills participants agree to refrain from any behavior disruptive to the group or to the participants and staff in the group.

All Transition Skills participants agree to complete all tasks as assigned.

All Transition Skills participants agree to take part in all the Transition Skills activities.

All Transition Skills participants agree to accept the responsibility of maintaining confidential information throughout the Transition Skills group.

All Transition Skills participants understand that all personal information is kept confidential with the following exceptions:

- a. program staff may release information where there is a risk of danger to the health and safety of inmates, staff, or other persons;
- b. program staff may release information where there is a threat to the security or orderly running of the RRC; and
- c. program staff may release information to the Regional Transition Drug Treatment Coordinator, Community Corrections staff, United States Probation, and/or other parties to whom release of information is deemed appropriate in accordance with the information to be disclosed.

As a participant of the Transition Skills Group -

I understand that expulsion from the Transition Skills Group will place me back into the Community Corrections component.

I understand that withdrawal from the Transition Skills group shall be deemed a program failure and may result in placing me back into the Community Corrections component.

I understand and consent to the release of information specified below by Bureau of Prisons staff to the appropriate U.S. Probation staff, Community Corrections staff and Community Corrections Treatment staff for the purpose of developing a comprehensive RRC plan.

The extent and nature of the information to be disclosed includes: engagement in the Transition Skills Group, motivation for participation, progress in group and ongoing transition needs.

AGREEMENT/SIGNATURE

I have read, or have had this document read to me, and I understand and agree to the rules and regulations for participation in the Transition Skills Group:

Inmate Name Printed	Staff Name Printed
Inmate Signature	Staff Signature
Register Number	Staff Title
Date	Date

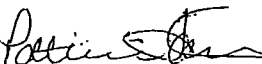
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Centers\RFP-200-1011-NC Twin Cities, Minnesota\Solicitation Documents\SOW.wpd



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

25 West Fourth Street
Saint Paul, MN 55102

Telephone: 651-266-6700
Facsimile: 651-228-3220

DATE: May 17, 2012.
TO: Zoning Committee
FROM: Patricia James 
RE: ZF # 12-048-442 Volunteers of America - MN

On May 10, 2012, the Zoning Committee held a public hearing on the above-referenced zoning application. At the close of the hearing, the Committee voted to lay over the matter and requested additional information from staff.

The information requested can be classified into three broad areas: the history of the site at 1394 Jackson; the regulation of community residential facilities in the zoning code; and the relationship between comprehensive plans and zoning.

History of 1394 Jackson

As stated in the staff report, the property was constructed in 1967 as a board and care home for women with mental disabilities. The 1968 Certificate of Occupancy lists the building as two stories with no elevator. (During a 2002 review of proposed new uses, the property was described as 2 ½ stories, with walk-out access to the lower level in the rear.) The building was expanded in 1969, with the addition of 33 independent living units. A phone conversation with the son of the owner of the facility provided information that, at its peak, the facility housed 114 women. That number was later reduced to 108. A 1981 letter in the property file in the Department of Safety and Inspections states that 108 women lived at the facility. A 1994 internal zoning memo, done as part of a Certificate of Occupancy review, states that the property had 30 rooming units and 86 residents. The owner's son confirmed that the population was gradually reduced as residents were placed in smaller, neighborhood-based facilities. In 2002, the property file notes that the building had been vacant for at least one year. After that, a number of uses were proposed for the site, including funeral home and mixed commercial-residential uses, a banquet hall, and office/retail. In 2003, a site plan was approved for an expanded parking lot. Since then, a number of building permits have been taken out for remodeling, electrical, and plumbing work. An elevator was added in 2003. In 2004, a restaurant opened in the building, as did an herbal shop. In 2010, records indicate that adult day care was added to the uses in the building.

Regulation of community residential facilities

Background. Saint Paul's existing regulations for community residential facilities were initially adopted in 1991 after three years of study. The regulations provided more specific definitions for various types of congregate living arrangements, and regulated them in a way that would

comply with the Federal Fair Housing Act (FFHA) as well as state laws. For this reason, facilities housing persons with disabilities (generally identified as protected classes under the FFHA and living in facilities licensed by the Department of Human Services) were regulated differently than other types of facilities.

Facilities that are considered community residential facilities or are regulated as such, besides those licensed by the Department of Human Services, include facilities licensed by the Department of Corrections or the Department of Health, emergency housing, overnight shelters, shelters for battered persons, and transitional housing. These facilities are subject to lot area requirements and the 1% population cap within a planning district.

Other types of congregate living, such as sober houses, boarding and roominghouses, foster care, assisted living, boarding care homes, nursing homes, and hospices are not considered community residential facilities and are regulated without references to separation or population cap requirements.

Issue. The application at 1394 Jackson is for a facility licensed by the Department of Corrections. Therefore, it is subject to a conditional use permit, including standards for distance from "any other licensed community residential facility, emergency housing facility, shelter for battered persons with more than four (4) adult facility residents, overnight shelter, or transitional housing facility with more than four (4) adult facility residents" (Sec. 65.154(b) and the 1% population cap.

Multiple-family housing for low income persons is not one of the uses included in this distance requirement. Therefore, no separation from McDonough Homes is required. Jackson Street Village does not meet the definition of congregate housing; it is also considered a multiple family use. A phone conversation with Lois Mueller, the housing manager for RS Eden, who owns the site, confirmed that Jackson Village is project-based Sec. 8 housing. There are no limits on the duration of stay, every household has a lease; and, while the supportive services provided by Wilder are available, participation is voluntary.

A spreadsheet listing the facilities that are regulated under the community residential facility provisions of the code is attached to this memo. It also provides the population of District 6 according to the 2010 census and calculates the concentration of District 6 residents living in community residential facilities, transitional housing, etc.

The regulations for Dept. of Corrections-licensed facilities limit the number of residents that can be placed in the facility to 16. Background information for the community residential facility amendments notes that these types of facilities are not subject to FFHA requirements. The capacity limit of 16 is apparently based on the state statute for facilities licensed by the Department of Human Services: 6 or fewer are permitted single family uses and up to 16 are permitted multiple family uses. (This type of facility is not permitted in single family zoning districts.) The applicant has requested that this standard be modified to permit up to 74 residents, based on their need for a high level of around the clock staffing to provide adequate supervision and services for the residents. The Planning Commission needs to evaluate the justification for the modification and determine whether it satisfies the findings for a modification. The Commission may also want to consider whether one larger facility is more consistent with plans

and policies for the city as a whole and this area than a series of smaller facilities on scattered sites throughout the city.

Comprehensive Plan and Zoning

Background. The Metropolitan Land Planning Act requires that communities in the metro area develop comprehensive plans and also includes a requirement that these plans be updated every ten years. Saint Paul's most recent comprehensive plan update was approved by the Metropolitan Council and adopted on February 4, 2010. The Saint Paul comprehensive plan also includes area plans. The city has established a template for area plans that provides a format for them. Plans that conform to this template are reviewed by city departments for conformance with city policy and by the Planning Commission for conformance with the citywide comprehensive plan prior to adoption by the City Council. These plans are also reviewed by the Metropolitan Council, just as citywide comprehensive plans are. At their option, neighborhoods can add elements to this template for their own purposes, but these added elements are not adopted by the City Council and do not become part of the comprehensive plan.

The plans most relevant to the application at 1394 Jackson St. are the Land Use chapter of the comprehensive plan and the recently-adopted North End-South Como District 6 Plan.

Plan Context.

The Land Use Plan identifies Arlington/Jackson West as an opportunity site in **Policy 1.54:** *Identify opportunity sites for future development consistent with the Saint Paul Comprehensive Plan, either as mixed-use development or as employment centers, including, but not limited to (see Figure LU-B):*

- *Arlington/Jackson West;*

This policy includes a broad range of potential uses for these opportunity sites, 16 of which are specifically named in the plan. Land Use Plan Strategy 2, "Provide Land for Jobs," includes policies to provide "job-rich employment centers at strategic locations." The term "employment centers" includes mixed use, commercial, and industrial areas. (The proposed use would employ 20 full time staff, or 14 jobs per acre.)

The following are policies are also relevant to this application:

Policy 2.4 *Focus the growth of employment centers in Downtown, the Central Corridor, industrial corridors, and on larger tracts of land, where there is infrastructure capacity and where redevelopment as employment centers, or as mixed-use development that includes employment centers, could occur.*

Policy 2.7 *Develop opportunity sites consistent with the Saint Paul Comprehensive Plan with mixed-use development that incorporates employment centers (see Policy LU-1.54).*

Policy 2.21 *Prepare regulations for conditional use review of specified uses (to be identified in a study of principal uses permitted in industrial districts) for the purposes of ensuring compatibility of non-industrial uses with the primary industrial function of the district and of protecting the employment base.*

Some non-industrial uses are compatible with industrial uses, while other permitted uses may weaken the industrial character of the district and its employment base. The study is intended to determine how conditional use review for specified uses will be used to protect the industrial character of these districts. It will address the following issues:

- Maintenance of the city's industrial employment base;

- Benefits to existing and future industrial uses;
- Significant adverse impacts on nearby industrial uses; and
- Significant alterations to the overall industrial character of the area, based on the existing proportion of industrial and nonindustrial uses and on the effects of incremental change.

Policy 2.22 *Revise the list of principal uses permitted in industrial districts to ensure compatibility with the primary industrial function of the district for the purpose of protecting the employment base.*

The Saint Paul Zoning Code permits a wide range of non-industrial uses in industrial districts. Non-industrial uses undermine the viability of the industrial sector and the city's employment base. The study will determine how the list of principal uses can be revised to strengthen the industrial sector.

Both land use policy 1.54 and Land Use Strategy 2 and its policies are consistent with the 1993 Port Authority creation of an "Industrial and Economic Development District" in the Arlington-Jackson area. These districts are authorized by Minnesota Statutes 469.058-9 and are set up to give port authorities the power to acquire property by a number of means, make contracts, or acquire rights or easements, etc. (In their testimony, the Port Authority did not indicate whether they had attempted any of these powers in relation to this property.)

The statement following Policy 2.22 that "[n]on-industrial uses undermine the viability of the industrial sector" is clearly a proofreading error, since the previous policy, 2.21, and other policy statements in the plan state that some non-industrial uses are incompatible, and distinguishing among these is the reason policies 2.21 and 2.22 call for review of non-industrial uses in industrial zoning districts.

A draft of the industrial zoning study has been released for public review, and a public hearing before the Planning Commission is scheduled for June 1, 2012. The draft does not include a recommendation to delete either "correctional facility" or "community residential facility – licensed correctional" from the use tables, in part due to recognition that correctional facilities may be more appropriately located in these districts. The new Ramsey County Detention Center is located in an I1 zoning district, for example. This building is located within a successful office-industrial area and is across the street from the Williams Hill industrial park, also developed by the Port Authority. Similarly, the study does not recommend deleting office uses from the permitted use list, even though offices are a permitted use in any business district and do not require an industrial location, because they are generally compatible with industrial uses.

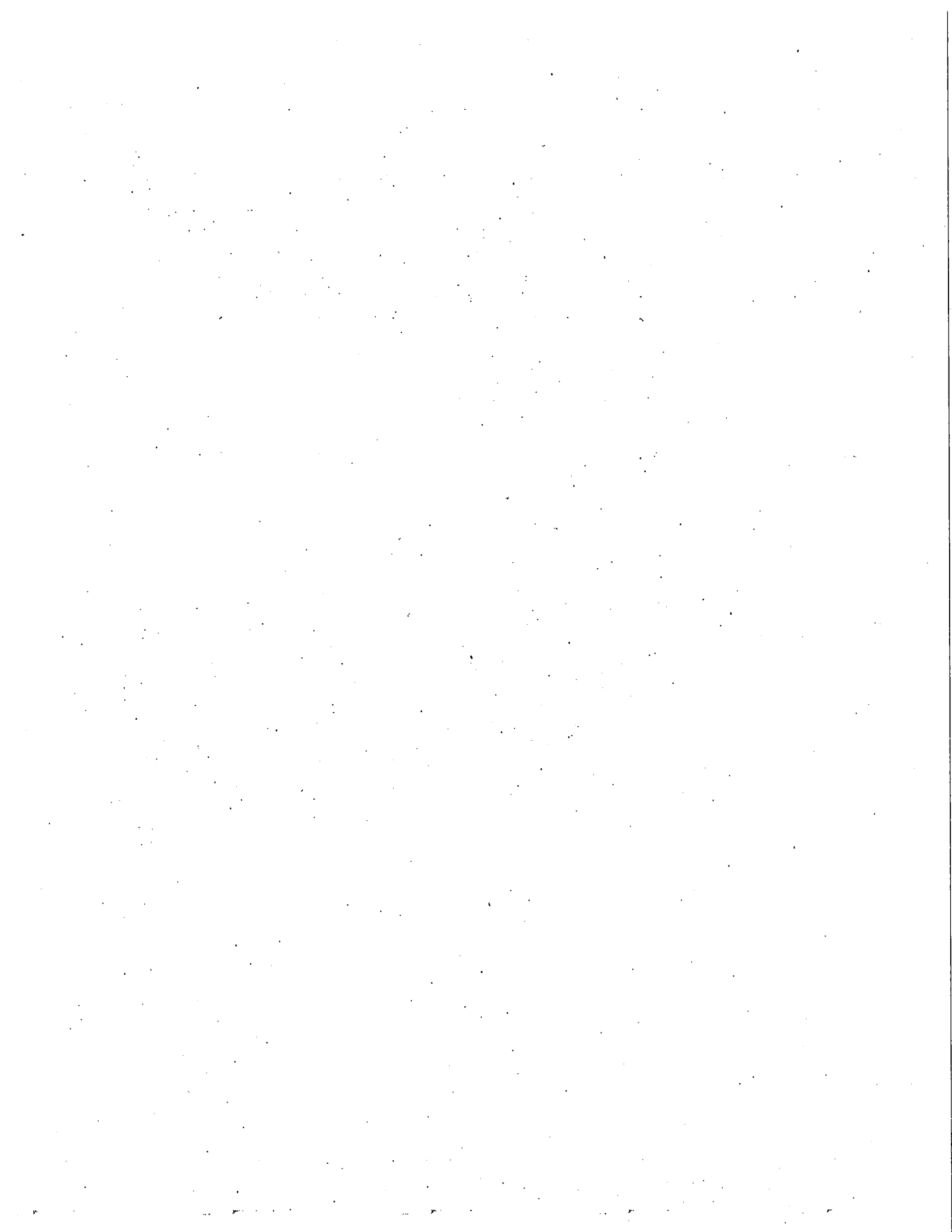
The North End-South Como District 6 Plan, adopted by the City Council in April, 2012, also applies to this property. The purposes of this plan that are relative to this application are to confirm the direction and policies in previously adopted plans for the District 6 area and to establish a framework for strengthening the industrial areas, primarily by reducing the conflict between industrial and residential uses where they are in proximity. The plan achieves the first objective in part by updating and incorporating relevant principles and policies from the older Arlington-Jackson Plan (1991) into land use policy LU3 – Redevelopment of the Jackson-Arlington industrial area. The plan achieves the second objective by studying three areas. The first area is generally found south of Lawson and northeast of Como, where the plan recommends eventual acquisition of some residential uses located in industrial districts for

industrial development and rezoning of other properties to create clearer boundaries and reflect existing uses. The second area is found south and east of Oakland Cemetery, where the plan proposes a land use study to "analyze and assess the suitability and feasibility of the area for industrial and residential uses and may recommend redevelopment that includes all residential, all industrial, or a combination of both uses." The third area is Arlington-Jackson West, mentioned previously. No additional studies or zoning changes are proposed; the plan recommends light industrial and office-service uses. It does not recommend changes to the zoning code that would eliminate any non-industrial uses from the I1 zoning district.

The objection, in part, to the location of the VOA facility in this area is that this would reestablish a residential use in an industrial area. The previous community residential facility, Norhaven, offered permanent housing to disabled women. The current proposal would house men and women readying themselves to come out of incarceration, whose typical stay is 3-6 months. One question for the Planning Commission to consider is whether this use has a residential character similar to the previous use, the multi-family dwellings north of Arlington or the individual, privately-owned homes in the Lawson-Como area, or if it has an institutional character due to the rapid turnover of residents.

Conclusions

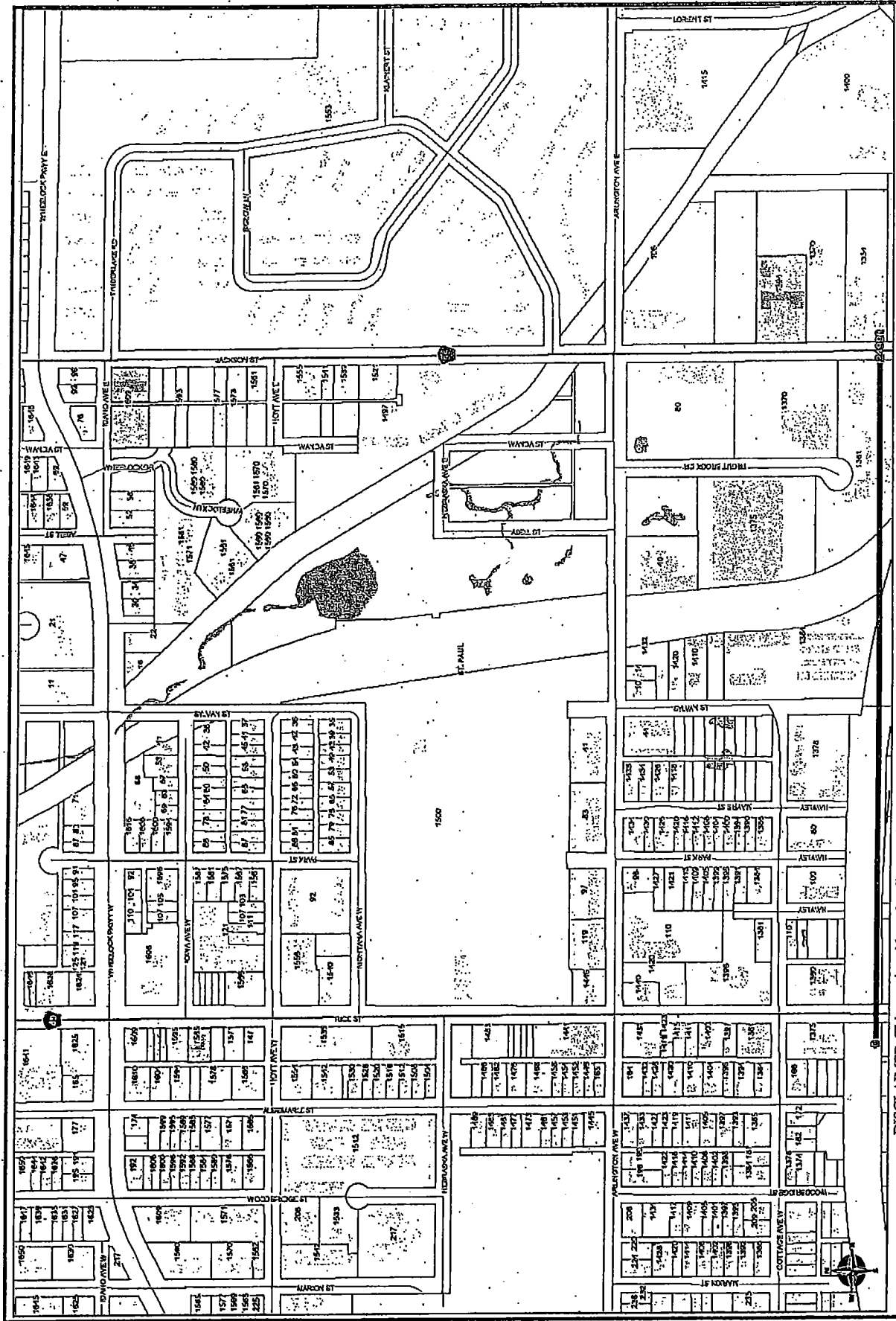
1. The history of the site and the building configuration support the use of the existing structure for some kind of congregate housing.
2. The property meets the separation requirement from other types of community residential facilities and meets the 1% of population standard for the planning district.
3. Comprehensive plans and zoning need to be consistent. Courts have consistently ruled that when the comprehensive plan or the zoning ordinance is unclear, the language should be interpreted in a way most favorable to the applicant. In this case, both the citywide land use plan and the new district plan support maintaining the city's supply of industrial land and reducing conflicts between residential and industrial uses where these occur or may occur, but neither plan calls for eliminating community residential facilities as a permitted use subject to special conditions in the I1 zone.
4. The zoning code clearly permits this use, but limits the number of residents to 16. The planning commission may modify this requirement and permit a larger number of residents if the findings for a modification are met.



Facility Name	Address	License	Licensed Capacity	Zoning	District	District Totals
New Directors-Owned- Churchill Street Properties LLC	1143 Churchill	DHS-34	4	R4	6	57
Community Care of the State of Wisconsin	1500 Lake	DHS-36	10	RM2	6	25447
Anoka Regional Treatment Center	680 Como	DHS-36	10	RM2	6	0.22%
						Capacity: 254
						Balance: 197

Sec. 65.154(c)

Except in B4—B5 business districts, the facility shall not be located in a planning district in which one (1) percent or more of the population lives in licensed community residential facilities, emergency housing facilities with more than four (4) adult facility residents, shelters for battered persons, overnight shelters, and/or transitional housing facilities with more than four (4) adult facility residents.



DISCLAIMER: This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only.

SOURCES: Ramsey County (April 30, 2012), The Lawrence Group (April 30, 2012) for County parcel and property records data; April 2012 for commercial and residential data; April 2009 for color aerial imagery; All other

city of saint paul
planning commission resolution

file number 12-36

date June 1, 2012

WHEREAS, Volunteers of America - Minnesota, File # 12-048-442, has applied for a Conditional Use Permit for a Department of Corrections-licensed community residential facility, with modification to permit up to 74 adult residents under the provisions of §65.154 of the Saint Paul Legislative Code, on property located at 1394 Jackson St, Parcel Identification Number (PIN) 192922420025, legally described as J W Bass Garden Lots Ex The S 65 Ft And Ex The E 300 Ft; Lot 9; and

WHEREAS, the Zoning Committee of the Planning Commission, on May 24, 2012, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. Volunteers of America (VOA), is a faith-based, nonprofit health and human services provider that provides support to adults in need of residential re-entry services at residential facilities. The organization currently operates a licensed residential re-entry facility at 1771 Kent Street in Roseville, but must re-locate due to the expiration of a lease. They seek to re-locate the Roseville Center program to the property at 1394 Jackson Street. The building is 26,470 finished square feet; there are 70 parking stalls on site, as well as a storage shed to the rear of the property. Adult residents include men and women from the federal prison system; the residents are predominantly non-violent offenders, with approximately 80% having been convicted in the past of a drug-related crime or white collar fraud. No sex offenders are proposed to be housed at this property. VOA also indicates that it has a State of Minnesota contract to house residents awaiting pre-trial services; unlike the federal resident population, the pre-trial residents will not be leaving the facility on a daily basis for employment.
2. § 65.154 lists the standards and conditions for a community residential facility licensed by the Department of Corrections:
 - (a) *Preliminary licensing review by the state department of corrections.* This condition is met. The Roseville Center, the program that is proposed to move to this site, is currently licensed by the State of Minnesota; the applicant has submitted a letter from the State showing 100% compliance with its licensure requirements. This center has the same number of residents and program scope as proposed at the facility at 1394 Jackson Street.
 - (b) *The facility shall be a minimum distance of one thousand three hundred twenty (1,320) feet from any other licensed community residential facility, emergency housing facility, shelter for battered persons with more than four (4) adult facility residents, overnight shelter, or transitional housing facility with more than four (4) adult facility residents, except in B4-B5 business districts where it shall be at least six hundred (600) feet from any other such facility.*

moved by Wickiser

seconded by _____

in favor 7

against 5 (Nelson, Oliver, Shively, Ward, Wencil)

This condition is met. There are no such facilities within 1,320 feet of the 1394 Jackson Street property.

- (c) *Except in B4—B5 business districts, the facility shall not be located in a planning district in which one (1) percent or more of the population lives in licensed community residential facilities, emergency housing facilities with more than four (4) adult facility residents, shelters for battered persons, overnight shelters, and/or transitional housing facilities with more than four (4) adult facility residents.* This condition is met. The current percentage of the population living in these facilities is 0.26%, with capacity for an additional 188 residents, based on the 2010 Census and the recent approval of a transitional housing facility for 12 adults at 197 Geranium. The addition of 74 residents at this property would bring the balance of residents that could be added in these types of congregate residential facilities to 114 and the percentage of the District 6 residents living in these facilities to 0.55%.
- (d) *The facility serves no more than sixteen (16) facility residents, except in B4—B5 business districts where it shall serve no more than thirty-two (32) facility residents.* The applicant has applied for a modification of this condition to allow up to 74 residents on site.
- (e) *It shall occupy the entire structure.* This condition is met.
- (f) *Except in B4—B5 business districts, the facility shall have a minimum lot area of five thousand (5,000) square feet plus one thousand (1,000) square feet for each guest room in excess of two (2) guest rooms.* This condition is met. The lot area of 62,726 square feet permits up to 59 rooms (57,726 square feet divided by 1,000 square feet allows 57 rooms in addition to the base two rooms). The proposed use would have 38 resident rooms (36 double occupancy and 2 single occupancy rooms).

3. § 61.501 lists five standards that all conditional uses must satisfy:

- (a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. The recently-adopted North End-South Como District 6 Plan has a policy that recommends the western portion of the Jackson-Arlington area to be redeveloped as a "business center with light industrial and office-service uses" (LU3.1). The plan does not address reuse of existing structures, such as is the case with the current application. Since the plan is silent on the proposed congregate residential use in the existing structure at 1394 Jackson Street, the proposed use is not inconsistent with this plan. Further, the proposal is consistent with goal three, objective three of the North End-South Como District 6 Plan, which encourages property owners to improve and maintain their houses and businesses. The proposed community residential facility is also consistent with the I1 Light Industrial zoning of the site, and the zoning is consistent with the North End-South Como District 6 Plan.

The Generalized Future Land Use Map in the Land Use Chapter of the Comprehensive Plan designates this area as "Industrial," which is defined as "primarily manufacturing and/or the processing of products; could include light or heavy industrial uses, large warehouse facilities, and/or utilities" (emphasis added). While this use is not industrial, it is an institutional-residential use permitted in the I1 Light Industrial District that contains an employment component, including 20 full time staff. This area is also identified as an opportunity site (Policy 1.54), appropriate for mixed-use development or as an employment center.

- (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met, as the property is currently accessible from Jackson Street via a driveway at the northwest corner of the lot. In addition, there is over 100 feet of frontage between this driveway's access and the access of each of the neighboring properties access driveways. The applicant states that an estimated 50 vehicles will enter and leave the proposed facility over a 24-hour period. The proposed use requires 28 parking spaces (1.5

spaces for every 4 adult facility residents). The seventy surface parking spaces currently on the site will remain.

- (c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The site is self-contained, surrounded by industrial uses, and has a history of large institutional residential uses. The property was constructed as a nursing board and care home in 1967, and housed up to 114 women at one point. More recently, the property has had a range of commercial uses, including an office in the early 2000s, the establishment of a restaurant in 2003, an herbs shop, and an adult day care center in 2010. The proposed institutional residential use will not be detrimental to the immediate neighborhood. The applicant's experience at existing facilities in Roseville and along Lake Street in Minneapolis show a successful track record and positive feedback from neighbors. The building was originally constructed for a very similar use, and the proposed level of staffing and services onsite will ensure public safety and the general welfare of the immediate neighborhood. Residents of this proposed facility may choose to take the bus to access employment opportunities. While this portion of Jackson Street does not have transit service, Arlington Avenue, just north of this property, does. To provide for public safety and general welfare, the addition of a sidewalk along the frontage of this property and the two neighboring properties to the north (622 feet of sidewalk) is needed to make this connection. This investment is consistent with established City practice of *Complete Streets*, to provide a sidewalk on at least one side of any arterial street where they do not currently exist.
- (d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The use is self-contained, would have little impact on the surrounding industrial uses, and will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the I1 Light Industrial district.
- (e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met provided the Planning Commission approves the requested modification.

4. The planning commission may approve modifications of special conditions when specific criteria of §61.502 are met: *strict application of such special conditions would unreasonably limit or prevent otherwise lawful use of a piece of property or an existing structure and would result in exceptional undue hardship to the owner of such property or structure; provided, that such modification will not impair the intent and purpose of such special condition and is consistent with health, morals and general welfare of the community and is consistent with reasonable enjoyment of adjacent property.* This finding is met for modification of the standard pertaining to maximum number of residents to permit up to 32 adult residents. Limiting use of the existing structure - built as a large nursing board and care facility - to less than 32 residents would unreasonably limit use of the structure and result in undue hardship. While VOA is proposing a \$750,000 renovation to the building, the existing structure will essentially remain as it is with no major remodeling - as an institutional residential facility that includes many bedrooms, common bathrooms and other living spaces, and offices. Bedrooms will remain with the current layout, with a small number being altered slightly to accommodate two residents; the total proposed bedroom count is 38. In addition, the bathrooms will be renovated. While previous congregate residential uses were different in terms of the populations served, they are similar in terms of the scale of the occupancy of this building. These included an adult day care in the recent past, and a nursing board and care facility that historically housed up to 108 residents. The code recognizes that facilities larger than 16 may be appropriate in some areas, and allows up to 32 residents in the downtown districts (B4 and B5). This industrial district can also reasonably accommodate a facility of 32 due to the characteristics of the existing large structure and the size of the site.

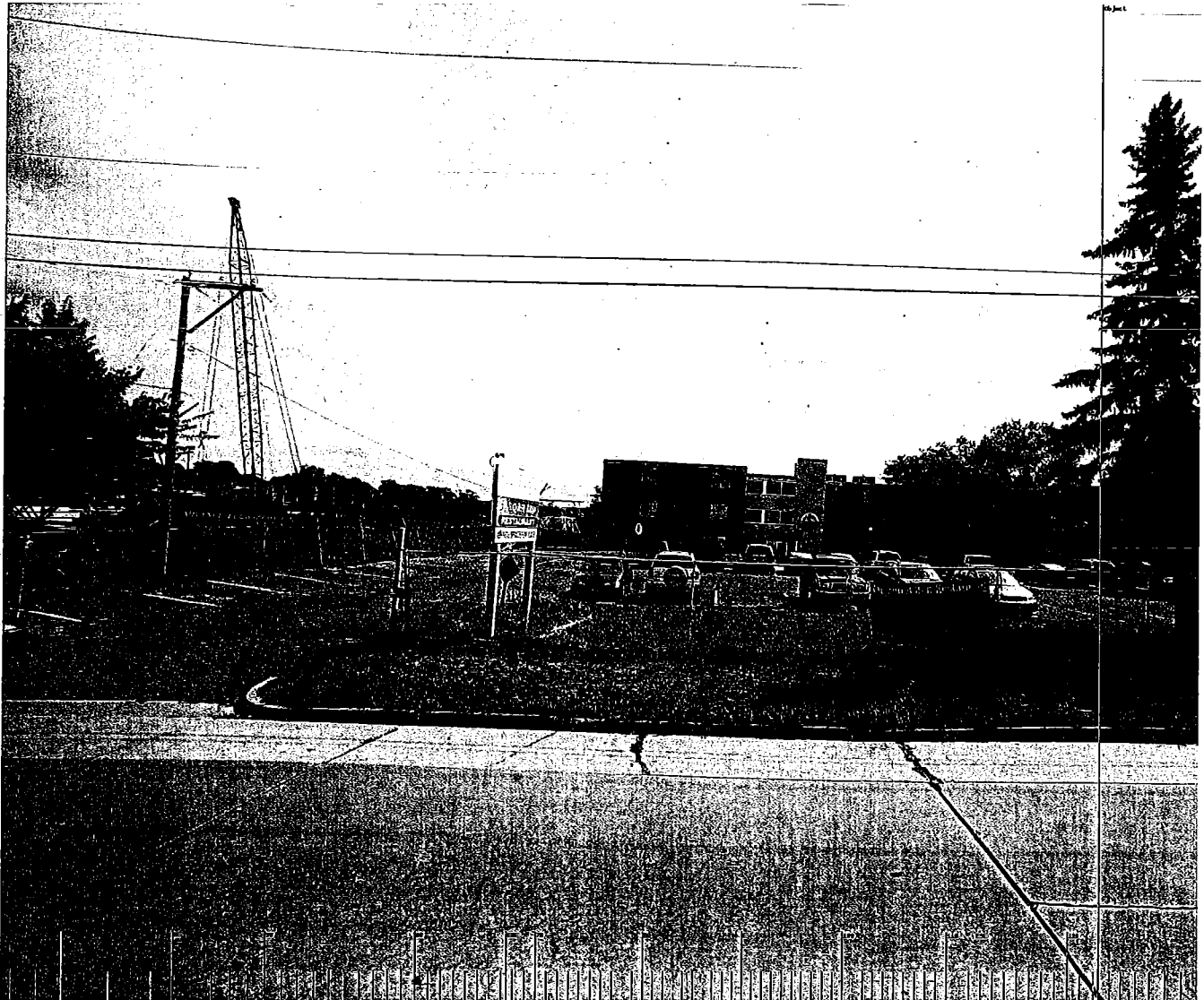
Second, limiting use of the existing structure to less than 32 residents would prohibit VOA from utilizing the property consistent with their existing State of Minnesota license. The federal contract associated with this facility legally requires a large, on-site staff to provide 24/7 coverage and services for residents. The client reimbursement funds that VOA would receive for a smaller number of residents would not cover the costs of the required staffing, representing an undue hardship to the applicant. Permitting up to 32 residents would help the applicant recoup these costs.

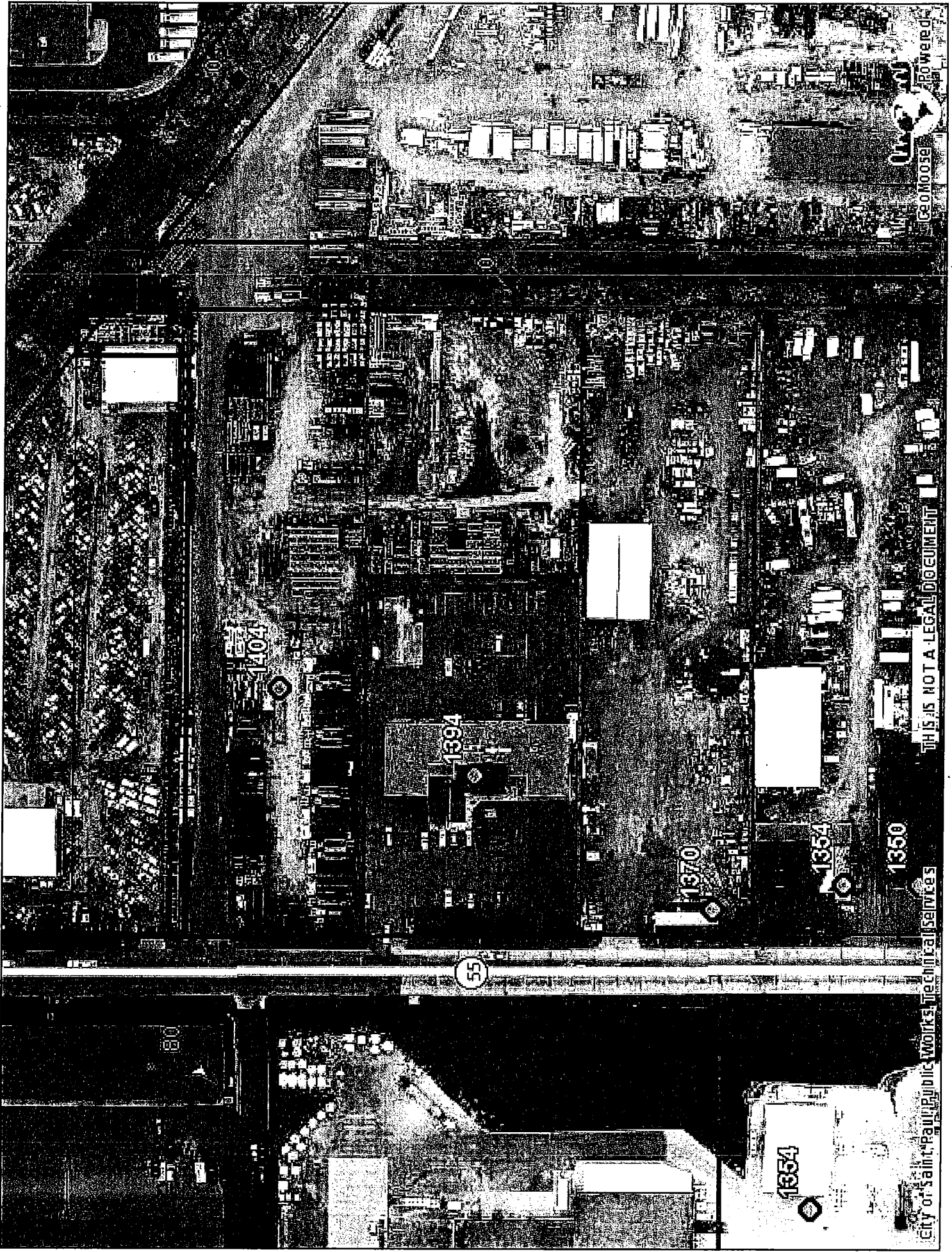
Third, if developed to its full capacity, the large size of this parcel would allow up to 59 bedrooms for the proposed use.

Fourth, the intent of the special condition is to disperse at-risk residents throughout a community, reducing potential impact at a particular location and avoiding an "institutional" environment, thereby positively impacting the safety and welfare of the residents themselves. The modification will also help to provide for the high level of 24/7 on-site staffing for the residents. The proposed use is largely self-contained, and would have little impact on the surrounding industrial uses. The residents will typically stay at the facility for 3 to 6 months. The modification will not impair the intent and purpose of the special condition, provided the number of residents is limited to that permitted in the B4 and B5 districts, and there is no evidence that the modification of this size would be inconsistent with the health, morals, and general welfare of the community or reasonable enjoyment of adjacent property.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Volunteers of America - Minnesota for a Conditional Use Permit for a Department of Corrections-licensed community residential facility for the Volunteers of America Residential Re-entry program with modification to permit up to 32 adult residents, at 1394 Jackson St, is hereby approved, subject to the following additional conditions:

1. The facility is limited to no more than 32 adult facility residents for the Volunteers of America Residential Re-entry Center program and the pretrial services program.
2. The Federal Department of Corrections approves the transfer of the Roseville Center facility license to this property at 1394 Jackson Street.
3. The applicant submits to the City of Saint Paul Department of Safety and Inspections the revised Certificate to Operate from the Minnesota Department of Corrections to the City of Saint Paul for the two year period that ends January 31, 2014.
4. A sidewalk shall be constructed by the applicant along the Jackson Street frontage of this property and along the Jackson Street frontage of the two neighboring properties to the north to connect to the existing dead-end sidewalk on Jackson near Arlington Avenue.
5. A certificate of occupancy is received for the use and any necessary licenses are received as required from the City of Saint Paul Department of Safety and Inspections.
6. The applicant shall submit a copy of the federal contract for this property to the Department of Safety and Inspections.





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1354

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1404

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City of Salt Lake Public Works Technical Services

THIS IS NOT A LEGAL DOCUMENT

GeoMoose

ProWeird

WORKS
WATER POUNDING AREA
R1

TIMBER

RMI

AVE. **Arlington**

TROUT BROOK CIRCLE

JACKSON

ST. PAUL

WATER DEPARTMENT

I1

I2



APPLICANT Volunteers of America - MN
PURPOSE Appeal of #12-048442
FILE # 12-068368 DATE 6-13-12
PLNG. DIST. 6 Land Use Map # 5
Zoning Map # 4
SCALE ~~1" = 400'~~

LEGEND

zoning district boundary

subject property

one family

two family

multiple family

commercial

industrial

vacant

